Summary of Enactments 74th Legislature

Regular Session 1995

Texas Legislative Council
August 1995

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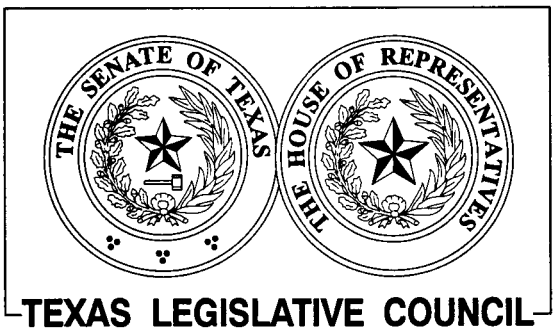

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FOREWORD

The Summary of Enactments of the 74th Legislature provides synopses of all bills enacted during the 1995 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 74th Legislature may be obtained from house and senate document distribution offices until November 1996. House measures are available from the Document Distribution Office, located in room G09 in the John H. Reagan State Office Building (P.O. Box 12128, Austin, Texas 78711; (512) 463-1144). Senate measures are available from the Senate Bill Distribution Office, located in the Capitol Extension, room E1.716 (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, located in the Capitol, room 2N.3, (512) 463-1252.

Online access of legislative information, including enrolled bills, resolutions, text for all bill versions, bill history, bill analysis, and fiscal notes, is available through the Internet at ("capitol.tlc.texas.gov").

INTRODUCTION

The Regular Session of the 74th Legislature convened on January 10, 1995, and adjourned sine die on May 29, 1995, after enacting 1,088 bills. Of this number, 24 bills and one senate concurrent resolution were subsequently vetoed by Governor George W. Bush.

Lawmakers also considered 188 joint resolutions proposing amendments to the Texas Constitution. Of these, 14 joint resolutions were passed and will be submitted to Texas voters in the November 7, 1995, election.

	Filed	Passed	Vetoed*	Defeated by Voters
Bills	4,814	1,088	24	—
Joint Resolutions	188	14	0	—

* The governor also vetoed one senate concurrent resolution and several items of appropriation in House Bill 1, the General Appropriations Act.

CHAPTER 1
ENACTMENTS OF THE 74TH LEGISLATURE

AGRICULTURE

HOUSE BILL 722 **HOUSE AUTHOR:** B. Turner, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio, Sims

House Bill 722 amends the Civil Practice and Remedies Code to hold liable a person who publicly disseminates information that states or implies that a perishable agriculture or aquaculture food product is not safe for public consumption if the person knows the information is false. It allows food producers to sue for monetary damages and for other appropriate relief.

The act requires the court in such a case to consider whether the information was based on reasonable and reliable scientific data. The act excludes from these provisions persons who label or market agricultural products as organically grown, grown without the use of synthetic additives, or grown or produced by using or not using a chemical or drug.

HOUSE BILL 1219 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 4-27-95 **SENATE SPONSOR:** Sims

House Bill 1219 authorizes the Texas Animal Health Commission (TAHC) to establish criteria for classifying areas in the state for animal disease control and allows the commission to restrict intrastate movement of animals. It also authorizes the commission by rule to regulate or prohibit the movement of animals into a quarantined herd or area but grants an exception for animals that are moved within an owner's contiguous lands. The act contains a hardship provision for animal owners that would take into consideration prolonged drought, inadequacy of pasturage, or unusual feed supply. The act broadens TAHC authority to make indemnity payments to an owner whose cattle are infected with brucellosis and required by federal law to be slaughtered.

House Bill 1219 also creates a Class C misdemeanor for animal owners and caretakers who refuse to allow the commission access to their animals for testing or other required procedures.

HOUSE BILL 1463 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 1463 establishes procedures for a seller of agricultural chemicals, agricultural seed, or animal feed to perfect a lien on the debtor's proceeds. The act excludes proceeds due to or retained by a cooperative association from provisions of this law. A maximum of four liens can be filed against the same proceeds of a debtor even if the liens are filed by different claimants.

A seller must notify potential customers that a lien could be attached to the proceeds of their products if they fail to pay their debt. Notification may be made either generally as part of normal business practices or specifically to the debtor. The notice of claim of a lien must be filed with the secretary of state, and a lien may be set for the amount of unpaid charges and filing fees. A lien is effective for as long as the claimant remains unpaid or continues to provide products to the debtor on a regular basis.

The act lays out the terms of the lien and authorizes the commissioner of the Texas Department of Agriculture to establish procedures for the settlement of disputes. House Bill 1463 also contains enforcement procedures and allows a claimant to foreclose on a lien only to recover reasonable charges. It also provides that liens do not have priority over labor claims facing the debtor.

Lien claimants must file a termination statement with the secretary of state within 10 days of receiving payment for fees secured by a lien and must send a copy of the statement to the debtor. They are liable for damages suffered by the debtor if they fail to do so.

HOUSE BILL 1736 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

This act amends provisions of the Business & Commerce Code relating to the termination of agreements between dealers and suppliers of farm, industrial, and outdoor power equipment. Under current law, a dealer who terminates an agreement is entitled to a refund for the new, undamaged equipment or parts that the dealer returns to the supplier.

House Bill 1736 authorizes the dealer to return goods to a person designated by the supplier; the dealer need not return them directly to the supplier. The act requires dealers to send suppliers a list of the inventory the dealer intends to return and requires both dealers and suppliers to perform certain actions within a specified time frame that may be altered with the consent of both parties. The act also adds forklifts and material-handling equipment to the list of goods that the dealer may return for a refund.

HOUSE BILL 1757 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 1757 amends the Agriculture Code relating to the protection and preservation of agricultural operations. The act requires a municipality to substantiate that an annexed agricultural operation is a public health hazard before the municipality may regulate the operation.

HOUSE BILL 1957 **HOUSE AUTHOR:** Black, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sims, Brown

House Bill 1957 changes the penalties for the theft of livestock and adds the theft of exotic livestock and exotic fowl as an offense under the Penal Code. The theft of 10 or more head of cattle, horses, exotic livestock, or exotic fowl, or 100 or more head of sheep, swine, or goats having an aggregate value of less than $100,000 is classified as a third degree felony. Theft of fewer head of livestock with a value of less than $20,000 is a state jail felony. The act provides that exotic livestock and exotic fowl must be tagged, branded, or marked in a conspicuous manner to receive protection under this law.

HOUSE BILL 2245 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sims, Armbrister

House Bill 2245 continues the Texas Animal Health Commission (TAHC) and sets September 1, 2007, as its next sunset review date. The act implements many of the Sunset Advisory Commission's across-the-board recommendations and adds several sections to the Agriculture Code expanding the TAHC's authority.

House Bill 2245 authorizes the TAHC to regulate the exotic fowl and exotic livestock industries. The commission may establish exotic animal advisory committees and adopt rules to prevent the spread of disease within the exotic animal population. The act creates new misdemeanor offenses for individuals who violate exotic animal health regulations.

House Bill 2245 also authorizes the TAHC to impose administrative penalties of up to $1,000 per violation per day and establishes a hearing and appeals process. All penalties collected must be placed in the general revenue fund. TAHC is also authorized to enter into a cooperative agreement with the Texas Department of Agriculture to use the department's livestock export pens for animal health purposes. Finally, House Bill 2245 requires the TAHC to periodically consult with the Council on Competitive Government to determine the most cost-effective method for delivering animal health services.

HOUSE BILL 2341 **HOUSE AUTHOR:** Ramsay
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Sims

House Bill 2341 abolishes the Fire Ant Advisory Board and replaces it with the Fire Ant Research and Management Account Advisory Committee within the Texas Agricultural Experiment Station. The act delegates responsibility for fire ant research and management to the newly created advisory committee, the experiment station, and the Texas Agricultural Extension Service. House Bill 2341 delineates the duties of the advisory committee, the experiment station, and the extension service regarding fire ant research and management and sets out the composition, terms, and meeting guidelines for the advisory committee. The act also requires the experiment station to present a comprehensive report to the legislature before July 1, 1996, on fire ant research efforts, estimated costs associated with the fire ant problem in Texas, costs and benefits of research, recommendations for future research and management, and an estimate on the amount of appropriations needed to fund the program in the next biennium.

HOUSE BILL 2505 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Bivins

House Bill 2505 amends the Agriculture Code relating to commercial animal feed. The act eliminates the current requirement of registering each feed and fertilizer product with the Texas Feed and Fertilizer Control Service and replaces it with a system that requires the licensing of a feed facility. The act requires a person who manufactures or distributes commercial feed to obtain a license from the service for each feed facility, exempts persons that make only retail sales of commercial feed, sets the terms of the license, and establishes a cap on the licensing fee.

House Bill 2505 also amends the feed-labeling requirements by deleting the name and percentage of roughage information required to be listed on the label and establishes a process for label review by the service. Inspection fees for feed provisions are amended to allow incremental increases, but the act caps the feed control fund at half the projected operating expense of the service for the next fiscal year.

The act requires feed facilities generating $100 or more during a license year in tonnage fees to file quarterly reports. Facilities that generate less than $100 a license year in tonnage fees are required to file an annual sworn report stating the tonnage of all commercial feed the facility manufactured and distributed in the state during the preceding license year. The act also establishes due dates for annual and quarterly reports and inspection fees.

Finally, House Bill 2505 makes it an offense to distribute feed that has been intentionally radiated unless the radiation conformed to federal regulations. The act requires the service to adopt rules that conform to, but are not more strict than, current manufacturing processes established under federal law for the use of drugs in the manufacture, processing, and packaging of commercial feed and sets a penalty.

HOUSE BILL 3003 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Sims, Lucio

House Bill 3003 consolidates the boll weevil control and the pink bollworm control programs into a single cotton pest control program. The act clarifies language regarding the authority of the Texas Department of Agriculture (TDA) to prescribe qualifications for inspectors, to issue a quarantine for an infested area, and to prevent the movement of equipment contaminated or suspected of contamination with cotton pests. The legislation requires the TDA to issue a bill requesting payment for the destruction of infected host plants before the department may place a lien for nonpayment against an owner's property.

House Bill 3003 also amends language detailing the composition of the administrative committee that governs a pest management zone and provides that each county in the zone must be represented on the committee. Finally, the act repeals statutory authority that allowed the department to create cotton escrow accounts.

SENATE BILL 251 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 251 amends provisions in the Agriculture Code relating to the produce recovery fund and the handling and marketing of citrus fruits and vegetables. The act establishes that a person who holds a license to handle or market citrus fruits is considered to hold a license to handle or market vegetables and vice versa. The act replaces various types of licenses with two categories: one for registering cash dealers and another for licensing persons who make noncash transactions.

The act provides that a claim against the fund can be made only for Texas-grown produce, establishes a statute of limitations for filing a claim against the fund, and allows for more generous claim payments. Senate Bill 251 also authorizes the Texas Department of Agriculture to deduct the amount a license holder owes to the fund from the amount of the claim to be paid to the license holder.

SENATE BILL 368 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Black

Senate Bill 368 continues the Equine Research Account Advisory Committee (ERAAC) and sets September 1, 2001, as its next sunset review date. The act implements many of the Sunset Advisory Commission's across-the-board recommendations, authorizes ERAAC to annually spend up to 10 percent of its funds for administrative costs, and prohibits an ERAAC member from participating in a grant proposal review process if the member has submitted a research grant proposal. The act also requires the director of the Texas Agricultural Experiment Station, who administers the equine research account, to consult at least once a year with the Texas Racing Commission on the use of the account and the impact of state-funded equine research.

SENATE BILL 371 **SENATE AUTHOR:** Sims, Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Black

Senate Bill 371 continues the Texas Food and Fibers Commission, removes the commission from the sunset review process, and applies to the commission many of the Sunset Advisory Commission's across-the-board recommendations.

SENATE BILL 372 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Black

Senate Bill 372 continues the Texas Department of Agriculture (TDA) and its related entities, the Texas Agricultural Finance Authority, Agricultural Resources Protection Authority, State Seed and Plant Board, and Produce Recovery Fund Board, and sets September 1, 2007, as the department's next sunset review date. The act implements the Sunset Advisory Commission's across-the-board recommendations for TDA and its related agencies and amends provisions of the Agriculture Code relating to agricultural regulation, inspection, licensing, and financing programs.

Senate Bill 372 removes fee limits for the TDA's regulatory programs and requires the department to set fees high enough to recover administrative costs for programs not specifically exempted by the General Appropriations Act. The act requires the department to enter into an agreement under which its hearings are conducted by the State Office of Administrative Hearings, sets forth the details of this joint hearing process, and updates and modifies provisions relating to administrative hearing and penalty procedures. It also expands the number of programs for which administrative penalties may be assessed.

The department is authorized to contract with another state agency to enforce provisions relating to weights and measures and supervise all weights and measures sold or offered for sale in the state. The department is required to license private individuals and companies to inspect, calibrate, and repair devices used to weigh and measure. The act outlines the licensing process, requires the department to set fees for services performed by private entities, and establishes civil penalties and injunctions.

Senate Bill 372 alters provisions relating to the composition of the Texas Agricultural Finance Authority (TAFA) board and transfers to the board many administrative powers currently vested in the TDA commissioner. The act requires that board members receive financial training and allows the board to give preference to certain types of linked deposit program loans. It also requires TAFA to approve annual budgets for various programs, to file a biennial cost-benefit report with the state auditor, and to provide input into the TDA's strategic plans and biennial appropriations requests. Should the constitutional amendments proposed in Senate Joint Resolution 51 and House Joint Resolution 92 fail to achieve voter approval, Senate Bill 372 lowers the amount of TAFA loan money available to a single eligible business.

The act adds six members to the Agricultural Resources Protection Authority board and adds new provisions relating to the registration of pesticides. It requires the authority to provide for semiannual public hearings and to regularly review and comment on the activities of the agencies it oversees.

Finally, Senate Bill 372 requires the TDA to coordinate egg regulations and egg inspection programs with the Texas Department of Health. It eliminates the requirement that food retailers maintain a separate egg dealer license and requires Texas egg standards to be at least equal to those set by the federal government. The act also requires the TDA to establish a program by which businesses may consolidate their agricultural licenses and inspections.

SENATE BILL 699 **SENATE AUTHOR:** Sims, Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** P. Patterson

Senate Bill 699 amends the Agriculture Code governing the farm and ranch finance program, which was established to help young farmers purchase land for production. The act provides that applicants must prove that they intend to use the land primarily for farming and ranching and that they must have three years of pertinent experience. The cap on the applicant's net worth is raised to $400,000.

Senate Bill 699 also simplifies language on the loan rate and caps the amount of the loan at the lesser of $150,000 or 95 percent of the lesser of the land's purchase price or its appraised value. Finally, the act abolishes the farm and ranch administrative expense fund.

SENATE BILL 810 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gutierrez

Senate Bill 810 amends the Agriculture Code to authorize the Texas Department of Agriculture (TDA) to establish certification programs for both agricultural products and agricultural production processes. The act authorizes the TDA to certify products to ensure genetic purity, guarantee pest or disease resistance, or prevent the spread of pests, diseases, or pathogens. The department may develop minimum product certification standards, charge fees to cover the costs of product certification, and regulate the use of the term "Texas Certified Product" and terms and logos that indicate product quality standards. Senate Bill 810 also provides that a person who violates laws or rules relating to product certification is liable for a civil penalty of up to $500 per violation per day.

The TDA is also authorized to create voluntary certification programs for agricultural production processes. The department may develop minimum process certification standards, set fees to cover the costs of process certification, and assess administrative penalties of up to $500 per violation per day against an agricultural processor who falsely claims to be certified.

SENATE BILL 897 **SENATE AUTHOR:** Sims, et al.
EFFECTIVE: 5-16-95 **HOUSE SPONSOR:** P. Patterson

Senate Bill 897 authorizes the review of current programs to research, control, and eradicate animal tuberculosis in order to develop and implement an improved comprehensive program. The agencies and colleges conducting the review are required to seek the advice and opinions of persons who commercially raise farm or ranch animals. The act provides that the improved program may not conflict with current law.

SENATE BILL 1028 **SENATE AUTHOR:** Haywood
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 1028 repeals Sections 146.004 and 146.007 of the Agriculture Code requiring livestock auctioneers to file with the county clerk a record of the horses, mules, and oxen sold.

SENATE BILL 1146 **SENATE AUTHOR:** Lucio
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 1146 deletes provisions of the Agriculture Code regarding maturity standards for citrus fruit and requires the Texas Department of Agriculture to adopt rules that define new maturity standards for grapefruit and oranges based on the amount of juice, solids, and citric acid in the fruit. The act also amends provisions relating to the sale, transportation, and inspection of immature or early-season grapefruit and oranges.

SENATE BILL 1173 **SENATE AUTHOR:** Lucio
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 1173 establishes a citrus budwood certification program under the administration of the Texas Department of Agriculture that enables commercial citrus growers and nursery owners in Texas to obtain citrus plants that are state-certified as being free of tristeza and other diseases. The department is required to designate foundation groves from which certified disease-free citrus budwood may be obtained. The act creates a budwood advisory council to help the department adopt standards and designate foundation groves and sets forth the composition and terms of the council.

Senate Bill 1173 requires the department to establish standards regarding the genetic purity of budwood and acceptable plant handling and inspection and testing procedures. The department is also required to adopt rules relating to the certification process and to set fees high enough to recover the cost of administering the program. Finally, the act provides that violators of these rules or regulations may be subject to stop-sale orders, criminal penalties, civil penalties, injunctions, or administrative penalties.

SENATE BILL 1196 **SENATE AUTHOR:** Sims, Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** P. Patterson

Senate Bill 1196 amends the Agriculture Code relating to the Texas boll weevil eradication program and its governing body, the Texas Boll Weevil Eradication Foundation Board, and amends provisions relating to herbicide and pesticide application.

Senate Bill 1196 broadens the duties of the boll weevil eradication foundation to include the suppression and eradication of the pink bollworm and authorizes the establishment of a pink bollworm eradication program. The act also allows for the creation of a pink bollworm eradication zone in Reeves and Pecos counties and shortens the time period under which cotton growers must pay assessments and penalties for boll weevil and pink bollworm eradication to 10 days after the grower receives a delinquent notice.

The act provides for the expansion and modification of eradication zones and amends several provisions relating to the collection and use of assessments. It expands the definition of cotton grower, sets forth new procedures relating to referendums and board elections, and provides that votes are confidential.

Senate Bill 1196 authorizes the board to accept gifts and grants, borrow money, and take other actions as needed to carry out its duties. The act grants governmental immunity to the foundation and absolves its directors of individual liability for their actions except in cases involving gross negligence, criminal actions, or dishonest acts.

The legislation provides additional protection to growers of organic cotton. It prohibits the board from treating organic cotton fields with chemicals not approved for use on certified organic cotton and provides that the board may plow up organic fields if necessary as an alternative to chemical spraying. The act authorizes the board to indemnify organic cotton growers, who may be required by the board to mitigate their losses by planting alternative crops.

Finally, Senate Bill 1196 holds certain persons exempt from damages caused by the application of a regulated herbicide or pesticide and from having to ensure that the application of a regulated herbicide is in compliance with the law, if the persons are required to apply the herbicide or pesticide under a government program.

APPROPRIATIONS

HOUSE BILL 1 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 1, the General Appropriations Act, appropriates approximately $79.8 billion for the FY1996-FY1997 state fiscal biennium beginning September 1, 1995, after line-item vetoes of approximately $14 million by the governor. The vetoes primarily affect appropriations riders dependent on legislation that failed of enactment. The budgetary total reflects an expenditure increase of approximately 6.2 percent over FY1994-FY1995.

The act regroups agencies according to a new format, expanding from the former 6 substantive articles to 10. The revised articles include general government (I), health and human services (II), education (III), the judiciary (IV), public safety and criminal justice (V), natural resources (VI), business and economic development (VII), regulation (VIII), general provisions (IX), and the legislature (X). Education receives the largest share of funding at $33.6 billion, followed by health and human services at $26.4 billion, business and economic development at $8.8 billion, public safety and criminal justice at $6.9 billion, general government at $1.8 billion, natural resources at $1.7 billion, and regulation at $0.4 billion. The judiciary and legislature combined receive almost $0.5 billion.

The above figures total $80.1 billion, or slightly more than the previously cited figure. Article IX, however, contains a number of directives and contingent increases or decreases, resulting in a net reduction of $0.3 billion to the $79.8 billion spending level. Article IX derives largely from a provision directing the comptroller of public accounts by October 1995 to reduce general revenue appropriations by specified amounts. The article also expresses the legislature's intent to cap employment among state agencies and public institutions of higher education. Accordingly, the other articles set target levels for full-time-equivalent (FTE) positions for each agency and institution. These total about 232,600 FTE positions for FY1996, declining slightly to 231,300 in FY1997. Capital expenditures anticipated for the new fiscal biennium equal about $848 million. The budget for debt service payments is about $673 million.

Approximately 56.3 percent of the appropriations total is funded from general revenue or from related or consolidated funds. Approximately 29.4 percent comes from federal funds, including earned federal funds. The remaining 14.3 percent derives from miscellaneous other revenue sources.

The General Appropriations Act is subject to four different constitutional or statutory limitations on expenditures. The oldest of these, the "pay-as-you-go" constitutional amendment adopted by Texas voters in 1942, requires the comptroller to certify that certain budgeted expenditures, including appropriations from outside the General Appropriations Act, are within the amount of revenue estimated to be available for the fiscal biennium. The legislature in case of emergency may exceed this limit by four-fifths vote of each chamber, but the 74th Legislature has not done so. Another constitutional amendment, adopted in 1978, limits the rate of appropriations growth from state tax revenue to the rate of growth of the state economy. The Legislative Budget Board in November 1994 established the limit for FY1996-FY1997, which House Bill 1 satisfies. The other two limits relate to welfare spending and debt payable from general revenue. The General Appropriations Act likewise meets both restrictions.

HOUSE BILL 982 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

The Children's Trust Fund of Texas Council provides financial support for community efforts against child abuse and neglect through periodic transfers from the trust fund to an operating fund. House Bill 982 amends the Human Resources Code to require an annual schedule of transfers as part of the council's state plan. It limits transfers in a fiscal year to the amount deposited in the trust fund in the preceding year, whereas under prior law, the limit was half the amount of the trust fund at the beginning of the new fiscal year. The act credits all current and future interest to the trust fund, deleting provisions that would have credited interest to the operating fund beginning FY1997. It limits administrative expenses during a fiscal year to half the interest credited in the preceding fiscal year, whereas under prior law, the limit was 10 percent of the maximum fiscal year transfer. The act authorizes the council in certain circumstances to approve grant extensions beyond the current three-year maximum. It appropriates $750,000 to the council for FY1996 and the same amount for FY1997. For both years, it limits the council to seven full-time-equivalent positions.

HOUSE BILL 2022 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Zaffirini

House Bill 2022 amends the Texas Public Finance Authority Act to approve the issuance by the Texas Public Finance Authority of $42.3 million in revenue bonds to finance construction of a laboratory and office facilities at the Texas Department of Health.

HOUSE BILL 2462 **HOUSE AUTHOR:** Junell
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Montford

This act amends the Education Code to increase from $100 million to $175 million the total annual allocation from the constitutional Higher Education Assistance Fund (HEAF) to eligible institutions of higher education beginning FY1996. The act adds to those entities the Texas State Technical College system administration and certain of the system's component campuses excluding extension centers and programs. It reallocates and increases the individual amounts to be received by the various HEAF institutions, renews the statutory schedules for study and approval of future HEAF reallocations, and provides that the next study include a survey of educational and general building quality if the legislature makes funds available for such a survey.

Section 4 provides for the validation of a 1993 legislative increase in the annual HEAF appropriation, pursuant to the Texas Constitution, from $100 million to $175 million.

HOUSE BILL 3050 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

In 1991 the 72nd Legislature enacted legislation scheduling the consolidation of most state funds and the elimination of most statutory fund dedications, and allowing "fund sweeps" of certain unspent statutorily dedicated fund revenue, meaning the diversion of such revenue to availability for general government purposes at the end of the fiscal biennium. This act exempts miscellaneous funds, accounts, revenue sources, and bond proceeds from fund consolidation, dedication elimination, fund sweeps, or specified combinations of those three actions. Bond proceeds from bond issuances approved by the 74th Legislature are fully exempt from all three actions. House Bill 3050 provides that it prevails over any contrary enactments of that legislature purporting to create or reestablish a special fund or account or to dedicate or rededicate revenue to particular purposes. It repeals obsolete provisions relating to the scheduling

of consolidations and dedication eliminations. The act revises fund sweep procedures and makes such sweeps applicable specifically to dedicated revenues that exceed appropriated amounts on the final day of FY1997.

House Bill 3050 amends Department of Public Safety funding contained in House Bill 1, the General Appropriations Act, to draw approximately $13.1 million from the state highway fund rather than the general revenue fund. It dedicates certain excess revenues to the financing of the Texas Department of Health laboratory facility provided for by House Bill 2022. It amends Natural Resources Code provisions relating to the coastal protection fund to make changes relating to fund investments and to clarify that certain fee-triggering statutes are based on the unencumbered fund balance rather than the gross balance.

The legislation takes effect generally on August 28, 1995, but individual exemptions and amendments take effect variously on August 30 or September 1, 1995.

SENATE BILL 4 **SENATE AUTHOR:** Montford
EFFECTIVE: 3-22-95 **HOUSE SPONSOR:** Junell

This act directs the Texas Public Finance Authority to issue $236.4 million in previously authorized general obligation bonds to be used for new corrections institutions. The act appropriates the same amount to the Texas Department of Criminal Justice for a two-year period beginning when bond proceeds are realized.

SENATE BILL 8 **SENATE AUTHOR:** Montford
EFFECTIVE: 3-31-95 **HOUSE SPONSOR:** Junell, Ramsay

The 73rd Legislature in 1993 enacted legislation delaying August 1995 payments from the foundation school fund to school districts, scheduling them instead for September 1995 and thus postponing state expenditures from FY1995 to FY1996. Similar measures from the same legislature delayed five weeks of payments to public junior colleges and certain institutions of higher education and delayed three months of payments to the trust funds for the Employees Retirement System of Texas and the Teacher Retirement System of Texas. Combined savings for FY1995 were estimated at $800 million, but the state's fiscal situation later improved, yielding a $2 billion FY1995 surplus. Senate Bill 8 repeals the 1993 transfers, restores all affected payments to their annual schedules, and increases FY1995 appropriations accordingly.

SENATE BILL 407 **SENATE AUTHOR:** Montford, Ratliff
EFFECTIVE: 6-15-95 **HOUSE SPONSOR:** Junell

This act appropriates $305 million to the Texas Education Agency for FY1995 payment of school district entitlements for the 1994-1995 school year. The act appropriates approximately $16.1 million to the Texas Higher Education Coordinating Board for FY1995 for enrollment and start-up costs at four junior college campuses and the funding of various costs at South Texas Community College. Any unexpended funds from the enrollment and start-up appropriations at the end of FY1995 are reappropriated for the following fiscal biennium. The act reduces the FY1995 appropriations for the Texas Department of Health by $8.25 million and rechannels those funds in the following manner: $4 million to augment the governor's disaster contingency account, $4 million to fund commitments to the Texas Youth Commission, and $0.25 million to compensate the Department of Public Safety for expenses incurred in certain investigations relating to the Texas Commission on Alcohol and Drug Abuse. The Texas Youth Commission expenditures are made partially conditional on prior approval of the governor.

SENATE BILL 410 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Junell

This act delays the transfer of various motor fuel taxes and unclaimed refunds allocable to the state highway fund. The affected transfers normally occur the month following tax collection or expiration of the refund claim deadline. The act schedules the June and July 1997 collections and refunds for transfer in September of that year, along with the regularly scheduled transfer of August 1997 collections and refunds. It repeals a Tax Code provision relating to a similar 1995 transfer.

SENATE BILL 768 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Junell

The state water pollution control revolving fund, administered by the Texas Water Development Board, provides financial assistance to political subdivisions for the construction of treatment works. The revolving fund is fed by a combination of federal grants and state revenue and general obligation bonds, but allowable administrative expenses up to now have been based solely on the federal portion of the funding. Senate Bill 768 authorizes the board to assess cost recovery fees on its loans, consisting of a one-time loan origination charge and an annual loan servicing charge. These fees go to a separate operating fund outside the state treasury to be used for administration of the revolving fund. The board may transfer money from the operating fund to the revolving fund, but not vice versa. The legislation authorizes a similar administrative cost recovery scheme for any additional revolving fund for public works that is capitalized by federal grants.

BANKING AND FINANCE

HOUSE BILL 73 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 73 provides a criminal penalty for an individual who files a fraudulent financing statement. The individual is also made liable to the owner of the property covered by the financing statement, and the owner is given additional judicial remedies for the action.

HOUSE BILL 686 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: See below **SENATE SPONSOR:** Barrientos

House Bill 686 is the enabling legislation authorizing the Texas Higher Education Coordinating Board to administer an additional $300 million in general revenue bonds for student loans granted through the Hinson-Hazelwood College Student Loan Program. House Bill 686 takes effect upon voter approval of the constitutional amendment proposed by House Joint Resolution 50.

HOUSE BILL 889 **HOUSE AUTHOR:** Marchant, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Turner

House Bill 889 prohibits both merger transactions involving out-of-state and domestic banks and the establishment of interstate branches that otherwise would be permissible after June 1, 1997, under the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The act expires September 2, 1999.

HOUSE BILL 947 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 5-11-95 **SENATE SPONSOR:** Cain

House Bill 947 prohibits a lender from requiring that a borrower waive the right to an appraisal or agree not to apply for or receive the appraisal as a condition to granting or amending the terms of a loan for agricultural-use land or open-space land secured by a lien. A lender may require a borrower to pay into an interest-bearing escrow account an amount equal to the additional taxes that would be due if a sale or change of use occurred on January 1 of the year in which the loan is granted or amended.

The act allows the lender to apply money to the escrow account to pay for additional taxes and interest before the loan is paid and requires the lender to refund the balance in the escrow account after the bill is paid to the borrower.

HOUSE BILL 1013 **HOUSE AUTHOR:** Romo
EFFECTIVE: Vetoed **SENATE SPONSOR:** Barrientos

House Bill 1013 authorizes the Texas Public Finance Authority to issue bonds on behalf of the Texas Department of Commerce and the Texas Agricultural Finance Authority, requires the finance authority to make an effort to use historically underutilized businesses in performing its duties, and requires the authority to study the feasibility of acquiring certain land in Austin.

HOUSE BILL 1020 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Sibley

House Bill 1020 amends the Texas Savings Bank Act to clarify procedures for confidentiality, hearings, and appeals. The act also provides a preference for local control in considering multiple applications for a new savings bank or branch, allows the finance commission to

modify the powers of a savings bank and approve a new form of savings bank facility, removes the requirement that a savings bank director be a citizen of the United States, and raises the percentage that a savings bank may lend on commercial loans.

HOUSE BILL 1259 **HOUSE AUTHOR:** Carona
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

House Bill 1259 amends the Sale of Checks Act to require check sellers licensed under the act to maintain a surety bond, letter of credit, or permissible investments, in addition to other security required under the act, in amounts dependent on the net worth of the business. The act also changes the due dates of quarterly reports filed by the licensee with the commissioner of the State Banking Department.

HOUSE BILL 1295 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 1295 amends the Securities Act to expand the conditions under which the securities commissioner may impose administrative sanctions, including suspension, revocation, or denial of a registration, against a registered or unregistered person or company for a violation under the act. It grants the commissioner the authority to assess an administrative fine of not more than $10,000 for a single violation or not more than $100,000 for multiple violations of any provision of the Securities Act. The act also makes a person subject to criminal sanctions if that person violates a cease publication order by knowingly making an offer prohibited by that order.

The act authorizes the State Securities Board to adopt rules to reduce fees for retired persons and small business persons who are required to register in more than one capacity. The act exempts from public disclosure certain information relating to securities registration. The act also makes a variety of technical corrections to the Securities Act.

HOUSE BILL 1298 **HOUSE AUTHOR:** Carona
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Montford

House Bill 1298 authorizes the banking commissioner to request a criminal record check on an applicant for a charter or other authority issued under the Texas Banking Code, the Sale of Checks Act, and statutes governing the sale of prepaid funeral services or funeral merchandise.

HOUSE BILL 1320 **HOUSE AUTHOR:** Romo
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Moncrief

House Bill 1320 repeals the law that allowed the financing of the renovation of the State Capitol through bonds issued by the Texas Public Building Authority. That law was not used in the renovation.

The act also reduces the bonds authorized for the superconducting super collider research facility from $500 million to $250 million, pending voter approval of the constitutional amendment proposed by House Joint Resolution 73.

The act also directs the Bond Review Board to review all authorized but unissued general obligation and revenue bond authorizations and submit a report to the legislature each biennium that recommends whether any bond authorization should be revoked.

HOUSE BILL 1441 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 1441 amends the Texas Public Finance Authority Act to authorize the Texas Public Finance Authority to issue and sell obligations to finance the conversion to alternative fuels of motor vehicles and other sources of substantial energy output of a county, city, or special district. The act also authorizes the sale of obligations for financing the construction, acquisition, or maintenance by such local entities of fueling stations supplying alternative fuels.

In addition, the act provides for the use of bond proceeds to fund the cost of issuing bonds under the alternative fuels finance program, allows an entity to borrow from the authority by selling an obligation to the authority, and allows the authority to set the price of and purchase such an obligation.

HOUSE BILL 1543 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 1543 creates the Texas Banking Act. The act eliminates the State Banking Board, grants more investigative power to the banking commissioner, simplifies mergers and acquisitions, and allows banks to operate under the Texas Business Corporation Act. It repeals The Texas Banking Code with the exception of Chapter 11, relating to trust companies. The act raises the capital requirement for trust companies from $500,000 to $1 million. The act also amends the Civil Practice and Remedies Code to regulate the disclosure of financial information and makes conforming amendments to other statutes to correct cross-references to The Texas Banking Code.

HOUSE BILL 1564 **HOUSE AUTHOR:** Chisum, Kamel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Nelson

House Bill 1564 authorizes the attorney general to collect certain information about bonds issued by a municipality or other political subdivision and adds the attorney general to the list of entities required to report information to the Bond Review Board for inclusion in the board's report of debt statistics.

HOUSE BILL 1586 **HOUSE AUTHOR:** Marchant
EFFECTIVE: Vetoed **SENATE SPONSOR:** Cain

House Bill 1586 authorizes a buyer and seller to include and charge for a debt cancellation contract or waiver in a retail installment contract for the purchase of a motor vehicle to protect the buyer if the vehicle is rendered a total loss due to collision or theft when the value of the vehicle prior to the loss is less than the amount owed. The act also allows a seller to waive the deductible amount of the buyer's automobile insurance policy.

HOUSE BILL 1608 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

House Bill 1608 amends various provisions of the Sale of Checks Act. It expands the exemptions from licensing requirements to include savings banks and certain escrow or trust fund checks, deletes the provision that exempts incorporated telegraph companies, and authorizes the commissioner of the Banking Department to grant exemptions or reduce licensing requirements under certain conditions. The act specifies the qualifications necessary for licensure and authorizes the Finance Commission to adopt rules relating to license applications. The

commissioner of the Banking Department is authorized to set the license application fee and, after considering the licensee's financial condition, to require a licensee to maintain a surety bond in an amount exceeding the maximum set by law.

The commissioner of the Banking Department is given the authority to issue cease and desist orders and to make an order denying or revoking a license effective immediately.

HOUSE BILL 1728 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Montford

House Bill 1728 amends chapters of the Uniform Commercial Code relating to commercial paper and bank deposits and collections. It adopts the revisions of the National Conference of Commissioners on State Laws and the American Law Institute. The act modernizes provisions regarding negotiable instruments and makes changes in response to the federal Expedited Funds Availability Act and regulations of the Federal Reserve Board. It also modernizes provisions to reflect changes in banking technology, such as automated check processing and electronic-based payment systems.

HOUSE BILL 1991 **HOUSE AUTHOR:** Giddings
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** R. West

House Bill 1991 adds working capital to the permitted uses of loan proceeds obtained by a borrower through the Historically Underutilized Business and Small Business Linked Deposit Program.

HOUSE BILL 2487 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

House Bill 2487 amends the law relating to consumer credit fees to allow a secondary lender to collect certain fees that are incurred to comply with a federally mandated program and that relate to real property offered as security for a loan.

HOUSE BILL 2527 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Shapiro

House Bill 2527 authorizes a foreign credit union to do business in this state if it is organized in a country that allows Texas credit unions to do business in that country.

HOUSE BILL 2529 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Lucio

House Bill 2529 removes the power of the credit union commissioner to place a state-chartered credit union under suspension. The act also changes the powers and duties of a conservator of a credit union that the commissioner has placed in conservatorship.

HOUSE BILL 2674 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Cain

House Bill 2674 amends the Consumer Credit Code to provide that a person has no civil or criminal liability for contracting for, charging, or receiving interest allowable under law before the 30th day after a debt becomes due and payable.

HOUSE BILL 2726 **HOUSE AUTHOR:** Romo
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Montford

House Bill 2726 makes changes in the law governing the issuance of tax-exempt private activity bonds in a calendar year. The act provides for reallocation of allocations between categories of bond issuers in the event of lack of bond qualification and provides monetary ceilings on the amount an issuer in various categories can reserve. The act requires local housing finance corporations to submit annual reports to the Texas Department of Housing and Community Affairs and requires local government corporations to use excess earnings of or remaining assets of dissolved housing finance corporations to provide housing for low and moderate income families and individuals.

HOUSE BILL 2745 **HOUSE AUTHOR:** Romo
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 2745 requires the owner or operator of an unmanned teller machine located outside or in an enclosure erected to house the machine to comply with lighting standards provided by the act and other safety and security standards adopted by the Finance Commission and the Credit Union Commission. The act requires each owner and operator to make a safety evaluation of the premises of each such machine and requires each issuer of access devices to notify potential customers of basic safety precautions for use of the machine. Failure by a financial institution to comply with safety standards is a ground for imposition of a civil penalty.

HOUSE BILL 3101 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 3101 provides that an account purchase transaction is not a transaction for the use, forbearance, or detention of money and the amount of the discount in an account purchase transaction is not compensation.

HOUSE BILL 3109 **HOUSE AUTHOR:** Romo
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 3109 requires each entity that issues state bonds, including the Texas Public Finance Authority, to report its bond transactions to the Texas Bond Review Board. The act requires that these reports be itemized and classify businesses based on the race, ethnicity, and gender of the controlling ownership of each business and whether the business is domestic or foreign. It specifies information that must be reported relating to issuance cost and certain types of escrow-related and bond transactions. The act establishes related reporting requirements for the Texas Bond Review Board.

HOUSE BILL 3200 **HOUSE AUTHOR:** Brady
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

House Bill 3200 amends the Business & Commerce Code to make revisions intended to modernize Chapters 8 and 9 of the Uniform Commercial Code relating to investment securities and secured transactions. The act repeals Chapter 33 of the Uniform Commercial Code relating to fiduciary security transfers.

Among its provisions, the act establishes the legal framework for an indirect holding system whereby the owner of securities does not hold securities directly through an issuer but in a securities account with a securities intermediary. The act also transfers provisions in Chapter 8 dealing with the creation and perfection of security interests to Chapter 9, adding a new section that deals with investment property, including commodity contracts and accounts.

HOUSE BILL 3207 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

House Bill 3207 broadens the kinds of nontaxable rollover contributions from retirement-related accounts that may be claimed as personal property that is exempt from seizure for the satisfaction of debts.

HOUSE JOINT RESOLUTION 34 **HOUSE AUTHOR:** Willis, et al.
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Brown

House Joint Resolution 34 proposes an amendment to the Texas Constitution that would provide additional bonding authority to the Veterans Land Board to issue and sell up to $500 million in general obligation bonds to provide housing financing to veterans of the state through the Veterans' Housing Assistance Fund II.

HOUSE JOINT RESOLUTION 50 **HOUSE AUTHOR:** Hernandez
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Barrientos

House Joint Resolution 50 proposes an amendment to the Texas Constitution that would provide additional bonding authority to the Texas Higher Education Coordinating Board to issue and sell up to $300 million in general obligation bonds to finance educational loans to students through the Hinson-Hazelwood College Student Loan Program.

HOUSE JOINT RESOLUTION 73 **HOUSE AUTHOR:** Romo
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Moncrief

House Joint Resolution 73 proposes a constitutional amendment to reduce from $500 million to $250 million the amount of general obligation bonds authorized to establish a superconducting super collider research facility.

SENATE BILL 661 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Carona

Senate Bill 661 authorizes the owner of an electronic fund transfer terminal that is connected to a shared network to charge an access fee. The fact that a fee is being charged must be disclosed in a way that allows the user to avoid or cancel the transaction without incurring the fee. The bill prohibits an agreement to share terminals that restricts the owner's right to impose such a fee.

SENATE BILL 752 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 752 amends the law relating to the regulation of businesses conducting currency exchanges to require a business conducting currency transportation to be licensed. The act changes the license exemption process for businesses that normally accept foreign currency as payment for goods or services. The act also makes a person ineligible for a license if the person

has ever been convicted of certain felonies. The act creates additional qualifications an applicant must possess in applying for a license or license renewal and authorizes rules to regulate disclosure of a licensee's prices or rates.

The act requires a bond or letter of credit of $300,000 for a person conducting a currency transmission or currency transportation business and allows a business to deposit cash or acceptable equivalent securities in lieu of a bond or letter of credit. The act prohibits fraudulently structured transactions and establishes an offense.

SENATE BILL 870 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Giddings

Senate Bill 870 defines the duties of the consumer credit commissioner regarding the acceptance of gifts and grants and prohibits the commissioner from accepting or using money offered for an investigation or prosecution or by an entity affiliated with any industry regulated by the Finance Commission unless expressly authorized by law.

The act requires disclosure of certain information in an advertisement that offers to arrange a consumer credit transaction, prohibits some actions that would cause a person to believe that an offer to make a consumer credit transaction is being made, provides penalties, and prohibits discrimination based on marital status, age, receipt of certain federal benefits, or exercise of certain federal rights in credit transactions.

SENATE BILL 871 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Carona

Senate Bill 871 authorizes the consumer credit commissioner to assess an administrative penalty for violation of certain provisions of the law relating to consumer credit and to order that restitution be made to the injured party. The act requires the commissioner to follow certain guidelines in determining the amount of a penalty and to provide written notice to the person against whom the penalty is assessed. Provisions relating to administrative hearing and judicial review are also included.

SENATE BILL 872 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Carona

Senate Bill 872 amends the law relating to the use of a retail installment contract to authorize such contracts to finance medical or dental services and to limit the interest rate that may be charged to finance such services. The act authorizes contracts for the sale of travel trailers that carry motorcycles and similar vehicles. The act also changes the appearance of the disclosure notices required in certain documents relating to installment contracts.

SENATE BILL 1037 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Carona

Senate Bill 1037 expands the list of institutions eligible to be custodians of local government and state agency funds to include a federal home loan bank.

SENATE BILL 1128 **SENATE AUTHOR:** Ellis
EFFECTIVE: 6-9-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 1128 makes numerous changes in the deposit, investment, and distribution of state funds. Significant among them are a prohibition on the investment of state funds in most types of derivative obligations, a ceiling on investment in other derivatives, authorization for

credit unions to become state depositories, the removal of restrictions on investment in companies doing business in the Republic of South Africa, and a new standard for the issuance of tax and revenue anticipation notes.

The act also accelerates the distribution of money to school districts from the foundation school fund.

SENATE BILL 1260 **SENATE AUTHOR:** Montford
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** P. Patterson

Senate Bill 1260 amends the Agriculture Code to move administration of the farm and ranch finance program from the Veterans Land Board to the Texas Agricultural Finance Authority board of directors. The act also allows bond proceeds from the farm and ranch program to be used for rural microenterprise development and other rural economic development programs and removes investment restrictions on the farm and ranch finance program fund. The act is contingent on the approval by the voters of Senate Joint Resolution 51.

SENATE BILL 1329 **SENATE AUTHOR:** Nelson
EFFECTIVE: 5-16-95 **HOUSE SPONSOR:** Brimer

Senate Bill 1329 authorizes a municipality to pledge a development impact fee as security for the payment of debt service on an obligation issued to finance a capital improvement or public facility expansion if the governing body provides written certification that the impact fee will not be used for purposes other than those identified in a capital improvements plan.

SENATE BILL 1549 **SENATE AUTHOR:** Ellis
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Kamel

Senate Bill 1549 amends the Education Code to expand the list of obligations a junior college district or regional college district is authorized to issue to include bonds rated in one of the four highest ranking categories for long-term obligations.

The act also authorizes the governing body of a junior college district or regional college district to enter into certain credit agreements if, before the effective date of the act, the district issued bonds rated in one of the four highest ranking categories for long-term obligations and reserved the right to substitute a credit agreement in lieu of reserved cash and investments in the event of a change in state law.

SENATE JOINT RESOLUTION 51 **SENATE AUTHOR:** Montford
FOR ELECTION: 11-7-95 **HOUSE SPONSOR:** P. Patterson

Senate Joint Resolution 51 proposes a constitutional amendment that would move the administration of the farm and ranch finance program to the Texas Agricultural Finance Authority and would allow the proceeds of $200 million of the bonds authorized for the program to be used for the rural microenterprise development program and other rural economic development programs.

BUSINESS RELATIONS

HOUSE BILL 690 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** G. Luna

Under provisions of the Alcoholic Beverage Code, applicants for a mixed beverage permit, a private club registration permit, a wine and beer retailer's permit, and a retail dealer's on-premise license are required to post an outdoor sign at the proposed location of business if the location has not been previously licensed or permitted by the Texas Alcoholic Beverage Commission. The sign must state that alcoholic beverages are intended to be served at the location.

House Bill 690 amends the code to clarify that certain applicants for these licenses and permits must comply with the posting requirement no later than 10 days before submitting an application. This new provision applies to applicants whose license or permit was canceled or suspended in the past 13 months and applicants for a location that in the past five years was a premises where an alcoholic beverage permit or license was canceled or suspended. The act also applies the new requirement to a brewpub license, a renewal of a license or permit, and an original application.

HOUSE BILL 871 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

Under state law, a hospital is entitled to secure a lien to pay for services rendered to a patient who was injured in an accident caused by the negligence of another person. The lien attaches to a cause of action arising from the patient's injury. House Bill 871 amends the Property Code to require a hospital to file notice of the lien in the county in which hospital services were provided. The hospital was previously required to file such notice in the county in which the injury occurred.

HOUSE BILL 984 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** R. West

House Bill 984 applies statewide a provision in the Alcoholic Beverage Code that previously applied only to a county with a population of 2.4 million or more. The provision requires a holder of, or an applicant for, a wine and beer retailer's permit, mixed beverage permit, private club registration permit, or retail dealer's on-premise license to file a conduct surety bond in the amount of $5,000 with the Texas Alcoholic Beverage Commission to ensure compliance with the alcoholic beverage law. The act also requires that these permit and license holders and holders of, or applicants for, a package store permit, wine only package store permit, and wine and beer retailer's off-premise permit file a $10,000 surety bond with the commission if their business is located within 1,000 feet of the property line of a public school.

HOUSE BILL 1094 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 1094 changes the default period and maximum delinquency penalty permissible under retail charge agreements. Previously, a seller could impose a delinquency charge of up to the lesser of $5 or five percent for each payment installment in default more than 10 days. Under House Bill 1094, a seller may impose a delinquency charge of up to $10 for each payment installment in default more than 21 days.

HOUSE BILL 1227 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

State law allows a mechanic to repossess a vehicle from a person who has paid for repairs with a bad check. A former provision of the law prohibited a mechanic from selling the bad check to a motor vehicle repossessor. House Bill 1227 amends the Property Code by changing the law to prohibit the transfer of a bad check received for payment of repairs to a third party and to prohibit the acceptance of a bad check by a motor vehicle repossessor. In addition, the act requires that a vehicle that has been repossessed be stored at the location the repair was performed or at a licensed vehicle storage facility.

HOUSE BILL 1329 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Leedom

State law permits cities and counties to collect a fee from holders of certain types of alcoholic beverage licenses issued within local boundaries and authorizes the Texas Alcoholic Beverage Commission to cancel a license for failure by the license holder to pay a local fee imposed by a city. House Bill 1329 amends the Alcoholic Beverage Code to clarify the authority of the commission to cancel a license for failure to pay a local fee to a county as well as a city.

HOUSE BILL 1419 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain, R. West

House Bill 1419 amends the Alcoholic Beverage Code to allow the Texas Alcoholic Beverage Commission to grant a new certificate, called a food and beverage certificate, to the holder of a mixed beverage permit, a wine and beer retailer's permit, a retail dealer's on-premise license, or a private club permit. The holder of a food and beverage certificate must comply with state law in effect as of January 1, 1996, or passed during the regular session of the 74th Legislature, that applies to mixed beverage, wine and beer retailer's, and private club permit holders and retail dealer's on-premise license holders, except for provisions relating to conduct surety bonds.

The act imposes specific notification requirements on persons applying for or renewing a private club registration permit or private club permit and provides that the commission may cancel an original or renewal of such a permit if the business is found to endanger the community. In addition, the act authorizes the commission to accept, with certain restrictions, gifts, grants, or donations.

HOUSE BILL 1505 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 1505 amends the Texas Pharmacy Act to add to the list of responsibilities of the State Board of Pharmacy the duty to annually register the balances used for compounding drugs in a licensed pharmacy and the periodic inspection of such balances to verify accuracy. In addition, the board is authorized to inspect a place, such as a nursing home or university pharmacy school, where the practice of pharmacy occurs even though the place itself is not a licensed pharmacy. The act also clarifies requirements relating to complaints that are filed as a result of such inspections.

HOUSE BILL 1506 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 1506 amends the Texas Pharmacy Act relating to procedures for contested cases. The act repeals previous language, directs the State Board of Pharmacy to prescribe procedures, consistent with provisions of the Government Code, for the imposition of administrative penalties, and requires the board to notify a person that an administrative penalty has been assessed against him and advise him of his right to judicial review.

HOUSE BILL 1541 **HOUSE AUTHOR:** Torres
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Gallegos

House Bill 1541 amends the Plumbing License Law to prohibit a person, corporation, or other entity from selling, donating, or transferring a water closet plumbing fixture that uses water that is not in compliance with the state plumbing code and that permits the backflow of nonpotable substances into the potable water supply. The Texas State Board of Plumbing Examiners must establish rules to enforce the new law that include a list of fixtures covered under the act.

HOUSE BILL 1612 **HOUSE AUTHOR:** Kubiak, B. Hunter
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Sibley

House Bill 1612 amends state law governing architectural barriers to exempt a place used primarily for religious rituals within either a building or facility of a religious organization from adherence to mandatory state standards designed to make public buildings and certain facilities cited in the Americans with Disabilities Act more accessible to the disabled.

HOUSE BILL 1661 **HOUSE AUTHOR:** S. Turner, Greenberg
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ellis

House Bill 1661 creates the Texas Uniform Unincorporated Nonprofit Association Act. The act defines "nonprofit association" as an unincorporated organization consisting of three or more members who are joined by mutual consent for a common, nonprofit purpose.

The act confers upon a nonprofit association the right to acquire, hold, encumber, or transfer real property and authorizes an association to record a statement of authority to transfer an interest in real property in the name of the association. The statement of authority must be recorded in the county clerk's office, and the clerk is authorized to collect a fee for recording the statement. A nonprofit association may also file a statement with the secretary of state appointing an agent to receive service of process. The act authorizes the secretary of state to collect a fee for filing the statement.

In addition, the act establishes a nonprofit association as a separate legal entity from its members for the purposes of tort actions or breach of contract. It also provides that an association and its members may sue and be sued.

Among its other provisions, the act requires the maintenance of account records by the association that are subject to the inspection of the attorney general and allows an association to initiate or participate in alternative dispute resolution proceedings.

HOUSE BILL 1763 **HOUSE AUTHOR:** Brimer, Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 1763 amends the Alcoholic Beverage Code to allow the holder of a brewpub license to deliver off premises beer, ale, or malt liquor manufactured by the holder to an organized beer, ale, or malt liquor tasting, competition, or review.

HOUSE BILL 1885 **HOUSE AUTHOR:** Rhodes
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

State law regulates home solicitation transactions involving the sale of certain goods and real estate by a merchant that take place at a residence and requires a merchant to inform a consumer of his or her right to cancel the transaction. A consumer is entitled to certain remedies for a merchant's violation of the law. House Bill 1885 extends the law to cover transactions that take place at any location other than the merchant's place of business. The act defines "place of business" to include the main or permanent branch office or local address of a merchant and any approved branch or registered loan production office of a state, national bank, or savings and loan association.

HOUSE BILL 1922 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 1922 amends the Alcoholic Beverage Code to allow the holder of a brewer's permit to dispense ale and malt liquor for consumption on the premises of the brewery.

HOUSE BILL 2027 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Gallegos

House Bill 2027 requires tanning facilities to obtain licenses, rather than permits, from the Texas Department of Health; expands operational notice, and advertisement requirements; sets civil and administrative penalties; and raises criminal penalties. The department is authorized to collect a license fee and to suspend a license by an emergency order of the commissioner or the commissioner's designee. The act also prohibits persons operating certain sexually oriented businesses from obtaining or renewing tanning facility licenses.

HOUSE BILL 2227 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Barrientos

House Bill 2227 amends the Charitable Raffle Enabling Act to require public colleges and universities to allow a recognized student organization to sell raffle tickets on campus, subject to reasonable restrictions.

HOUSE BILL 2267 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

Previous law prohibited a person holding a wine only package store permit or owning an interest in a wine only package store from having a direct interest in a wine and beer retailer's permit or a wine and beer retailer's off-premise permit. House Bill 2267 amends the Alcoholic Beverage Code to provide that the prohibition applies only if the package store permit and the retailer's permit are for the same location. The act also removes a provision in the law that prohibits a wine only package store permit holder or a person who owns an interest in a wine only package store from having a direct interest in a retail dealer's on-premise license.

HOUSE BILL 2355 **HOUSE AUTHOR:** Siebert
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

House Bill 2355 amends the Alcoholic Beverage Code to stipulate that a person in the business of selling alcoholic beverages in another state or country who ships alcoholic beverages directly to Texas residents is in violation of state law.

HOUSE BILL 2402 **HOUSE AUTHOR:** Thompson, Maxey
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** D. Nixon

House Bill 2402 amends the Health and Safety Code relating to the regulation of tattoo studios. The act provides for the issuance of a temporary license for special events and authorizes a tattooist to tattoo a minor but only to cover another tattoo and only upon notarized consent from a parent or guardian or upon a court order. In addition, the act changes language to reflect terminology used by the tattoo industry.

HOUSE BILL 2460 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: Vetoed **SENATE SPONSOR:** Armbrister

House Bill 2460 amends state law to meet requirements of recent federal legislation discouraging the use of cigarettes and other tobacco products by minors. As amended, Health and Safety Code provisions on the subject constitute a uniform state law, and any local ordinance, rule, or regulation relating to the sale, distribution, advertising, display, or promotion of such products is prohibited.

The act amends the code to require retail establishments that sell or distribute cigarettes or tobacco products to demand proof of age from prospective purchasers of suspect age. It prohibits the installation or maintenance of vending machines containing such products in locations accessible to minors. Exceptions include bars, military installations, colleges and universities, industrial and manufacturing plants, business offices, and other specified locations. The act clarifies the offense relating to sale or distribution to minors and places criminal responsibility with the retail employee in the case of a retail sale and with the proprietor in the case of a vending machine sale. It requires notice to retail employees of legal requirements and prohibitions, and amends specifications regarding signs to be posted in retail establishments. The act makes it an offense to distribute cigarette or tobacco product samples to minors or to sell cigarettes or smokeless tobacco products from an opened package. Another new offense prohibits minors from possessing, purchasing, or accepting cigarettes or tobacco products or misrepresenting their age for such purposes. On conviction, the court suspends sentence but the minor must attend a smoking awareness course. The court additionally may order the Department of Public Safety to suspend or deny a driver's license or permit for up to 180 days.

Other amendments to the code provide for enforcement by the Texas Commission on Alcohol and Drug Abuse in partnership with local law authorities. The act authorizes the commission to award block grants to cities and counties for local enforcement and requires random unannounced inspections at least annually at locations where cigarettes and tobacco products are sold. It authorizes the commission to assess administrative penalties against holders of cigarette and tobacco product tax permits if necessary to comply with federal law. Such penalties, if assessed, apply to unlawful sale or distribution or to violation of sign posting requirements.

The state treasurer, under the Tax Code, issues tax permits relating to cigarettes and tobacco products. The act amends the Tax Code to establish permit fees of $50 annually for cigarette and tobacco product retailers. It channels resultant revenue to tax permit enforcement, certain tobacco enforcement projects, and education and awareness programs relating to the use of drugs, alcohol, and tobacco.

HOUSE BILL 2550 **HOUSE AUTHOR:** Madden
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 2550 amends the Texas Food, Drug, and Cosmetic Act to clarify provisions relating to the regulation of a wholesale medical device distributor. The act creates an advisory committee to advise the Texas Board of Health in developing standards and procedures relating to the licensing of distributors and manufacturers of devices and exempts an out-of-state wholesale device distributor from licensure requirements.

In addition, House Bill 2550 exempts an establishment engaged solely in the distribution of beverages in sealed containers from provisions related to the regulation of food wholesalers.

HOUSE BILL 2553 **HOUSE AUTHOR:** Madden, et al.
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** C. Harris, Barrientos

House Bill 2553 amends the Health and Safety Code to exempt a bed and breakfast establishment that has seven or fewer rooms and that serves only breakfast from state regulations that apply to food service establishments. However, it requires the owner of the establishment to successfully complete a food manager's certification course accredited by the Texas Department of Health.

Under provisions of the act, the Texas Board of Health or the appropriate local governmental authority is required to adopt minimum standards for a bed and breakfast establishment that has more than seven rooms or that provides food service other than breakfast to its overnight guests. In addition, the act subjects a bed and breakfast service that provides food service other than to overnight guests to all rules and regulations applicable to a food service establishment.

HOUSE BILL 2656 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Leedom

State law allows a person who repairs or maintains an aircraft to secure a lien on the aircraft for the amount due for services under a contract or for reasonable compensation if no amount is specified in the contract. House Bill 2656 extends the right to a person who provides storage services for aircraft. This provision applies to a written storage contract or oral storage contract that provides for a storage period of at least 30 days.

HOUSE BILL 2732 **HOUSE AUTHOR:** Brimer
EFFECTIVE: Vetoed **SENATE SPONSOR:** C. Harris

House Bill 2732 amends the Alcoholic Beverage Code to add a new subchapter to the code called the Liquor Industry Fair Dealing Law. The law requires a supplier shipping liquor into the state to designate sales territories for each of its brands sold in the state and enter into an agreement with one wholesaler to act as the exclusive distributor of the brand within each territory. The law applies to suppliers who hold a distiller's and rectifier's permit, winery permit, wine bottler's permit, or nonresident seller's permit. The act prohibits the direct shipment of alcoholic beverages to a Texas resident from a person in the business of selling alcoholic beverages in another state or country.

Other provisions of the act allow the holder of an agent's permit to deliver liquor to an authorized permittee, clarify the time period in which a renewal application for an alcoholic beverage permit is considered to have been timely made, add the sale of wine at a winery for off-premises consumption as a ballot issue in certain local option elections, and allow a holder of a winery permit to sell wine made on the premises for on-premise consumption where the sale of wine is legal.

HOUSE BILL 2771 **HOUSE AUTHOR:** Wolens, Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2771 amends the Deceptive Trade Practices-Consumer Protection Act to add the promotion of pyramid promotional schemes to the list of actions classified as false, misleading, or deceptive. The practice of selling rights to participate in a multilevel distributorship is deleted. The act creates a state jail felony offense for a person who promotes a pyramid promotional scheme and repeals a former misdemeanor offense that applied to an endless chain scheme, which is similar to a pyramid scheme.

HOUSE BILL 2898 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 2898 authorizes a dentist to delegate maintenance checks of dental X-ray equipment to a qualified person. The act clarifies that such maintenance checks do not constitute the practice of medical physics and are not subject to regulation by the Texas Board of Licensure for Professional Medical Physicists.

HOUSE BILL 3021 **HOUSE AUTHOR:** Kuempel, Seidlits
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 3021 amends the Bingo Enabling Act to authorize the use of electronic or computerized card-minding devices and coin-operated bingo ticket dispensers with certain restrictions. The act requires a system service provider's license in order to sell or supply automated bingo services and sets a $1,000 fee for the license. "Automated bingo services" is defined as a computer program or system that accounts for bingo sales, prizes, inventory, and prize fees. The act creates a misdemeanor offense for the unauthorized sale of bingo supplies or services. Other provisions of the act require the Texas Lottery Commission to issue temporary bingo licenses to qualified applicants, clarify the frequency and times of bingo games, permit licensed authorized organizations to lease or buy certain bingo equipment directly from licensed distributors, require the display of a toll-free gambling hotline number, and repeal a five-percent fee on bingo prizes.

HOUSE BILL 3028 **HOUSE AUTHOR:** Ehrhardt, et al.
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Gallegos

House Bill 3028 amends provisions of the Property Code relating to security deposits and application deposits for residential leases entered into by a landlord and tenant. The act provides that a tenant's claim to a security deposit takes precedence over a trustee in bankruptcy and sets forth conditions under which a landlord is presumed to have refunded a security deposit or made an accounting of security deposit deductions. The act adds a new subchapter relating to rental application deposits, sets outs procedures for notice or refund, and provides civil liabilities for failure to refund an application deposit.

HOUSE BILL 3031 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

Previous law prohibited the Texas Lottery Commission from licensing a ticket agent whose sales agency is on land owned by a political subdivision of the state, with the exception of land used as a mass transportation facility. House Bill 3031 amends the restriction to apply only to land owned by the state or a political subdivision on which a public school, institution of higher education, or state agency is located. The act also authorizes the state to enter a compact with other states or with Indian tribes for the sale of lottery tickets.

SENATE BILL 237 **SENATE AUTHOR:** Montford, Cain
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Swinford

Senate Bill 237 repeals state regulation of nonagricultural commodity public warehouses by the Texas Department of Licensing and Regulation.

SENATE BILL 258 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Wilson

State law requires the Texas Alcoholic Beverage Commission to approve alcoholic beverage seller training programs meeting certain requirements that are sponsored by community colleges, certain licensees, and hotels. Senate Bill 258 amends the Alcoholic Beverage Code by adding institutions of higher education offering a four-year undergraduate program and a degree or certificate in hotel, motel, restaurant, travel, or tourism management to the entities offering programs that the commission must approve.

SENATE BILL 414 **SENATE AUTHOR:** Montford
EFFECTIVE: 4-12-95 **HOUSE SPONSOR:** Walker

Senate Bill 414 amends the Alcoholic Beverage Code to expand the authority of the holder of a winery permit issued in a dry area. It would allow the permittee to sell wine to consumers for off-premise consumption for seven consecutive days each year if certain manufacturing and notification requirements are met. The act applies only to a winery located in a dry area of a county with a population of 15,000 or less in which a majority of the county is dry and one municipality is wet.

SENATE BILL 478 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Saunders

Senate Bill 478 amends the Insurance Code to exempt a city-licensed electrician who installs multiple station smoke detectors in single-family or multifamily residences from licensure requirements enforced by the Texas Commission on Fire Protection.

SENATE BILL 488 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Bosse

Previously, state law enabled an architect, engineer, or surveyor to secure a lien on property in connection with the proposed construction or repair of improvements if certain conditions were met. Senate Bill 488 eliminates some of these conditions to provide that an architect, engineer, or surveyor may secure a lien under or by virtue of a written contract in connection with the proposed or actual design, construction, or repair of improvements or the location of the property boundaries. The act provides that the priority of such a lien with respect to other mechanic's liens is determined by the date of recording.

SENATE BILL 526 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Eiland

Senate Bill 526 creates the Copyright Royalty Collection Practices Act and establishes regulations regarding the collection of copyright royalties by a performing rights society from certain retail businesses, including bars and restaurants. As defined in the act, a "performing rights society" refers to music licensing organizations such as the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI).

The act requires, in addition to other criteria, that a contract for the payment of royalties between a performing rights society and a business proprietor be in writing. The performing rights society also is required to provide the proprietor with the following information before the contract is executed: a written schedule of rates and terms under the contract; the opportunity to review the current available list of the members represented by the society; and notification about the availability of a current list of copyrighted musical works in the society's collection. The act forbids a society from collecting a royalty payment except as provided in the contract.

The act establishes civil remedies for violations of the act.

SENATE BILL 529 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Siebert

Senate Bill 529 amends the Business & Commerce Code to prohibit the use of certain Olympic symbols, signs, and words for the purpose of trade or the promotion of theatrical or sporting events without the permission of the United States Olympic Committee. The act grants the Olympic committee the right to sue and to enjoin infringement of its symbols in state district court.

SENATE BILL 533 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goolsby

The Business & Commerce Code imposes certain requirements on a contract between a principal and a sales representative who works on commission, granting a sales representative the right to attorney's fees and treble damages in a civil action against a principal who fails to pay the commission or otherwise comply with the law. "Principal" previously referred only to a business that was located out of state and that sold products for resale.

Senate Bill 533 revises the definition of "principal" to include any business, regardless of its location. The act also narrows the definition of sales representative to include only those individuals who qualify as independent contractors, extends the application of the law to include sales to retail customers, enables a contract to be drawn up in a computer-based medium, and provides that a principal who violates a contract is liable for three times the unpaid commission, rather than treble damages.

SENATE BILL 538 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Yarbrough

Senate Bill 538 amends the Alcoholic Beverage Code to extend the right to possess a firearm on licensed premises to the holder of an alcoholic beverage permit or a dealer's on-premises or off-premises license, as well as an employee of the licensee or permittee who is acting in a supervisory capacity. The act amends the Penal Code to make it a defense to prosecution of a permittee or licensee who is granted this right for the felony offense of intentionally, knowingly, or recklessly carrying a handgun on state-licensed or permitted premises for the sale of alcoholic beverages.

In addition, the act authorizes the commission to adopt rules allowing a gun show on permitted or licensed premises owned or leased by certain governmental and nonprofit entities and for the ceremonial display of firearms on permitted or licensed premises. The commission also may allow a holder of a permit or license to sell alcoholic beverages for off-premises consumption to also hold a federal firearms license.

SENATE BILL 714 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Pitts

Senate Bill 714 amends the Alcoholic Beverage Code to expand the list of fraternal organizations that are exempt from certain provisions of the code relating to private club registration permit holders. The exemption is expanded to include a chapter of an American national fraternal organization that promotes physical fitness, offers athletic classes for children, operates in at least 12 states, and has a minimum of six local units in Texas, one of which has been in existence for at least 75 years.

Fraternal organizations are exempt from provisions that include the annual private club registration permit fee and requirements relating to the provision of food, storage of alcoholic beverages, and cash payments.

SENATE BILL 739 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Brimer

Senate Bill 739 amends the Health and Safety Code to exempt an elevator, escalator, or related equipment that is in an industrial facility and that is primarily used by employees, from provisions in state law requiring inspection and certification by the commissioner of licensing and regulation. Equipment located in a private building with two or fewer floors of a labor union, trade association, private club, or charitable organization is also exempted from certain requirements.

SENATE BILL 1044 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Yarbrough

Senate Bill 1044 amends the Health and Safety Code to clarify the duties of the elevator advisory board and the standards adopted by the board for elevators. It also grants the commissioner of licensing and regulation the authority to inspect elevators to ensure compliance with state regulations and to revoke the license of an elevator inspector for a violation of the law.

SENATE BILL 1063 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Brimer

Senate Bill 1063 amends the Alcoholic Beverage Code to add new regulations governing package stores. The act prohibits a package store permittee from employing a person under the age of 21, with certain exceptions, and requires that package stores maintain separate premises from other businesses and have a front door. With certain exceptions, package stores built or first occupied on or after September 1, 1995, are required to have a rear or side entrance to serve as an emergency exit and a bathroom that complies with Title III of the Americans with Disabilities Act. The act requires package stores to be closed to the general public during hours that the sale of liquor is prohibited. The act also raises the annual fee for a package store permit from $300 to $500.

In addition, the act prohibits a package store permittee from coordinating business operations with another permittee as if they shared common ownership, including cooperating to set prices, and prohibits public corporations from owning or holding a package store permit, providing an exemption for package stores located in hotels. A public corporation that holds a package store permit, or has an application pending for a package store permit as of April 28, 1995, is exempt from this provision but must provide a sworn affidavit that it meets this criteria by December 31, 1995. A package store permittee must file a sworn affidavit with the Texas Alcoholic Beverage Commission that the permittee is in compliance with the above prohibitions before his or her permit may be renewed. The act also grants legal remedies, including the right to recover treble damages, to any package store permittee who suffers an injury as a result of a violation of the above prohibitions.

SENATE BILL 1084 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 6-13-95 **HOUSE SPONSOR:** Cook

A dentist is authorized to perform the functions of a dental technician and is exempt from regulations governing technicians. Senate Bill 1084 extends this exemption to include the dentist's employees and the employees of the dentist's professional corporation or partnership, provided that the employee performs the technical service on the premises where the dentist practices. A dental laboratory owned by a dentist is exempted from provisions requiring the presence of a certified dental technician, provided that the laboratory is located on the premises where the dentist practices and employs no more than two technicians.

Senate Bill 1084 expands the list of areas subject to the rulemaking authority of the Texas State Board of Dental Examiners and requires the board to allow the Dental Laboratory Certification Council 30 days for review of proposed rules. The board is required to begin procedures providing for consideration of a recommendation of the council within 30 days of receiving the recommendation and to submit a response to the council that gives reasons for amending or rejecting any rule proposed by the council.

SENATE BILL 1179 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hamric

Senate Bill 1179 amends state law relating to the use of paid solicitors by a veterans organization. Prior law required both an organization and its solicitor to file registration statements with the secretary of state and to update those statements by January 15 of each year. The act eliminates the January update period, bases the effective date of a registration statement on the date the secretary of state issues a certificate, makes registration statements effective for one year from that effective date, and allows annual renewal by filing a renewal statement and paying the filing fee.

SENATE BILL 1212 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Coleman

Senate Bill 1212 amends the Property Code to revise provisions relating to legal proceedings involving charitable trusts. It clarifies notification and venue requirements and the role of the attorney general in such proceedings and adds a definition of a "fiduciary or managerial agent" to the law.

SENATE BILL 1236 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 1236 amends the Alcoholic Beverage Code to prohibit a beer manufacturer from assigning all, or part, of the same sales territory for a brand of beer to more than one distributor. The act imposes additional requirements on an applicant for a beer distributor's license or a license renewal. The applicant or license holder must demonstrate that he or she has entered a written agreement with a manufacturer designating an assigned territory; is properly licensed and permitted; and can ensure the adequate supply, quality, sale, delivery, and promotion of the beer the distributor is authorized to sell to retailers in the assigned territory. To satisfy this requirement, the Texas Alcoholic Beverage Commission may require a distributor's license applicant or holder to demonstrate that he or she has adequate storage facilities, inventory, employees, and delivery vehicles to conduct business.

In addition, the act defines the term "brand extension" as a manufacturer's brand that uses a substantial part of an existing brand name or logo of the same manufacturer. The act requires the beer manufacturer to assign a brand extension to the distributor to whom the brand was assigned if the distributor elects to distribute the brand extension.

SENATE BILL 1334 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Naishtat, et al.

Senate Bill 1334 amends the Property Code to revise several provisions regarding the relationship between a landlord and tenant. The act prohibits a landlord from disconnecting utility service in an all-bills-paid unit except for repairs, construction, or an emergency, unless a tenant is late paying the rent, proper notification is made, and certain other conditions are met. The requirements apply to a unit that is not individually metered. A landlord may disconnect a tenant's electrical service that is individually metered in accordance with rules established by the Public Utility Commission. The act imposes new requirements on a landlord who changes the locks of a unit in response to a tenant's failure to pay rent and requires a landlord to disclose the name and address of the owner of a rental dwelling to government officials upon written request. It also directs governmental notices relating to health, sanitation, safety, and nuisance violations on the landlord's property to the landlord's agent. It clarifies that a landlord may not take a retaliatory measure against a tenant who in good faith has exercised his or her rights under a lease, municipal ordinance, or state or federal law or has complained to a governmental authority about a building code violation or utility problem. The act of interfering with a tenant's rights or lease in bad faith is considered a retaliatory measure and subject to certain remedies. The act also requires that a landlord refund all or part of a tenant's security deposit or prepaid rent in the event a tenant fails to occupy a rental unit and a suitable replacement tenant is found.

Senate Bill 1334 prohibits a residential rental locator from practicing without a license as a real estate broker or salesman and creates a misdemeanor offense for a violation. The act narrows the definition of a residential rental locator to exempt certain individuals and specifies that the service applies only to apartment units.

Senate Bill 1334 also revises provisions of the Property Code relating to the duty of a landlord to provide certain security devices and smoke detectors. It makes a tenant liable for knowingly disconnecting and damaging a smoke detector and grants certain remedies to a landlord and a tenant for violations.

The provisions of this act relating to smoke detectors take effect September 1, 1995.

SENATE BILL 1477 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 1477 amends the Texas Pharmacy Act to authorize a hospice in-patient facility to obtain licensure as a Class C pharmacy.

SENATE BILL 1617 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Brady

Senate Bill 1617 is a comprehensive update of the Texas Real Estate Investment Trust Act, which regulates a form of business organization designed for use in the acquisition and development of real property. The update process involved applying concepts from the Texas Business Corporation Act to the Texas Real Estate Investment Trust Act, focusing in particular on merger and share exchange provisions. The resulting act adds several new sections to the Texas Real Estate Investment Trust Act and makes technical and conforming changes.

SENATE BILL 1670 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Rodriguez

Senate Bill 1670 incorporates elimination boxing tournaments into existing provisions of the Texas Boxing and Wrestling Act and provides additional regulations for these tournaments. It establishes elimination tournament boxing promoter license application requirements, including an application fee not to exceed $1,000, a surety bond of $50,000, and the minimum amount of accidental death or injury insurance required for each contestant. The bonding and insurance requirements apply only to elimination tournaments charging admission or awarding a prize worth over $50. The act restricts tournaments to a one- or two-night event, limits the number of matches in which a contestant may participate, and restricts a match's duration. Promoters must require contestants to wear the proper equipment and submit proof of proper training. Contestants must be between 18 and 36 years of age and have no professional boxing experience. The act also establishes the responsibilities of the ringside physician, contestant weight categories, and ring requirements and prohibits participation of pregnant females.

CIVIL REMEDIES AND PROCEDURES

HOUSE BILL 43 **HOUSE AUTHOR:** McCall, et al.
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Moncrief

House Bill 43 amends the Civil Practice and Remedies Code to establish liability for damages arising from stalking. Damages may be recovered by a claimant when a defendant has violated a restraining order prohibiting harassing behavior by repeatedly engaging in harassing behavior that causes the claimant to reasonably fear for the claimant's safety or the safety of a member of claimant's family, or when a claimant reasonably fears that a defendant may inflict bodily injury on the claimant or commit an offense against the claimant, a member of claimant's family, or the claimant's property, when the defendant had the apparent ability to inflict such injury, when the claimant clearly demanded that the defendant stop, and when the claimant has reported the harassing behavior to the police.

It is a defense if the defendant was engaged in conduct that consisted of activity in support of constitutionally or statutorily protected rights. A claimant may sue for actual and exemplary damages. The remedies provided in this bill are cumulative.

HOUSE BILL 280 **HOUSE AUTHOR:** Swinford, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sims, J. Patterson

House Bill 280 adds Chapter 87 to the Civil Practice and Remedies Code to limit personal liability for damages that occur as a result of dangers inherent in equine activities. The act requires equine professionals to post a sign specifically disclaiming liability for personal injury or death resulting from the inherent risks of equine activities.

HOUSE BILL 383 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 383 amends the Civil Practice and Remedies Code to limit the liability of certain government employees for acts or omissions that give rise to a cause of action in certain instances. The act provides that the Tort Claims Act does not apply to a claim arising from the action of an employee while responding to an emergency call or situation if the employee's action is not taken with conscious indifference or reckless disregard for the safety of others. The act exempts from the application of the Tort Claims Act municipalities with a population of 1.5 million or more that acquire land at a sale following the foreclosure of a lien held by the municipality if a claim arises after the date the land was acquired and before the date the land was conveyed by the municipality and the claim arises from the condition of the land, a premise defect, or an act committed by a person other than an agent or employee of a municipality.

House Bill 383 amends provisions of the Civil Practice and Remedies Code relating to state liability for the conduct of a public servant to require that the state indemnify enumerated state employees regardless of the compensation paid or not paid to such employees. The act authorizes a specific appropriation in excess of the established limits for recovery of damages. The act redefines "public servant" to exclude independent contractors or any person who performs a contract for a unit of government. The act limits the personal liability of a public servant, other than a health care provider, to $100,000 for damages arising from personal injury, death, deprivation of a right, privilege, or immunity, or property damage if the public servant was acting in the course and scope of the employment or acting pursuant to a local government contract and the local government either indemnifies the individual or the individual

is covered by insurance provided by a governmental entity. The act provides an exclusive list of licensed health care providers who are not considered "public servants" for the purpose of limiting their liability pursuant to this act.

HOUSE BILL 668 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 668 amends the Deceptive Trade Practices-Consumer Protection Act (DTPA) and makes changes to the Property Code, the Insurance Code, and other laws.

The act limits the instances when a DTPA action may be brought by prohibiting a claim for damages based on the rendering of a professional service, the essence of which is providing advice, a judgment, or an opinion, except in certain enumerated circumstances. House Bill 668 excludes the application of the DTPA to written contracts worth more than $100,000 and not related to work performed on a consumer's residence. The act also excludes a cause of action arising from a transaction, a project, or a set of transactions relating to the same project, involving total consideration by the consumer of more than $500,000.

House Bill 668 limits damage awards in DTPA actions to economic damages unless the defendant acted knowingly or intentionally. The act defines "economic damages" as compensatory damages for pecuniary loss, including costs of repair and replacement. The act also limits treble and double damage awards to specific circumstances. House Bill 668 defines "knowingly" as actual awareness, at the time of the act or practice complained of, of the falsity, deception, or unfairness of the act or practice.

The act restricts a consumer's ability to waive the consumer's rights pursuant to DTPA.

House Bill 668 provides that false, misleading, or deceptive acts or practices that take advantage of a disaster by selling or leasing essential goods at an exorbitant price are subject to the DTPA.

The act authorizes mediation for certain claims and outlines settlement procedures. A party's failure to settle a DTPA claim for substantially the same amount as received in a judgment may result in an assessment of court costs and attorney's fees against the nonsettling party.

House Bill 668 amends the Insurance Code to conform to the changes made in the DTPA. This act also amends the Insurance Code to exclude commission-created rules as a cause of action pursuant to the DTPA or the Unfair Claims Settlement Practices Act.

House Bill 668 amends provisions of the civil statutes to make certain changes to the notice requirements relating to the collection of credit card debts.

HOUSE BILL 677 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Bivins

As a general rule, the failure of a notary public to attach a seal to a jurat, acknowledgment, or proof of written instrument renders a sworn document invalid. House Bill 677 creates an exception to the general rule for documents notarized in states that do not require the attachment of a seal. This exception will also apply to notarized documents in the real property records. The act also requires the secretary of state to annually publish and distribute a list of all states that do not require a notary public to attach a seal.

HOUSE BILL 692 **HOUSE AUTHOR:** Culberson, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 692 adds a new chapter to the Civil Practice and Remedies Code that prohibits convicted criminals from recovering damages for injuries that would not have occurred but for the commission of a felony or misdemeanor. The act prohibits a claimant other than the

convicted criminal from recovering damages for wrongful death or loss of consortium or companionship if the convicted person's right to recover is barred pursuant to this act. A claimant who is barred from recovery pursuant to this act is liable for court costs and reasonable attorney's fees. The act does not apply to a claim arising from traffic violations or criminal trespass, other than a trespass in a habitation or shelter, brought by a person who has not been convicted of another crime that occurred in conjunction with the trespass or a claim in which the property owner acted with gross negligence or intention.

HOUSE BILL 971 **HOUSE AUTHOR:** T. Hunter, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 971 amends the Medical Liability and Insurance Improvement Act of Texas (Medical Liability Act) by revising limits on health care liability claims against physicians and health care providers and provides penalties for bad faith claims.

The act requires claimants to post a separate $5,000 bond, place $5,000 in escrow, or submit an expert report for each physician or health care provider being sued. A claimant's failure to comply with these requirements can result in either dismissal or more costly sanctions.

The act narrows the definition of "expert" by limiting the factors the court may review to determine whether an individual qualifies as an expert.

The act limits prejudgment interest awards to cases where the defendant refuses to settle and such awards are only applicable to past damages.

HOUSE BILL 1362 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Moncrief

House Bill 1362 amends the Civil Practice and Remedies Code to limit the definition of "charity care or services" to only care or services provided by a health care professional or health clinic through an approved family practice residency training program. The act deletes claims against health centers or health care providers who participate in Medicaid managed care projects from the definition of "eligible health care liability claims." This act amends the Civil Practice and Remedies Code to exclude federally qualified health centers from provisions relating to state indemnification. The act also amends the Insurance Code to preclude federally qualified health centers from receiving a premium discount.

HOUSE BILL 1496 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

Pursuant to previous law, an agreement pertaining to a well for oil, gas, or water or to a mine for minerals is void if the agreement indemnifies a person against loss or liability for damages that are caused by the sole negligence or the concurrent negligence of the party who is being indemnified and the damages arise from any personal injury, death, or property injury. However, there is an exception to this rule in cases where the parties agree in writing that the person providing the indemnification will have liability insurance to cover the damages. In addition, an exception to the exception was enacted to exempt an agreement for indemnification relating to the purchase, gathering, storage, or transportation of oil, brine water, freshwater, condensate, produced water, petroleum products, or other liquid commodities. House Bill 1496 amends the Civil Practice and Remedies Code by deleting the exception to the exception.

HOUSE BILL 1943 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Henderson

House Bill 1943 amends the Civil Practice and Remedies Code to authorize the collection of a $1 fee by a custodian of a record who receives a request for production or certification pursuant to a subpoena, a request for production, or other order.

HOUSE BILL 2042 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** R. West

House Bill 2042 amends the Civil Practice and Remedies Code to authorize an additional judicial remedy of receivership for property declared a common or public nuisance.

HOUSE BILL 2085 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

House Bill 2085 amends provisions of the Civil Practice and Remedies Code relating to the liability of private and governmental owners of agricultural land used for recreation. It limits private landowner liability to monetary damages not to exceed $500,000 for each person and $1,000,000 for each single occurrence of bodily injury or death and $100,000 for each single occurrence for injury to or destruction of property when liability insurance for these amounts are in effect. The act further provides that a governmental entity will be treated as a private landowner for purposes of liability for injuries that occur on agricultural lands used for recreation.

HOUSE BILL 2268 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 2268 amends the Property Code by replacing the Texas Uniform Gift to Minors Act with the Texas Uniform Transfer to Minors Act. The act authorizes the transfer of property to minors from estates or through gifts by way of a custodian and outlines the procedure for such transfers. The act defines a minor as an individual who is younger than 21 years of age. However, an 18-year-old may be considered an adult for the purposes of an irrevocable transfer of property by a legal representative or trustee to another custodian or trust company or for the transfer of property held in satisfaction of a debt. The act also outlines the duties, obligations, and liabilities of a custodian who holds property for the benefit of a minor.

HOUSE BILL 2330 **HOUSE AUTHOR:** Moffat
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** C. Harris

House Bill 2330 amends the Civil Practice and Remedies Code to extend the statute of limitations for persons seeking civil damages for personal injury or death from two to five years if the injury or death is the result of sexual assault or aggravated sexual assault.

HOUSE BILL 2370 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95* **SENATE SPONSOR:** Cain

House Bill 2370 amends provisions of the Civil Practice and Remedies Code relating to the revival of judgments by deleting the 12-month period to execute a judgment. This deletion conforms this section of the code to another section relating to execution on dormant judgments. The act also changes the time limit to revive a judgment by an action of debt from not later than 10 years to not later than the second anniversary of the date that the judgment becomes dormant.

*This bill would apply only to an action to revive a judgment brought on or after December 1, 1996.

HOUSE BILL 2603 **HOUSE AUTHOR:** Kubiak, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister, Ratliff

House Bill 2603 amends the Civil Practice and Remedies Code by adding volunteer fire departments to the definition of governmental unit. The act limits a volunteer fire department's liability to money damages in a maximum amount of $100,000 for each person, $300,000 for each single occurrence for bodily injury or death, and $100,000 for each single occurrence for injury to or destruction of property.

SENATE BILL 25 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Junell

Senate Bill 25 amends the Civil Practice and Remedies Code to cap the amount of exemplary damages that may be awarded in tort cases to two times the award of economic damages, plus an amount equal to any noneconomic damages, up to $750,000, or a total award of $200,000, whichever is greater. This act further limits the award of exemplary damages to those acts in which the defendant acted with fraud or malice or committed a wilful act or omission or gross negligence in a wrongful death action. Exemptions from the new limits are created for certain listed criminal acts.

The act raises the level of proof required for awarding punitive damages to clear and convincing evidence. This standard requires the plaintiff to offer evidence that produces in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations. The act also formalizes the bifurcated trial system and sets out clear jury instructions on what should be considered in determining culpability and awarding damages. The first phase of the trial involves the establishment of culpability by a preponderance of the evidence. The second phase of the trial assesses the amount of damages to be awarded.

The act states that a defendant is only subject to exemplary damages for a criminal act in the listed and limited circumstances where the defendant or the defendant's employee has some criminal culpability.

SENATE BILL 28 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Junell

Senate Bill 28 amends the Civil Practice and Remedies Code to limit claimants' recoveries based on their proportionate responsibility for the harm incurred. If a claimant is more than 50 percent responsible for the harm, a claimant may not recover damages. In a suit with multiple parties the claimant may recover from each defendant a percentage of the damages equal to the defendant's percentage of responsibility. However, each liable defendant is jointly and severally liable for the damages recoverable by the claimant if the percentage of responsibility attributed to the defendant is greater than 50 percent. In cases involving a toxic tort or the release, deposit, or discharge into the environment of any hazardous or harmful substance each defendant is jointly and severally liable for the damages recoverable by a claimant if the percentage of responsibility attributed to the defendant is greater than 15 percent. The act provides that a defendant is allowed to join a responsible third party who has not been joined by a claimant.

Senate Bill 28 amends the Civil Practice and Remedies Code by adding a new Chapter 95 limiting the liability of a property owner for personal injury, death, or property damage to a contractor, subcontractor, or an employee of a contractor or subcontractor who constructs, repairs, renovates, or modifies an improvement to real property. However, a property owner may be held liable for personal injury, death, or property damage to a contractor, subcontractor,

or the contractor's or subcontractor's employee if the property owner exercises or retains some control over the manner in which the work is performed and has actual knowledge of the danger or condition resulting in the injury or damage. The act authorizes the admission of workers' compensation benefits in a trial for damages and requires the judge to deduct the amount of workers' compensation benefits from the damages awarded unless the workers' compensation carrier's subrogation rights have been waived.

SENATE BILL 31 **SENATE AUTHOR:** Lucio, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 31 amends the Civil Practice and Remedies Code to provide that the signing of a pleading or motion is a certification by the signatory, after reasonable inquiry, that to the best of signatory's knowledge, information, and belief the pleading or motion is not being presented for any improper purposes, including harassment, unnecessary delay, or increasing costs, each claim or defense has legal merit, and each factual allegation, contention, or denial has evidentiary support or is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. The act authorizes a court to award a party seeking sanctions reasonable expenses and attorney's fees. If it is shown that a signatory failed to exercise due diligence, the court may award the prevailing party all costs for inconvenience, harassment, and out-of-pocket expenses incurred or caused by the subject litigation.

In addition, the act authorizes the court to impose sanctions on the person who signed the pleading or motion, a party represented by the person, or both. The sanctions may include a directive to the violator to perform or refrain from performing some act, an order to pay a penalty into the court, and an order to pay reasonable expenses, including attorney's fees, to the other party.

SENATE BILL 32 **SENATE AUTHOR:** Montford, et al.
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Duncan

Senate Bill 32 amends the current general venue statute to provide that proper venue may be in the county in which a substantial part of the events or omissions giving rise to the claim occurred, in the county of the defendant's residence at the time the cause of action accrued, in the county of the defendant's principal office, or, if none of the above apply, in the county of the plaintiff's residence at the time the cause of action accrued. The act provides for a permissive transfer of venue for the convenience of the parties and witnesses and in the interest of justice from a county of proper venue to any other county of proper venue on the timely motion of a defendant. This act amends venue provisions governing suits involving multiple parties, multiple plaintiffs, multiple defendants, and multiple claims. In addition, this act amends venue provisions relating to damages to real property, landlord-tenant disputes, Federal Employers' Liability Act or Jones Act claims, insurance claims, manufacturers' breach of warranty claims, counterclaims, cross-claims, and third-party claims. A party is allowed to apply for a writ of mandamus with an appellate court to enforce mandatory venue provisions. Finally, this act provides for venue for an action under the Deceptive Trade Practices—Consumer Protection Act and related insurance provisions.

SENATE BILL 172 **SENATE AUTHOR:** G. Luna
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Puente

Senate Bill 172 amends the Durable Power of Attorney Act to require an attorney in fact or an agent of a principal empowered to act under a durable power of attorney to maintain and make accessible records of all transactions made on behalf of the principals the attorney or agent represents. The act requires the attorney in fact or agent to maintain the records for at least four years after the durable power of attorney expires or is revoked by the principal.

SENATE BILL 284 **SENATE AUTHOR:** Brown, Moncrief
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Moffat

Senate Bill 284 amends the Code of Criminal Procedure to authorize a peace officer to provide standby assistance to a victim of family violence. The act provides that the officer is not civilly or criminally liable for an act or omission that arises in connection with providing assistance or the wrongful appropriation of any personal property of the victim.

SENATE BILL 400 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Shields

Pursuant to the doctrine of forum non conveniens, prior law prohibited a court from dismissing a suit for personal injury or death caused by a means of air transportation operated, designed, manufactured, sold, maintained, inspected, or repaired in this state. Senate Bill 400 amends the Civil Practice and Remedies Code to prohibit the dismissal of such cases caused by a means of air transportation operated in this state and removes references to "designed," "manufactured," "sold," "maintained," "inspected," and "repaired."

SENATE BILL 524 **SENATE AUTHOR:** Lucio
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Oliveira

Senate Bill 524 amends the Charitable Immunity and Liability Act of 1987 to add a private primary or secondary nonprofit boarding school offering a curriculum in conjunction with the United States Marine Corps Junior Reserve Officer Training Corps to the definition of a charitable organization eligible for civil liability protection under the act.

SENATE BILL 913 **SENATE AUTHOR:** Lucio
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 913 amends the Health and Safety Code to prohibit a care-giving institution from retaliating or discriminating against a resident if a person, the resident, or the resident's guardian reports abuse or neglect. The act requires a resident who seeks relief to report an alleged abuse or neglect incident within 180 days after the date the abuse or neglect occurred or was discovered by the resident through reasonable diligence. This act authorizes the resident to bring suit in the district court of the county in which the institution is located or in Travis County for injunctive relief, actual damages, exemplary damages, court costs, and reasonable attorney's fees.

SENATE BILL 1439 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1439 nonsubstantively codifies the Texas General Arbitration Act from Title 10, Revised Statutes, to Chapters 171 and 172, Title 7, Civil Practice and Remedies Code.

CORRECTIONS

HOUSE BILL 253 **HOUSE AUTHOR:** Alvarado
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 253 amends the Code of Criminal Procedure to require the institutional division of the Texas Department of Criminal Justice to provide certain documents, including arrest records and psychiatric evaluations, to the pardons and paroles division immediately upon an offender's release to parole or mandatory supervision. In turn, the pardons and paroles division is required to supply a comprehensive summary of the information contained in these documents to the appointed parole officer within 14 days of release. The summary must include a current photograph and fingerprints of the offender, which, upon request, are to be filed with the sheriff of the county in which the offender is released.

HOUSE BILL 269 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sims

House Bill 269 amends the Code of Criminal Procedure to provide for the elimination of redundant reporting within the criminal justice information system. The Texas Department of Criminal Justice is required to analyze existing reporting requirements and to report to the legislature by December 1, 1996, on means of improving the method of reporting. All state criminal justice agencies are required to cooperate in this streamlining procedure.

HOUSE BILL 949 **HOUSE AUTHOR:** Hightower, et al.
EFFECTIVE: 6-5-95 **SENATE SPONSOR:** J. Turner

House Bill 949 amends state law relating to corrections to restrict access to personal information concerning employees of Texas correctional facilities. The act allows state governmental bodies to refuse an open records law request submitted by a person incarcerated in a Texas correctional facility and limits discovery of personal information on correctional officers by an incarcerated individual. However, such discovery would be allowed if a court finds good cause for the action.

In addition, the act classifies certain uses of personal information obtained through work programs by persons serving in the institutional division or a state jail felony facility as a third degree felony. Persons convicted under this act would be prohibited from working in "information sensitive" areas and inmates of the institutional division could have their accrued good time forfeited.

HOUSE BILL 1180 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** R. West

House Bill 1180 directs workforce development centers to provide services for released felons and instructs several state agencies to adopt memoranda of understanding to establish respective responsibilities in developing employment programs for released felons. Further, Project Rio, a Texas Employment Commission program for reintegrating released felons into the workplace, is required to provide released felons and their potential employers with jobs-related information, the smart jobs fund is specifically directed to give priority to released felons, and certain state agencies are given the responsibility of assisting community supervision and corrections departments with the development of educational and vocational assessment and enhancement programs.

HOUSE BILL 1433 **HOUSE AUTHOR**: Hamric, et al.
EFFECTIVE: 9-1-96 **SENATE SPONSOR**: Brown

House Bill 1433 amends the Code of Criminal Procedure to substantially revise the eligibility standards for release to mandatory supervision. Mandatory supervision release is denied to inmates who are serving sentences for certain offenses specifically enumerated in the code. The act extends the denial of release to mandatory supervision to include all inmates who have been previously convicted of such offenses and adds assault of a disabled individual to this list.

Parole panels are granted the authority to deny the release of any inmate to mandatory supervision if they determine that accrued good time does not accurately reflect the inmate's potential for rehabilitation and that the inmate's release would endanger the public. A determination of a parole panel is not subject to administrative or judicial review, except that the case must be reconsidered at least twice during the two years following the determination.

HOUSE BILL 1567 **HOUSE AUTHOR**: Gray
EFFECTIVE: 6-8-95 **SENATE SPONSOR**: Bivins

House Bill 1567 extends the duties and powers of the correctional managed health care advisory committee. Meeting quarterly every calendar year, the committee is charged with developing a managed health care plan for all persons confined by the Texas Department of Criminal Justice. To accomplish this goal, the committee may contract with outside providers and recommend new sites for medical facilities, and the University of Texas Medical Branch at Galveston and the Texas Tech Health Sciences Center may extend to Texas Department of Criminal Justice personnel certain benefits that are comparable to those offered by the department.

HOUSE BILL 2162 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 2162 amends the governing statutes for the Texas Department of Criminal Justice to delete obsolete provisions and shifts certain powers and duties from specified divisions of the department to the department generally. The act continues the authority of the department to house certain inmates who are awaiting transfer to the institutional division in state jail facilities. The act requires that department contracts with private vendors for operation of a correctional facility be cost-effective and grants the department flexibility in the procurement of facilities. The act also requires the department to review these contracts and provide a copy of the review to the Legislative Criminal Justice Board. The department is authorized to transfer a correctional facility to another state agency; the institutional division is authorized to use surplus agricultural lands to provide agricultural products to a nonprofit organization; and each inmate is required to work, if capable. The department is authorized to use the labor of state jail felons in certain programs or projects. Eligibility for pre-parolee transfer status is increased from 180 days to one year before the presumptive parole date, and eligibility for pre-parolee transfer status is expanded to include inmates who have been denied parole but are one year from mandatory release. Liability for destruction of state property is extended to include inmates in transfer facilities and state jails, and an inmate is required to exhaust all administrative procedures before seeking judicial review. The authority of the department to grant furloughs from prison is restricted, while the state jail division is authorized to grant furloughs for a wider variety of reasons. In addition, the act limits the duration of substance abuse treatment programs to one year as well as limiting the number of participants in those programs.

House Bill 2162 also reorganizes that part of the parole law in the Code of Criminal Procedure that specifies the conditions of release on parole that a parole panel may impose and that part that imposes supervision fees. The act creates a parolee restitution fund to receive and disburse restitution payments made by parolees.

The department is authorized to release otherwise confidential information to certain public and private entities for a law enforcement, correctional, or treatment purpose. The list of offenses for which a defendant is ineligible for placement in a substance abuse felony punishment facility is amended to include attempted sex offenses and to exclude the offense of harboring a runaway child. A revised funding formula is devised for community corrections programs. The act also contains a sunset provision for the Board of Pardons and Paroles, which requires sunset review for the board during the 75th Regular Session.

In addition, House Bill 2162 amends the Civil Practice and Remedies Code to establish that the department is liable for property damage, personal injury, and death caused by an inmate under certain conditions. The act also amends the Labor Code to include persons sentenced to a state jail felony facility within the scope of the Project Rio program.

HOUSE BILL 2278 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 6-5-95 **SENATE SPONSOR:** Montford

House Bill 2278 amends the Government Code to authorize the Texas Department of Criminal Justice to transfer correctional facilities to another state agency and to allow the receiving agency to subsequently transfer facilities back to the department. This action would involve the transfer of title to or lease of the facility and its appurtenances and would require the approval of the board and governing body of the agency that is to receive the facility.

The act further allows for the transfer of the south campus of the Vernon State Hospital to the Texas Youth Commission.

SENATE BILL 44 **SENATE AUTHOR**: Shapiro
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Combs, Seidlits

Senate Bill 44 amends the Government Code to revise procedures concerning the award and revocation of good conduct time to inmates imprisoned in facilities operated by or under contract with the institutional division of the Texas Department of Criminal Justice. This legislation stipulates that a state prisoner confined in a county jail accrues good time at the same rate as an inmate in the entry level time earning class and that good time forfeited for revocation of parole or violation of a rule of the institutional division may not be restored. Further, the act transfers the authority to grant and revoke good time from the director of the institutional division to the department, and it requires the board of the department to annually review the institutional division's policies relating to the award of good time.

SENATE BILL 46 **SENATE AUTHOR**: Shapiro, Sims
EFFECTIVE: 5-29-95 **HOUSE SPONSOR**: Allen

Senate Bill 46 amends the Code of Criminal Procedure to provide procedures for notifying a victim, a victim's guardian, or a family member of the escape of a convict. If a convict escapes and the victim or the victim's guardian or close relative has provided the institutional division with the necessary information, the division is required to make a reasonable attempt to give notice of the escape by calling the last known telephone number or writing the last known address as provided by the division's records.

SENATE BILL 48 **SENATE AUTHOR**: Shapiro, Sims
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Allen, et al.

Senate Bill 48 amends the Code of Criminal Procedure to permit a victim or a victim's guardian or close relative to appear in person and to make a statement before the Board of Pardons and Paroles when the board meets to consider a case involving the victim. Only one of these persons may appear before the board. The victim must be informed of this right no later than 10 days after an indictment or information is returned against the defendant.

SENATE BILL 279 **SENATE AUTHOR**: Brown, et al.
EFFECTIVE: 5-16-95 **HOUSE SPONSOR**: Junell

Senate Bill 279 amends the Government Code and the Code of Criminal Procedure to establish a system for identifying illegal criminal aliens and deporting them once their sentences have been served. In determining the nationality of an inmate, the Texas Department of Criminal Justice may refer to criminal history record information and request the assistance of the United States Immigration and Naturalization Service. Once an inmate is determined to be an illegal criminal alien, the department must notify the criminal justice division of the governor's office so that federal funds may be sought to cover the costs of incarceration. The department also is required to notify the Immigration and Naturalization Service and is further required to cooperate with the Immigration and Naturalization Service in the development and implementation of an efficient system for deporting illegal criminal aliens who are to be released from secure supervision. In addition, the act requires a presiding judge to notify the Immigration and Naturalization Service of an illegal criminal alien convicted in the judge's court or placed on deferred adjudication for a felony.

SENATE BILL 569 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hightower

Senate Bill 569 amends the Government Code to authorize the Texas Department of Criminal Justice to provide direct hospice services for terminally ill inmates and defendants confined in its facilities. Alternatively, the department may contract with a licensed hospice for such services. The act exempts the department from hospice licensing but requires that the hospice services established by the department meet standards set forth in the Health and Safety Code, except for those standards that conflict with security considerations.

SENATE BILL 1168 **SENATE AUTHOR:** Sims, Shapiro
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Longoria

Senate Bill 1168 repeals provisions of the Local Government Code that specify county jail capacity requirements and inmate segregation requirements and requires the Commission on Jail Standards to adopt new rules relating to these requirements no later than 90 days after the act's effective date.

COURTS—GENERAL

HOUSE BILL 387 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Gallegos

House Bill 387 amends the Government Code to provide justice courts in counties with a population of 2.8 million or more with jurisdiction over suits relating to the enforcement of residential deed restrictions that do not concern structural changes to dwellings. The justice courts have concurrent jurisdiction with the district courts over this subject matter.

HOUSE BILL 436 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** C. Harris

House Bill 436 adds a new subchapter to the Government Code to provide that the governing body of the City of Kennedale 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.

HOUSE BILL 437 **HOUSE AUTHOR:** Brimer, Wohlgemuth
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** C. Harris

House Bill 437 adds a new subchapter to the Government Code to provide that the governing body of the City of Burleson 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.

HOUSE BILL 438 **HOUSE AUTHOR:** Brimer, Goodman
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** C. Harris

House Bill 438 adds a new subchapter to the Government Code to provide that the governing body of the City of Mansfield 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.

HOUSE BILL 654 **HOUSE AUTHOR:** J. Jones
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

This act mandates that sequestered jurors be allowed to vote on election day.

HOUSE BILL 673 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

House Bill 673 amends the Government Code to allow former statutory probate court judges who are not retired to serve as assigned probate judges and receive compensation at the rate of a retired judge serving in the same position. The act also sets eligibility requirements for former or retired judges of statutory probate courts and authorizes their assignment by the presiding judge of the administrative region. In addition, statutory probate court judges are authorized to receive a per diem and reimbursement for actual travel expenses incurred when assigned to a court outside their own district or county.

HOUSE BILL 767 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Bivins

This act changes the beginning of terms of the 142nd Judicial District from the first Monday in March and September to the first Monday in January and July of each year.

HOUSE BILL 768 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 768 amends the Government Code to authorize statutory county court judges and district judges in Midland County to exchange benches and courtrooms with each other and to transfer cases between their dockets on matters of concurrent jurisdiction.

HOUSE BILL 824 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 824 adds a new provision to the Government Code relating to the creation, jurisdiction, and administration of a statutory county court in Matagorda County. The court is created effective January 1, 1998, or on an earlier date determined by the commissioners court. The act also prohibits the county court at law judge in Matagorda County from serving as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

HOUSE BILL 1235 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 5-16-95 **SENATE SPONSOR:** Leedom

House Bill 1235 allows lawyers practicing in statutory probate court in Dallas County to elect one lawyer among them to serve as a special statutory probate judge when a probate judge fails or refuses to hold court. The act also lays out the protocol for holding and recording the election of such special statutory probate judges.

HOUSE BILL 1242 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** C. Harris

House Bill 1242 adds a new subchapter to the Government Code to provide that the governing body of the City of Crowley 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.

HOUSE BILL 1294 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 1294 amends the Government Code to enumerate the duties of a clerk for a justice of the peace court.

HOUSE BILL 1388 **HOUSE AUTHOR:** Saunders, Kamel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** D. Nixon

House Bill 1388 amends the Government Code to eliminate the requirement that names and addresses of the persons summoned to begin jury service be filed with the county clerk.

HOUSE BILL 1481 **HOUSE AUTHOR:** McCall, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 1481 creates County Court at Law No. 4 in Collin County. The court is created effective October 1, 1995, or on an earlier date determined by the commissioners court. The act also prohibits the judge of the newly created County Court at Law No. 4 from sitting as an assigned judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

HOUSE BILL 1523 **HOUSE AUTHOR:** Hawley
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

This act amends the Government Code to include the district attorney for the 156th Judicial District (Aransas, Bee, Live Oak, McMullen, and San Patricio counties) in the Professional Prosecutors Act.

HOUSE BILL 1551 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 8-31-95 **SENATE SPONSOR:** Moncrief

House Bill 1551 transfers rulemaking authority from the supreme court to the court of criminal appeals to provide for judicial training related to family violence, sexual assault, and child abuse. District judges and judges of statutory county courts are required to complete at least eight hours of training on family violence, sexual assault, and child abuse unless an affidavit is filed stating that the judge does not hear cases in these areas of the law. Judges who take office after the effective date of this act must complete the training within their first term of office and judges in office on the effective date of this act must complete the training before beginning another term of office.

HOUSE BILL 1552 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 1552 amends the Government Code section that governs the assignment of cases in the 49th Judicial District by removing criminal cases from the random assignment method used by the district clerk in Webb County. The act also sets percentages for the number of civil cases to be assigned by the district clerk of Webb County to the 49th District Court, the 111th District Court, and the 341st District Court.

HOUSE BILL 1642 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Ratliff

Under previous law, the County Court at Law of Hopkins County was to expire on December 31, 1996. House Bill 1642 removes the court's expiration date and amends provisions relating to the jurisdiction and administration of the court. The act also removes a minimum salary guideline for the judge of a county court at law.

HOUSE BILL 1648 **HOUSE AUTHOR**: Place
EFFECTIVE: 9-1-95 **SENATE SPONSOR**: Brown

House Bill 1648 clarifies that justice of the peace courts have original jurisdiction in criminal cases punishable by fine only or by both fine and rehabilitative or remedial sanction.

The act also clarifies the exclusive original jurisdiction of municipal courts of record.

HOUSE BILL 1737 **HOUSE AUTHOR:** Cook
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Gallegos

This act amends the Government Code to include the district attorney for the 259th Judicial District (Jones and Shackelford counties) in the Professional Prosecutors Act.

HOUSE BILL 1856 **HOUSE AUTHOR:** Dear
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

House Bill 1856 adds a new subchapter to the Government Code to authorize the governing body of the City of White Settlement to create municipal courts of record by ordinance. The act includes provisions relating to the administration, powers and duties, and personnel of a municipal court of record.

HOUSE BILL 1966 **HOUSE AUTHOR:** Moffat
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1966 amends provisions of the Code of Criminal Procedure that relate to corporation courts or municipal courts to allow for the use of optical imaging and other electronic technology as a means for creating court seals and records. The act would allow for a printed copy of an optical image of the original, as well as other court documents produced by optical imaging, to be deemed an accurate copy of the original record. The act also amends provisions of the Business & Commerce Code to allow for the creation or reproduction of business records required to be kept by state law by digitized optical imaging technology.

HOUSE BILL 2020 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 2020 repeals Section 25.1902(h) of the Government Code, which relates to the salary received by a judge of a county court at law in Potter County.

HOUSE BILL 2028 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 5-16-95 **SENATE SPONSOR:** Henderson

This act amends the Health and Safety Code to exclude probable cause masters appointed under the Texas Mental Health Code from the prohibition against practicing law in the court that appointed them.

HOUSE BILL 2093 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 2093 amends the Health and Safety Code to allow judges with probate jurisdiction to accept applications for mental health and substance abuse warrants. This act provides that a judge with probate jurisdiction may, by an administrative order, either personally accept or allow a member of the court staff to accept an application to detain a person pursuant to a mental health or substance abuse warrant. The act also requires that in areas with more than one court with probate jurisdiction the courts must jointly issue administrative orders regarding presentation of an application for a warrant.

HOUSE BILL 2096 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Henderson

This act allows the presiding judge in Harris County to appoint a former judge of a county court, statutory county court, or district court as a temporary justice of the peace. Previous law required the appointee to have been a justice of the peace.

HOUSE BILL 2098 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

This act allows a justice of the peace to order the sheriff or constable to immediately summon a jury panel if a jury case is pending and the court does not have a sufficient number of prospective jurors. This act applies only to those counties with a population of more than 2.8 million.

HOUSE BILL 2373 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

The Texas Constitution requires the Judicial Districts Board to make a statewide reapportionment of district courts after the legislative session if the legislature has not done so by then. House Bill 2373 requires the supreme court to submit its recommendations on the number and allocation of appellate courts to the regular session of the legislature convening in the third year following the federal decennial census, rather than biennially.

HOUSE BILL 2398 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

House Bill 2398 amends the Government Code to provide for the collection of fees for filing a third-party petition and preindictment writ of habeas corpus in the supreme court. The act also eliminates fees charged by the supreme court for additional copies of a process not otherwise provided for, when requested at the time a suit or action is filed.

In addition, this act updates the fee schedule of district courts by increasing the fee for issuing a subpoena and eliminating fees for additional copies, certifying a fact contained in the record, issuing depositions, and issuing certified interrogatories. The act also adds a fee for noncertified copies.

House Bill 2398 eliminates fees the district clerk collects for comparing documents and certifying instruments.

This act authorizes all counties to collect a jury fee from the party requesting a jury trial.

HOUSE BILL 2463 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 2463 amends the Code of Criminal Procedure and the Government Code to require that a special judge take an oath of office before presiding. The act also requires the clerk of the court to record in the minutes certain information regarding the selection of a special judge.

HOUSE BILL 2574 **HOUSE AUTHOR:** Uher, Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

Under previous law, Wharton and Matagorda counties were both served by the district attorney for the 23rd Judicial District. House Bill 2574 amends the Government Code to remove Wharton County from the 23rd Judicial District and to create a new office of district attorney for Wharton County in the 329th Judicial District. The act also defines additional jurisdiction for the district attorney of the 23rd Judicial District and revises the duties of the county attorney of Matagorda County. Each of these attorneys is subject to the professional prosecutors law.

HOUSE BILL 2673 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Henderson

House Bill 2673 amends the Government Code to direct the comptroller to credit a county $30 of each fee, instead of half of the fees, deposited in the judicial fund by that county for cases assigned to the statutory county courts. The act also raises the statutory county court filing fee to $30 for civil cases and raises the court cost to $15 for criminal cases.

HOUSE BILL 2725 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 2725 amends provisions of the Local Government Code relating to the Wichita County criminal district attorney's office, which prosecutes both in-county and out-of-county mental health matters. The act allows the office to be reimbursed by other counties for the cost of prosecuting mental health cases involving out-of-county residents.

HOUSE BILL 2781 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Turner

House Bill 2781 amends the Government Code to authorize the appointment of bailiffs by the judges of the 12th, 258th, and 278th district courts. The act provides that the salary of the bailiffs be set by the judge with the approval of the commissioners courts of each of the districts' counties and paid out of the general fund of each county.

HOUSE BILL 2951 **HOUSE AUTHOR:** Kamel, Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** D. Nixon

House Bill 2951 amends the Code of Criminal Procedure to authorize the use of a mechanical or electronic method of jury selection for a special venire in a capital case.

HOUSE BILL 2987 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: Vetoed **SENATE SPONSOR:** Brown

This act amends Government Code provisions relating to the practice of law to prohibit the Texas Supreme Court from adopting a rule that interferes with an attorney's ability to contract freely to provide legal services for compensation. Moreover, the court may not discourage competition among attorneys to provide legal services at reasonable fees.

HOUSE BILL 3073 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 3073 amends the Government Code to authorize a court of appeals to issue writs of mandamus against a district judge who is acting as a magistrate at a court of inquiry and against a judge of a district or county court in the appellate district.

HOUSE BILL 3168 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

This act amends the Government Code to allow Webb County statutory county court judges to participate in a meeting held by the district judges to determine the number of prospective jurors that are necessary for each week of the year. The act also authorizes the designation of a county court at law judge as the judge to whom general jury panels report.

HOUSE BILL 3188 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 3188 amends the Government Code to change the jurisdiction of the county courts at law in Midland County to include civil cases with an amount in controversy greater than $500 and less than or equal to $500,000. The act authorizes county court at law and district court judges to exchange benches, courtrooms, and cases in matters in which they have concurrent jurisdiction. The act also changes the minimum compensation requirement for salaries paid to county court at law judges and court personnel.

HOUSE BILL 3197 **HOUSE AUTHOR:** Zbranek
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Galloway

House Bill 3197 amends the Government Code to authorize the use of electronic recording devices instead of a court reporter to record criminal proceedings in the Liberty County Court at Law. A defendant may request the use of a court reporter rather than an electronic recording device by filing a written motion with the court not later than 10 days prior to trial.

HOUSE BILL 3214 **HOUSE AUTHOR:** Hawley
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 3214 amends the Government Code to create a statutory county court in Bee County. The act gives the court concurrent jurisdiction with the district court in family law and criminal cases and concurrent jurisdiction with the justice courts in all criminal matters. The County Court at Law of Bee County is created on January 1, 1998, or on an earlier date determined by the commissioners court. The act prohibits the judge of the newly created county court at law from serving as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

HOUSE BILL 3222 **HOUSE AUTHOR:** Dear
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Moncrief

House Bill 3222 amends the Government Code to authorize the creation of municipal courts of record in the City of River Oaks. The governing body of the city is authorized to establish the courts by city ordinance. The act includes provisions relating to the administration, powers and duties, and personnel of the courts.

HOUSE BILL 3227 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

House Bill 3227 amends the Government Code to create the County Court at Law No. 2 of Tom Green County. The act prohibits a judge of this court from serving as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County. The court is created on January 1, 1997, or on an earlier date determined by the commissioners court.

HOUSE BILL 3235 **HOUSE AUTHOR:** Hightower
EFFECTIVE: See below **SENATE SPONSOR:** J. Turner

House Bill 3235 amends the Government Code to create as of September 1, 1995, the 392nd Judicial District composed of Henderson County, the 411th Judicial District composed of Polk, San Jacinto, and Trinity counties, the 378th Judicial District composed of Ellis County, the 381st Judicial District composed of Starr County, the 382nd Judicial District composed of Rockwall County, and the 394th Judicial District composed of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties. The 380th Judicial District composed of Collin County is

created effective September 1, 1996. The sections of the act providing for the creation of the 383rd and 384th judicial districts, both of which are composed of El Paso County, must be submitted to the U.S. Justice Department for preclearance under the federal Voting Rights Act of 1965 and become inoperative if the justice department files a timely objection to their content. Judges of all of the newly created judicial districts are prohibited from serving as visiting judges in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

The act removes Polk and San Jacinto counties from the 9th Judicial District, amends the terms of the 9th District Court in Montgomery County, renames the Second 9th Judicial District as the 410th Judicial District, and removes Polk, San Jacinto, and Trinity counties from the 410th Judicial District. The district attorney of the 258th Judicial District is required to act in that capacity for the 411th Judicial District in Trinity County, and the criminal district attorneys of Polk and San Jacinto counties are required to represent the state in all criminal matters before the 411th district courts of their respective counties. The act repeals those sections of the Government Code that specify a maximum supplemental salary that may be paid to a district court judge having jurisdiction in San Jacinto, Trinity, or Waller counties from all counties that comprise a part of a judicial district consisting of not less than four counties, of which two of those counties have two or more district courts.

Rockwall County is removed from the 354th Judicial District, Culberson and Hudspeth counties are removed from the 34th Judicial District and the 210th Judicial District, Brewster, Jeff Davis, and Presidio counties are removed from the 83rd Judicial District, and the 83rd and 112th district courts are given concurrent jurisdiction in Reagan County. Those changes made to the Government Code affecting the 83rd Judicial District and 83rd and 112th district courts must be submitted to the U.S. Justice Department for preclearance under the federal Voting Rights Act. The act further requires the district attorney for the 34th Judicial District to act in that capacity for the 394th Judicial District in Culberson and Hudspeth counties and the district attorney for the 83rd Judicial District to act as district attorney for the 394th Judicial District in Brewster, Jeff Davis, and Presidio counties.

The act amends the Government Code to require the voters of Grimes County to elect a district attorney for the 278th Judicial District, rather than the 12th Judicial District, and specifies the terms, powers, and duties of that office and the office of the county attorney of Grimes County. Finally, the district attorneys for the 24th and 278th judicial districts are made subject to the professional prosecutors law.

SENATE BILL 80 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 5-29-95 **HOUSE SPONSOR:** Madden

Senate Bill 80 amends the Government Code to require that judges and certain law enforcement professionals receive training in issues concerning sex offender characteristics. These training requirements apply to nonexempt judges in office on December 31, 1995, who must complete the training by August 31, 1998, and persons who are law enforcement officers on September 1, 1995, who must complete the first set of courses before September 1, 1997. The act also requires the Commission on Law Enforcement Officer Standards and Education to establish new courses and programs offering training on issues concerning sex offender characteristics not later than January 1, 1996, and limits the courses to 40 hours, with no more than 20 hours of instruction on topics selected by the agency. A law enforcement officer may be exempted from the sex offender training requirement if the agency head determines it is inconsistent with the officer's assigned duties.

SENATE BILL 165 **SENATE AUTHOR:** Leedom, R. West
EFFECTIVE: 4-12-95 **HOUSE SPONSOR:** Hudson, Davis

A former or retired judge may be appointed as a visiting judge provided that the judge files a certification of willingness not to appear and plead as an attorney in any state court for two years. Under previous law, the judge was required to file the certification within 90 days of leaving office. This act deletes the time requirement for the certification to be filed.

SENATE BILL 240 **SENATE AUTHOR:** Nelson, Sibley
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Denny

Senate Bill 240 amends the Government Code to create a new statutory county criminal court in Denton County, to change County Court at Law No. 2 of Denton County to a county criminal court, and to change County Court at Law No. 3 of Denton County to a statutory probate court. It adds new provisions relating to the jurisdiction and administration of the Denton county courts.

This act prohibits a judge of a county criminal court in Denton County from serving as an assigned judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SENATE BILL 264 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 264 amends the Government Code to require that a deaf or hard of hearing person who serves on a petit jury be reasonably accommodated in accordance with the Americans with Disabilities Act. The act requires that the county provide and pay the cost of an interpreter for a deaf or hard of hearing person serving as a juror in a district, county, or justice court. The act authorizes an interpreter assisting a deaf or hard of hearing person to accompany that person during all the proceedings. The act further requires a city to provide and pay for an auxiliary aid or service for a municipal court hearing on the request of a deaf or hard of hearing person unless the city demonstrates that another effective means of communication exists. This act also redefines "deaf or hard of hearing."

SENATE BILL 346 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Thompson

Senate Bill 346 amends the Government Code to require persons responsible for summoning prospective jurors to provide a form letter to each prospective juror that when signed would direct the county treasurer to donate all or part of the juror's reimbursement for jury service to the compensation to victims of crime fund.

The act directs the attorney general to adopt rules, not later than December 1, 1995, prescribing procedures to be followed by the county and state treasurer in collecting juror donations and makes the application of the law effective for summons made on or after January 1, 1996.

SENATE BILL 349 **SENATE AUTHOR**: Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR**: J. Nixon, Thompson

Senate Bill 349 amends the Code of Criminal Procedure and the Local Government Code to provide a definition for conviction in certain courts and to change or add certain fees.

The act provides that in a county court, county court at law, district court, and municipal court a person is considered convicted if a sentence is imposed, community supervision is ordered, or adjudication or final disposition is deferred. It authorizes the creation of municipal

court building security funds and the imposition of municipal court security fees. It stipulates that a clerk may issue a copy only if a request is made and the appropriate fee is paid. Fees are required to be in accordance with schedules found in the Government Code and the Local Government Code and the fee for the clerk's certificate for certified papers is raised from $1 to $5. County clerks are authorized to waive or reduce fees for issuing noncertified copies of certain documents.

SENATE BILL 375 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Grusendorf

Senate Bill 375 amends the Government Code to authorize the creation of municipal courts of record in the City of Pantego. The governing body of the city is authorized to establish the courts by city ordinance. The act includes provisions relating to the administration, powers and duties, and personnel of the court.

SENATE BILL 691 **SENATE AUTHOR:** R. West
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Gallego

Senate Bill 691 amends the Government Code to grant a county commissioners court the authority to appoint a resident of the county to fill the office of a constitutional county judge who has been suspended by the State Commission on Judicial Conduct. The acting judge would serve until the expiration of the term of office or the suspension of the regular judge ends, whichever occurs first. The act requires the commissioners court to compensate the acting judge at the same rate as the regular judge.

SENATE BILL 701 **SENATE AUTHOR:** R. West
EFFECTIVE: 5-23-95 **HOUSE SPONSOR:** Goodman, Allen

Senate Bill 701 adds a new subchapter to the Government Code to provide that the governing body of the City of Grand Prairie may create municipal courts of record by ordinance. The act requires that appointments to the office of municipal judge and chief judge be made from a list of nominees filed with the city manager by the Grand Prairie Municipal Court Nominations Advisory Committee. The act identifies organizations comprising the committee and requires the City of Grand Prairie to provide facilities and support staff to the committee.

SENATE BILL 717 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Coleman

Senate Bill 717 amends the Local Government Code to authorize the county judge in a county with more than 1,000,000 residents to delegate to another county official or employee the ability to sign certain official county documents on behalf of the county judge. The judge must file the designation order with the commissioners court and may revoke or transfer this delegated authority at any time.

SENATE BILL 753 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Hartnett

Senate Bill 753 adds a new subchapter to the Government Code to provide that the governing body of the City of Irving 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 780 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gutierrez

Senate Bill 780 amends the Government Code by adding the recusal or absence of a justice of the peace as an event for which a county judge may appoint a qualified person to act as temporary justice. The act gives a temporary justice of the peace the rights and powers of the justice of the peace exclusive of the ability to make personnel decisions or significant changes in the justice of the peace's office. A qualified person is defined as a person who has served as a justice of the peace for at least 4½ years and who has not been convicted of a crime of moral turpitude. The act allows the county judge to appoint a qualified voter if no eligible experienced candidate agrees to serve.

SENATE BILL 886 **SENATE AUTHOR**: Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Place

Senate Bill 886 amends the Code of Criminal Procedure to increase from 2 days to 30 days the maximum allowable period between adjournment and the impaneling of a new jury in the event of a mistrial. If the mistrial occurs in a justice court or municipal court, the case may be tried again as soon as practicable.

SENATE BILL 918 **SENATE AUTHOR**: Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Shields

Senate Bill 918 amends the Code of Criminal Procedure to revise procedures concerning the appeal of a case from a justice or municipal court. Under this legislation, an appeal from a justice or municipal court is perfected only if an appeal bond is filed with the trial judge no later than the 10th day after the judgment was entered. In the event that the bond is not timely filed, the appeal court does not have jurisdiction over the case and is further required to remand the case to the trial court for execution of sentence. A court conducting a trial de novo based on an appeal from a justice or municipal court is prohibited from dismissing the case because of a defect in the complaint, and an attorney representing the state is authorized to amend a defective complaint before the trial de novo begins. Senate Bill 918 also requires the clerk of a justice court to record the date that a justice enters a judgment on a docket.

SENATE BILL 938 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** V. Luna

Senate Bill 938 amends the Government Code to require that the terms of the 319th District Court begin on the first Monday in April and October.

SENATE BILL 1060 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** R. Lewis

Senate Bill 1060 amends the Code of Criminal Procedure and the Civil Practice and Remedies Code. Under the act, a person who requests a jury trial in a justice or municipal court and who then fails to appear for the trial may be required to pay the costs incurred for impaneling a jury. The court may hold the person in contempt for failure to pay the costs. The court may also choose, with good cause, not to assess costs.

The act also requires a defendant in a justice court to pay a jury fee if the defendant requests a jury trial and fails to withdraw the request in a timely manner, if the defendant is convicted or disposition of the case is deferred.

SENATE BILL 1061 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1061 amends the Government Code to add statutory county court and statutory probate court judges to the list of judges to whom the supreme court may issue writs of procedendo, certiorari, quo warranto, and mandamus.

SENATE BILL 1062 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1062 amends the Government Code to provide that in the absence of the chief justice of the supreme court, the justice with the most seniority on the court may sign a court document for the chief justice if the chief justice has given that justice written authorization.

SENATE BILL 1197 **SENATE AUTHOR**: Sims, Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Counts, Combs

Senate Bill 1197 amends the Code of Criminal Procedure and the Government Code to establish uniform procedures for the appointment of a special judge when the regular judge of a county court at law, statutory county court, statutory probate court, or constitutional county court is absent, disabled, or disqualified.

SENATE BILL 1338 **SENATE AUTHOR:** Moncrief, R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Thompson

Senate Bill 1338 amends the Government Code to authorize the court of criminal appeals to adopt rules for the administration of programs relating to education and training for attorneys, judges, court personnel, and justices of the peace. These rules may include the requirements that an entity receiving funds from the judicial and court personnel training fund provide legislatively required training and that funds be awarded pursuant to qualitative information about an entity's programs or services and a program's ability to meet financial performance standards. The act requires the court of criminal appeals to monitor both the financial and programmatic performance of entities receiving grants from the fund.

SENATE BILL 1379 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gallego

Senate Bill 1379 authorizes the attorney general's office to provide assistance on the request of a local prosecuting attorney. The act also authorizes the appointment of an assistant attorney general as an assistant prosecutor. In addition, the act appropriates money credited to the attorney general account and the attorney general law enforcement account.

SENATE BILL 1384 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 6-9-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1384 amends the Government Code to authorize the chief justice of the supreme court to report to the governor when one or more justices have recused themselves from hearing a case. The act requires the governor to appoint either an active appellate or district court justice or judge to hear the case.

SENATE BILL 1515 **SENATE AUTHOR:** J. Turner, Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Krusee

Senate Bill 1515 amends the Government Code to change the terms of the three Williamson County district courts from beginning on the first Monday of January, March, May, July, September, and November to beginning only on the first Monday in January and July.

The act also deletes the requirement that the Williamson County district court judges impanel grand juries at specified times.

SENATE BILL 1622 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Black

Senate Bill 1622 creates the County Court at Law No. 3 of Bell County. The county court at law is created January 1, 1999, or on an earlier date determined by the commissioners court. The act prohibits the judge of the newly created court from being assigned as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SENATE BILL 1720 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** T. Hunter

Senate Bill 1720 amends the Government Code to expand the jurisdiction of the county courts at law of Nueces County to enable a district court in Nueces County to transfer certain cases to a county court at law. The act limits the jurisdiction of a county court at law in criminal cases to exclude felony cases and misdemeanors involving official misconduct, unless authorized by other law. The act further denies the county court at law jurisdiction over contested elections, family law cases, and supervision of the commissioners court.

Senate Bill 1720 authorizes the district clerk to serve as clerk of a county court at law in cases that fall within the concurrent jurisdiction of the county court at law and the district court. The act provides that if the district clerk erroneously files, dockets, or assigns a cause or proceeding outside the jurisdiction of the county court at law, the assignment shall be considered a clerical error and corrected by a judgment or order nunc pro tunc. This act grants a county court at law judge the same immunity as a district court judge.

COURTS—GUARDIANSHIP AND PROBATE

HOUSE BILL 1136 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Wentworth

House Bill 1136 amends the Texas Probate Code to address procedures for parental designation of a guardian for a minor child or incapacitated adult child by a will or written declaration and directs the court to give priority to the person designated by the parent. The act includes suggested written forms for designating a guardian.

HOUSE BILL 1195 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Henderson

House Bill 1195 amends the Texas Probate Code to expand the presumption concerning the best interest of a ward to preclude the appointment of a person who has been finally convicted of injury to an elderly individual or to a disabled individual as a guardian.

HOUSE BILL 2029 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-95* **SENATE SPONSOR:** Henderson

House Bill 2029 makes technical corrections to the current guardianship provisions. This act reorganizes sections of the Texas Probate Code so that provisions regarding similar subject matter are grouped together. The act replaces the definition of "incompetent" with the broader definition of "incapacitated person." This act also revises the procedures and requirements for managing the affairs of an incapacitated person.

* Not later than September 1, 1996, a court that has jurisdiction and venue over a guardianship proceeding in which an application to create the guardianship was filed before September 1, 1993, is required to review the guardianship to determine if it should be continued, modified, or terminated.

HOUSE BILL 2401 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 2401 amends provisions of the Texas Probate Code and the Property Code relating to certain estate, guardianship, and trust matters by making minor corrective and clarifying changes. The act amends the Texas Probate Code relating to authorization of emergency intervention for funeral and burial expenses and access to a decedent's personal property located in rental accommodations. It sets out provisions relating to the content and the procedure for the emergency intervention application. The act also provides for limiting the right of a surviving spouse to control deceased burial or cremation.

HOUSE BILL 2866 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Whitmire

House Bill 2866 amends the Texas Probate Code by clarifying the procedures for dealing with claims of creditors in both independent and dependent administrations, providing a way in which the personal representative may facilitate the closing of the estate and eliminating the differences regarding secured claims in dependent and independent administration. The act also changes the language of the amended sections to be gender neutral.

HOUSE BILL 3181 **HOUSE AUTHOR:** Munoz
EFFECTIVE: Vetoed **SENATE SPONSOR:** Lucio

House Bill 3181 amends the Government Code to allow a judge of a county court at law in Hidalgo County to engage in the private practice of law except in a state, county, or municipal court.

CRIMINAL JUSTICE AND PROCEDURE

HOUSE BILL 93 **HOUSE AUTHOR:** Kamel, Hartnett
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 93 amends the Penal Code to provide that the sentences for the offense for intoxication manslaughter may run consecutively if more than one offense arises out of the same criminal episode. Previous law required the offenses to run concurrently.

HOUSE BILL 94 **HOUSE AUTHOR:** Kamel, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 94 extends the justification for use of deadly force in defense of a person by eliminating the duty of a reasonable person to retreat before using deadly force if such force is used within and in defense of the actor's household. The act also provides that use of deadly force against a person unlawfully entering a person's home is an affirmative defense to a civil action for damages for personal injury or death.

HOUSE BILL 179 **HOUSE AUTHOR:** Combs
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 179 amends the Code of Criminal Procedure to authorize a judge to require a low-risk offender to serve an alternate term in a county jail work release program. The act also requires the Commission on Jail Standards to adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk.

HOUSE BILL 466 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

House Bill 466 amends the Code of Criminal Procedure to allow criminal justice agencies the authority to compile and use information on criminal combinations including information relating to a child. The information would be used in the investigation and prosecution of the criminal activities and could be shared with other criminal justice agencies and the courts, on request, and with defendants in certain situations. Unauthorized use or release of this information is a Class A misdemeanor. Information is required to be destroyed after two years if the individual has not been charged with criminal activity.

HOUSE BILL 576 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 576 amends provisions of the Penal Code relating to theft by check to authorize a bank that pays an amount required on a check or a person who receives a check for value to bring criminal theft charges if the issuer did not have sufficient funds or stopped payment under certain circumstances. The act sets forth language that must be included in the required notice and demand for payment. House Bill 576 also amends the Tax Code to create an offense for issuing a bad check to a distributor or supplier that is required to remit a tax payment on the amount of the check.

HOUSE BILL 592 **HOUSE AUTHOR:** Greenberg, et al.
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Barrientos

House Bill 592 amends the Code of Criminal Procedure to provide for the inclusion of a victim rights advocate on the membership of community justice task forces.

HOUSE BILL 941 **HOUSE AUTHOR**: Stiles
EFFECTIVE: 6-8-95 **SENATE SPONSOR**: West

House Bill 941 amends the Code of Criminal Procedure to allow a subpoena in a criminal proceeding to be served by certified mail to the last known address of a witness. Delivery by certified mail may not be used if the relevant proceeding occurs within seven days of the service or if the applicant requests in writing that the subpoena not be served by mail.

HOUSE BILL 981 **HOUSE AUTHOR**: Hirschi
EFFECTIVE: 9-1-95 **SENATE SPONSOR**: Whitmire

House Bill 981 provides that use of force in self-defense is not justified when the actor using force is possessing or transporting such weapons as explosive weapons, machine guns, short-barreled shotguns, and switchblades and has sought a discussion with another person concerning their differences.

HOUSE BILL 1204 **HOUSE AUTHOR**: Place
EFFECTIVE: 9-1-95 **SENATE SPONSOR**: Wentworth

House Bill 1204 amends the Code of Criminal Procedure to increase from $20 to $100 the maximum fine for failure to respond to a jury summons in a justice or municipal court.

HOUSE BILL 1343 **HOUSE AUTHOR**: Hightower, et al.
EFFECTIVE: 6-8-95 **SENATE SPONSOR**: Montford, Whitmire

House Bill 1343 amends the Civil Practice and Remedies Code to reduce the volume of "frivolous" lawsuits filed by inmates of the institutional division of the Texas Department of Criminal Justice (TDCJ). It applies to suits brought in district, county, justice of the peace, and small claims courts by inmates who claim indigent status; it does not apply to actions brought under the Family Code. In addition to establishing venue and a procedure by which civil courts may dismiss inmate claims deemed to be frivolous, House Bill 1343 expands requirements relating to an inmate grievance system and requires an inmate to exhaust the system before filing a suit. Other provisions of the act provide for recovery of court costs by the state, authority to hold hearings at correctional facilities, rules for submission of evidence and affidavits, development of inmate questionnaires by local courts, and forfeiture of accrued good time for the filing of a frivolous lawsuit. The act also grants rulemaking authority to the supreme court to adopt a system for the referral of cases under this chapter to magistrates for review and recommendation. In the event that an inmate should win a monetary award for damages, the act enables the state to deduct costs for incarceration from the amount to be paid. TDCJ is required to provide adequate notice to inmates of the provisions of this act.

HOUSE BILL 1487 **HOUSE AUTHOR**: Counts, Duncan
EFFECTIVE: 9-1-95 **SENATE SPONSOR**: Montford

House Bill 1487 amends the Penal Code and the Code of Criminal Procedure to establish procedures for the investigation, prosecution, and punishment of insurance fraud. Penalties for insurance fraud depend on the value of the goods or services involved and range from a Class C misdemeanor to a first degree felony. For multiple offenses, the prosecution may either aggregate the values involved or seek enhanced penalties for each individual offense.

HOUSE BILL 2331 **HOUSE AUTHOR**: R. Lewis
EFFECTIVE: Vetoed **SENATE SPONSOR**: Gallegos

House Bill 2331 amends the Penal Code to establish that preventing the execution of any civil process is a Class C misdemeanor offense. The act includes an exception if the person evades service of process by physically avoiding the server.

HOUSE BILL 2662 **HOUSE AUTHOR:** Naishtat, Combs
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 2662 amends the Code of Criminal Procedure relating to the form of a person's name in an indictment to replace the term "Christian name" with "given name."

HOUSE BILL 2949 **HOUSE AUTHOR**: Kamel, Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR**: D. Nixon

House Bill 2949 amends the Code of Criminal Procedure to permit the use of existing court services in a criminal case where a change of venue has been ordered. With the written consent of the prosecuting attorney, the defending attorney, and the defendant, the judge ordering a change of venue may maintain the original case number, preside over the case, and continue to employ the services of the support personnel of the court of original venue. A jury, if required, is to be drawn from the residents of the district or county to which venue is changed.

SENATE BILL 15 **SENATE AUTHOR**: Whitmire, et al.
EFFECTIVE: See below **HOUSE SPONSOR**: Place

Senate Bill 15 amends laws pertaining to community supervision and the state jail system and addresses numerous, unrelated issues that relate to the efficient administration of criminal justice. The act increases the community supervision and state jail felony time if the defendant has committed previous felonies. Sexual assault of a child is added to the list of offenses for which a defendant is not allowed court-ordered community supervision and for which a defendant must serve 50 percent of the defendant's sentence before becoming eligible for parole.

Senate Bill 15 increases the penalties for the manufacture or delivery of drugs in a drug-free zone and for assault of an identifiable public servant, modifies work program plans, provides for deep-lung breath analysis mechanisms to be installed in the vehicle of a defendant who has had previous intoxication offenses, changes the operating capacity of the Texas Department of Criminal Justice to 100 percent, and provides for minimum payments to the crime victims compensation fund. To demonstrate mental acts or states, the state is permitted to introduce in the trial of a sexual offense against a child extraneous evidence concerning other acts committed by the defendant against the child victim.

The act provides for a general effective date of September 1, 1995, and later effective dates for several specific provisions.

SENATE BILL 39 **SENATE AUTHOR**: Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Combs

Senate Bill 39 amends the Code of Criminal Procedure to permit a victim's statement to be read to a defendant following the punishment phase of a trial. While reading such a statement, the victim, relative, or guardian may not direct questions to the defendant.

SENATE BILL 45 **SENATE AUTHOR**: Shapiro, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Wolens, Kamel

Senate Bill 45 amends the Penal Code and the Code of Criminal Procedure to establish a term of life imprisonment for repeat sexual offenders and outlines the duties of the members of the parole board. If a defendant has two prior felony convictions, one of which is a sexual offense, the defendant shall be punished by a term of life in prison that may not be less than 35 calendar years.

SENATE BILL 68 **SENATE AUTHOR**: R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Hochberg, Farrar

Senate Bill 68 amends the Penal Code to create a Class A misdemeanor offense for the reckless discharge of a firearm within the corporate limits of a municipality that has a population of 100,000 or more. The act does not affect the authority of a municipality to enact an ordinance which prohibits the discharge of a firearm.

The act also adds discharge of firearms in violation of the Penal Code to certain definitions of nuisance.

SENATE BILL 111 **SENATE AUTHOR**: Shapiro, Sims
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Combs, Kamel

Senate Bill 111 amends the Code of Criminal Procedure to establish conditions of community supervision for defendants who have committed sexual offenses against children. Under this legislation, such individuals are required to attend psychological counseling and are forbidden to participate in youth programs or go on or near places where youths tend to congregate. Provisions are made for modifying orders regarding these restricted zones, and counseling programs that treat sex offenders are required to report to community supervision and corrections officers not later than the 15th day of each month. In addition, the act establishes minimum and maximum periods of community supervision of 5 to 10 years that must be served by these offenders. The defendant charged with a felony must successfully complete at least two-thirds of the period of community supervision.

SENATE BILL 126 **SENATE AUTHOR**: Moncrief, et al.
EFFECTIVE: 6-14-95 **HOUSE SPONSOR**: McCall, et al.

Senate Bill 126 amends the Penal Code to authorize a complainant to file stalking charges without having previously reported harassing or threatening actions.

SENATE BILL 146 **SENATE AUTHOR**: R. West
EFFECTIVE: 6-5-95 **HOUSE SPONSOR**: Hightower

Senate Bill 146 amends the Code of Criminal Procedure to modify legislative representation on community justice councils for certain areas. In counties with a population of one million or more, the act provides that one state senator and one state representative elected from the region serve as the two state legislators appointed to the area council. Prior law did not specify chambers of origin for these two council members.

SENATE BILL 149 **SENATE AUTHOR:** Shapiro, Sims
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Greenberg, Kamel

Senate Bill 149 authorizes health and law enforcement professionals to exchange information concerning sex offenders, provided that the information is used to properly administer criminal justice. The act provides a list of health professionals who are authorized to release and obtain information on sex offenders and grants immunity from liability to a person who lawfully obtains or releases such information.

SENATE BILL 187 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Pitts

Senate Bill 187 amends the Code of Criminal Procedure to require a defendant convicted of a felony or misdemeanor to pay a peace officer's cost of overtime for time spent in testimony or travel to and from the court.

SENATE BILL 206 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Denny

Senate Bill 206 amends the Code of Criminal Procedure to require that a defendant convicted of a misdemeanor or felony pay reasonable expenses for meals and lodging incurred by a peace officer who must travel to execute criminal processes, summon witnesses, or convey the defendant to or from court. Further, this legislation raises the cost per mile traveled by the officer to 29 cents.

SENATE BILL 222 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Danburg, Farrar

Senate Bill 222 prohibits peace officers from requiring polygraph examination of a person who seeks to charge in a complaint the commission of a sexual offense. It requires an attorney of the state to inform the complainant that a polygraph examination is optional and requires written consent, and it prohibits the dismissal of a complaint because the complainant either refuses or fails a polygraph examination.

SENATE BILL 281 **SENATE AUTHOR:** Brown, Gallegos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** J. Nixon

Senate Bill 281 amends the Penal Code and the Code of Criminal Procedure to establish new punishments and civil consequences for use of a vehicle in evasion of arrest or detention. If evasion of arrest involves a vehicle, the offense is enhanced to a Class A misdemeanor and the driving privileges of the defendant are automatically suspended. A subsequent conviction for this enhanced offense is a state jail felony. If the evasion of arrest by a vehicle injures or kills another person, the penalty for the offense is respectively a felony of the third or second degree. Any vehicle employed in these offenses is defined as contraband and therefore made subject to seizure and forfeiture.

SENATE BILL 283 **SENATE AUTHOR:** Brown, Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 283 provides that the county attorney or the criminal district attorney is the prosecuting attorney responsible for filing applications for a protective order unless the district attorney assumes the responsibility by giving notice to the county attorney. The act amends the Family Code and the Code of Criminal Procedure to require the prosecuting attorney responsible for filing applications for protective orders to provide notice of that responsibility to all law enforcement agencies within the jurisdiction of the prosecuting attorney.

SENATE BILL 440 **SENATE AUTHOR**: Montford, Shapiro
EFFECTIVE: See below **HOUSE SPONSOR**: Gallego

Senate Bill 440 amends the Code of Criminal Procedure to provide new procedure for expediting applications for writs of habeas corpus and to require the appointment and compensation of competent counsel in proceedings where the death penalty is sought. In each administrative judicial region, local selection committees are created to adopt standards for attorneys appointed to death penalty cases. Listings of attorneys who meet these standards are to be prominently posted in each district court clerk's office, and trial court judges are required to select lead and second counsel for the defense from such lists. The act further stipulates that reasonable costs for defense may be paid in advance. If the trial court refuses payment of any defense costs, written notice must be provided and entered as a sealed exhibit into the court record. Defendants convicted of a capital felony are entitled to court-appointed counsel on direct appeal and to apply for a writ of certiorari to the United States Supreme Court. The defense costs for trial and direct appeal are to be paid by the county in which the trial occurred. If a defendant is sentenced to death on or after September 1, 1995, certified as indigent, and declares a desire for counsel, the convicting court is required to appoint counsel for the purpose of a writ of habeas corpus. Counsel for the trial or direct appeal is not allowed to be appointed to the writ application unless the court finds good cause for such appointment and the applicant and attorney both request the appointment on record. The costs of counsel and reasonable expenses for the application are to be drawn from state funds. If investigation shows cause for an application for a writ of habeas corpus, the writ must be filed not later than 45 days after the original brief is filed on direct appeal with the court of criminal appeals. Defendants who were convicted before September 1, 1995, and who have yet to file an initial writ, have 180 days after the court of criminal appeals appoints counsel. Except in extraordinary circumstances, failure to file an application for a writ within 90 days after these respective deadlines constitutes a waiver of all grounds for habeas corpus relief. Untimely applications must meet three very strenuous requirements before the court of criminal appeals may consider their merits or grant relief. Although given a 30-day deadline to respond to an application for a writ, the state may request an extension if justifying circumstances are shown. The act also provides a procedure for findings of fact without evidentiary hearings and for a hearing in the event that controverted, unresolved factual issues are found. The court of criminal appeals is required to review all submitted material in a timely manner and is granted authority to request further oral arguments and briefing by the state and the applicant. Execution dates may not be set by the convicting court until the court of criminal appeals denies relief or issues a mandate in the event that the case is filed for submission. The timing requirement for executions is altered so that they may be carried out at any time after 6 p.m. Except in circumstances where an initial application for a writ is pending or has yet to be filed, all procedural changes relating to habeas corpus appeals introduced by this act would only apply in all death penalty cases on or after September 1, 1995. Further, the effective date of this legislation is contingent on the appropriation of at least two million dollars for the implementation of these reforms.

SENATE BILL 494 **SENATE AUTHOR**: Bivins
EFFECTIVE: 9-1-96 **HOUSE SPONSOR**: Place

Senate Bill 494 amends the Code of Criminal Procedure to provide for liens to secure the amount of restitution to a victim of a criminal offense or the amount of fines and costs levied against a person convicted in a criminal case. Under this legislation, a victim or an attorney for the state may file an affidavit to perfect a lien against a defendant once a court has ordered

restitution or entered a judgment requiring the payment of a fine or costs. The affidavit for this process is required to present certain information and may be filed for a fee of $5 with the secretary of state, the Texas Department of Transportation, or the clerk of the proper county court. The act defines the property subject to a restitution lien to include real property, tangible or intangible personal property, and motor vehicles. Priority of claim, foreclosure procedures, and expiration dates for restitution liens are also established.

SENATE BILL 676 **SENATE AUTHOR**: Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Raymond

Senate Bill 676 amends the Penal Code to require the purchaser of certain restricted-use or state-limited-use pesticides to document the name, address, and physical description of the seller, record a complete description of the amount and type of the pesticides purchased, and obtain a signed warranty that the seller has a right to possess the property. Failure to meet these requirements establishes the presumption that the buyer knows the pesticides are stolen.

SENATE BILL 698 **SENATE AUTHOR**: Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Greenberg

Senate Bill 698 amends the Code of Criminal Procedure to provide a seven-year statute of limitation on an indictment of the offense of securing execution of a document by deception.

SENATE BILL 840 **SENATE AUTHOR:** Brown, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** De La Garza

Senate Bill 840 elevates the penalty for most offenses committed within 300 feet of a school or on premises where a school or University Interscholastic League function is taking place to the next higher offense and provides for the production of maps to be used in prosecution.

The act includes a provision stating that changes made to the Penal Code by Senate Bill 1, 74th Legislature, have no effect and are repealed.

SENATE BILL 919 **SENATE AUTHOR:** Cain
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Place

Senate Bill 919 amends the Penal Code to require that stolen vehicle reports published and distributed by a law enforcement agency include rental vehicles certified as improperly held with intent to avoid payment for service. Such certification requires that the rental company wait for 10 days to elapse after issuance of proper notice to the person who has failed to return the vehicle.

SENATE BILL 1049 **SENATE AUTHOR**: Whitmire
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Place

Senate Bill 1049 amends the Code of Criminal Procedure to revise the Crime Victim's Compensation Act. By providing the act with a statement of legislative findings and intent, Senate Bill 1049 specifies that the compensation of victims serves to "encourage greater public cooperation in the successful apprehension and prosecution of criminals."

The act also introduces several substantive changes and additions to the procedures for compensating victims for health care services and permits the claimant to be someone who acts on behalf of the victim. If the claimant is assisted by an attorney, the attorney general may award no more than 25 percent of the claim as attorney's fees. Except in instances where the claimant's injury is catastrophic, the attorney general is also authorized to pay no more than

$25,000 in compensation. For catastrophic injuries that limit the claimant's ability to work and live independently, the award cap is raised to $50,000. Concerning compensation paid to providers for services, the attorney general is required to follow medical fee guidelines enumerated in the Labor Code and providers are required to accept adjusted fees as payment in full.

If a claim for compensation is based on false information, the attorney general may issue a public letter of reprimand and seek civil and administrative penalties against the claimant. The claimant is permitted to submit all administrative penalties to judicial review.

SENATE BILL 1074 **SENATE AUTHOR**: Brown, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Talton, Delisi

Senate Bill 1074 amends the Code of Criminal Procedure to revise procedures concerning the operations of a grand jury. In addition to declaring all grand jury proceedings secret and specifying who may be present during grand jury proceedings and deliberations, the act requires the recording of certain testimony and extends the offense of contempt of court to include stenographers and persons operating recording devices who disclose anything that transpires before the jury. Attorneys for the state may disclose proceedings if such action is necessary to the performance of duty. Further, a defendant may petition a court to disclose information concerning grand jury proceedings if the material is relevant to ongoing judicial proceedings.

SENATE BILL 1090 **SENATE AUTHOR**: Whitmire
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Bosse

Senate Bill 1090 amends the Penal Code to establish a Class A misdemeanor offense for the violation of a court order that enjoins organized criminal activity or the maintenance of a place declared a public nuisance. If the conduct that violates the court order is also an offense under another section of the Penal Code, the defendant may be prosecuted for either or both offenses.

SENATE BILL 1217 **SENATE AUTHOR**: Ellis
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Pitts

Senate Bill 1217 amends the Code of Criminal Procedure to stipulate the remedial nature of asset forfeiture and to establish additional notification requirements for instances where motor vehicles are involved as contraband in forfeiture proceedings. If a search of Texas Department of Transportation records produces addresses for the owner and interest holder of a vehicle that are not otherwise known, the act requires the attorney representing the state to have citations served to these addresses. Should there be no response to the citations, the attorney representing the state is required to have copies of the seizure and forfeiture notice posted on the door of the courthouse for a minimum period of 30 days. The court is required to enter a default judgment concerning forfeiture if the owner or interest holder does not come forward during the period of posting. Provided that the person in possession of the vehicle is neither the owner nor the interest holder, the act requires that notification be provided to the possessor in the same manner specified for the owner and interest holder.

SENATE BILL 1349 **SENATE AUTHOR**: Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Combs, Greenberg

Senate Bill 1349 amends the Code of Criminal Procedure to remove a provision prohibiting the issuance of a second or subsequent evidentiary search warrant for property or items related to an offense. A second or subsequent search warrant may be issued subject to certain conditions and only by certain judges.

ECONOMIC DEVELOPMENT

HOUSE BILL 457 **HOUSE AUTHOR:** Black
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sims

House Bill 457 exempts manually fired miniature boilers used for hobby or recreational purposes from registration and certification requirements imposed under the Health and Safety Code.

HOUSE BILL 788 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Ratliff

House Bill 788 amends the Development Corporation Act of 1979 by adding to the list of cities eligible to create a Texas Small Business Industrial Development Corporation. The act adds a city located in a county of more than 1,100,000 in population and containing more than 40 incorporated cities in which the combined sales and use tax rate imposed by the city, state, and other taxing units within the city does not exceed 7.75 percent. This authorization expires September 1, 1997.

HOUSE BILL 1001 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Zaffirini

House Bill 1001 amends the Local Government Code and the Water Code to impose strict subdivision platting requirements and water, sewer, electric, and gas utility service requirements on persons selling residential home lots from a subdivided plat in affected counties. "Affected counties" is defined as a county where the unemployment rate is 25 percent greater than the state average for three years in a row and the per capita income is 25 percent below the state average for the most recent three years and which is within 50 miles of an international border. A subdivider's failure or refusal to comply with platting and service requirements is punishable by both civil and criminal penalties. Enforcement authority for a violation of the platting and utility service requirements rests with the attorney general or a local district or county attorney. The act also gives private individuals a right of action against a subdivider to void a sale and return the purchase price of a lot, and to recover the market value of any permanent improvements, actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities, court costs, and reasonable attorney fees.

The act also requires that all advertising regarding the sale of lots in an affected subdivision truthfully disclose the availability of water and sewer services, and gas and electricity utilities. The act requires that all disclosures and notices regarding utility services and platting be made in Spanish and English. Further, the act requires that prior to the execution of an executory contract for a lot, a subdivider shall make a written disclosure regarding the condition of the property. The written disclosure must be substantially similar to the disclosure form provided in the act.

The act authorizes affected counties to operate water and sewer facilities on the same basis as a municipality or other political subdivision. Because the act grants affected counties the authority to operate water and sewer facilities, the Water Code is amended to include affected county-run utilities within the scope of the Texas Natural Resource Conservation Commission's regulatory authority. The act also limits the rate a political subdivision serving an economically distressed area may charge the residents to the lesser of the cost of providing service or the rate charged other residents plus 15 percent.

The counties affected by this act are required to comply with the provisions of this act by July 1, 1995. Provisions of this act relating to advertising standards are effective on July 1, 1995.

HOUSE BILL 2065 **HOUSE AUTHOR:** Oliveira, Maxey
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 2065 amends and codifies into the Government Code provisions of the Texas Enterprise Zone Act relating to enterprise zone and enterprise project designation. It expands the criteria used to designate economically distressed areas to include significant increases in juvenile crime activity. It also provides that enterprise zone designation of an area that is a federal enterprise zone, empowerment zone, or enterprise community does not reduce the number of enterprise zones that a city or county may designate.

The act clarifies provisions relating to the definitions and qualifications of enterprise projects. It authorizes qualified businesses in certain enterprise zones to request that the zone's governing body apply to the Department of Commerce for enterprise project designation on behalf of the business. It also limits the number of businesses the department may designate as enterprise projects to 65 per biennium and provides that designation as an enterprise project is effective for 5 years, regardless of when the enterprise zone's designation expires. The requirement of the Department of Commerce to produce an annual cost-benefit analysis of the enterprise zone program is reduced to once every biennium.

The act also amends the Tax Code to allow enterprise zone projects to receive a tax refund on construction labor and certain power consumption costs. It specifies that reinvestment zone designation continues for the same period as an enterprise zone designation for areas designated as both, and that separate agreements made by property owners in these areas are not required to contain identical terms.

SENATE BILL 1509 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 1509 requires the Texas Department of Housing and Community Affairs to establish colonia self-help centers in El Paso, Webb, Starr, Hidalgo, and Cameron counties to provide home financial assistance, credit and debt counseling, a tool library, instruction in construction skills, and technical assistance on installing and financing septic systems. The department is required to designate five colonias within each service area to receive concentrated assistance and to appoint an advisory committee of colonia residents. The act sets forth the purposes and services of the self-help centers and prohibits a center from providing grants, financing, or mortgage loan services for the purchase or improvement of a home in a colonia if water and suitable wastewater disposal are not available. The department is required to contract with a local nonprofit organization or community action agency for the operation of the center, to designate a department liaison to assist the centers in obtaining funding to carry out the programs, and to establish a colonia set-aside fund in the department.

SENATE BILL 1646 **SENATE AUTHOR:** Madla
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Coleman

Senate Bill 1646 amends the Public Facility Corporation Act to provide that a nonprofit corporation created by a housing authority is a corporation and has the power to finance public facilities on behalf of its sponsor. The act clarifies the ability of a corporation to acquire, issue, sell, or lease bonds and allows the sponsor or the corporation to own the public facility. A corporation may issue or incur bonds to refund a debt created by a housing authority. The act also authorizes the payment of bonds from revenues derived from public facilities or sponsor obligations.

EDUCATION

HOUSE BILL 29 **HOUSE AUTHOR:** Goolsby, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Leedom

House Bill 29 amends the Education Code to permit the governing board of a college or university to allow senior citizens to take courses for college credit totalling up to six hours of credit per semester or summer term without having to pay tuition, if space is available. The section of the code amended by House Bill 29 defines a senior citizen as a person 65 years of age or older.

The tuition waiver provided by House Bill 29 applies beginning with the 1995 fall semester.

HOUSE BILL 85 **HOUSE AUTHOR:** T. Hunter, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

Currently, many Texas colleges and universities employ a wide range of computer and telecommunication technologies and networks to deliver courses for academic credit to approximately 50,000 students statewide. This act requires the Higher Education Coordinating Board to develop a comprehensive master plan for the development of distance learning and other applications of instructional electronic technology by Texas colleges and universities. The plan must include recommendations relating to the coordination and integration of distance learning activities among institutions of higher education and other private or public entities, infrastructure development, establishment of uniform or compatible standards, training of personnel, appropriate applications to meet identified student population needs, policy development, regulatory policy revision, and revision of applicable regulatory statute.

The act also requires the board to create an advisory committee of experts in the field, school administrators, lay persons, and at least three faculty members who teach a distance learning course to assist in the development of this master plan, which the board must approve and present to the legislature not later than December 31, 1996.

HOUSE BILL 114 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Ratliff

Since 1989, students enrolled at public colleges and universities have been required to take the Texas Assessment of Skills Proficiency (TASP) test and to pass the exam before taking any upper division course that would give the student more than 60 hours of credit. The requirement applies to all full-time or part-time freshman students in a degree or certificate program, transfer students with fewer than 60 hours of semester credit who have not already taken the test, and other students with fewer than 9 hours of credit not enrolled in a degree program.

This act provides an exemption from taking the TASP for college graduates and students from private, independent, or out-of-state colleges and universities who enroll in a public college or university on a temporary basis or take classes in a nondegree course of study.

HOUSE BILL 334 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 334 designates the Palacios Marine Education Center in Matagorda County as the state's official marine education center.

HOUSE BILL 666 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

This act allows a nonprofit tax-exempt corporation that operates certain types of primary or secondary schools to issue bonds to finance or refinance educational or housing facilities at that school in the same manner that a nonprofit corporation created by the governing body of a city or cities to finance capital improvements at local institutions of higher education is allowed to issue bonds for that purpose.

This provision is applicable only to the issuance of bonds for capital improvements at schools that currently offer or previously offered military-related instruction, that are located in a county that borders both the Rio Grande and the Gulf of Mexico or a county that borders the Brazos River and has a population of more than 120,000, and that are owned and operated by a nonprofit tax-exempt corporation.

HOUSE BILL 699 **HOUSE AUTHOR:** Culberson, et al.
EFFECTIVE: 6-5-95 **SENATE SPONSOR:** Haywood

The Education Code provides an exemption from tuition, fees, and charges at public colleges and universities for military veterans, persons with military-related service, and offspring of certain deceased or missing military personnel. The exemption does not apply to a person who is eligible to receive federal educational benefits but applies to those individuals whose right to federal benefits has expired for whatever reason.

This act rescinds that exemption for individuals who have lost their rights to federal benefits because of defaults on loans obtained under a federal educational loan program or who are in default on educational loans made or guaranteed by the State of Texas.

HOUSE BILL 815 **HOUSE AUTHOR:** Goolsby, Madden
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Cain

House Bill 815 raises the allowable facilities fees at public universities, sometimes referred to as "general use fees" or "building use fees," from $12 per semester hour to no more than the in-state tuition rate and requires that a public hearing be held before the increase can occur.

This act also raises the limits of certain student fees that can be charged by The Texas A&M University System, the Texas State University System, and Texas Tech University and stipulates procedures by which increases of more than 10 percent in one year must be approved by the students. It also allows The University of Texas System board of regents to begin charging students at The University of Texas at Dallas a recreational facility fee to finance recreational facilities or programs at the university, subject to student approval and certain limits, and to collect a fee from students at The University of Texas at Austin to fund the construction of a Martin Luther King, Jr., statue on the campus. Excess funds are used to create a scholarship program in Dr. King's name, and the fee can be charged only through August 31, 1999. It directs the boards of all institutions of higher education to charge continuing education course fees in sufficient amounts to recover the costs of providing the courses.

In addition, the boards of regents of The University of Texas System and The Texas A&M University System are prohibited from issuing revenue bonds for the benefit of a certain institution unless the institution is reasonably expected to have the financial resources necessary to meet the obligation without using the resources of another institution in the system.

HOUSE BILL 1157 **HOUSE AUTHOR:** B. Hunter, De La Garza
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** G. Luna

The Texas Guaranteed Student Loan Corporation (TGSLC) was created by the Texas Legislature in 1979 to administer the federal student loan program now known as the Federal Family Educational Loan Program (FFELP) in this state. In 1993 Congress established the Federal Direct Student Loan Program (FDSLP) to provide direct loans to institutions of higher education on behalf of the federal government. By 1998 the publicly funded FDSLP is expected to handle approximately 60 percent of the total student loan business in Texas currently being handled by the privately funded, TGSLC-run FFELP. When the FDSLP is fully operational, only a few loan guarantors will be needed to run the FFELP nationwide, and TGSLC is positioned to be one of those surviving guarantors, but in order to assist the federal government in administering the FFELP outside Texas, its charter needs to be amended.

House Bill 1157 allows the Texas Guaranteed Student Loan Corporation to merge with another entity and to guarantee loans in other states and makes minor changes in the corporation's administrative structure.

HOUSE BILL 1214 **HOUSE AUTHOR:** Kamel, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 1214 creates a prepaid higher education tuition program to increase access to higher education for future college and university students by allowing their families an opportunity to prepay tuition and fees and creates the Prepaid Higher Education Tuition Board in the office of the comptroller to administer the program.

Under the program a person may enter into a contract with the board under which the person agrees to prepay the tuition and fees for a beneficiary, who must be less than 18 years of age and either a resident or the child of a resident at the time the person enters the contract, to attend an institution of higher education. The board is required to deposit that prepayment in a fund to be called the Texas tomorrow fund, administered by the board, to invest the money and credit the income earned to the fund, and to apply money in the fund to the tuition and fees of the institution in which the beneficiary subsequently enrolls. If the beneficiary enrolls in a public institution of higher education, the board shall pay the tuition and fees of the institution. If the beneficiary enrolls in a private or independent institution of higher education, the board shall pay the lesser of the tuition and fees of the institution or the estimated average tuition and fees of private or independent institutions of higher education. If there is not enough money in the fund to pay the tuition and fees when the beneficiary enrolls, the legislature may appropriate to the fund an amount necessary to pay the tuition and fees.

House Bill 1214 requires the board to make four types of prepaid tuition contracts available: a junior college plan, a senior college plan, a junior-senior college plan, and a private college plan, each allowing a beneficiary to attend an institution for a specified number of undergraduate credit hours not to exceed the number of hours typically required for the appropriate degree or certificate. The act authorizes converting a contract from one plan to another plan or changing the beneficiary designation. The act provides for the termination of contracts and the refund of any money to which a person may be entitled if a contract is terminated for any of the reasons specified in the act. The act provides that, to the extent money provided by the private sector for that purpose is available, the board may award prepaid higher education tuition scholarships to needy students.

HOUSE BILL 1250 **HOUSE AUTHOR:** Cook, B. Turner
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

This act allows the Texas Higher Education Coordinating Board to provide alternative means for members of governing boards of Texas colleges and universities to obtain the training required of such members by law. Training programs developed by the board may provide alternative locations and formats to the current annual seminars in Austin but are required to cover essentially the same information as those seminars held in Austin. Under this act, the responsibility for conducting training programs rests primarily with the board's staff, which is allowed to seek assistance from other state agencies. The act also allows the board to include topics it deems important to the content of these training programs in addition to those specified by the statute.

HOUSE BILL 1336 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** G. Luna

This act allows public junior colleges to offer courses that enable local high school students to earn simultaneous high school and college course credit. To earn the junior college course credit, students must have been admitted, or be eligible to enroll and subsequently be admitted, to the junior college. The junior college may waive tuition for high school students taking such courses, but the contact hours attributable to the enrollment in these classes are included in the junior college's formula funding. The act directs the commissioner of education and the commissioner of higher education to develop a mechanism to identify and eliminate duplication of state funding so that a school district and a public junior college may not both collect full state funding for the same student.

HOUSE BILL 1337 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** G. Luna

House Bill 1337 allows a junior college district governing board to contract with an independent school district in its service area for the junior college to provide remedial education courses to the school district's high school students prior to their graduation and entrance into college. A junior college district providing remedial programs to local high school students may exempt such students from tuition, but the student contact hours resulting from these courses are included in calculating the junior college's share from the state's junior college formula funding. The act directs the commissioner of education and the commissioner of higher education to develop a mechanism to identify and eliminate duplication of state funding so that a school district and a public junior college may not both collect state funding for the same student.

HOUSE BILL 1338 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** G. Luna

Since 1989 students enrolled in public colleges and universities have been required to take the Texas Assessment of Skills Proficiency (TASP) or, in the case of hearing impaired students, the Stanford Achievement Test, either during their freshman year or prior to the accumulation of nine or more hours of semester credit to determine whether they can be expected to perform effectively in an undergraduate degree or certificate program or whether they need remedial instruction before taking upper division coursework. House Bill 1338 provides an exemption from having to take either of these examinations for students enrolled in certificate programs requiring one year or less for completion.

HOUSE BILL 1465 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 5-17-95 **SENATE SPONSOR:** Ellis

The Education Code allows the governing board of a state-supported college or university in a county with a population of more than two million to close a street running through its campus. This act amends the code to give street-closing authority to any public institution of higher education in that county, including a junior college or community college, provided that the institution owns 20 or more acres of real property at the campus where the street or alley is located.

HOUSE BILL 1479 **HOUSE AUTHOR:** Hilderbran, Coleman
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Barrientos, Moncrief

House Bill 1479 provides a one-year exemption from college tuition and fees for high school graduates who receive AFDC benefits as dependent children during their last year of high school. The exemptions apply to Texas residents who graduate or complete requirements for graduation from a public high school, are younger than 22 years when they enroll at a public college or university in this state, enroll within one year of their high school graduation, and meet the applicable college entrance examination requirements. It also establishes the Early High School Graduation Scholarship Program to provide $1,000 in tuition credits to resident students who complete their high school graduation requirements in three years or less and who have attended high school in this state only. Early graduates also must have written approval of a parent, guardian, or conservator.

The early graduation credits will be funded by savings to the foundation school fund that will result from students forgoing a fourth year of high school, and savings not needed for tuition credits for early graduates will be directed into the AFDC exemption program.

Institutions may begin granting the exemptions provided by the act in the fall 1995 semester.

HOUSE BILL 1510 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

House Bill 1510 raises the cap on the student fee charged students at Texas Tech University for the operation and maintenance of the University Center from $20 to $50 per semester and from $10 to $25 per summer session term. House Bill 1510 also makes any annual increase of more than 10 percent subject to approval either by a majority vote of the student body at a general election called for that purpose or by a majority vote of the student government. The act applies beginning with fees due for the fall 1995 semester.

HOUSE BILL 1664 **HOUSE AUTHOR:** Horn
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Haywood

Current law requires a college or university governing board to post notice of its meetings with the secretary of state 72 hours before the meeting; the notice is then printed in the Texas Register, but often the notice is printed after the meeting has occurred. This act requires the governing board to also post notice of each meeting at the county courthouse of the county where the meeting will be held and to publish a notice in a student newspaper, provided that an issue of the newspaper is published between the time of the posting and the time of the meeting. It also allows the board to post notice of a meeting at another place convenient to the public. The notice requirements are effective for meetings held on or after October 1, 1995.

HOUSE BILL 1689 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-16-95 **SENATE SPONSOR:** Brown

The 73rd Texas Legislature amended the Education Code to require members of governing boards of institutions of higher education to attend a training seminar in Austin within the first two years of service. House Bill 1689 retains that requirement only for appointed board members; elected board members may attend a training program seminar but are not required to do so.

HOUSE BILL 1697 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 1697 requires the Texas Employment Commission to collect and maintain information relating to guaranteed student loans for proprietary schools, including barber and cosmetology schools, that shows each school's graduation, job placement, and student loan default rates and to make this information available to any student applying for a guaranteed student loan to attend one of these schools. The bill stipulates that this information must include notification of the consequences of student loan default.

The act also requires each institution covered by this law and each administrator of guaranteed student loans to provide the data the commission needs to administer this law and requires each entity administering guaranteed student loans to furnish the information provided by the commission to each student loan applicant.

HOUSE BILL 1792 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

This act raises tuition rates for resident students in general academic teaching institutions. It raises tuition rates for nonresident students at Texas colleges and universities, including medical and dental schools, to the average undergraduate tuition charged Texas residents at public state universities in each of the five most populous states other than Texas. The new nonresident tuition formula replaces the prior formula, which used the average cost of education per student at general academic institutions in the state to determine nonresident tuition. Tuition rates for nonresident students for each academic year are set by the Texas Higher Education Coordinating Board, and the tuition change takes effect for the fall 1995 semester. The act also establishes a range for tuition charges in optometry and undergraduate pharmacy programs in the state and increases both resident and nonresident law school tuition rates.

Foreign students who are residents of a nation adjacent to Texas and who register at Texas A&M University--Kingsville may be exempted from paying the foreign student tuition fee, and other general academic teaching institutions located within 100 miles of the Texas border may request that the Texas Higher Education Coordinating Board lower their nonresident tuition rates if the board determines that the lower tuition rate will benefit the institution without causing unreasonable harm to any other institution of higher learning.

The amount of a competitive scholarship that entitles a nonresident student to resident tuition and fee rates is increased from $200 or more to $500 or more for the 1995-1996 academic year and to $1,000 or more after that. The scholarship must be awarded by an approved scholarship committee that includes Texas residents in its consideration. The provision formerly applicable only to academic scholarships now applies to all competitive scholarships, including athletic scholarships.

The act also establishes an exemption program for certain students who attend ROTC institutions and who are members of the Texas Army National Guard or the Texas Air National Guard. Students receiving such an exemption are required to accept a commission in the Texas National Guard after graduation and serve no less than four years as a commissioned officer. Any individual who does not complete this military service is obligated to repay the state for any exemptions received.

HOUSE BILL 1836 **HOUSE AUTHOR:** R. Lewis, Price
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ratliff

Current law exempts Arkansas, Louisiana, New Mexico, or Oklahoma residents from having to pay out-of-state tuition when they enroll in a public junior college or technical institute in a Texas county immediately adjacent to the states where they reside. House Bill 1836 extends this exemption from out-of-state tuition charges to Louisiana residents registering at a two-year institution in the Lamar University System. These institutions include the Lamar University campuses at Orange and Port Arthur and the Lamar University Institute of Technology in Beaumont. The provisions of this bill will not be affected by the transfer of governance of the Lamar University System to another board of regents.

The nonresident tuition exemption granted to Louisiana residents by House Bill 1836 applies beginning with the fall 1995 semester.

The act also allows institutions of higher education to charge resident tuition rates to students who reside in Arkansas, Louisiana, New Mexico, and Oklahoma counties that are adjacent to Texas, provided that the other state has a reciprocal resident tuition agreement with Texas students residing in counties adjacent to that state.

HOUSE BILL 1877 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Montford

House Bill 1877 amends the Education Code to grant The University of Texas System board of regents explicit statutory authority to delegate powers or duties to a committee, officer, employee, or other board agent.

House Bill 1877 also gives the board of regents the same authority to delegate investment authority and contract with investment professionals for the investment of the permanent university fund (PUF) as was given by Chapter 163 of the Property Code to governing boards of higher education institutions with respect to board management of institutional funds.

The act allows the board of regents to contract with a nonprofit corporation formed specifically to invest funds under the board's control. The articles of incorporation, bylaws, and investment policies of such corporation are subject to approval of the board, and the appointment and removal of the corporation's directors is the board of regents' responsibility. At least three members of the board of regents and the chancellor of The University of Texas System must be appointed as directors of the corporation.

If the board enters an investment contract that includes the PUF, the act requires an annual financial audit of the fund by auditors from the two university systems that benefit from the PUF and further requires a financial audit of the fund by an independent accounting firm prior to implementation of the first contract.

HOUSE BILL 2066 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-16-95 **SENATE SPONSOR:** Armbrister

This act allows the University of Houston—Clear Lake and the University of Houston—Victoria to enroll students who are concurrently enrolled at another higher education institution and who have earned at least 30 hours of college credit.

HOUSE BILL 2068 **HOUSE AUTHOR:** Hirschi, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 2068 allows United States Air Force personnel stationed outside the state who are enrolled in degree programs in radiological sciences at Midwestern State University and who take courses in these programs by instructional telecommunications to pay the same tuition and fees as resident students, provided that they were stationed at a base in Texas when they enrolled in the programs.

HOUSE BILL 2187 **HOUSE AUTHOR:** Kamel, et al.
EFFECTIVE: 6-10-95 **SENATE SPONSOR:** Ratliff

Education Code provisions governing The University of Texas at Tyler state that the university is an upper-level institution authorized to offer upper division and graduate programs. Other provisions of the code encourage public upper-level universities and centers to form partnerships with public community colleges within the same service region to improve the continuity, quality, and efficiency of educational programs and services.

House Bill 2187 amends the code to allow The University of Texas at Tyler to offer lower division courses in an engineering degree program, provided that the Texas Higher Education Coordinating Board approves the program and those lower division courses are offered under a partnership agreement with a local community or junior college. The institution may also enter into a partnership with a private institution of higher education in the county if the board approves such a venture.

If a joint engineering program is established, the board is required to accept and solicit donations and private endowments to provide equipment and other personal property for the program. Nonresident students who hold competitive scholarships and who are charged resident tuition rates at one of the schools in the partnership must be charged resident rates at the other school as well. The institutions may charge a special fee to students enrolled in the joint program to pay for all or part of the cost of a shuttle bus service between the participating institutions.

In developing courses to be offered under the agreement, the university and any partners to the agreement must consider the area's need to recruit minority and low-income students into postsecondary degree programs, the cost-effectiveness of offering such courses, and the impact to the community. House Bill 2187 also requires the board to develop an appropriate formula to apply to such courses for purposes of distributing state formula funding for higher education.

HOUSE BILL 2313 **HOUSE AUTHOR:** Stiles, Price
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Galloway

House Bill 2313 abolishes the Lamar University System and its board of regents and transfers the system's component institutions, the responsibility for their governance, and appropriations made by the legislature for the use of Lamar University and its educational center to the Texas State University System and its board of regents. The transfer made by this

act does not affect funds other than legislative appropriations reserved for the use of Lamar University and its centers. Contracts and written obligations entered into by the Lamar University System regents, including bonds, notes, or other evidences of indebtedness, remain in effect, and the Texas State University System board of regents is made to assume responsibilities of the abolished board. Rules and policies adopted by the Lamar University System board of regents will remain in effect until adopted, repealed, or superseded by the Texas State University System board of regents.

The act amends the Education Code by repealing Chapter 108, Lamar University System, and adding a new Subchapter E, Lamar University and Related Institutions, to Education Code Chapter 96, Institutions of the Texas State University System, conforming to the changes made by this act. The new subchapter comprises the provisions of Chapter 108, relating to Lamar University, its educational centers at Orange and Port Arthur, and related institutions, less the provisions relating to the abolished board of regents. This new subchapter also establishes the Lamar University Institute of Technology as a separate degree-granting institution and confers degree-granting authority to the centers at Orange and Port Arthur, both of which continue as lower-division only institutions.

HOUSE BILL 2314 **HOUSE AUTHOR:** Gutierrez, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

In 1993, the legislature converted a Texas State Technical College extension center in McAllen into a new joint-county junior college known as South Texas Community College but made its creation subject to voter confirmation at an election to be held for that purpose not later than August 31, 2001. The legislation also provided for governance by a temporary seven-member board of trustees appointed by the governor to serve until the confirming election or the 2001 expiration date, and it required that board to call an election that would allow the voters of Hidalgo and Starr counties to confirm the college's creation and to authorize the election of subsequent trustees from single-member districts. The legislation did not, however, address how the expiration of terms being served by the current trustees would be determined in the event that the college's establishment were confirmed.

House Bill 2314 requires the initial board of appointed trustees to draw lots to determine when their terms expire in a manner that ensures subsequently elected trustees will serve staggered six-year terms and calls for trustee elections to be held on the first Saturday in May every even-numbered year, beginning with the first even-numbered year after the election at which the voters confirm the college's creation.

HOUSE BILL 2495 **HOUSE AUTHOR:** J. Harris, et al.
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Cain

House Bill 2495 transfers the Baylor College of Dentistry, which currently is an independent, freestanding institution governed by a nonprofit corporation, to The Texas A&M University System board of regents if the governing bodies of both entities agree to the transfer not later than August 31, 1996. If both boards agree, the transfer is effective September 1, 1996, and The Texas A&M University System board of regents assumes complete responsibility for the governance, management, and operation of The Texas A&M University System—Baylor College of Dentistry.

The act provides for the continuity of certain practices and procedures in the operation of the Baylor College of Dentistry upon the transfer as follows: the college of dentistry is authorized to continue awarding degrees as before, but new degree programs are subject to approval process applicable to other public dental schools; rules and policies adopted by the college's board of trustees continue in effect until adopted, repealed, or superseded by The Texas A&M University System regents; contracts and written obligations entered into by Baylor College of Dentistry trustees remain valid and become the responsibility of the A&M regents; employees of the college become employees of the university system, eligible for all employment benefits as if new employees of the system, except that for leave accrual purposes they receive credit for their prior years of service as college employees; funds previously dedicated to the benefit of the college of dentistry continue to be reserved for that purpose under terms of the transfer; and students in the college of dentistry retain academic credit earned prior to the transfer.

House Bill 2495 also adds a new conforming chapter to the Education Code to reflect the acquisition of a new component by The Texas A&M University System.

In stating its legislative intent, House Bill 2495 states that the act does not create an institution entitled to funds under Sections 17 and 18, Article VII, Texas Constitution.

HOUSE BILL 2507 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 5-27-95 **SENATE SPONSOR:** Bivins

House Bill 2507 requires the board of regents of the Texas State Technical College System and the board of trustees of Amarillo College to enter into an agreement before July 1, 1995, arranging for a 20-year lease of parts of the TSTC-Amarillo campus to the Amarillo College trustees, with a provision included in the agreement that allows the college to terminate the lease, on 180 days' notice, on September 1, 1997, or on September 1 of any subsequent odd-numbered year. House Bill 2507 also requires the TSTC System to transfer equipment, supplies, and other personal property used in the operation of its programs at the TSTC-Amarillo campus to Amarillo College. In return House Bill 2507 requires Amarillo College to assume responsibility for the operation of TSTC-Amarillo programs that have continued enrollment during the 1995-1996 academic year, but the bill allows the college to discontinue former TSTC programs after that academic year.

House Bill 2507 also delineates which of the system's obligations, responsibilities, and liabilities regarding contracts, written obligations, bond issues, and other matters arising from the system's governance, maintenance, and operation of TSTC-Amarillo campus and programs remain with the system subsequent to the agreement and what obligations, powers, or duties Amarillo College incurs in assuming responsibility for governance, maintenance, and operation of the property and programs being transferred under the agreement.

HOUSE BILL 2640 **HOUSE AUTHOR:** Madden
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Nelson

House Bill 2640 requires the Texas Higher Education Coordinating Board to establish uniform final dates for adding or dropping courses at public junior colleges. The act also prohibits students from enrolling in courses after the deadline set by the board for adding classes, and a student dropping a class after the date set by the board forfeits the right to any refund of tuition and fees paid for the dropped course.

House Bill 2640 requires the board to establish rules for setting such deadlines, which may provide for different dates for academic semesters or terms of varying durations, by December 1, 1995, and makes such deadlines applicable to a semester or term that begins on or after January 1, 1996.

HOUSE BILL 2747 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 2747 amends the Education Code to authorize the University of Houston System board of regents to issue up to $9 million in tuition revenue bonds to finance the acquisition, construction, equipment, or improvement of facilities, roads, land, and infrastructure for the University of Houston—Victoria. Such bonds will be issued in accordance with a systemwide revenue financing program adopted by the board, and the board of regents may repay the interest and principal on the bonds with appropriations that otherwise would have been used to lease facilities.

HOUSE BILL 3119 **HOUSE AUTHOR:** B. Hunter, Naishtat
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Patterson

The Education Code provides an exemption from tuition and fees at public colleges and universities for military veterans, persons with military-related service, and offspring of certain deceased or missing military personnel. The exemption does not apply to a person who is eligible to receive federal educational benefits at the time the person registers for classes.

House Bill 3119 amends the code to allow a person to receive both the federal educational benefits and the state exemption from tuition and fees if the value of the federal benefits is less than the value of the exemption. House Bill 3119 requires the individual to use the federal benefits first, and the total combined federal benefit and exemption cannot exceed the maximum value of the waived tuition and fees.

HOUSE BILL 3122 **HOUSE AUTHOR:** Ogden
EFFECTIVE: 5-27-95 **SENATE SPONSOR:** J. Turner

House Bill 3122 authorizes the governing boards of institutions within The Texas A&M University System or the Texas State University System to establish debit card programs that would allow students to purchase merchandise or services from the institution or other board-authorized vendors.

SENATE BILL 1 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 5-30-95 **HOUSE SPONSOR:** Sadler

In 1993, with the passage of Senate Bill 7, the 73rd Texas Legislature repealed Titles 1 and 2 of the Education Code, with the exception of Chapters 16, 20, and 36, and abolished the Central Education Agency, with the repeal and abolition to take effect September 1, 1995. Senate Bill 1 amends and reenacts those titles to achieve a restructuring of the public education system in the state. The major new or amended provisions of the revised code are summarized below.

Chapter 7. State Organization

Previously, state oversight of public education was the function of the Central Education Agency, which comprised the State Board of Education (SBOE, which also served as the State Board for Vocational Education), the commissioner of education, and the State Department of

Education. The commonly used term Texas Education Agency (TEA) was used sometimes to mean the Central Education Agency and sometimes to mean the State Department of Education, which consisted of the professional, technical, and clerical staff of the agency. Senate Bill 1 simplifies the state organization and separates and delineates the powers and duties of the TEA, the commissioner of education, and the SBOE in this chapter. It provides for the agency and the commissioner to maintain most of their current functions and also to assume some duties that formerly were the responsibility of the SBOE, but Senate Bill 1 enumerates these powers and duties and provides that educational functions not specifically delegated to the agency or to the board are reserved to and will be performed by school districts and open-enrollment charter schools.

Texas Education Agency. Under the revised code, the agency retains most of its functions and assumes some duties previously reserved to the SBOE. Senate Bill 1 lists the agency's powers and duties in 14 areas of responsibility, which include administering and monitoring compliance with education programs required by state or federal law or implemented through state or federal funds; conducting research, analysis, and reporting; conducting hearings involving state law under the commissioner's direction and supervision; establishing and implementing pilot programs established by statute; and carrying out duties specifically assigned to it in the code or by the legislature.

Commissioner of education. Under prior law, the commissioner was selected by a process that began with the SBOE submitting its recommendation to the governor. The governor could either reject the recommendation or accept the recommendation and appoint the person as commissioner, with the advice and consent of the senate. If the governor rejected the nomination, the SBOE was required to continue submitting recommendations until the governor accepted one and made the appointment. Prior law allowed the governor to remove the commissioner on the petition of two-thirds of the SBOE or for good cause. Removal also was subject to senate approval. Senate Bill 1 grants the governor the power to appoint and remove the commissioner, with the advice and consent of the senate. The commissioner serves a four-year term coinciding with that of the governor's. Senate Bill 1 lists 40 powers and duties specifically granted to the commissioner in the code, among which are the authority to adopt a teacher appraisal process, to hear appeals in cases relating to laws or actions of a district that violate school laws or terms of an employment contract between a district and a district employee, and to grant school districts and campuses waivers from state requirements for up to three years. An application for a waiver is automatically approved unless the commissioner objects to the waiver within 30 days of receiving the application. The commissioner's authority to grant waivers is limited and does not extend to waivers from rules regarding, among other things, essential elements, minimum graduation requirements, bilingual education, extracurricular activities, health and safety, class size limits except in hardship cases, removal of disruptive students, and employee rights and benefits.

State Board of Education. Senate Bill 1 retains the 15-member SBOE, but its authority is limited to that specifically granted it by the Texas Constitution or by statute, and an action by the board has effect only if the board includes in the record the legislative authority for the action. Senate Bill 1 lists 35 functions that the SBOE is specifically authorized or required to perform, including the development of a long-range plan for public education, establishment of curriculum and graduation requirements, establishment of performance standards considered satisfactory on student assessment instruments, creation of special purpose districts, granting of open-enrollment charters, adoption of procedures for placement on probation or revocation of

home-rule school district charters, adoption and purchase or licensing of textbooks, development of rules and guidelines for carrying out various activities required by statute, investments relating to the permanent school fund, and other broad policymaking functions. Current SBOE rules, other than those dealing with curriculum essential elements, are sunset effective September 1, 1996, unless readopted before that date.

Chapter 8. Regional Education Service Centers

Senate Bill 1 retains the 20 regional education service centers currently in existence, along with their separate seven-member governing boards, but it allows any school district to purchase services from any regional education service center, not just from the center in its region. Section 59 of Senate Bill 1 repeals this chapter and abolishes all of the regional education service centers, effective August 31, 1997. It also requires the commissioner of education to submit a proposed revision of Chapter 8 to the legislature not later than December 1, 1996.

Chapter 11. School Districts

Senate Bill 1 provides that a school district board of trustees is composed of the number of members (three, five, seven, or nine) the district had on September 1, 1995. A board of trustees composed of three or five members is allowed to increase its membership to seven trustees by adoption of a resolution. Senate Bill 1 preserves current law for conversion from the at-large method of election to a method whereby at least 70 percent of its members are elected from single-member districts. A district electing more than one trustee at large in an election may do so using cumulative voting. Trustees must be elected for three- or four-year terms; two- and six-year terms are eliminated. Powers not specifically delegated to the TEA or the SBOE are reserved to the local boards of trustees. The SBOE is required to provide a training course for local school board trustees, offered through regional education service centers.

Each board is required to adopt an employment policy for district personnel. A board is prohibited from charging fees not authorized by the code. A school district may adopt a policy requiring students at some or all of its campuses to wear uniforms if the board determines that the requirement would improve the learning environment on those campuses. School districts adopting a mandatory uniform policy are required to set up a fund to buy uniforms for low-income students and allow parents who object to the policy to transfer their children to another school.

Senate Bill 1 requires school districts to develop a district improvement plan with the assistance of a district-level planning and decision-making committee; the district decision-making committee is required to meet at least once after the TEA issues a district performance report. The committee must comprise parents, community representatives, and business representatives, all selected according to board policies, and district professional staff, at least two-thirds of whom must be teachers, selected by their peers.

Senate Bill 1 also requires each school to maintain campus-level planning and decision-making committees to direct and support student improvement, with each committee having representatives of the same groups as the district-level decision-making committee. Each campus-level committee must hold at least one public meeting after publication of the annual TEA campus ratings.

Chapter 12. Charters

Senate Bill 1 provides an alternate method of operating public schools by allowing a school district, a school campus, a group of parents and teachers, or a nonprofit organization or governmental entity to operate under a charter that frees it from most state regulations. The three kinds of charters are home-rule district charters, campus or campus program charters, and open-enrollment school charters.

Home-rule district charters. Home-rule district charters allow school districts to operate under their own locally written charters and free themselves from most Education Code provisions, with some exceptions. A school district opting to become a home-rule school district is still subject to federal laws relating to bilingual and special education programs, to applicable court orders, and to certain Education Code provisions that establish criminal offenses, set limitations on liability, or impose prohibitions, restrictions, or requirements relating to (1) the public education information management system (PEIMS); (2) educator certification and educator rights; (3) criminal history records of district personnel; (4) student admissions; (5) compulsory school attendance; (6) interdistrict or intercounty student transfers; (7) the 22-to-1 student/teacher ratio for kindergarten and grades one through four, but only in the case of a low-performing campus; (8) high school graduation; (9) special education, bilingual, and prekindergarten programs; (10) transportation safety; (11) computation and distribution of state aid; (12) extracurricular activities; (13) student and employee health and safety; (14) public school accountability; (15) equalized wealth; (16) bond obligations and tax rates; and (17) purchasing personal property. Home-rule school districts also are required to provide coverage to district employees eligible to participate in the Teacher Retirement System.

Under the revised code, conversion to a home-rule school district may be initiated either by the voters petitioning the board of trustees or by adoption of a resolution by the board. Senate Bill 1 requires a board of trustees to appoint a 15-member charter commission to write a district charter if it receives a petition signed by at least five percent of the district's registered voters or if at least two-thirds of the board's membership adopts a resolution. The board must appoint the commission, which must be racially, ethnically, socioeconomically, and geographically representative of the district, within 30 days of its receipt of the petition or its adoption of the resolution, and the commission must complete its task of writing a proposed charter within one year of its appointment. A home-rule district charter must describe the educational programs to be offered, make continuation of the charter contingent on acceptable student performance on the required state tests and on compliance with public school accountability provisions, specify the bases for revocation of the charter or placement on probation, describe the governing structure of the district and its campuses, specify certain procedures to ensure the health and safety of students and employees, describe the district's budget process, describe procedures relating to annual financial and operational audits, including its participation in PEIMS, and include any other provision the commission deems necessary.

Before the proposed charter may be placed on a ballot for approval by the district's voters, the commission must submit it to the secretary of state, who must determine whether the charter contains a change in the district's governance that requires preclearance by the U.S. Department of Justice or the U.S. District Court for the District of Columbia for compliance with the Voting Rights Act. The proposed charter also must be submitted to the commissioner of education, who must complete a legal review of the charter within 30 days of its receipt by the commissioner. If the commissioner fails to act within that period, the charter is automatically approved; as soon as practicable after the charter is approved by the commissioner, the board of

trustees must order an election, to be held on the first uniform election date that occurs at least 45 days after the date the election is ordered. A proposed charter is adopted if it is approved by a majority of the qualified voters voting in an election held for that purpose, but the election has no effect unless there is a voter turnout of at least 25 percent of the district's registered voters. An amendment to a charter, which may be initiated by petition or by resolution, also requires commissioner approval and then voter approval, but an election on a charter amendment requires a minimum voter turnout of 20 percent.

The SBOE may place on probation or revoke a home-rule charter if the SBOE determines that the district violated the charter, did not satisfy generally accepted accounting standards of fiscal management, or failed to comply with state law or applicable agency rule. The procedure for revocation or placement on probation must provide a district and parents of students in the district with an opportunity for a hearing.

Campus or program charters. As revised by Senate Bill 1, the Education Code also allows a school district's board of trustees or a home-rule district's governing body to grant a program charter to a group of parents and teachers to operate an educational program within an existing public school campus or to grant a campus charter that converts an existing public school into a charter school.

A school district's board of trustees or a home-rule district's governing body may grant a campus or program charter if it is presented with a petition signed by parents of a majority of the students on the campus and a majority of the campus's classroom teachers. A campus or program granted a charter is exempt from rules and policies of the board or governing body as specified in the charter and retains the authority to operate under its charter so long as student performance is maintained at a level specified in the charter. A campus or program granted a charter is subject to federal and state laws and to Education Code provisions that establish criminal offenses or that impose prohibitions, restrictions, or requirements relating to (1) PEIMS; (2) criminal history records of campus or program personnel; (3) high school graduation; (4) special education, bilingual, and prekindergarten programs; (5) extracurricular activities; (6) student and employee health and safety; and (7) public school accountability. The body granting the charter may revoke the charter or place the campus or program on probation if it determines that the campus or program has violated the charter, did not satisfy generally accepted accounting standards of fiscal management, or failed to comply with state law or applicable agency rule. The procedure for revocation or placement on probation must provide a campus and parents of students in the campus or program with an opportunity for a hearing.

Open-enrollment charter schools. Senate Bill 1 authorizes the SBOE to grant up to 20 charters creating open-enrollment schools operating outside of a school district facility. The SBOE may grant a charter for an open-enrollment school on receipt of an application from an eligible entity, including a public or private college or university, a nonprofit, tax-exempt organization, or a governmental body. The open-enrollment charter school may operate in a facility of a commercial or nonprofit entity or in a school district, including a home-rule district. The open-enrollment charter school is subject to the same federal and state laws and the same Education Code provisions as is a chartered campus or program. The SBOE may revoke the charter or place the school on probation if it determines that the school has violated the charter, did not satisfy generally accepted accounting standards of fiscal management, or failed to comply with state law or applicable agency rule. The procedure for revocation or placement on probation must provide the school and parents of students in the school with an opportunity for a hearing. An open-enrollment charter school is entitled to receive state and local funding for

each student attending the school and may not charge a student additional tuition. Senate Bill 1 requires the SBOE to select an impartial organization experienced in evaluating school choice programs to perform an annual evaluation of open-enrollment charter schools.

Chapter 13. Creation, Consolidation, and Abolition of a District

Senate Bill 1 allows voters in a school district as well as the district's board of trustees to initiate detachment, annexation, consolidation, abolition, and creation proceedings by petition. Voters in an area desiring to detach themselves from one or more existing school districts and form a new independent school district initiate detachment proceedings by petitioning the district board of trustees to call for a detachment election. An area to be detached and converted to a new independent school district must cover at least nine square miles and contain at least 8,000 public school students. The remainder of the original district or districts also must cover at least nine square miles and contain at least 8,000 students after detachment. A school board is required to call an election if at least 10 percent of the voters in the area to be detached submit a petition. The proposed detachment must be approved by a majority of voters in both the area to be detached and the area remaining in the original district or districts. The election is subject to approval by the U.S. Justice Department under the Voting Rights Act to protect the interests of minority voters.

Chapter 21. Educators

Employment contracts. Senate Bill 1 provides for three types of contracts for teachers: probationary contracts for periods of up to one year, term contracts for periods of one to five years, and continuing contracts that are in effect until the teacher is discharged or resigns. First-time teachers may be employed under probationary contracts, which may be renewed for three additional one-year periods. At the end of the first or second probationary year, a district must either hire the teacher under a term or continuing contract, release the teacher, or renew the probationary contract for an additional year. Teachers employed under term contracts may be discharged during the contract term for good cause, as determined by the board, or because of budgetary constraints that require a reduction in personnel. A district may, at the end of a teacher's contract term, decide not to renew the contract for any lawful reason. Failure of the board to give notice at the end of the term constitutes an election to employ the teacher for the following year. Teachers employed under continuing contracts are entitled to continue in their positions without annual nomination or reappointment until their resignation, retirement, dismissal for cause, or release as part of a reduction in personnel. If a district decides to terminate a teacher's probationary or term contract during its term, terminate a teacher's continuing contract, or suspend a teacher without pay, the district must provide the teacher with an opportunity for a hearing with a hearing examiner. A hearing examiner must be an attorney and must be certified by the commissioner of education unless both parties agree to use a person who is not certified. A hearing examiner's recommendation is submitted to the district board of trustees; the board or subcommittee of the board decides what action to take. The board's decision may be appealed to the commissioner of education. The commissioner's decision may be appealed to a district court. Either appeal is, except in certain circumstances, limited to a review of the evidence submitted to the hearing examiner.

Recruitment and certification. Senate Bill 1 requires the TEA to develop a teacher recruitment program that includes a technology program for presentation to high schools and colleges; it also requires the commissioner to identify the need for teachers in specific subject areas and to encourage underrepresented groups to enter the teaching profession.

Senate Bill 1 also creates a 15-member State Board for Educator Certification (SBEC) to regulate and oversee all aspects of teacher certification. The SBEC's membership is to comprise three nonvoting members representing the commissioner of education, the commissioner of higher education, and the governor, respectively, and 12 other gubernatorial appointees, who shall include four public school teachers, two public school administrators, one public counselor, and five members of the general public. The SBEC's rulemaking authority shall extend to regulation of educators; the specification of classes of certificates and the period for which each class of certificate is valid; requirements for issuance or renewal of certificates; disciplinary proceedings and sanctions, including suspension or revocation of certificates; adoption, amendment, and enforcement of a code of ethics; continuing education requirements; and certification of persons performing teacher appraisals. An SBEC rule must be submitted to the SBOE; the SBOE, within 90 days, may by a two-thirds vote reject the proposed rule. Senate Bill 1 provides for certification by the TEA to continue for the 1995-1996 school year and allows current programs for alternative certification of teachers to remain in place. Senate Bill 1 also allows an individual district to issue permits to teach in the district's schools to persons without board certification under certain circumstances.

Teacher and administrator appraisal. Senate Bill 1 requires the commissioner to adopt recommended processes and criteria on which the performance of teachers and administrators may be appraised, but it allows school districts to use either the commissioner's recommended appraisal processes and criteria or processes and criteria locally developed or adopted. Senate Bill 1 requires teachers and administrators to be appraised at least once a year; teachers need not be advised as to when they will be appraised, but they have the right to review and rebut an appraisal and request a second appraisal. Teacher appraisals shall be performed only on the basis of classroom teaching performance and not on performance connected with extracurricular activities. Senate Bill 1 prohibits the use of school district funds to pay an administrator's salary if the administrator has not been appraised in the preceding 15 months. Evaluation of a principal's performance shall be based on campus performance measured against academic excellence indicators and against specified campus objectives. Senate Bill 1 includes incentive provisions in the evaluation of principals' performance that allow the commissioner to reward principals of campuses identified as high-performing or that have exhibited exceptional gains relative to past performance. Principals ranked in the top quartile are eligible for incentive awards of up to $5,000, while principals ranked in the second quartile are eligible for awards of up to $2,500.

Teacher salaries, duties and benefits. Senate Bill 1 boosts minimum teacher salaries and ties the teacher pay scale to school funding and growth in student enrollment so that increases in state funding for public schools result in automatic increases in teacher salaries. The revised schedule, which applies to librarians as well as classroom teachers, is phased in over the two-year cycle beginning September 1, 1995. Under this revised schedule, the minimum annual salary for beginning teachers is increased from the current $17,000 to $20,000 in 1996-1997; the minimum salary for teachers with 10 years' experience is increased from the current $28,400 to $29,007 in 1996-1997. Senate Bill 1 also increases the number of days teachers must work from 183 to 185 in the 1996-1997 school year. Thereafter, minimum service days will be tied to increases in the minimum teacher salary. Senate Bill 1 requires teachers to have at least 450 minutes every two weeks for planning and preparation, with each planning period at least 45 minutes long. The former mandatory minimum sick leave program now refers to "personal leave," which a teacher may take for any reason.

Chapter 25. Admission, Transfer, and Attendance

Senate Bill 1 retains current provisions relating to class size limits, requiring each school district to employ a sufficient number of certified teachers to maintain an average ratio of at least one teacher for each 20 students in average daily attendance and prohibiting a school district from exceeding a 22-to-1 student/teacher ratio in any class from kindergarten to fourth grade. The class size limits are modified to exempt a school district with a significant percentage of migrant students from those requirements during any 12-week period it chooses and to exempt any other district from those requirements during the last 12 weeks of any school year. Home-rule districts are free to determine their own class size limits, except in the case of low-performing schools, which must abide by the 22-to-1 rule in classes from kindergarten through fourth grade.

Chapter 25 includes a provision allowing public school students to exercise their constitutional right to pray or meditate, individually, silently, and voluntarily, provided that the prayer or meditation does not disrupt instructional or other activities and that no one is required, encouraged, or coerced to engage in or refrain from prayer or meditation.

Chapter 26. Parental Rights and Responsibilities

Senate Bill 1 adds a new chapter to the code that grants parents certain rights, encourages parental participation in their children's education, and prohibits a school board, a school administrator, a teacher, or any other person from limiting those parental rights. Under this chapter, each school board is required to adopt procedures for considering complaints that a parent's rights have been denied and to cooperate in the establishment of parent-teacher organizations.

Parental rights include the right to petition the school board designating the school the parent's child will attend; to have reasonable access to school administrators with the authority to assign or reassign a student to request a change in the student's class or teacher; to request the addition of a specific academic class in keeping with the required curriculum; to request that a child be allowed to take courses above the child's grade level unless the board otherwise determines that the child cannot perform satisfactorily at that level; to request that a child be allowed to graduate early if the child has completed the course requirements for graduation; to have access to student records, student evaluations, state tests and test scores, and teaching materials; to have access to board meetings; and to receive full information regarding a child's activities in school. Parental consent is required before a district may conduct certain psychological tests, videotape a child, or record a child's voice, except in limited circumstances.

A parent also is entitled to remove a child from any class or school activity that conflicts with the parent's religious, moral, or ethical beliefs. However, a parent may not remove a child from a class or activity to avoid a test or to prevent the child from taking a class in a subject for an entire semester, and a child must still comply with district and TEA grade-level and graduation requirements.

Chapter 28. Courses of Studies; Advancement

Senate Bill 1 requires school districts that offer classes from kindergarten through 12th grade to provide a required curriculum that includes a foundation curriculum consisting of English language arts, mathematics, science, and social studies, and an enrichment curriculum consisting of other languages, health, physical education, fine arts, economics, career and technology education, and technology applications. Senate Bill 1 requires the SBOE to designate subjects for a well-balanced curriculum in districts that do not offer kindergarten through 12th

grade, to identify the essential knowledge and skills that each student should be able to demonstrate in each subject at each grade level of the foundation and enrichment curricula, respectively, to foster continued teaching of U.S. and Texas history and the free enterprise system, and to adopt rules necessary for implementation of the foundation and enrichment curricula. While a district must offer instruction meeting the essential knowledge and skills for the foundation curriculum, the essential knowledge and skills for the required curriculum are only a guideline. As under the former law, the SBOE is prohibited from adopting rules that specify how a teacher may teach a course or how the time on a subject or task may be spent by a teacher or a student, except that the SBOE may require laboratory instructions in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be spent in a laboratory.

Senate Bill 1 requires all Texas public schools that offer sex education to emphasize abstinence in their sex education classes and prohibits the distribution of condoms in public schools.

Other provisions of this chapter require that a student be promoted only on the basis of academic achievement or demonstrated proficiency, that parents be given written notice of their children's performance every 12 weeks, and that districts develop examinations that allow a primary school student's advancement to the next grade level to be accelerated and allow a secondary school student to receive additional course credit.

Senate Bill 1 requires the SBOE to determine curriculum requirements for the minimum, recommended, and advanced high school programs and requirements for high school graduation; it also allows school districts to issue certificates of completion in lieu of a diploma to seniors who complete the curriculum requirements for graduation but who fail the state exit examination or the state end-of-course examinations. Special education students and limited English proficiency students are exempted from having to take the exit test to receive their diplomas under Chapter 39. School districts are required to report the academic achievement record of students who complete the high school program to the SBOE on a board-approved transcript, differentiating between the programs and identifying whether each student completed the minimum, recommended, or advanced high school program. Senate Bill 1 retains and amends the Texas Advanced Placement Incentives program to provide monetary awards to students, teachers, and schools for successes in advanced placement or international baccalaureate programs. Awards are subject to availability of funds obtained through donations, grants, and legislative appropriations.

Chapter 29. Educational Programs

As redesignated by Senate Bill 1, Chapter 29 retains and amends Education Code provisions relating to special education, bilingual and special language education, compensatory education, education for gifted and talented students, career and technology education (formerly designated as vocational education), kindergarten and prekindergarten programs, and various programs for students with disabilities. A new provision is the establishment of a public education grant program to allow a student assigned to attend a low-performing school to transfer to another public school in or outside the student's district chosen by the student's parent. A low-performing school is defined as one that has been identified as such by the commissioner at any time within the past three years or one in which 50 percent or more of the student population has performed unsatisfactorily on a statewide examination for the preceding three years. If an eligible student transfers to a school outside the district where the student resides, using a public education grant, the student is included in the average daily attendance calculations of the student's home

district for purposes of distribution of state aid. The student's public education grant consists of the total state and local per-pupil funding available to the student's home district, less the district's technology and transportation allotments and any small district, sparsity, or cost of education adjustments that may apply; the district to which the student transfers may not charge the transferring student tuition in excess of the amount of the public education grant to which the student is entitled. The receiving district may accept or reject an application for a nonresident student to attend school in that district but is prohibited from using discriminatory criteria based on race, ethnicity, academic achievement, athletic ability, language proficiency, sex, or socioeconomic status. A district that has more applicants than available positions must give priority to students at risk of dropping out and fill available positions by lottery.

Another provision allows school districts to apply for funding for extended-year programs not to exceed 30 instructional days for students in kindergarten through 8th grade who are identified as likely not to be promoted to the next grade level.

Chapter 31. Textbooks

Senate Bill 1 maintains a state textbook adoption system but expands the choice of textbooks and computer software that school districts can buy with state funds. Under this system the SBOE places approved textbooks on one of two lists: conforming or nonconforming. A school district or open-enrollment charter school may select books from either list and/or books not on either list. Books on the conforming lists must contain all the elements the state identifies as essential to a required curriculum course. Books on the nonconforming lists must contain at least 50 percent of the essential elements. Books not on either list do not conform to state standards. For foundation curriculum courses, the state will provide only textbooks that are on the conforming or nonconforming list. Districts and schools choosing textbooks from the two approved lists receive the full amount of state funding to which they are entitled, except that if a district or school selects a textbook from either list whose costs exceed the limit set by the SBOE, the district or school is responsible for the difference. Districts or schools choosing textbooks not on either list are reimbursed 70 percent of the actual costs or 70 percent of the maximum allowable price, whichever is less, for books used in enrichment courses but not for books used in foundation courses. Districts are allowed to use local funds to purchase books not on any list. A district or school selecting textbooks not on either list of approved textbooks must use the textbook for the entire period corresponding to the review and adoption cycle established by the SBOE for state-approved textbooks for the subject area and grade level.

Chapter 31 also provides for a technology allotment, to be paid from the available school fund, of at least $30 per student and specifies the purposes for which the allotment may be used.

Chapter 33. Service Programs and Extracurricular Activities

Senate Bill 1 eases the no-pass, no-play provision by reducing the mandatory suspension period for failing students from six weeks to three weeks and allowing students to continue practicing or rehearsing with their athletic or academic teams during the suspension period. It requires a student's grades to be reviewed after three weeks, and if the student is passing all classes, the student is again eligible to participate in competitive extracurricular activities. The no-pass, no-play provision does not apply to students in advanced placement and honors courses.

Senate Bill 1 sunsets each existing rule of the University Interscholastic League (UIL) as of August 31, 1996, unless the rule is readopted by the UIL and reapproved by the SBOE.

Chapter 34. Transportation

Senate Bill 1 maintains the state's transportation funding formula, but it eliminates a previous requirement that school vehicles use alternative fuels. All buses, whether owned by a district or by a contractor providing services to the district, must comply with safety standards. A school district may not permit a child to stand on a moving school bus.

Chapter 37. Discipline; Law and Order

Senate Bill 1 creates a "zero-tolerance" safe schools policy. This policy requires districts to adopt a student code of conduct and to provide access to alternative education programs that allow for the removal of disruptive students, violent offenders, and others who commit crimes from a regular classroom to alternative classrooms, either on or off campus. This safe schools policy gives teachers the right to remove disruptive students and prevent the students' return to their classrooms in most cases, but a teacher's decision may be overruled by a three-member placement review committee, which each school is required to establish. The code of conduct required by the policy must specify what offenses would require a student to be suspended from school, put in an alternative education program, or expelled. Senate Bill 1 allows school officials to suspend students for up to three days without referring them to an alternative education program. The worst offenders, students committing serious offenses such as assaulting a teacher or another student or bringing weapons or drugs to school, are expelled and referred to the appropriate county juvenile court officer. Except under certain circumstances, a court is prohibited from returning the expelled student to regular classroom or campus or to the district's alternative education program as a condition of probation without the district's consent. Effective September 1, 1996, Senate Bill 1 requires counties with more than 125,000 residents to develop juvenile justice alternative education programs, subject to approval of the Texas Juvenile Probation Commission, for students expelled from school for serious offenses. For each student placed in a juvenile justice alternative education program, the school district in which the student is enrolled must transfer to the program state and local funds equal to the district's per-student spending on alternative education programs. Additionally, House Bill 1, the General Appropriations Act, allocates $25 million for the safe schools program. Alternative education programs, whether operated by a school district or by county juvenile authorities, must focus on English language arts, mathematics, science, history, and self-discipline.

Chapter 39. Public School Accountability

Senate Bill 1 retains the requirements for a statewide test (currently, the Texas Assessment of Academic Skills or TAAS) to be administered to nonexempt students in grades three through eight and for a statewide exit-level test that nonexempt high school students must pass in order to receive a diploma, but adds two new sections, science and social studies, to the reading, writing, and mathematics sections already included in the TAAS battery of tests. Senate Bill 1 also authorizes the SBOE to administer end-of-course examinations for high school students who have taken courses in Algebra I, Biology I, English II, and U.S. History. Senate Bill 1 prohibits a student from receiving a high school diploma unless the student (1) has passed the exit-level examination or (2) has passed the end-of-course examinations in both Algebra I and English II and the end-of-course examination in either Biology I or U.S. History. Following administration of a statewide test, the TEA must release the questions and answer keys.

Special education students and limited English proficiency students are exempt from the statewide testing requirement as before, but Senate Bill 1 requires the commissioner to develop and propose to the legislature by December 1, 1996, an assessment system for evaluating the progress of those students currently exempted from the TAAS. Private schools may voluntarily administer the TAAS to their students.

Senate Bill 1 also retains the requirement for district and campus report cards to be published annually, but beginning in the 1998-1999 school year, the performance of students exempted from the TAAS must be included in the district and campus report cards and in the academic excellence indicator system used in the state accreditation ratings system.

Chapter 42. Foundation School Program

Redesignated as Chapter 42 by Senate Bill 1, this chapter retains the provisions of former Chapter 16, which was not repealed by Senate Bill 7 in 1993, with a few substantive changes. Senate Bill 1 raises the basic allotment to which each district is entitled from $2,300 to $2,387 for each student in average daily attendance. The former small district adjustment is retained for districts with fewer than 1,600 students; a new mid-sized adjustment, for districts with 1,600-5,000 students, will be implemented beginning in the 1996-1997 school year. The former technology and teacher compensation allotments are eliminated. House Bill 1, the General Appropriations Act, increases the guaranteed level under Tier 2 of the Foundation School Program from $20.55 to $21.00.

Senate Bill 1 adds a new subchapter to implement a school facilities assistance program; House Bill 1, the General Appropriations Act, allocates $170 million for school facilities, providing direct aid to school districts for construction of educational facilities. To be eligible for facilities assistance, a district must have a property wealth per student in average daily attendance below approximately $276,000 and either a total tax rate of $1.30 or a debt service tax rate of 20 cents. The amount of state assistance for a project may not exceed $500,000 and is in inverse proportion to a district's property wealth per student in average daily attendance.

Senate Bill 1 redesignates the two other school finance chapters not repealed by Senate Bill 7 (former Chapter 20, School District Funds, and former Chapter 36, Equalized Wealth) as new Chapters 45 and 41, respectively, with the major substantive changes being the removal of debt service taxes from the calculation of the $1.50 cap on local school district property taxes and the elimination of the limitation that a district's total bonded indebtedness may not exceed 10 percent of its property tax base. In addition, Senate Bill 1 includes several incentives for districts above the equalized wealth level to choose the option of purchasing state attendance credits to reduce their property wealth per student.

Chapter 44. Fiscal Management

Senate Bill 1 eliminates the requirement that most school district contracts valued at $25,000 or more be submitted to competitive bidding and permits a district to use whichever of five prescribed methods that provides the "best value" to the district. The five methods are: competitive bidding; competitive sealed proposal; catalog purchase in compliance with Subchapter B, Chapter 2157, Government Code; interlocal contract; or design/build contract.

Additional Provisions

In addition to revising Titles 1 and 2, Education Code, Senate Bill 1 amends numerous other statutes. Major provisions include the transfer from the TEA to the Texas Employment Commission of regulatory authority over proprietary schools and of the duty to administer the

apprenticeship system of adult vocational education (now called career and technology education); the permitting of a school district located in a municipality with a population of 900,000 or more to petition the county commissioners court or city council to establish 1,000-foot alcohol-free zones around schools, the creation of an early high school graduation scholarship program, under which a student who graduates high school within three years or less may receive $1,000 in tuition credits to attend a public or private college or university in Texas, an amendment to the open records law that permits a school district to withhold the name of an applicant for employment as superintendent until 21 days before the meeting at which the final action will be taken on the person's employment, and the establishment of 100-foot weapon-free school zones.

SENATE BILL 114 **SENATE AUTHOR:** Rosson, et al.
EFFECTIVE: 5-23-95 **HOUSE SPONSOR:** Willis, et al.

The Education Code provides an exemption from college tuition and fees for certain military veterans and to the children of certain deceased or missing military personnel, but to qualify for the exemption, an individual must be a Texas citizen, have resided in the state at least 12 months prior to registering in a college or university, and be able to show financial need. Senate Bill 114 deletes the requirement that the person seeking the exemption demonstrate financial need in order to qualify, establishes restrictions on qualification relating to when the military service occurred, and limits the exemption to a cumulative total of 150 semester hours.

The exemptions granted under this act apply to tuition and fees charged beginning in the fall 1995 semester.

SENATE BILL 181 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 3-22-95 **HOUSE SPONSOR:** Kamel

Senate Bill 181 removes the three semester-hour limit that currently restricts the amount of college credit in history and government a student at a state-supported institution of higher education can earn through advanced placement examinations. The act allows students to place out of all required history and government courses.

SENATE BILL 221 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** H. Cuellar

This act allows a waiver of tuition and fees for college students taking courses that are fully funded by federal or other sources.

SENATE BILL 397 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Craddick

Senate Bill 397 amends the Education Code to add a definition of junior college district service areas in general and then delineates the specific geographic area that constitutes the service area of each of the 50 existing junior college districts in the state. Senate Bill 397 also provides for the approval by the Legislative Budget Board of the establishment of any new junior college campus within an existing junior college district or of a new junior college district if the establishment occurs when the legislature is not in session. If the establishment is proposed within three months before the time the legislature convenes or while the legislature is in session, the legislature shall approve the establishment.

SENATE BILL 446 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Hernandez

The Education Code requires a student pursuing a bachelor's degree or a lesser academic degree or certificate at a public college or university to earn at least six semester hours of credit in government or political science in a course that emphasizes the Texas Constitution. This act provides an exemption from that requirement to military personnel, including reservists and national guardsmen, enrolled in a degree program operated by a medical or dental unit of an institution of higher education under contract with the United States Army.

The exemption applies only to members of the armed forces enrolled in a degree program if the program requires less than two years of residency in Texas and the principal participants are stationed outside the state.

SENATE BILL 525 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 525 requires public colleges and universities that purchase agricultural products to give preference to products grown, produced, or processed in the state if the cost and quality of those products are the same as the cost and quality of other products. Senate Bill 525 also requires those institutions to ensure that their bid specifications relating to the purchase of agricultural products do not preclude or discourage the purchase of products grown, produced, or processed in the state.

SENATE BILL 585 **SENATE AUTHOR:** R. West
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Rangel

Senate Bill 585 requires the governing board of each general academic teaching institution to establish an office to assist applicants, potential applicants, high school guidance counselors, and others interested in applying for admission to a degree program, applying for financial aid, registering for a college entrance examination, or registering to take an examination for course credit or placement in a degree program. Senate Bill 585 requires each institution to establish this office, which may be operated in connection with an admissions office or another existing office, by January 1, 1996.

SENATE BILL 694 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Counts

Senate Bill 694 extends state tuition exemptions provided for resident deaf individuals attending public institutions of higher education under Chapter 54 of the Education Code to residents attending the Southwest Collegiate Institute for the Deaf. Currently, under Section 54.205, deaf and blind Texas residents certified by appropriate state vocational or rehabilitative agencies may apply for exemption from tuition at any public institution of higher education. However, Chapter 131 of the code stipulates that resident students at this institute are not exempt and are required to pay tuition comparable to that charged students at Howard County Junior College.

The act amends the code to provide a definition of "institution of higher education" that includes Southwest Collegiate Institute for the Deaf and to remove the requirement that resident students at the institute pay tuition, extending to them the exemption granted deaf students at other institutions.

The tuition exemption for deaf students attending the institute applies beginning in the fall 1995 semester.

SENATE BILL 727 **SENATE AUTHOR:** Sibley
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Ogden

Senate Bill 727 amends the Education Code to clarify provisions relating to the investment options of nonprofit corporations that purchase or make student or parent loan notes. Senate Bill 727 allows such corporations to invest their funds in investments authorized by the Public Funds Investment Act or in securities issued by another nonprofit corporation similarly engaged, as well as in other instruments previously specified. Senate Bill 727 further amends the Education Code explicitly to allow such nonprofit corporations to exercise the powers granted by the Texas Non-Profit Corporation Act; to service, or contract with another person to service, loans purchased or made from its funds; to grant security interest in a trust estate securing its securities; to purchase or make guaranteed or insured student or parent loans; and to make other authorized investments. Senate Bill 727 also clarifies that a security interest granted by a nonprofit corporation is a prior perfected security interest.

SENATE BILL 773 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** B. Hunter

Senate Bill 773 grants governing boards of private institutions of higher education, including private junior colleges, the same authority given to governing boards of public institutions regarding the disposition of abandoned and unclaimed personal property coming into the institutions' possession.

SENATE BILL 786 **SENATE AUTHOR:** Ellis
EFFECTIVE: 5-11-95 **HOUSE SPONSOR:** Coleman

Senate Bill 786 raises the cap on the student union fee charged students at the University of Houston for operation, maintenance, and improvement of the campus student union building from $15 to $35 per semester and from $7.50 to $17.50 per summer session term. The act also requires any annual fee increase to be approved either by a majority vote of the student body in an election called for that purpose or by a majority vote of the elected student government.

These fees are deposited in a University of Houston Center fee account under the control of a student fees advisory committee, which had been required to submit an annual budget and report to the University of Houston System board of regents. Senate Bill 786 amends that provision to require the committee to submit its budget and report to the university president instead.

The increase in fees is applicable to student union fees levied beginning with the fall 1995 semester.

SENATE BILL 875 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** King, Gallego

Senate Bill 875 changes the name of the Sul Ross State University Uvalde Study Center—an upper-level institution operating in Del Rio, Eagle Pass, and Uvalde—to Sul Ross State University Rio Grande College and amends the Education Code to reflect this name change.

SENATE BILL 944 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Goolsby

Senate Bill 944 amends the Education Code to exempt college students diagnosed as being dyslexic from certain provisions of the Texas Academic Skills Program (TASP). That program requires college students to take and pass a standardized test before they are allowed to

proceed with upper division coursework. Students who fail the examination must complete a program of remediation and retake the examination as often as necessary until they have passed the examination. Under the provisions of Senate Bill 944, a student diagnosed as having dyslexia or a related disorder who has completed the required remedial program may be required to retake the examination once but may not be required to take additional remedial courses nor may the student be barred from taking upper division courses because of the student's performance on the test.

A similar exemption for dyslexic students is provided for students required to take the Stanford Achievement Test in lieu of the TASP. That examination serves the same diagnostic function for deaf and hearing-impaired college students as the TASP does for other students.

SENATE BILL 1228 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gutierrez

In accordance with a 1993 amendment to the federal Higher Education Act of 1965, which required each state to establish a State Postsecondary Review Program to reduce student loan defaults, the governor designated the Texas Higher Education Coordinating Board as the entity authorized to conduct the reviews.

Senate Bill 1228 amends the Education Code to add provisions relating to the conduct of such reviews. It requires the reviewing entity to notify an institution under review that the review has begun and to give the reasons for the review. It allows an employee or agent of the reviewing entity to execute and serve a civil investigative demand requiring the institution to produce, and allow the copying of, documents and records, and if the institution does not comply, it allows the entity to file a petition for an enforcement order in a district court in the county where the institution is located. Senate Bill 1228 allows an institution under review to appeal a decision by the entity and provides safeguards for the institution under review by making any information obtained as a result of the review privileged and confidential and prohibiting its unauthorized disclosure except under certain circumstances.

SENATE BILL 1280 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Delisi

Since 1983, the state has funded a statewide family practice preceptorship program to address the shortage of primary care physicians. Administered by the Texas Higher Education Coordinating Board, this program assigns medical students to community-based family physicians for four-week periods of observation and discussion. Senate Bill 1280 establishes similar statewide preceptorship programs in general internal medicine and general pediatrics for Texas medical school students and creates a 12-member Primary Care Residency Advisory Committee, composed of licensed physicians and citizen members, to advise the board in its administration of the programs. The act also expands the primary care residency program by providing for the creation of additional state-funded residency positions in family practice, general internal medicine, general pediatrics, and obstetrics and gynecology.

SENATE BILL 1299 **SENATE AUTHOR:** Cain, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Oakley

Senate Bill 1299 abolishes the East Texas State University board of regents and transfers responsibility for the governance, operation, management, and control of the East Texas State University campuses at Commerce and Texarkana to The Texas A&M University System and its board of regents.

Powers and duties of the abolished board, appropriations made to it for the benefit of the two institutions formerly under its control, and responsibility for contracts and written obligations entered into by the board are all transferred to or become the obligation of The Texas A&M University System board of regents. The change in governance made by this act does not affect funds other than legislative appropriations reserved for the use of the two East Texas State University campuses, academic credit earned by East Texas State University students before the transfer, or the employment status of administrative, faculty, or support staff at those institutions.

The change in governance also does not affect the right of East Texas State University and East Texas State University at Texarkana to receive money from the higher education assistance fund under Section 17, Article VII, Texas Constitution.

SENATE BILL 1491 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Reyna

Senate Bill 1491 amends the Education Code to allow public colleges and universities to provide an exemption from the testing requirement of the Texas Assessment of Skills Program (TASP) for students who are at least 55 years of age and who are not pursuing a degree or certificate.

Senate Bill 1491 also allows those institutions to charge students at least 55 years of age tuition fees at rates that are lower than the statutory rates. An institution may set conditions a student must meet to qualify for lower tuition and fees and may set different rates for different programs, campuses, or courses, or rates that apply to residents, nonresidents, or both, but the rates must apply uniformly to each student who qualifies for the given rate.

ELECTIONS

HOUSE BILL 2 **HOUSE AUTHOR:** Black, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

This act amends the Election Code to prohibit contributions from noncaucus members being made to or accepted by a legislative caucus for 30 days before, and during, a regular session of the legislature and to require caucuses to file semiannual contribution and expenditure reports with the Texas Ethics Commission. A legislative caucus is defined as an organization composed exclusively of members of the legislature, or of such members and the governor or lieutenant governor, that selects officers, recognizes identified legislators as members, and exists for research and other support of policy development and common interests of the membership. The act clarifies that a contribution to or expenditure by a legislative caucus is not considered to be an officeholder contribution or expenditure.

A person who violates the prohibition against making or accepting contributions commits a Class A misdemeanor and is liable for damages in the amount of triple the value of the unlawful contribution.

HOUSE BILL 127 **HOUSE AUTHOR:** Danburg, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ellis

The 1993 National Voter Registration Act requires states to establish procedures to make registering to vote in federal elections easier. In 1994, the Texas secretary of state developed rules for statewide implementation of the act with general applicability to all elections. House Bill 127 amends the Election Code to codify these rules and to add other provisions.

The act establishes new provisions relating to voter address changes to increase the time a voter may be retained on registration rolls without voting. It requires a voter registrar to send a confirmation notice to a voter requesting a signed, written confirmation of the voter's address if an initial registration certificate or renewal is returned undelivered or if there is any reason to believe that the address has changed. The notice must include an official response form for the voter to complete that is postage paid and addressed to the registrar, and it must inform the voter that if the address confirmation is not received in 30 days, the voter will be required to complete a statement of residence before voting. The notice must also inform the voter that the registration will be canceled by November 30 following the second subsequent general election for state and county officers unless the voter submits a current address or votes using a statement of residence in the intervening time period. The registrar must maintain a suspense list of voters who fail to return an address confirmation and whose voter registration is potentially subject to cancellation. The act sets out rules governing the contents and availability of the suspense list and creates a misdemeanor offense for its commercial use.

The act designates specific state agencies as voter registration agencies and requires them to provide clients with a voter registration application form at the time services are initially applied for and at other specified times. These agencies include the Texas Department of Health and Texas Department of Human Services—specifically the Medicaid, AFDC, WIC, and food stamp programs—plus the Texas Department of Mental Health and Mental Retardation, Texas Rehabilitation Commission, agencies serving the visually and hearing impaired, and other agencies as designated by the secretary of state to comply with federal law. The act establishes detailed procedures governing the processing of voter applications and requires each agency to appoint

a voter registration coordinator. Public libraries and marriage license offices of the county clerk also must dispense voter registration applications. The Department of Public Safety, which is currently required to supply voter registration forms to the public, is officially designated a voter registration agency and is subject to other provisions of the act with some exceptions.

Among its other provisions, the act revises certain requirements relating to the voter registration of students at high schools, authorizes a voter registrar to maintain an original voter registration application on optical disk or computer, updates the contents of a voter registration application, authorizes the use of general revenue funds to implement the provisions of the National Voter Registration Act, and enables a voter to cancel his or her registration by written request.

HOUSE BILL 485 **HOUSE AUTHOR:** Denny, Hamric
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Nelson, Shapiro

Under state law, an expense incurred by an organization or club of a political party is considered a political contribution or expenditure, and therefore subject to state law regulating campaign contributions and expenditures, if it results from a meeting in which a candidate in the general election for state and county offices appears before the organization's membership. However, if no political contribution or solicitation is made at the meeting and the meeting is held at a time other than the 20 days preceding a primary, general, or special election for state and county offices, the expense is not considered a political contribution or expenditure.

House Bill 485 amends the Election Code to remove the 20-day restriction from the law, so that a political candidate may appear at such meetings at any time without causing the organization to incur an expense that is subject to state regulation. The act retains the requirement that no political contributions or solicitations be made at a meeting.

HOUSE BILL 582 **HOUSE AUTHOR:** Greenberg, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

The Election Code requires a political party to hold county and senatorial district conventions on the third Saturday after the general primary election day. The general primary election day is the second Tuesday of March in even-numbered years. House Bill 582 amends the Election Code to provide that if the third Saturday after the general primary election day occurs during Passover or on the Saturday between Good Friday and Easter, the conventions are to be held on the next Saturday after the normal convention date that does not interfere with those religious celebrations.

HOUSE BILL 1914 **HOUSE AUTHOR:** Solomons
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 1914 amends the Election Code to specify that an applicant for a voter registration certificate list his or her former name, if any, on the application, deleting a provision that required an applicant to list a maiden name. The act also requires that a voter registration certificate contain the voter's name in the form indicated by the voter.

SENATE BILL 94 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Madden, et al.

Senate Bill 94 amends the Election Code to enact the Judicial Campaign Fairness Act, which applies to elections for justice of the supreme court, judge of the court of criminal appeals, justice of a court of appeals, district judge, statutory county court judge, and statutory

probate court judge. The act establishes mandatory limits on political contributions made in campaigns for those offices. Limits are fixed for statewide judicial offices and are based on the population of the judicial district for the other offices. The act restricts the time period in which contributions can be made and establishes civil penalties for a candidate who violates the new limits. Other provisions limit group contributions by a law firm, restrict reimbursement of personal funds from political funds, and impose detailed contribution reporting requirements on candidates. The act also creates a system regulating political expenditures. While participation in the system is voluntary, a candidate or officeholder must file a declaration of his or her intent to comply or not comply with the expenditure limits. A candidate who chooses to participate, called a complying candidate, may state in political advertising that the candidate voluntarily complies with the Judicial Campaign Fairness Act, while a noncomplying candidate must state the opposite in his or her advertising. The act creates the judicial campaign fairness fund and directs the Texas Ethics Commission to use the fund, if practicable, to publish a voter's guide listing judicial candidates and their status as complying or noncomplying candidates.

In addition, Senate Bill 94 addresses other sections of the law relating to judicial officeholders. The act imposes financial disclosure requirements on a statutory county court judge and statutory probate court judge and creates a misdemeanor offense for failure to comply with the disclosure requirements.

The act took effect on June 16, 1995, except for the contribution reporting requirements, which took effect July 1, 1995, and the provisions requiring financial disclosure by statutory county court judges and statutory probate judges, which are effective September 1, 1995.

SENATE BILL 680 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Madden

Senate Bill 680 amends the Election Code to establish a method for a city, school district, or water district to cancel an election if each candidate on the ballot is unopposed and there are no write-in candidates and propositions on the ballot. The act requires the authority responsible for preparing the ballot to deliver written certification to the political subdivision's governing body if an election meets these criteria. The political subdivision may then declare the candidates elected by order or ordinance and cancel the election, but must post the order or ordinance at each regular polling place on election day. The act establishes a criminal offense for influencing a person by coercion or intimidation to not file as a candidate in an election subject to cancellation. It also shortens the filing periods for declarations of write-in candidacies in city, school board, and general-law water district elections. A current provision requiring a write-in candidate to appear on the list of write-in candidates in order to be counted in a general election for board members of certain water and utility districts is extended to apply to general-law water districts, water improvement districts, and irrigation districts. The new filing periods for declaring a write-in candidacy also apply to these districts.

SENATE BILL 888 **SENATE AUTHOR:** Sibley
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Munoz

Currently, a political sign that is installed on a rural road no earlier than 60 days before an election and removed 10 days after an election is exempt from a state regulation on outdoor signs on rural roads. Senate Bill 888 amends the law to increase the time period a sign may be installed before an election to 90 days.

ENERGY AND UTILITY REGULATION

HOUSE BILL 176 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 176 amends the Gas Utility Regulatory Act to narrow the components of "net income" used to establish gas utility rates. The act limits the calculation of utility revenues and expenses to those derived from or relating to gas utility service and prohibits consideration of payments to affiliated interests in rate-making decisions. The act also provides that if an expense is disallowed or not included in the utility rate base by the Railroad Commission, the related income tax deduction may not be included in the computation of income tax expenses to reduce the rates.

HOUSE BILL 1226 **HOUSE AUTHOR:** Torres
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1226 amends Chapter 113, Natural Resources Code, to clarify and standardize the regulatory provisions relating to liquefied petroleum gas (LPG).

HOUSE BILL 1405 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 1405 authorizes the Railroad Commission to require an onshore hazardous liquid pipeline facility to prepare and submit for commission approval a facility response plan in the event of a hazardous discharge or the threat of a discharge.

HOUSE BILL 1407 **HOUSE AUTHOR:** Holzheauser, Kamel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 1407 amends the Natural Resources Code to authorize the Railroad Commission to deny injection or disposal well permits, oil and gas waste storage, disposal, or hauling permits, or certificates of compliance from persons who are not in compliance with commission enforcement orders. The act also requires the commission to consider the person's history of previous violations when considering whether to revoke a permit, certificate of compliance, or operator organization report.

HOUSE BILL 1593 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Brown

House Bill 1593 amends provisions of the Natural Resources Code relating to the payment of oil and gas royalties. The act increases from $25 to $100 the amount of proceeds that may be accrued by an oil and gas operator before disbursement to the interest owner. The act requires the payor to provide a royalty check every 12 months or $100, whichever occurs first, and allows more than 12 months accumulation if the proceeds amount to less than $10. The act includes a provision that requires oil and gas operators to remit a royalty fee upon written request of the interest owner.

HOUSE BILL 1968 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Brown

House Bill 1968 makes a technical correction in the statutes relating to the Texas Energy Coordination Council by changing the position of the industrial energy consumer representative from ex officio to appointed.

HOUSE BILL 2039 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 2039 amends the Natural Resources Code to provide that a Railroad Commission notice filed with a county regarding a well plugging or intention to salvage and sell any abandoned oil field equipment need not be acknowledged by the county. The act prohibits a county from charging the commission a fee for filing or recording such a notice.

HOUSE BILL 2128 **HOUSE AUTHOR:** Seidlits, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 2128 amends the Public Utility Regulatory Act of 1995 to regulate telecommunications utilities and services and provide for the continuation of the Public Utility Commission of Texas (PUC). The bill provides that it is the policy of the state to encourage a fully competitive telecommunications marketplace by promoting the diversity of providers while maintaining the availability of existing high quality telecommunications services at affordable rates.

The act allows local exchange companies (LECs) to elect an incentive form of regulation based on service category and competition for the service, in exchange for a six-year infrastructure investment commitment and a four-year basic service price freeze based on June 1, 1995, prices. Incentive regulation is a new framework for facilitating the orderly transition from rate of return regulation to a fully competitive telecommunications marketplace. A service provider has the choice of opting for incentive regulation or continuing under rate of return regulation.

Under incentive regulation, telecommunications services would fall into three "baskets" of service based on essentialness to society and extent of available competition. The act imposes a four-year rate cap on Basket I, basic network services, provided by the incumbent LEC. In exchange for the rate cap, the bill allows pricing flexibility for other services provided by the LEC. Basket II, discretionary services, are partially deregulated by allowing the PUC to set the floor and ceiling rate based on the company's long range incremental cost (LRIC). Basket III, competitive services, are purely competitive, allowing the company to set the rate anywhere above the LRIC.

Companies that elect incentive regulation must participate in a specified infrastructure investment commitment over a six-year period on network enhancements to upgrade the state's telecommunications infrastructure. Infrastructure money also would be used to upgrade telecommunications equipment and technology in schools, libraries, public hospitals, and health care facilities.

To promote competition in the local exchange market by permitting companies to provide local telephone service in established areas, the act creates a mechanism to allow new entrants into the market. A certificate of operating authority allows a company to repackage and resell services bought from the incumbent LEC to meet a part of its service requirement but requires new entrants to build their own phone lines and other infrastructure over a six-year period. A service provider certificate of operating authority enables a new entrant to repackage and resell services, with no build-out requirement.

The act also includes provisions relating to small locally owned investor companies and incumbent LECs that serve rural areas, to establish a system of regulatory flexibility and partial deregulation. It includes an infrastructure plan for companies that do not choose incentive regulation and new requirements relating to electronic publishing and broadcasters, creates the Telecommunications Infrastructure Fund, and amends the Universal Service Fund. In addition,

the act provides for special distance learning rates for fiber optic lines and service, authorizes the PUC to implement competitive safeguards, includes provisions relating to portability of phone numbers, interconnections, and pay phones, and sets a PUC sunset date of September 1, 2001.

HOUSE BILL 2477 **HOUSE AUTHOR:** B. Turner, Gallego
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood, Zaffirini

House Bill 2477 amends the Natural Resources Code to authorize the School Land Board to lease oil, gas, and minerals directly to the owner of the surface estate on the condition that the surface owner waive agency rights and duties under the Relinquishment Act, including the right to receive bonus, rental, royalty, or other benefits that normally accrue to the lessor. The act sets forth a list of items to be included in an application to the board for an oil, gas, or mineral lease and establishes procedures for application review. The act authorizes the board to require an applicant to have material participation in the exploration and development of the property or share equally any benefit derived from the lease with the permanent school fund. House Bill 2477 also expands prohibitions against self-dealing by prohibiting a surface owner from leasing to a relative within the second degree of consanguinity without approval from the board.

HOUSE BILL 2731 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Bivins

House Bill 2731 establishes the Texas Experimental Research and Recovery Activity (TERRA), under the auspices of the Railroad Commission, to collect and maintain nonproducing but environmentally and mechanically sound wellbores. TERRA wellbores will be used by operators and research organizations to develop technologies to increase hydrocarbon production. The act establishes procedures under which wellbores are accepted into and released from the TERRA program, creates the TERRA fund in the state treasury, and requires that a person have a license from the commission before using a TERRA wellbore. The act also sets a license fee and penalties for violation of the license, and provides a tax exemption for hydrocarbons produced from TERRA wellbores and a limited tax exemption for former TERRA sites.

HOUSE BILL 3086 **HOUSE AUTHOR:** Combs
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Henderson

House Bill 3086 amends provisions of the Government Code to transfer the energy office and the energy management center from the governor's office to the General Services Commission. The act provides that the energy office is the supervisory agency of the Native American Restitutionary Program and authorizes the energy management center to assist state agencies in implementing federal energy policy.

SENATE BILL 219 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Saunders

Senate Bill 219 authorizes certain river authorities to sponsor and participate in economic development programs intended to strengthen the economic base and further the economic development of the state. The act validates proceedings, bonds, contracts, etc., relating to economic development programs that were adopted or approved by the river authority before the effective date of the act.

SENATE BILL 271 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Ramsay

Senate Bill 271 amends the Texas Surface Coal Mining and Reclamation Act to exempt actions taken by the Railroad Commission to suspend or rescind an improvidently issued surface coal mining and reclamation permit from the Administrative Procedure Act. The act authorizes a permittee who has been issued a notice of suspension or rescission to file an appeal for administrative review, to be governed by the Administrative Procedure Act, and strikes a provision that allowed the permittee to obtain a permit while a violation is being contested. The act conforms the Texas Surface Coal Mining and Reclamation Act to conform it to federal law by requiring permit applicants to submit a list of all violations committed, including those committed in other states. The commission is authorized to adopt and enforce rules to suspend or rescind an improvidently issued permit. Such rules must be consistent with and no less effective than federal regulations.

SENATE BILL 314 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** B. West

Senate Bill 314 repeals Section 87.133, Natural Resources Code, requiring the Railroad Commission to determine and post the market price of natural gas.

SENATE BILL 315 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 315 amends the Natural Resoures Code to authorize the Railroad Commission to require periodic deliverability and wellhead pressure testing of each producing gas well. Previous law required the open flow and rock pressure of each producing well to be tested in January and July of each year.

SENATE BILL 319 **SENATE AUTHOR:** Armbrister, et al.
EFFECTIVE: 4-5-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 319 is a nonsubstantive revision and recodification of the Public Utility Regulatory Act (PURA). The legislation divides the PURA provisions regulating electric and telecommunications utilities into separate sections but does not change the substance of the law.

SENATE BILL 373 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 373 continues the Public Utility Commission of Texas (PUC) and the Office of Public Utility Counsel (OPUC) and sets September 1, 2001, as the next sunset review date. The act also provides for the regulation of the electric utility industry.

The act implements the Sunset Advisory Commission's across-the-board recommendations for the PUC and OPUC and requires the State Office of Administrative Hearings (SOAH) to establish a utility division to perform the contested case hearings for the PUC. The act stipulates that existing hearings personnel and equipment shall transfer to SOAH on September 1, 1995, and provides employment protections for one year. The act authorizes the PUC to impose administrative penalties up to $5,000 for violations of the act or a PUC rule or order and establishes criteria for determining the amount of a penalty. The act provides that a penalty will not be imposed on accidental or inadvertent violations and prohibits the PUC from imposing a penalty if the person has previously corrected the violation or corrects the violation before the end of the 30-day period. Senate Bill 373 removes outdated statutory organizational requirements,

removes the age requirement for appointment as a PUC commissioner, and makes the executive director of the PUC responsible for running the day-to-day operations of the agency. The act also strengthens the conflict of interest provisions for PUC commissioners and applies them to the executive director, the general counsel, and the public counsel.

Regarding electric utility regulation, the act amends the Public Utility Regulatory Act to deregulate certain river authorities by prohibiting the PUC from regulating the revenue requirements, rates, fuel costs, fuel charges, or fuel acquisitions related to the generation and sale of wholesale electricity. The act allows utilities to use price flexibility but requires the PUC to ensure that the discounted rates offered by the utility are not being borne by the utility's other customers. The act requires the PUC to develop an integrated resource planning process and requires public utilities to submit to the PUC a preliminary integrated resource plan every three years covering a 10-year period that demonstrates how the utility will meet load demand and what fuel mix will be used.

The act authorizes an exempt wholesale generator or power marketer to operate in the state, with certain limitations and safeguards. The PUC is authorized to require a utility to provide transmission service at wholesale to another utility, qualifying facility, exempt wholesale generator, or power marketer, and to determine whether the terms for the transmission service are reasonable.

Senate Bill 373 allows an electric cooperative to be exempted from rate regulation if the members of the cooperative approve the measure. The act sets out procedures concerning rate change notification, the ballot, and the election process. The act establishes methods for a cooperative to use in changing its rates and sets out requirements for a rate change notice that must be sent to affected parties. The act also provides safeguards against potential abuses by a deregulated cooperative by requiring the PUC to review a rate change under certain circumstances. Finally, Senate Bill 373 provides for discounted utility rates for certain institutions of higher education and authorizes an electric cooperative corporation to form and participate in a joint powers agency with one or more public entities.

SENATE BILL 393 **SENATE AUTHOR:** D. Nixon
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Torres

Senate Bill 393 amends a provision of the Natural Resources Code to delete a reference to "liquefaction" of liquefied natural gas from the definition of "LNG System."

SENATE BILL 480 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Saunders

Senate Bill 480 clarifies that the Railroad Commission of Texas has sole authority for natural gas pipeline safety regulation in the state. The act prohibits a municipality or county from adopting or enforcing ordinances that establish safety standards applicable to transportation of gas or gas pipeline facilities.

SENATE BILL 651 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 651 amends the Water Code to authorize a person to construct or maintain a reservoir without a permit from the Texas Natural Resource Conservation Commission, provided that the sole purpose of the action is for sediment control as part of a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act.

SENATE BILL 726 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hirschi

This act amends provisions of the Education Code relating to energy conservation contracts entered into by institutions of higher education. Under previous law, an institution was required to submit notice of its request for proposals to the governor's office prior to any contract award. The act eliminates that directive and instead requires that the proposals themselves be submitted to the state energy management center for review, comment, and economic analysis. The center may charge the institution a fee for that service. The act directs the Texas Higher Education Coordinating Board in consultation with the center to establish guidelines and an approval process for energy conservation measures. It provides that the legislature base an institution's annual energy appropriation on the sum of its energy costs for the fiscal year and the estimated annualized net savings achieved over the lifetime of the energy conservation contract.

SENATE BILL 744 **SENATE AUTHOR:** Cain
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Holzheauser

Senate Bill 744 authorizes local governments to enter into performance contracts for energy conservation measures to reduce energy consumption or operating costs of government facilities. The act requires the provider of the energy conservation measures to file a performance bond with the local government and authorizes a lease-purchase contract, not to exceed 10 years, that is consistent with federal tax requirements. The act also sets out the terms of the contract, the bidding process, and the awarding of the contract.

In addition, the act authorizes a retail public utility to provide nonconsumptive water service for the operation of a geothermal heat pump that circulates the water in a closed loop and returns it to the water main. A retail public utility that provides water service is required to retain total control over access to the water, not allow the water to enter any building, and locate the heat exchanger in a locked utility box that is under the control of the utility and in the public utility easement. The act also authorizes the retail public utility to adopt additional rules and procedures for installing, operating, and removing a geothermal heat pump and to charge a reasonable fee for services. Finally, the act provides that a retail public utility is immune from civil liability arising from the installation or use of a geothermal heat pump.

SENATE BILL 905 **SENATE AUTHOR:** Ellis
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Dutton

Senate Bill 905 amends provisions of the Natural Resources Code and Education Code relating to royalty rates applicable to marginal oil and gas properties on public land.

The act authorizes the School Land Board and the Board for Lease of University Land to adopt rules to provide for the reduction of royalty rates for marginal oil and gas wells on certain qualifying property and places limits on the amount of royalty reduction that may be granted. The act also authorizes the boards to modify the terms and conditions for a pooled unit subject to board authority as a condition of approving a royalty rate reduction.

SENATE BILL 1158 **SENATE AUTHOR:** Sibley
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 1158 amends the Code of Criminal Procedure to allow cellular phone providers to offer caller identification services.

SENATE BILL 1227 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Duncan

Senate Bill 1227 amends provisions of the Public Utility Regulatory Act to exempt certain electric cooperative corporations from rate regulation upon an affirmative vote by a majority of the cooperative's members. The act sets out procedures concerning rate change notification, the ballot, and the election process. The act also establishes methods for a cooperative to use in changing its rates and sets out requirements for a rate change notice that must be sent to affected parties. The act stipulates that prior to changing a rate, an electric cooperative must have a cost of service study that is not more than five years old and is available for review by interested parties.

The act provides safeguards against potential abuses by a deregulated electric cooperative by requiring the Public Utility Commission (PUC) to review a rate change if, within a certain time period, the commission receives a petition requesting a review signed by at least 10 percent of all cooperative members or members of the cooperative who purchased more than 50 percent of the annual energy sales to any customer class. An executive officer of an affected electric utility could petition the PUC to have rates reviewed. Additionally, the act authorizes a single customer to seek a rate review if the customer consumes more than 250 million kwh and purchases more than 10 percent of the total energy sales or provides more than 7-1/2 percent of the total revenues of the electric cooperative. The act also authorizes the PUC to review a rate change if it finds good cause to believe the cooperative is earning more than a reasonable rate of return on overall system revenues or on revenues from a rate class, and it establishes guidelines for PUC review. Finally, the act authorizes an electric cooperative that has elected to be exempt from rate regulation to adopt by resolution retail tariffs or contracts containing charges that are less than average embedded cost retail rates but equal to or greater than the cooperative's marginal cost.

SENATE BILL 1347 **SENATE AUTHOR:** R. West
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Dutton

Senate Bill 1347 amends the Natural Resources Code to authorize the commissioner of the General Land Office, a soil owner, or the School Land Board to negotiate and execute insurance contracts or other agreements to secure or guarantee payment for royalty taken in kind.

SENATE BILL 1356 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 1356 amends the Natural Resources Code relating to the Texas Railroad Commission's authority to permit commingling of oil and gas production. The act amends the permitting procedure to provide that a hearing is not mandatory as long as there is an opportunity for a hearing and notice has been given.

SENATE BILL 1357 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 1357 amends the Natural Resources Code to authorize the Texas Railroad Commission, after notice and opportunity for hearing, to permit surface commingling of production of oil and gas or oil and gas production from two or more tracts of land or commission designated reservoirs, if the commission finds that commingling will prevent waste, promote conservation, or protect correlative rights.

SENATE BILL 1438 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Hirschi

Senate Bill 1438 amends the Natural Resources Code to define a "marginal gas well" as a gas well that is incapable of producing under normal operating conditions more than 250,000 cubic feet of gas per day.

SENATE BILL 1551 **SENATE AUTHOR:** Haywood
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Williamson

Senate Bill 1551 repeals certain provisions of the Natural Resources Code that limit the authority of the Railroad Commission of Texas to regulate production of oil and gas from multiple stratigraphic or lenticular oil and gas reservoirs.

SENATE BILL 1628 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** D. Jones

Senate Bill 1628 amends state law to delete language that exempts people who transport gas on behalf of the state or a state agency or institution from being considered a gas utility, public utility, or utility. The act repeals a provision that prohibits a gas utility from refusing to provide service to a state agency if pipeline capacity is available and also repeals a provision that requires the Railroad Commission to set rates that a gas utility may charge a state agency.

FAMILY LAW AND JUVENILE JUSTICE

HOUSE BILL 120 **HOUSE AUTHOR:** Kamel, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 120 amends the Family Code and the Code of Criminal Procedure to authorize a juvenile court to require a nonrefundable $10 fee for a child who requests a teen court program. The juvenile court pays the fee to the teen court program and its receipt and disbursal must be documented by the program.

HOUSE BILL 170 **HOUSE AUTHOR:** Thompson, Dukes
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Armbrister

House Bill 170 amends the Family Code to allow child support payments to be made by electronic transfer, upon court approval, and to provide for verification of the deposit to the local child support registry. The bill requires a local registry in a county that makes deposits into personal bank accounts by electronic funds transfer as of April 1, 1995, to transmit a child support payment by electronic funds transfer if the recipient maintains a bank account.

HOUSE BILL 223 **HOUSE AUTHOR:** Munoz
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 223 amends provisions of the Human Resources Code relating to missing children. The bill changes the definition for "child" to be a person under 18 rather than 17 years of age.

HOUSE BILL 327 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** C. Harris, Brown

House Bill 327 is the result of recommendations from the Joint Interim Committee on the Family Code. It revises Title 3 of the Family Code and substantially alters the juvenile justice system. It begins by changing the heading of Title 3 from "Delinquent Children and Children in Need of Supervision" to "Juvenile Justice Code." The act makes public safety the primary purpose and promotes the concept of punishment for criminal acts, removes, where appropriate, the taint of criminality from children committing certain unlawful acts, and provides treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child.

The act establishes a progressive sanctions program that enables courts and law enforcement agencies to respond to juvenile conduct. It creates seven progressive sanction levels, each more restrictive than the previous one, to guide the disposition of cases in the juvenile court. The act also lowers the age that a child can be tried as an adult from 15 to 14 years of age for certain felony conduct and expands the list of offenses punishable by a determinate sentence.

The act establishes a statewide computerized juvenile justice information system to be maintained by the Department of Public Safety to record information about children who come into contact with the juvenile justice system in this state. The act also includes provisions that focus on delinquency prevention and detention facilities for juveniles, including youth boot camps, vocational training programs, post-adjudication residential or day-treatment centers, and juvenile curfews.

HOUSE BILL 330 **HOUSE AUTHOR:** Dear, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 330 amends the Code of Criminal Procedure to allow a justice or municipal court to exempt a defendant who successfully completes a teen court program from paying a court cost or fee imposed by another statute.

HOUSE BILL 336 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 336 amends the Family Code to provide for a two-year rather than one-year statute of limitations for bringing an action to prove the existence of an informal marriage. The date for determining the two years is the date on which the parties separated and ceased living together.

HOUSE BILL 418 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 418 amends provisions of the Family Code relating to family violence and protective orders. The act updates statutory references relating to the definition of relationships by consanguinity or affinity, amends the description of family violence to include sexual assault, adds the Department of Protective and Regulatory Services to the list of entities or persons who may file an application for a protective order, requires that a divorce petition state whether a protective order is in effect and that a copy of the order be attached to the petition, and provides that a court may not dismiss an application for a protective order solely because a divorce has been filed.

The act designates the county attorney or the criminal district attorney as the prosecuting attorney responsible for filing protective orders unless the district attorney assumes the responsibility by giving notice to the county attorney. The prosecuting attorney having responsibility for filing applications is required to provide notice of those responsibilities to all law enforcement agencies within the jurisdiction of the prosecuting attorney. The act also exempts an applicant for a protective order from payment of any fees, court costs, or other fees associated with filing the order and requires the respondent, unless indigent, to pay the costs of the filing.

HOUSE BILL 433 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 433 is the result of recommendations of the Joint Interim Committee on the Family Code that propose changes in former Title 2, Family Code (now Titles 2 and 5, Family Code), relating to the parent-child relationship, suits affecting the parent-child relationship, and the protection of children. The act also includes recommended changes in procedures involving the investigation of child abuse. The act makes extensive changes to the Family Code and this summary will highlight the more important ones. The act:

(1) provides for the transfer of jurisdiction in suits affecting the parent-child relationship;

(2) allows a peace officer to consent to medical treatment for a child in certain instances and gives the officer immunity from liability for that consent;

(3) permits the Department of Protective and Regulatory Services (DPRS) to be served with citation in a suit affecting the parent-child relationship;

(4) permits the testimony of a child outside the courtroom if the child is medically incapable of testifying in open court;

(5) provides that a person may not demand a jury trial in a suit for adoption;

(6) changes the notice requirements between parties subject to a court order for child support or possession of or access to a child;

(7) makes changes to the powers and duties of a guardian ad litem and attorney ad litem;

(8) makes changes to records of adoption substituting the bureau of vital statistics for the department of health;

(9) clarifies the rights, powers, and duties of parents and managing and possessory conservators and provides that it is a rebuttable presumption that the appointment of the parents of a child as joint managing conservators is in the best interest of the child;

(10) provides that the payment of support cannot be conditioned on access or possession of the child and that possession or access cannot be conditioned on the payment of support;

(11) provides for admissibility of a false report of child abuse in a suit involving a child;

(12) provides that either or both parents may be required to pay child support if the DPRS is temporary managing conservator of a child;

(13) allows the court to enter an order for possession of and access to an adult disabled child;

(14) provides for voluntary income withholding for the person paying child support;

(15) states who may contest the paternity of a child and discusses how to evaluate the presumption of paternity;

(16) provides for the termination of the parent-child relationship for a parent who has abandoned a child in the custody of DPRS;

(17) exempts persons covered by the federal Indian Child Welfare Act from the prohibition on considering race or ethnicity in placing a child for adoption;

(18) provides a mechanism for enforcing the prohibition of state payments to persons delinquent in child support;

(19) provides for the suspension of a professional, recreational, or driver's license for failure to pay child support;

(20) makes extensive changes in investigations of child abuse, including the duty to report abuse, immunity for those who report abuse, the confidentiality of and disclosure of information, the investigation of abuse in MHMR, county juvenile facilities, and schools, the removal of a child from the child's home, and the review of DPRS procedures in conducting an investigation and taking action to protect a child;

(21) provides for notification in a petition for divorce and in a suit affecting the parent-child relationship of a statement of alternative dispute resolution methods, including mediation;

(22) authorizes a court to modify an order that designates a sole managing conservator of a child 12 years of age or older if the child has filed a written notice with the court of the child's choice for managing conservator and the court finds that the appointment is in the best interest of the child;

(23) changes the grounds for modification of sole managing conservatorship of any child to a material and substantial change in circumstances that would be a positive improvement for the child;

(24) provides that an affidavit for voluntary relinquishment of parental rights may not be signed until 48 hours after the birth of the child;

(25) requires the court, in a suit for adoption, to order each prospective adoptive parent to obtain the parent's own criminal history record information to be filed with the court;

(26) provides that the placement of a child in substitute care by DPRS constitutes an assignment to the state of any support rights attributable to the child; and

(27) requires that a statewide organization contracting with the state to provide volunteer advocate programs not spend more than 12 percent of the annual legislative appropriation for administrative purposes.

HOUSE BILL 603 **HOUSE AUTHOR:** Gray
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 603 amends the Family Code to authorize the court, by request of either party to a divorce, to issue a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefit. The action seeking an order must be filed with the court that rendered the final order of property division, and that court has continuing, exclusive jurisdiction over the parties and property.

HOUSE BILL 647 **HOUSE AUTHOR:** Farrar
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** G. Luna

The Family Code allows a judge to order a change in a managing or possessory conservator's visitation access if there has been a material or substantial change of circumstances sufficient to justify a modification. House Bill 647 amends the code to provide that a conviction or deferred adjudication for sexual assault of a child is a material and substantial change for purposes of justifying a modification of a visitation order. The bill creates a Class B misdemeanor offense for knowingly filing a false motion to modify an order under this section.

HOUSE BILL 655 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 4-20-95 **SENATE SPONSOR:** C. Harris

House Bill 655 is a nonsubstantive recodification of Title 2, Family Code, relating to parents and children and suits affecting the parent-child relationship.

HOUSE BILL 1053 **HOUSE AUTHOR:** Raymond, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 1053 amends the Human Resources Code to direct the Texas Department of Human Services to maximize federal funding of programs for victims of family violence by amending the state's emergency assistance plan under Title IV-A of the Social Security Act. The act also requires the department to ensure that a contract with a family violence shelter includes provisions necessary to obtain federal matching funds and to adopt rules relating to reporting procedures required by federal law as a condition of receiving federal funding.

HOUSE BILL 1108 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Moncrief

House Bill 1108 amends the Family Code to require that the court, in any suit in which an adoption is sought, order persons seeking to adopt a child to obtain their own criminal history record information from the Texas Department of Public Safety. The prospective parent is required to provide the department with the name and address of the court and the date of the adoption hearing, and the department is required to provide the information to the court not later than the 10th day before the hearing date. The act provides that this criminal history information is confidential.

HOUSE BILL 1109 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Moncrief

House Bill 1109 amends the Family Code to require the court to order a social study in any suit for adoption, including one involving a private agency or an individual. The act requires that the social study include a complete investigation of the circumstances and condition of the home of a person petitioning for the adoption of a child and directs the court to order the prospective adoptive parent to pay the cost of the social study.

HOUSE BILL 1274 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

A domestic relations office is authorized to obtain information from the Department of Public Safety and the Texas Employment Commission on an individual who has been ordered to pay child support, has been designated as the father of a child, or has executed a statement of paternity. House Bill 1274 also allows a domestic relations office to access voter registration information maintained by the secretary of state's office, including name, current and former address, sex, birth date, social security number, and telephone number. The secretary of state is authorized to charge a fee for the information.

HOUSE BILL 1275 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 1275 amends the Human Resources Code to authorize the Texas Youth Commission to employ and commission apprehension specialists as peace officers for the purpose of apprehending a child who has escaped from a secure facility or broken conditions of release.

HOUSE BILL 1375 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

Under previous law, a minor was required to attend an alcohol awareness course for a second or subsequent offense involving the possession, consumption, or purchase of alcohol. House Bill 1375 makes attendance mandatory for a first offense and requires that the course be approved by the Texas Commission on Alcohol and Drug Abuse. The court is authorized to require the parent of a defendant younger than 18 to attend the course with the minor. If such a course is not readily available, the court is required, rather than authorized, to require the defendant to perform community service.

The act also authorizes the court to reduce the fine for a defendant who presents evidence of satisfactory completion of the course within the required time period. The act requires the court to suspend or deny the issuance of the driver's license of a defendant who fails to demonstrate completion of the course and requires the Department of Public Safety to notify a defendant of a license suspension or nonissue.

HOUSE BILL 1486 **HOUSE AUTHOR:** Counts
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sims

House Bill 1486 amends the Human Resources Code to reduce the size of the Mitchell County Juvenile Board from 16 members to 7 members, with 2 additional members authorized if their appointing entities provide necessary funding, and designates two-year terms. This board has jurisdiction in Mitchell, Fisher, and Nolan counties.

HOUSE BILL 1687 **HOUSE AUTHOR**: Alonzo
EFFECTIVE: 8-28-95 **SENATE SPONSOR**: Gallegos

House Bill 1687 amends the Code of Criminal Procedure to establish additional notification requirements in the event that a student is arrested or taken into custody for certain offenses to include notification of all instructional and support personnel who have contact with the student. The personnel are required to keep the information confidential and the State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate the confidentiality of the notification.

HOUSE BILL 1695 **HOUSE AUTHOR**: B. Turner
EFFECTIVE: 5-23-95 **SENATE SPONSOR**: Montford

House Bill 1695 amends the Human Resources Code to authorize the Texas Youth Commission to perform fire protection, prevention, and suppression activities at commission facilities. The commission is further authorized to define circumstances when commission employees may assist local governmental entities in these activities.

HOUSE BILL 1754 **HOUSE AUTHOR:** Crabb
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

Under previous law, only district and county judges were authorized to waive the required 72-hour waiting period for issuance of a marriage license. House Bill 1754 expands the authority to include a justice of the supreme court, a judge of the court of criminal appeals, and a judge of the court of appeals.

HOUSE BILL 1879 **HOUSE AUTHOR:** Solomons
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 1879 amends provisions of the Family Code to require the court to grant a name change to a former name in a divorce or annulment unless the court states in the decree a reason for denying the name change. The act prohibits the court from denying a name change solely to keep the last names of family members the same. The act also establishes procedures and requirements, including a $10 fee, for a one-page change of name certificate and authorizes a person to apply for the certificate from the clerk of the court.

HOUSE BILL 2031 **HOUSE AUTHOR:** Kubiak, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** R. West

House Bill 2031 requires the Texas Juvenile Probation Commission to establish and oversee a Buffalo Soldier Heritage pilot program in Bexar, Dallas, Tarrant, Tom Green, and Washington counties, using the Washington County program as a guide. The act requires the commission to assist in establishing an advisory council and to designate a program officer for each county. The commission is to provide grants to the county or a local group to establish the program and to contract with colleges and universities for curriculum development.

The commission must establish the pilot program no later than January 1, 1996, and report to the governor and the 75th and 76th Legislatures on the effectiveness of the pilot program. The act expires on September 1, 1999.

HOUSE BILL 2035 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Nelson

House Bill 2035 provides for the suspension of a driver's license if the license holder is under 17 years of age and fails to appear or to pay certain fines in a justice or municipal court.

HOUSE BILL 2159 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 2159 amends provisions of the Family Code relating to protective orders to specifically include constables among those law enforcement officers authorized to serve and enforce protective orders.

HOUSE BILL 2569 **HOUSE AUTHOR:** Brady
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 2569 amends provisions of the Family Code relating to the investigation of child abuse and the protection of a child who is the subject of an investigation or a suit affecting the parent-child relationship, or who is under the jurisdiction of the Department of Protective and Regulatory Services. This summary will highlight the more important changes.

The act authorizes the Department of Protective and Regulatory Services to have an expedited hearing if the department determines that a child should be removed from the home because of an immediate danger to the physical health or safety of the child and provides an expedited appeals process if the child is not removed. In addition, the department or any other interested party is entitled to an expedited hearing on removal if the child is returned to the home and there is a subsequent allegation of abuse or neglect.

The act requires that an investigation of an allegation of child abuse be conducted jointly by DPRS and the local law enforcement agency and provides that the inability or unwillingness of local law enforcement to investigate does not constitute grounds to prevent the department from performing its duties of investigation.

The act authorizes DPRS to file a petition to remove an alleged perpetrator from the home if the department, after investigation, believes the child would be protected by the removal. Violation of a court order under this section is a Class A misdemeanor and is a third degree felony if the person has previously been convicted of this offense.

Effective March 1, 1996, the department may spend appropriated funds for protective services, child and family services, and purchased services only in a county that provides the department with a child abuse prevention plan. An exception may be made after the department documents the failure to submit.

The act requires the Department of Protective and Regulatory Services to provide medical tests, including HIV tests, to a child who the department believes has been sexually abused. The results of the tests are confidential except, if requested, the department shall report results to a court, a foster parent, and a person seeking to adopt the child.

The act establishes ad litem pools from which appointments are to be made in proceedings in the district courts of a county and requires persons seeking to be included in the pool to complete a training course provided by the State Bar of Texas, complete at least three hours of continuing legal education courses a year in family law, and fulfill any other requirements established by the local administrative district judge. It mandates compliance within a county of 2.8 million or more and allows participation in the remainder of the state.

The act transfers the Child Abuse Program Evaluation Committee from the governor's office to the Department of Protective and Regulatory Services.

HOUSE BILL 2998 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2998 amends the Human Resources Code to expand the composition of the Kaufman County Juvenile Board by adding the judge of the County Court at Law of Kaufman County.

HOUSE BILL 3195 **HOUSE AUTHOR**: Place
EFFECTIVE: 8-28-95 **SENATE SPONSOR**: Sims

House Bill 3195 amends the Human Resources Code relating to the Juvenile Board of Coryell County. The bill clarifies that the Juvenile Board of Coryell County is composed of the district judge or judges whose districts include Coryell County, as well as the county judge and the judges of the county courts at law of Coryell County. The act also requires membership on the board to include a judge of a county court at law designated as a juvenile court, allows board members to select their own chairman to a one- or two-year term, establishes guidelines for compensation of board members, and permits the board to apply for and utilize grants and donations.

SENATE BILL 49 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 49 amends the Family Code and the Human Resources Code to provide that a person other than the natural or adoptive parent or legal guardian of a child, or a licensed child-placing agency, who facilitates or places a child for adoption commits a Class B misdemeanor offense. Professionals who provide legal or medical services to parents and prospective adoptive parents who arrange for the placement of a child for adoption without professional assistance are excepted.

SENATE BILL 81 **SENATE AUTHOR:** Shapiro, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Brady, Goodman

Senate Bill 81 sets up a mechanism to allow participating entities serving two or more contiguous counties to establish a children's advocacy center to bring a cooperative, team approach to the investigation of child abuse cases. Before a center may be established, a memorandum of understanding must be executed by the Department of Protective and Regulatory Services, a representative of county and municipal law enforcement agencies, the county or district attorney who routinely prosecutes child abuse cases, and any other individual or entity

that provides services to children. Each participating entity is required to appoint a member to serve on the governing board of the center. The act requires the center to assess victims of child abuse and their families to determine their need for services, provide recommended services, provide a facility at which a multidisciplinary team can meet, and coordinate the activities of governmental entities relating to child abuse.

The act also establishes a new subchapter in the Family Code entitled Child Fatality Review and Investigation and provides for a child fatality review team committee. The committee, with the assistance of the Department of Protective and Regulatory Services, the Children's Trust Fund of Texas Council, and the Texas Department of Health, is to develop an understanding of the causes and incidence of child deaths in this state, identify procedures to reduce the number of preventable child deaths, and promote public awareness and make recommendations for changes in law, policy, and practice to reduce the number of preventable child deaths.

The act requires a person who knows of the death of a child younger than six years of age to immediately report the death to the medical examiner or a justice of the peace of the county. The law is amended to require a justice of the peace or a medical examiner to conduct an inquest and order an autopsy if the deceased is a child younger than six years of age and the death is reported under the child welfare services chapter of the Family Code.

SENATE BILL 128 **SENATE AUTHOR**: Moncrief, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Greenberg, et al.

Senate Bill 128 amends the Code of Criminal Procedure and the Government Code to create exceptions to the spousal adverse testimony privilege. The act eliminates the privilege of a defendant's spouse not to be called in domestic violence proceedings and requires that the summons clearly state that coercion of a witness to a legal proceeding is a felony offense. The act requires district courts to give preference to criminal actions involving domestic violence and the Court of Criminal Appeals to adopt rules for the training of attorneys who prosecute cases involving family violence.

SENATE BILL 129 **SENATE AUTHOR**: Moncrief, et al.
EFFECTIVE: 6-14-95 **HOUSE SPONSOR**: McCall, et al.

Senate Bill 129 amends the Code of Criminal Procedure and the Penal Code to establish the authority and procedure of a magistrate's order for emergency protection for a victim of family violence or stalking. Upon the arrest of a defendant charged with family violence or stalking, the order may be issued on the magistrate's own authority or on the request of the victim, a guardian of the victim, a police officer, or an attorney for the state. The emergency order may restrict acts of family violence, stalking, inappropriate communications, and access to certain locations. The order prevails over any existing court orders regarding possession or access to a child. All emergency protective orders remain in effect until the 31st day after their issuance and contain a warning in bold-face type concerning the potential punishments for violation of the order. The act further requires that copies of the order be sent to the appropriate local law enforcement agency and that such agencies develop procedures for providing their officers with adequate listings of all persons in the area who are under emergency protective orders. If the order prohibits access to a school or child-care facility, the magistrate is required to send a copy of the order to the relevant facility. Violation of the protective order is a Class A misdemeanor for the first and second convictions and a state jail felony offense for all subsequent convictions.

SENATE BILL 131 **SENATE AUTHOR:** R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Danburg

Senate Bill 131 requires the Department of Protective and Regulatory Services to adopt and implement rules requiring an investigating employee to document indications of domestic violence, including elder, spouse, and child abuse, and to include a statistical compilation of the information in its annual report. The act authorizes the department to develop forms to facilitate documentation and requires the department to adopt rules requiring written information about services available to victims of domestic violence be distributed to those victims.

SENATE BILL 134 **SENATE AUTHOR**: Shapiro, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Thompson, et al.

Senate Bill 134 amends the Penal Code to establish an enhanced offense for persons who habitually commit acts of family violence. Under this legislation, the offense for a third or subsequent conviction for assault against a family member is elevated from a Class A misdemeanor to a state jail felony.

SENATE BILL 135 **SENATE AUTHOR**: Shapiro, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Thompson, et al.

Senate Bill 135 amends the Penal Code to establish an offense enhancement for habitual violators of certain protective orders issued under the Family Code. If a defendant is convicted of violating a protective order related to domestic violence and it is further shown that the defendant has previously been convicted two or more times for such an offense, the penalty is elevated from a Class A misdemeanor to a state jail felony.

SENATE BILL 161 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 161 amends provisions of the Family Code relating to adoption services for children who cannot be placed for adoption without adoption assistance, including financial and medical assistance, because of factors including ethnic background, age, membership in a minority or sibling group, a medical condition, or a physical, mental, or emotional disability. The act requires the Department of Protective and Regulatory Services to enter into an adoption assistance agreement with the adoptive parents of a child with "special needs" as defined under the Social Security Act. The agreement must specify the nature and amount of any payment, services, or assistance to be provided by the department. The act also makes other changes to comply with federal law.

SENATE BILL 169 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 169 amends provisions of the Family Code relating to interstate placement and medical assistance to children. The act sets out the terms of the Interstate Compact on Adoption and Medical Assistance. The act also redesignates and amends sections providing for the Interstate Compact on the Placement of Children. The compact is amended to require the governor to appoint the executive director of the Department of Protective and Regulatory Services as compact administrator. The executive director is required to designate a deputy compact administrator and staff to carry out the terms of the compact.

A provision of the compact relating to assigning financial responsibility for a child is amended to authorize, rather than require, the executive director to return a child to the sending agency upon default of performance or failure to provide financially for the child. The act also deletes a provision that prohibits the executive director from approving the discharge of a child placed in a public institution without the concurrence of the head of the institution.

The act provides that an individual, agency, corporation, or child-care facility that violates a provision of the compact commits a Class B misdemeanor. The act further provides for the offense of illegal placement of a child by an individual, agency, corporation, child-care facility, or child-care institution. A violation of the provision is a Class B misdemeanor and results in revocation of any license or certification upon conviction.

SENATE BILL 224 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Danburg, Naishtat

Senate Bill 224 amends the Family Code by adding a new chapter relating to the reporting of family violence. The act encourages a person who witnesses family violence to report the family violence to a local law enforcement agency. A medical professional who treats a person for injuries that the medical professional has reason to believe are caused by family violence is required to immediately provide the person with information regarding the nearest family violence shelter center and document in the person's medical file the suspected family violence. The act establishes the form and content of the written notice a medical professional is required to give the person and requires that the notice be written in both English and Spanish.

A person who reports family violence or provides information is granted immunity from civil liability. However, a person who reports family violence in bad faith is not protected from liability. The act provides that this chapter does not affect the duty to report child abuse.

SENATE BILL 242 **SENATE AUTHOR**: Shapiro, et al.
EFFECTIVE: 1-1-96 **HOUSE SPONSOR**: Denny

Senate Bill 242 amends the Human Resources Code to require the Texas Juvenile Probation Commission to provide training in violence prevention and conflict resolution. On request from juvenile probation departments and juvenile boards, the commission will train local personnel with programs that include discussion of domestic violence and child abuse. Further, the commission is required to encourage the inclusion of violence prevention and conflict resolution as a condition of probation. The commission is also required to provide education in violence prevention and conflict resolution, including discussion of domestic violence and child abuse issues, to all children in its custody.

SENATE BILL 243 **SENATE AUTHOR**: Shapiro, et al.
EFFECTIVE: 1-1-96 **HOUSE SPONSOR**: Denny

Senate Bill 243 amends the Human Resources Code to require the Texas Youth Commission to provide sentenced and committed youths with educational programs concerning violence prevention and conflict resolution. The required programs must include discussion of domestic violence and child abuse issues.

SENATE BILL 286 **SENATE AUTHOR**: Brown, Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR**: Place

Senate Bill 286 amends the Penal Code to stipulate that the term "spouse," as applied to the offense of sexual assault, means any person who is legally married to another, regardless of the condition of the marriage. Previous law provided that the term did not apply if the married couple did not live together or if there was a pending action for divorce or separate maintenance.

SENATE BILL 291 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 291 updates and consolidates statutes relating to voluntary adoption registries. It requires the administrator of the central registry to determine, upon receiving an inquiry by an adoptee, birth parent, or sibling, the appropriate registry to which an applicant is entitled to apply or register. The act authorizes an adoptee who is 18 years of age or older to apply to a registry for information about birth parents and biological siblings. The act also lowers the age from 21 to 18 years for a birth parent, alleged birth father, and a biological sibling to be able to apply to an adoption registry for information.

The application for registration is amended to clarify identification procedures for the adoptee, birth parent, or biological sibling. The act deletes a required registration fee of $15 and provides that each registry must establish fees that reasonably relate to the cost of establishing, operating, and maintaining the registry. The act also adds a provision that requires the administrator to notify registrants if no match can be made because of the death of an adoptee, birth parent, or biological sibling and to provide any nonidentifying information concerning the circumstances of the person's death.

SENATE BILL 338 **SENATE AUTHOR:** Zaffirini, Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 338 amends provisions of the Family Code relating to the termination of the parent-child relationship. The act changes the burden of proof required for a court to order termination to a finding of clear and convincing evidence. The act also adds to the conditions under which a petition requesting termination of the parent-child relationship may be granted. The court may terminate the parent-child relationship if a parent has constructively abandoned a child who has been in the managing conservatorship of the Department of Protective and Regulatory Services for more than one year, if the department has made reasonable efforts to return the child, if the parent has not visited or maintained contact with the child, and if the parent has demonstrated an inability to provide the child with a safe environment.

SENATE BILL 512 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Dutton

Senate Bill 512 amends provisions of the Family Code relating to payment for a statement of facts in a suit affecting the parent-child relationship. The act amends the law to allow, rather than require, a court to order any county to pay the costs of preparing a statement of facts if a party is indigent and deletes the provision making it applicable only to a county with a population in excess of two million. The act also states that the section cannot be construed to permit an official court reporter to be paid more than once for the preparation of the statement of facts.

SENATE BILL 622 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Thompson, Naishtat

Senate Bill 622 amends the Family Code by adding a new chapter relating to domestic relations offices.

The act transfers the substance of the present law governing domestic relations offices from the Human Resources Code to the Family Code with these changes:

(1) defines administering entity and domestic relations office;

(2) authorizes a commissioners court to establish a domestic relations office to be administered as provided by the commissioners court or by the juvenile board of the county;

(3) gives the administering entity the authority to hire a director to administer the day-to-day operations of the office;

(4) changes the powers and duties of a domestic relations office from a requirement (shall) to an authorization (may);

(5) gives the domestic relations office the authority to collect and disburse child support payments and maintain records of the payments, to file a suit to establish paternity, enforce a court order, and modify or clarify an existing child support order, to provide an informal forum for mediation to resolve disputes regarding the parent-child relationship, to prepare a court-ordered social study, to represent a child as guardian ad litem, to serve as a friend of the court, to provide predivorce counseling ordered by a court, and to provide probation services for persons who violate court orders regarding child support; and

(6) raises the initial operations fee that the domestic relations office may collect for filing a suit from $5 to $15, raises the monthly child support service fee from up to $2 to up to $3, and allows the office to collect probation fees for persons who violate court orders regarding child support. The commissioners court may authorize the office to assess and collect a reasonable attorney's fee and court costs incurred or ordered by the court and a fee for the preparation of a court-ordered social study.

SENATE BILL 707 **SENATE AUTHOR:** Rosson, Moncrief
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Serna

Senate Bill 707 creates an offense for the possession of aerosol paint by a person younger than 18 years of age and regulates access by customers to aerosol paints.

SENATE BILL 789 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 789 amends the Family Code to authorize a law enforcement officer to take possession of a missing child in an emergency without a court order. The officer is required to deliver the child to a person entitled to possession of the child or to the Department of Protective and Regulatory Services if that person is not immediately available. The act provides procedures for the department relating to the possession of the child.

SENATE BILL 793 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 793 makes a number of changes to the law regarding interagency studies in child support collection and enforcement. The act requires the attorney general to work with the Texas Judicial Council, the Office of Court Administration, the federal Office of Child Support

Enforcement, and appropriate state, county, and local officials in developing a statewide registry system for child support and medical support enforcement with participation by a county on a voluntary basis. The registry would use automated processes for recording and tracking child support orders, monitoring compliance with those orders, and initiating enforcement actions when delinquency occurs.

The act also implements provisions relating to medical support mandated by federal law as a condition of continued receipt of federal Medicaid funds.

The act requires the attorney general, when possible, to establish support obligations in a case involving a child receiving AFDC within one year of notification by the Texas Department of Human Services, and to create an interagency working group on child support enforcement. The work group is required to report to the governor, lieutenant governor, speaker of the house, and the attorney general by January 15, 1996, on the progress of the implementation of the child support registry system.

The act expands and simplifies the voluntary Employer New Hire Reporting program to include the development of an automated reporting system to be shared by the Texas Department of Human Services, the Texas Workers' Compensation Commission, and the Texas Employment Commission to increase child and medical support and decrease fraud.

The attorney general is required to convene a child support collection privatization council made up of representatives of state and county officials to develop procedures necessary to encourage the cost-effective utilization of private collectors in the enforcement and collection of child and medical support. The Tax Code is amended to exempt collection of court-ordered child support and medical support from the sales and use tax on debt collection services.

The act also requires a Title IV-D agency to make information available to consumer reporting agencies regarding the amount of child support owed and the amount paid by an obligor in a Title IV-D case.

SENATE BILL 916 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 916 amends the Human Resources Code to add the judge of the County Court at Law of Comal County to the membership of the Comal County Juvenile Board.

SENATE BILL 1435 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Horn

Senate Bill 1435 amends the Certificate of Title Act relating to joint ownership of a motor vehicle by spouses with the rights of survivorship. This act requires that a certificate of title include a rights of survivorship agreement form. If the agreement form is signed by both spouses, the motor vehicle is held by both spouses jointly with the interest of either spouse who dies vesting in the surviving spouse. The act also provides that if both spouses are alive at the time of transfer of the vehicle and the rights of survivorship agreement is signed by both spouses, ownership may be transferred only if the spouses act jointly. The act further provides that on the death of a spouse the vehicle may be transferred by the surviving spouse if a copy of the death certificate is attached to the title. Finally, the act authorizes the revocation of a rights of survivorship agreement only if the spouses jointly surrender the title and apply for a new title.

SENATE BILL 1485 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 1485 adds a subchapter to the Family Code to create the child fatality review team committee. The purpose of the committee is to develop an understanding of the causes of child deaths, to identify procedures within the state agencies represented on the committee that can reduce the number of preventable deaths, to promote public awareness, and to make policy recommendations to state leaders. The committee is required to make annual reports on the committee's activities and to report biennially to the governor, lieutenant governor, and speaker of the house of representatives. To ensure that the committee achieves its purpose, the act requires the Department of Protective and Regulatory Services, the Children's Trust Fund of Texas Council, and the Texas Department of Health to undertake specified duties.

In addition, Senate Bill 1485 authorizes a multidisciplinary and multiagency child fatality review team to be established for a county to review child deaths in that county. The purpose of a review team is to decrease the incidence of preventable child deaths, and specific duties of a review team are set forth. The act authorizes a review team to request information and records regarding a deceased child as necessary to carry out its duties, and it provides that the meeting of a review team is closed to the public and the information it uses is confidential and exempt from disclosure under the open records law. The act establishes that a report or statistical compilation of a review team is a public record. Senate Bill 1485 sets forth procedures for reporting and investigating the death of a child younger than six years of age.

SENATE BILL 1487 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Conley

Senate Bill 1487 amends the Family Code to prohibit the Texas Department of Protective and Regulatory Services, a county child-care or welfare unit, or a licensed child-placing agency from making an adoption or foster care placement decision based on the presumption that placing a child in a family of the same race or ethnicity as the child is in the child's best interest unless an independent psychological evaluation specific to a child indicates that placement with a family of a particular race or ethnicity would be detrimental to the child. A violation of this provision subjects a state or county employee to immediate dismissal and a licensed child-placing agency to possible revocation or suspension of the agency's license.

The act also provides that the department may not remove a child from a foster family of a different race or ethnicity for the sole reason that continued foster care may strengthen emotional bonds or increase the family's desire to adopt the child.

SENATE BILL 1585 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Thompson

Senate Bill 1585 authorizes the Harris County Commissioners Court to designate a county officer to create and serve as director of a child support office within the officer's department and sets forth the powers and duties of the officer.

GOVERNMENT—CITY

HOUSE BILL 635 **HOUSE AUTHOR:** R. Lewis
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Galloway

House Bill 635 prohibits the City of Nederland from annexing territory within Jefferson County Water Control and Improvement District No. 10, unless the annexation is approved by a majority of the voters in the municipality and the district.

HOUSE BILL 645 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** C. Harris

House Bill 645 amends the Local Government Code to allow a municipality to delegate to an employee the ability to approve amended plats.

HOUSE BILL 740 **HOUSE AUTHOR:** Farrar
EFFECTIVE: 6-13-95 **SENATE SPONSOR:** Ellis

House Bill 740 amends the Tax Code to authorize a municipality with a population of 1.5 million or more to determine the manner in which land obtained through a tax lien foreclosure is sold to a charitable organization that improves property for low-income housing.

HOUSE BILL 741 **HOUSE AUTHOR:** Farrar
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Ellis

House Bill 741 amends the Civil Practice and Remedies Code to exclude a municipality with a population of 1.5 million or more from certain liability claims relating to land the city obtained pursuant to foreclosure on a tax lien.

HOUSE BILL 742 **HOUSE AUTHOR:** Farrar
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 742 amends the Tax Code to exempt from the public notice requirements specified in the Local Government Code a municipality with a population of 1.5 million or more that is reselling property it purchased at a tax sale.

HOUSE BILL 875 **HOUSE AUTHOR:** Pickett
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 875 amends the Local Government Code to allow municipalities to expand the membership of zoning boards of adjustment and changes the quorum and concurring vote requirements from four members to 75 percent of the membership.

HOUSE BILL 943 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: Vetoed **SENATE SPONSOR:** Gallegos

House Bill 943 provides that the comptroller of public accounts may conduct a performance audit of a mass transit authority in which the principal municipality has a population of more than 1.2 million. The audit may be initiated at the comptroller's discretion or at the request of the governor, speaker of the house, or the presiding officer of the senate or house committee responsible for legislation governing the authority. An audit may not be performed more than once every two years.

HOUSE BILL 1178 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 5-5-95 **SENATE SPONSOR:** Ellis

House Bill 1178 amends provisions of the Local Government Code relating to competitive bidding and competitive proposal procedures for certain purchases of a municipality. The act deletes the exception for insurance contracts, making all contracts requiring an expenditure of more than $15,000 subject to competitive sealed bidding or competitive sealed proposals.

The act requires a municipality with a population of less than 100,000 to comply with competitive sealed bidding for a contract for insurance that requires an expenditure of more than $5,000. The act authorizes a municipality with a population in excess of 100,000 to use the competitive sealed proposal procedure for the purchase of insurance.

HOUSE BILL 1281 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

House Bill 1281 amends the Local Government Code to allow general-law municipalities to own, operate, or own and operate a cable TV system.

HOUSE BILL 1647 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Ratliff

House Bill 1647 amends the Local Government Code to remove planning services from the competitive bid process.

HOUSE BILL 1743 **HOUSE AUTHOR:** Glaze
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

Under previous law, a municipality could require the repair or demolition of a substandard building. Before the building could be demolished or a receiver appointed to bring the property up to standards, the municipality was required to notify the owner of the building of the violations of standards and hold a hearing if the owner requested it.

House Bill 1743 allows a local preservation board to determine, before the city's initiation of the notification process, whether a substandard building slated for demolition by the municipality has historical significance. Owner-occupied single-family dwellings are exempt from the provision.

If the local preservation board ascertains that a property is eligible for designation as a historic building and can be repaired, the municipality may not allow the building to be demolished for at least 90 days. During that time, the municipality must attempt to locate the owner, identify a feasible alternative use for the building, locate an alternative purchaser, or appoint a receiver to bring the building up to standards. An alternative purchaser or receiver must rehabilitate the building in accordance with federal or municipal historic preservation board guidelines. When a restoration undertaken by a receiver has been completed, the property may be sold and all court costs, receiver costs, and valid liens repaid, with any remaining funds paid to the owner. Provisions relating to the rights and duties of the receiver are also included in the bill.

HOUSE BILL 1846 **HOUSE AUTHOR:** Haggerty
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Rosson

This act creates the El Paso Quadricentennial Commission to plan festivities commemorating the 400th anniversary of the Thanksgiving celebrated by early colonists on the Rio Grande in 1598. It requires the commission to file a financial report with the secretary of state following the completion of its work. The act expires and the commission is abolished December 31, 1998.

HOUSE BILL 2062 **HOUSE AUTHOR:** Alvarado, et al.
EFFECTIVE: Vetoed **SENATE SPONSOR:** Madla

House Bill 2062 provides for the election, from single-member districts, of the members of the board of a mass transit authority. The act applies to a mass transit authority created before January 1, 1980, and with a principal municipality of less than 1.2 million.

The act directs the current board to create 11 single-member districts that coincide to the extent practicable with state representative districts. The act also provides a time frame for the conversion, the date of the initial election, the length of the terms, for staggering of the terms, the process by which a vacancy will be filled, and that the board may draw new authority districts if the number of members expands or decreases.

HOUSE BILL 2183 **HOUSE AUTHOR:** Uher
EFFECTIVE: 5-16-95 **SENATE SPONSOR:** J. Patterson

House Bill 2183 extends the authority to create a mass transit department to incorporated cities of 50,000 or more that operate a mass transportation system.

HOUSE BILL 2358 **HOUSE AUTHOR:** Williamson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

House Bill 2358 amends the Health and Safety Code to authorize the board of a municipal hospital authority in a municipality with fewer than 5,000 residents to borrow money from a federally insured lending institution.

HOUSE BILL 2405 **HOUSE AUTHOR:** Elkins
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Henderson

House Bill 2405 amends the Government Code to allow municipalities that contract with other municipalities to share a single police department to conduct their municipal court proceedings within the city limits of any municipality that is a party to the contract.

HOUSE BILL 2696 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Madla

House Bill 2696 amends the Local Government Code to authorize a municipality to provide matching funds for a federal program that requires local matching funds from a state agency when the eligible state agencies have declined to participate in the program.

HOUSE BILL 2758 **HOUSE AUTHOR:** Saunders, Yost
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Ellis

House Bill 2758 amends the Local Government Code to enable a resident of an annexed area to seek a writ of mandamus against a municipality if the municipality fails to enforce its municipal services plan. If the writ is granted, the municipality may disannex the area within 30 days of the date of issuance. The act requires the municipality to pay costs and reasonable attorney's fees to the resident who brought the action.

House Bill 2758 also authorizes certain landowners to petition a municipality for annexation. The act provides that a municipality may annex an area on receipt of the petition if the municipality agrees to provide services to the area within 3-1/2 years of the date of annexation. This provision expires March 31, 1996, unless there is litigation pending at that time involving the validity of the annexation of a tract of land to which this section applies.

HOUSE BILL 2805 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

Under previous law, only cities with more than 75,000 residents were required to appoint a tenant member to the governing body of the city's municipal housing authority. House Bill 2805 extends this requirement to all cities with housing authorities and prohibits the tenant member from serving consecutive terms.

HOUSE BILL 2969 **HOUSE AUTHOR:** McCoulskey
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Brown

Under present law, a municipality may lease land, buildings, and facilities to a public agency or private entity for economic development. House Bill 2969 authorizes a municipality with a population greater than 8,000 but less than 10,000 located in two counties with populations of 225,000 or more but less than 2,818,199 to sell real property to a public agency or private entity for this purpose pursuant to an installment sales agreement and provides that public notice and bidding requirements are not applicable to such an agreement.

The act clarifies that an institution of higher education that provides vocational and vocational-technical education courses qualifies as a public agency that fosters economic development.

HOUSE BILL 3157 **HOUSE AUTHOR:** Conley
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Wentworth

Present law provides grounds for removal and for a recall process or removal by appointing agency of a member of the board of a metropolitan mass transit authority in which the principal city has a population of more than 1.2 million. House Bill 3157 expands the provisions to apply to authorities in which the principal city has a population of more than 750,000.

The act also provides that the terms of all board members of a rapid transit authority created before 1980 and in which the largest municipality has a population of less than 1.2 million expire on January 1, 1996. Appointing agencies are required to make new appointments by that time and the new appointees will draw lots for one-year or two-year terms.

SENATE BILL 260 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** J. Jones

Senate Bill 260 amends the Local Government Code by expanding the definition of properties that can be billed for drainage services by a municipal drainage utility to include improved properties that do not receive municipal utility services.

SENATE BILL 261 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Reyna

Senate Bill 261 authorizes fees related to the collection of delinquent motor vehicle fines. A court may collect fees that are not to exceed the lesser of $50 or 20 percent of the fine. The act does not apply to certain municipalities unless all the parking meters in the municipality accept nickels, dimes, and quarters and does not prohibit a court from enforcing a judgment.

SENATE BILL 421 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Krusee, Hilderbran

Senate Bill 421 provides for the transfer of areas from the extraterritorial jurisdiction (ETJ) of one municipality to another municipality. A transfer of the property from one ETJ to another may occur only if the original municipality does not provide utility services, the receiving

municipality is adjacent to the property to be transferred, and a majority of the landowners within the released area request such a transfer. Prior to the transfer, the receiving municipality must adopt pollution control ordinances and a plan to provide water and sewer services to the ETJ. This act does not release the original municipality from any of its existing obligations made pursuant to interlocal contracts or current service recipients until January 1, 1997, unless the receiving municipality consents. The act provides a procedure by which the municipalities may seek to settle a disagreement on the service plan through the Texas Natural Resource Conservation Commission. This act does not require the releasing municipality to continue participating in a regional wastewater treatment plant providing service, or to provide new service, to the released territory.

SENATE BILL 563 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** McCoulskey

Senate Bill 563 amends the Local Government Code to allow a general-law municipality with a population of less than 5,000 to, by ordinance, abolish the position of marshal and to confer the duties of the office to a municipal police officer or other peace officer of the county. The act prohibits a municipality from removing an elected marshal from office under this section.

SENATE BILL 609 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Marchant

Senate Bill 609 amends the Local Government Code to require municipal ordinance standards for pool yard enclosures around swimming pools to conform to pool yard enclosure standards provided by the Health and Safety Code.

SENATE BILL 863 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Combs, et al.

Senate Bill 863 amends the Local Government Code to set forth conditions of employment for and investigations of firefighters and police officers in municipalities with populations of 460,000 or more that operate under a city manager form of government. The act establishes procedures for reaching and ratifying labor agreements between municipalities and firefighter or police officer associations, investigating allegations of misconduct by individual firefighters or police officers, and using a polygraph examination as part of an internal investigation of a firefighter or police officer.

SENATE BILL 892 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Gray

Senate Bill 892 amends the Local Government Code to authorize a municipality with fewer than 80,000 residents in a county bordering the Gulf of Mexico to sell a piece of parkland that is 100 acres or less for fair market value to an adjoining property owner without holding an election. The bill provides that the municipality is required to convey the property pursuant to a resolution or ordinance and that the sale would be exempt from public notice and bidding requirements.

SENATE BILL 983 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 983 authorizes the mayors of certain municipalities to designate an officer of the municipality to represent the municipality at an appointment board meeting of the metropolitan rapid transit authority.

SENATE BILL 1015 **SENATE AUTHOR:** Gallegos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Torres

Senate Bill 1015 establishes a standard deadline of 15 calendar days for all actions taken as part of fire and police grievance procedures in certain municipalities.

SENATE BILL 1067 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** S. Turner

Senate Bill 1067 permits a municipality with a population of 1.2 million or more to authorize assignment pay for police officers who perform specialized functions in their respective departments, including but not limited to career patrol officers.

SENATE BILL 1198 **SENATE AUTHOR:** Ellis
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Thompson

Senate Bill 1198 amends the Local Government Code to authorize a municipality to assess a lien against a property owner for the cost of relocating tenants from substandard buildings that are in need of repair or demolition and to recover civil penalties. A municipality may remove hazardous weeds without prior owner notification and assess the owner for the expenses.

SENATE BILL 1261 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Combs, Greenberg

Senate Bill 1261 amends the Local Government Code to authorize the dissolution of certain districts and provide for the subsequent annexation of a district by a municipality in whose extraterritorial jurisdiction the district is located. The municipality is required to provide full municipal services and assume all assets and liabilities of the district. The annexing municipality may impose a platting fee surcharge to subdivide former district land and a surcharge, not to exceed $25, to retire the bonded indebtedness of a district. The act limits the municipality's liability to reimburse a developer of a district, for engineering and construction costs to design and build water and wastewater facilities, to an amount not to exceed $800,000.

SENATE BILL 1375 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Krusee

Senate Bill 1375 amends the Water Code to provide a method for a municipal utility district (MUD) composed of noncontiguous areas located in the extraterritorial jurisdiction (ETJ) of two municipalities to be included in the ETJ of a single municipality. This act also applies to certain MUDs that are within the ETJ of two or more municipalities and, in part, outside the municipal ETJ in the unincorporated area of a county. The act further provides for participation by a MUD located between a MUD acting pursuant to the act and the selected municipality in order to promote contiguous municipal boundaries.

SENATE BILL 1396 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Dukes, Maxey

Senate Bill 1396 authorizes a municipality and a municipal utility district or water control and improvement district to negotiate and enter into a strategic partnership agreement relating to the annexation of and provision of services to the district. The act sets forth the negotiation, hearing, notice, and adoption processes and prohibits a municipality from annexing the district until the strategic partnership agreement has been adopted.

Senate Bill 1396 also authorizes certain municipal utility districts (MUDs) to petition and negotiate with certain municipalities to convert district land from full-purpose to limited-purpose annexation for a period of not less than 10 years. The act requires that certain criteria be met during the limited-purpose annexation and provides that, at the end of the period, the district shall revert to full-purpose annexation status. The act authorizes the municipality to collect water and wastewater surcharges under limited circumstances. Senate Bill 1396 limits the municipality's responsibility to reimburse the MUD's developer for reasonable and actual engineering and construction costs related to water and wastewater services.

Under this act, a home-rule municipality that has exercised its limited-purpose annexation authority may not limit or delay the use or development of certain land within the municipality or its extraterritorial jurisdiction because of traffic that may result from the proposed use or development.

SENATE BILL 1397 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Dukes

Senate Bill 1397 amends the Local Government Code to authorize certain property owners to petition a municipality, by June 1, 1996, to release their property from the municipality's extraterritorial jurisdiction (ETJ). This act applies to property that is located in the ETJ of a municipality within one-half mile of a proposed municipal airport for which a contract for land acquisition services was awarded by the municipality and the property has not been acquired through a contract for land acquisition services for the purpose of an airport. The act requires the municipality to release the property from its ETJ within 10 days of receiving a petition. Senate Bill 1397 also authorizes an eligible property owner to petition another municipality for inclusion in its ETJ if any part of the municipality is located in the same county as the property and the property owner and the municipality agree to the inclusion of the property in the ETJ.

SENATE BILL 1671 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 1671 validates municipalities' adoptions or amendments of home-rule charters, proceedings concerning incorporations and annexations, industrial sales tax elections, acts and proceedings regarding the formation of a local government corporation for the purposes of owning and operating a racetrack facility, and all other acts and proceedings that occurred before March 1, 1995. Validation is not extended to annexation of another municipality's extraterritorial jurisdiction.

GOVERNMENT—COUNTY

HOUSE BILL 27
EFFECTIVE: 8-28-95

HOUSE AUTHOR: Goolsby
SENATE SPONSOR: Gallegos

House Bill 27 exempts from the state's continuing education requirements a county commissioner in a county with 1.5 million or more residents if the commissioner has served continuously for at least 12 years and attends at least 15 hours of approved staff briefings per year.

HOUSE BILL 160
EFFECTIVE: 6-9-95

HOUSE AUTHOR: Kamel, et al.
SENATE SPONSOR: Ratliff

Previous law authorized counties with more than one million residents to adopt litter control regulations for unincorporated areas. House Bill 160 amends the Health and Safety Code to extend this authority to all counties and to prohibit commissioners courts from adopting regulations relating to the disposal of recyclable materials in unincorporated areas.

HOUSE BILL 305
EFFECTIVE: 4-27-95

HOUSE AUTHOR: Park
SENATE SPONSOR: C. Harris

Under House Bill 305, a local government that enters into an interlocal or interagency purchasing contract automatically complies with competitive bid requirements.

HOUSE BILL 750
EFFECTIVE: 9-1-95

HOUSE AUTHOR: Horn
SENATE SPONSOR: Nelson

House Bill 750 prohibits a county from making payments from any county fund to a person who owes money to the county or state if notice of indebtedness has been filed with the county auditor.

HOUSE BILL 751
EFFECTIVE: 9-1-95

HOUSE AUTHOR: Horn
SENATE SPONSOR: Nelson

House Bill 751 amends the Local Government Code to require a county auditor to audit the county jail once every fiscal year, rather than once every fiscal quarter, unless the commissioners court requests more frequent audits.

HOUSE BILL 828
EFFECTIVE: 8-28-95

HOUSE AUTHOR: Craddick
SENATE SPONSOR: Madla

The Local Government Code authorizes a county commissioners court to prohibit or restrict the use of certain skyrockets and missiles in unincorporated areas during specified dry-weather conditions that present a fire hazard. This act amends the code to broaden the range of affected aerial fireworks, clarify language relating to weather conditions, and elaborate on procedures and time periods applicable to a prohibition or restriction order adopted by a county. It allows designated safe areas for use of aerial fireworks to be located anywhere in the county, not just in an unincorporated area, provided that a city approves any safe area designated within its city limits. The act amends provisions authorizing restrictions during the December fireworks season by counties with a population of less than 35,000; it eliminates the population bracket to allow any county to adopt an order restricting or prohibiting the use of certain fireworks during the December season.

HOUSE BILL 841 **HOUSE AUTHOR:** Denny
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

Trust funds held by county and district clerks may be deposited in a bank, which was defined under previous law as a banking corporation, banking association, or individual banker. House Bill 841 expands this definition of bank to include a state or federal savings and loan association or savings bank.

HOUSE BILL 960 **HOUSE AUTHOR:** Puente
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Madla

House Bill 960 amends the Local Government Code to authorize a county to recoup its cost of software development by selling, licensing, or marketing computer software and documentation developed by the county or by a county contractor, except when the contract specifically prohibits the sale or licensing of the product. The act exempts county-developed computer software and documentation from open records law provisions that require counties to distribute information to any person who pays reproduction costs.

HOUSE BILL 1304 **HOUSE AUTHOR:** Torres
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 1304 allows a county with more than two million residents to create and operate a petty cash fund under the supervision of the county auditor and county purchasing agent for the use of a county official, district official, or department head. The commissioners court is authorized to increase or decrease the amount of money in the fund on the recommendation of the county auditor.

Officials who are responsible for such a fund must be bonded in an amount sufficient to cover the fund. The fund may not be used to make loans or advances or to cash checks or warrants.

HOUSE BILL 1475 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 5-9-95 **SENATE SPONSOR:** Bivins

Previous law authorized counties with more than 125,000 residents to appoint a county purchasing agent. House Bill 1475 lowers the population bracket to extend this authority to all counties with more than 100,000 residents.

HOUSE BILL 1770 **HOUSE AUTHOR:** R. Lewis
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

The Local Government Code provides that voters in a county with more than 75,000 residents may petition to increase the minimum salary of each member in the sheriff's department. Certain officials in a county with more than 75,000 residents can be fined if they violate laws relating to salaries paid to members of the sheriff's department.

House Bill 1770 amends Local Government Code provisions applying to a sheriff's department by extending the right of petition for a pay referendum to voters in counties with more than 30,000 residents. The act also provides that certain officials in all Texas counties can be fined if they violate salary-related laws.

HOUSE BILL 1783 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 1783 prohibits a county with more than 2.8 million residents from charging a water and sewer utility company for the privilege of installing or replacing a water or sewer line in the county's right-of-way.

HOUSE BILL 1844 **HOUSE AUTHOR:** Mowery
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 1844 repeals Section 86.002(e), Local Government Code. This subsection vacates the office of constable if the constable-elect fails to take the oath of office or execute the required bond within 20 days of receiving the election results.

HOUSE BILL 1907 **HOUSE AUTHOR:** Carona
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 1907 allows a county commissioners court to contract with a depository for either a two- or four-year term. The act specifies permissible rate changes in the second half of a four-year contract and changes the date of contract negotiation from February to May.

HOUSE BILL 2036 **HOUSE AUTHOR:** Brady
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** R. West

Currently, the commissioners court of a county with 20,000 or more residents may authorize, at the request of a county employee, certain types of payroll deductions to be made from the employee's paycheck. House Bill 2036 expands the list of authorized payroll deductions to include payments to charitable organizations.

HOUSE BILL 2265 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Henderson

House Bill 2265 amends the Local Government Code to provide that Texas sheriffs and justices of the peace are not liable for fines or judgments collected by a designated public or private fee collector or by the county treasurer or auditor.

In addition, House Bill 2265 makes several amendments to the Code of Criminal Procedure and the Local Government Code that apply only to a county with 2.8 million or more residents. The act authorizes a community supervision and corrections department in such a county to collect certain court-ordered payments and to assess certain administrative fees. House Bill 2265 allows the county to designate the county treasurer or auditor as the centralized collection agent for all money on behalf of district, county, and precinct officers and absolves officers from liability for money collected by the county treasurer or auditor.

HOUSE BILL 2289 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 2289 amends the Code of Criminal Procedure to expand the list of indigent persons that a public defender or assistant public defender in Wichita County may represent to include mental health and substance-abuse cases.

HOUSE BILL 2345 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 2345 adds provisions to the Local Government Code to authorize certain counties to regulate slaughterers operating within unincorporated areas of a county. It applies only to a county that contains, or is adjacent to a county that contains, at least two cities with more than 250,000 residents.

Under this act, a county may regulate slaughterers by adopting rules, requiring permits, seeking injunctions, and administering Class C misdemeanor penalties. A county may also prohibit a slaughterer from operating within 1,000 feet of a school or residence or at other locations deemed inappropriate by the commissioners court.

HOUSE BILL 2365 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 2365 amends the Natural Resources Code to transfer the authority to regulate mobile business establishments on public beaches from the Texas Parks and Wildlife Department to the counties of jurisdiction. The act authorizes the county to determine a filing fee for a mobile beach business application and to use the filing fee to pay for implementing this subchapter.

HOUSE BILL 2432 **HOUSE AUTHOR:** Serna
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

The Local Government Code requires a county commissioners court to designate a day of the week on which it shall convene in a regular term each month for the duration of the entire fiscal year. House Bill 2432 authorizes a commissioners court to designate an alternate day of the week on which to convene.

HOUSE BILL 2525 **HOUSE AUTHOR:** McCoulskey
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Armbrister

House Bill 2525 authorizes a hospital authority in a county in a standard metropolitan statistical area that includes a county with a population of more than 1.8 million to issue short-term obligations.

HOUSE BILL 2875 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** D. Nixon

Under previous law, the Texas Water Development Board evaluates the unemployment rate and per-capita income of a county on a yearly basis to determine eligibility for the Economically Distressed Areas Program (EDAP). However, a county may be approved for the program and then become ineligible to receive funding due to a fluctuation in per-capita income or unemployment rate. House Bill 2875 amends the Water Code to provide that once a political subdivision submits an application it continues to be eligible for funding even though it no longer meets the definition of an affected county.

HOUSE BILL 2926 **HOUSE AUTHOR:** Janek
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

Under previous law, counties were allowed to use the competitive proposal procedure only for the purchase of insurance and high-technology items. House Bill 2926 authorizes a county with a population of 2.4 million or more to use the competitive proposal procedure for the purchase of other items when the county purchasing officer, with the consent of the commissioners court, determines that a purchase could best be made through the request for proposal procedure.

HOUSE BILL 2936 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 2936 allows county commissioners courts in counties having a population of two million or more to sell short-term obligations for transportation-related projects or improvement projects that promote tourism.

HOUSE BILL 2980 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 2980 adds new sections to the Local Government Code, enabling a county government risk-management pool to provide liability coverage for district judges, for volunteer fire departments that provide protection to the county on a contractual basis, or for a member of such a volunteer fire department. Liability coverage includes only those acts or omissions that arise in the course of the judge's or firefighter's official duties.

HOUSE BILL 3165 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 3165 authorizes the Webb County Commissioners Court to set an additional courthouse security fee not to exceed $20 per civil case filed in the county court, a county court at law, or a district court.

HOUSE JOINT RESOLUTION 80 **HOUSE AUTHOR:** Black
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Sims

This resolution proposes a constitutional amendment to abolish the office of constable in Mills County and, subject to the approval of local voters, abolish the office of constable in Reagan and Roberts counties.

SENATE BILL 74 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Uher

Senate Bill 74, which applies only to a county that borders the Gulf of Mexico and is adjacent to a county with more than 2.5 million residents, authorizes a commissioners court to order the owner of a dangerous bulkhead or other form of shoreline protection located within the county's unincorporated area to repair, remove, or demolish the structure within a specified time frame. An owner who fails to comply with such an order may be charged with a Class C misdemeanor. The act also authorizes a commissioners court to repair, remove, or demolish a dangerous structure at county expense, to assess these costs against the property on which the structure is located, and to attach a lien to the property. These provisions do not apply to residential buildings, structures owned or held in trust by the state or one of its political subdivisions, or structures used on or in connection with an agricultural operation.

SENATE BILL 253 **SENATE AUTHOR:** Gallegos
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Janek

Senate Bill 253 requires meetings of the Harris County Commissioners Court to be held in compliance with the open meetings law and other applicable state laws.

SENATE BILL 387 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Kubiak

Senate Bill 387 allows counties with fewer than 30,000 residents to maintain a branch courthouse outside the county seat and authorizes certain governmental entities to maintain an office and conduct their duties at the branch courthouse.

SENATE BILL 415 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hartnett

Under previous law, a county clerk, district clerk, or precinct officer could be assessed quadruple damages if they overcharged or wrongfully charged for a public service, even if the mistake was purely unintentional.

Senate Bill 415 amends the Local Government Code to provide that a county official who, in good faith, accidentally charges or overcharges for a public service is liable only for the difference between the accidental charge or overcharge and the actual fee.

The act sets forth definitions for what constitutes "good faith" and "bad faith" on the part of the county official. An official who charges a fee later held to be unlawful will be considered to have acted in good faith. Charges or overcharges made in bad faith are still punishable by quadruple damages.

SENATE BILL 496 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Longoria

Senate Bill 496 authorizes a commissioners court in a county with one million or more residents to allow an employee to voluntarily transfer accrued vacation leave time to a county sick-leave pool.

SENATE BILL 542 **SENATE AUTHOR:** Rosson, Truan
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Oliveira

Senate Bill 542 amends the Local Government Code to authorize a commissioners court in certain border counties to cancel a subdivision platted before September 1, 1989, if the land is likely to be developed as a colonia and has not been developed or improved by the effective date of this act. The subdivision must be located outside a municipality or a municipal extraterritorial jurisdiction. Senate Bill 542 sets forth the criteria that must be met for a county to cancel a subdivision and lays out the process by which a county must give notice, hold hearings, and file cancellation orders.

SENATE BILL 595 **SENATE AUTHOR:** Bivins
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** R. Lewis

Prior law prohibited a person from causing, permitting, or allowing a public nuisance in certain counties. Senate Bill 595 limits the application of the Health and Safety Code prohibition against public nuisances to the unincorporated area of a county with a population of 125,000 or more.

Senate Bill 595 also amends the Health and Safety Code to add provisions prohibiting a person from causing, permitting, or allowing a public nuisance in the unincorporated areas of all counties. The act defines "public nuisance" as discarding refuse or creating a hazardous visual obstruction on land held by certain governmental or quasi-governmental entities, or discarding refuse on the smaller of either an area that spans 20 feet on each side of a utility line or the actual span of a utility line easement.

The act requires the commissioners court to adopt abatement procedures that require written notice of the abatement procedures and consequences to the person responsible for causing a public nuisance on the premises if that person is not the owner, lessee, occupant, agent, or person in charge of the premises and can be identified. The person responsible for causing a public nuisance may also be assessed the cost of abating the nuisance and an

administrative fee of not more than $100. This act also includes provisions attaching a lien to the property to secure an assessment provided the commissioners court files a notice that contains a statement of costs, a legal description of the property, and the name of the property owner if known.

SENATE BILL 770 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Hartnett

Under previous law, a county commissioners court could set fees charged for sheriff and constable services but was required to send written notice of these fees to the comptroller every year. Senate Bill 770 amends the Local Government Code to provide that the commissioners court need only send notice by October 15 of any year in which it changes the fee.

The commissioners court is also required to adopt and send the comptroller an annual resolution authorizing statutory county court fees and costs. The act amends the Government Code to provide that a resolution adopted by the commissioners court shall be in effect until the court rescinds it and requires that said resolution be filed only when initially adopted.

In addition, Senate Bill 770 amends the Local Government Code, changing the term "court reporter fee" to "court reporter service fee" and requiring that the service fee be charged in all civil cases where a court reporter is present, not just in those cases where the court reporter actually performs services. The act requires that court reporter service fees be deposited into a special fund, rather than in the county's general fund, and be used to cover costs associated with maintaining and providing court reporter services.

SENATE BILL 771 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** G. Lewis

Senate Bill 771 amends the Local Government Code to create a new exemption to the competitive bid process. The act provides that a commissioners court is no longer required to use the competitive bid process when it leases county real estate that was formerly owned or controlled by the Texas Department of Mental Health and Mental Retardation to a nonprofit organization or to another governmental entity. The commissioners court is required to post written notice in such cases.

SENATE BILL 775 **SENATE AUTHOR:** D. Nixon
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hamric

Senate Bill 775 amends the Local Government Code to change the fees that county treasurers or their agents may charge for returned checks and for stop-payment orders on county-issued checks.

SENATE BILL 779 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** Rodriguez

Senate Bill 779 authorizes a county with more than one million residents to establish a central mailing system to serve judicial offices, county offices and departments, and county and district courts.

SENATE BILL 1388 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Pickett

Senate Bill 1388 provides for the creation of a county mass transit authority in a county containing a city with a population of 500,000 or more that has created a mass transit department. The act sets forth provisions for membership of the authority's board and requires a confirmation election in the county to approve the creation of the authority and the tax rate. The act provides for the dissolution of the city transit department and the transfer of resources between the municipality and the authority upon voter approval.

The mass transit authority is authorized to invest funds, acquire and dispose of property, enter into contracts, issue bonds, impose a sales and use tax, and otherwise operate and maintain a transit system. The authority is required to provide transportation vouchers to persons registered in the JOBS training program and is prohibited from purchasing or leasing a motor vehicle that is not capable of using compressed natural gas or another alternative fuel, with certain exceptions. The bill provides that the board may order an election on changing the tax rate and on the question of dissolving the authority. A municipality within the county may order an election to withdraw from the authority.

SENATE BILL 1437 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Goodman

Chapter 822, Health and Safety Code, sets forth a petition and election process by which a city or county may require dog owners to register their pets and keep their pets from running at large. The Rabies Control Act of 1981 gives a city or county the authority to impose similar registration and restraint requirements without obtaining voter approval.

Under Senate Bill 1437, a city or county that enacts, or has enacted, registration or restraint requirements pursuant to the Rabies Control Act is no longer subject to the petition and election process set forth in Chapter 822, Health and Safety Code.

SENATE BILL 1479 **SENATE AUTHOR:** Madla
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Gallego

Under current law, a commissioners court in a county with more than 20,000 residents may, at the request of a county employee, authorize a payroll deduction to be made from the employee's paycheck for payment to a credit union. Senate Bill 1479 amends the Local Government Code to extend this authority to all commissioners courts in Texas.

GOVERNMENT—GENERAL

HOUSE BILL 52 **HOUSE AUTHOR:** McCall, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Shapiro

House Bill 52 makes various changes in purchasing and contracting provisions relating primarily to local government. It authorizes political subdivisions to participate with one another, or with local cooperative organizations, in cooperative purchasing programs. Local governments that participate in the purchasing program of the General Services Commission are permitted the option of sending purchasing orders electronically to vendors and reporting on their purchases electronically to the commission.

The act voids covenants or promises relating to engineering and architectural contracts if they contain certain mandatory indemnification provisions, but provides for enforcement of covenants in which an engineer or architect voluntarily agrees to indemnify or hold harmless a political subdivision for the personal injury or death of the engineer, the architect, or an employee of either. For public works not involving structural, electrical, or mechanical engineering, the act raises from $8,000 to $20,000 the expenditure threshold above which a political subdivision or the state must use a registered professional engineer.

Under the act, a county may use competitive proposal procedures in contracting for landscape maintenance, travel management, or recycling. Also, a county disposing of surplus or salvage property need not use competitive bidding or an auction if the purchaser is another county. The act expands the authority of county commissioners to delegate approval of change orders on contracts, raising from $15,000 to $50,000 the upper limit on change order values approvable by a delegated employee.

A similar provision raises from $15,000 to $25,000 the upper limit on contractual change order values approvable by a designated city administrative official. The act exempts cities from competitive sealed bidding procedures for expenditures under an interlocal contract for cooperative purchasing administered by a regional planning commission. It modifies provisions relating to city certification of historically underutilized businesses, authorizing cities to adopt the certification program of the General Services Commission, the federal Small Business Administration, a political subdivision, or another governmental entity.

HOUSE BILL 731 **HOUSE AUTHOR:** Allen, Dear
EFFECTIVE: 4-28-95 **SENATE SPONSOR:** C. Harris

House Bill 731 amends the Public Funds Investment Act to expand the scope of authorized investments for local governments and institutions of higher education to include share certificates issued by state or federal credit unions domiciled in Texas and insured by the National Credit Union Share Insurance Fund.

HOUSE BILL 735 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Zaffirini

House Bill 735 adds a temporary section to the Government Code to transfer surplus inaugural fund balances, on dissolution of the inaugural committee, to an account in the general revenue fund to be known as the inaugural endowment fund. The section expires September 1, 1999. The legislation leaves intact, within the inaugural fund, the sum of $100,000 plus the amount necessary to cover inaugural fund obligations. It authorizes expenditures from the new

endowment fund to decorate, furnish, preserve, or improve the Capitol, the Governor's Mansion, or other state property of historical significance or to make grants in support of public schools or public libraries. The act creates an inaugural endowment fund committee composed of the chair of the Texas Historical Commission and one appointee each of the governor, lieutenant governor, and speaker of the house of representatives and suspends certain applicable nepotism laws with respect to those appointments. It prohibits the performance of committee functions at state expense or with state personnel and equipment and requires the committee to file an annual report with the secretary of state detailing endowment fund expenditures.

For the FY1994-FY1995 fiscal biennium, the act appropriates the balance of the inaugural endowment fund to the committee for the purposes authorized by the temporary code section.

HOUSE BILL 814 **HOUSE AUTHOR:** Coleman, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 814 adds a new chapter to the Health and Safety Code to authorize a nonprofit corporation organized to restore, operate, and maintain a historic cemetery to petition for this right in the district court of the county where the cemetery is located. The petition must include a legal description of the property and must affirm that the nonprofit corporation has a cultural, historic, ethnic, or religious relationship to the cemetery; that the cemetery is more than 75 years old; that the cemetery endangers public welfare; and that a viable organization of plot owners in the cemetery does not exist. The petition, the subject of a subsequent court hearing, must be accompanied by a detailed plan of action regarding the restoration, operation, and maintenance of the cemetery. The act imposes detailed notification requirements directed to cemetery plot and property owners and to the county auditor and the Texas Historical Commission.

If granted responsibility for the cemetery following the hearing, the members of the nonprofit corporation are authorized to assess charges for the maintenance of the cemetery and may also sell burial rights in any unsold plots, provided that they first establish a trust fund for cemetery care and maintenance. The act sets out rules governing the trust fund and requires the nonprofit corporation to deposit at least 10 percent of the total purchase price of each burial plot in the trust fund. The district court retains continuing jurisdiction to monitor and review the nonprofit corporation's compliance with the court order granting it responsibility for the cemetery.

Among other provisions, the act requires that the cemetery remain open to the public and stipulates that a cemetery, in order to qualify under the chapter, may not be a family cemetery or a perpetual care cemetery.

HOUSE BILL 1718 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: See below **SENATE SPONSOR:** Wentworth

House Bill 1718 amends the Texas open records law to revise it in a manner that recognizes that much governmental information is now stored in electronic, magnetic, or other non-paper media rather than in paper form. It requires information to be provided on diskette or magnetic tape if a requestor seeks a copy in that form and if the governmental entity has the technological capability to produce a copy in the requested medium, does not have to purchase software or hardware to accommodate the request, and does not violate a copyright agreement with a third party in providing the information. Copy requests necessitating programming or manipulation of data, however, are subject to special notice procedures, time allowances, and cost recovery provisions. Unless data programming or manipulation is involved, a governmental entity may

not charge requestors who want only to inspect electronically stored information and are not seeking copies. The act encourages entities storing information electronically to explore options to separate confidential and nonconfidential information.

Under previous law, the General Services Commission issued guidelines for calculating charges to be assessed requestors for copies of information. The law is modified to require the commission to adopt rules that governmental entities must follow in setting charges for copies of information. The act allows governmental entities to seek and obtain exemptions from the commission's calculation methods and directs the commission to annually publish in the Texas Register a list of the entities authorized to adopt modified cost determination methods. Legislative agencies are not subject to the rules, and local governmental entities may determine their own charges without seeking an exemption if the charges vary not more than 25 percent from commission rules. The act establishes procedures for administrative appeal to the commission of alleged overcharges. It clarifies that provisions relating to charges for public information do not apply to publications issued for public dissemination and provides that if state law does not specify a price, the governmental entity may determine the price or may offer the publication free. The act directs the commission to conduct a study to determine reasonable charges for geographic information systems (GIS) data and in the meantime authorizes certain cities to provide access to that data at little or no cost to requestors. These GIS provisions expire August 31, 1997.

The act clarifies that "public information" extends to information held by a governmental entity that is also contained in public court records and also extends to nonconfidential settlement agreements to which a governmental body is a party and to information in a bill for attorney's fees, unless the information is subject to attorney-client privilege or is confidential under other law. It provides expressly for required responses to legislative members, committees, or agencies who seek public information, including confidential information, for legislative purposes. The act amends various statutory provisions to extend the protections from public disclosure to personal and family information relating to governmental officers and employees.

Other amendments clarify that governmental entities need not provide access to, or copies of, commercially available books, nor must they necessarily provide copies from publicly available library materials. The act also frees governmental entities from any requirement to reconstruct the form in which information existed before revision or update. It relaxes limitations regarding questions that may be asked of requestors, retaining the prohibition against inquiring about the purpose of the request but allowing questions to clarify or to help narrow a request. If requested information cannot be produced for public inspection within 10 days after the information is requested, the act requires the governmental entity to inform the requestor in writing of the date and time when the information will be available.

The act modifies procedures for requesting attorney general opinions on releasing information or withholding it from disclosure. Governmental entities are subject to new documentation requirements, and the attorney general must render a decision within 60 working days or may extend the period by 20 days if necessary. The attorney general must provide a copy of the opinion to the person who initiated the information request. The act prohibits a governmental entity from bringing legal suit against the requestor in cases in which it seeks to withhold information. Rather, the entity may bring suit only against the attorney general. The act, however, establishes certain notice and procedural requirements relating to the requestor's right to intervene in a suit or to contest a withholding of information to which the attorney general has consented.

The 60-day deadline and 20-day extension applicable to the attorney general take effect January 1, 1996, as does the requirement that the attorney general provide copies of opinions to requestors. Other provisions of the act take effect September 1, 1995.

HOUSE BILL 1900 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Gallegos

House Bill 1900 increases to $25,000 the amount that a port commission may spend on routine purchases or contracts without complying with competitive bidding requirements.

HOUSE BILL 2078 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

Previous law required a political subdivision to give notice and accept bids from the public to sell or exchange a parcel of land. Exemptions to this requirement are in Section 272.001, Local Government Code.

House Bill 2078 amends that section to create new exemptions. A political subdivision need not use the public bid process to exchange land for property needed to complete public projects or to sell land to an adjacent landowner if the parcel is inaccessible by public roads. The act also removes the exemption for easements for which one or more abutting property owners possesses the underlying fee simple.

The Local Government Code allows a political subdivision to convey land for less than its fair market value to an entity that develops low- or moderate-income housing; House Bill 2078 clarifies the definition of "entity" to include an individual, corporation, partnership, or other legal entity.

HOUSE BILL 2083 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 2083 expands the definition of disabled persons who are mobility impaired and requires that a physician's certification accompany an application for a special handicapped license plate or removable windshield placard.

The act sets fines for parking in a handicapped place and authorizes a political subdivision to appoint a disabled person to have the authority to file charges against anyone who parks in a handicapped zone without the proper handicapped identification. Individuals who wish to perform these duties must meet certain qualifications, must complete a training program, are not authorized to carry a weapon, and are not entitled to compensation. Neither the state nor the political subdivision is liable for any injury incurred by the person while performing duties.

HOUSE BILL 2459 **HOUSE AUTHOR:** Marchant, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ellis

House Bill 2459 amends the Public Funds Investment Act and the Education Code to impose various requirements on entities investing public funds and on the people selling those investments.

Under the act, most state agencies and local governments are required to adopt written investment policies regarding the investment of public funds and designate who has authority to make investment decisions. The act requires that the investment objectives in order of priority must be: preservation and safety of principal, liquidity, and yield. The act requires investment training for state agency board members and officers and local government investment officers.

The act also directs the investment officer to submit to the governing body of the entity an investment transaction report at least monthly and requires reports of private firms with which public investments are made.

The act identifies requirements for authorized investments and investment pools and prohibits investment in certain obligations commonly known as "derivatives."

HOUSE BILL 3040 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 3040 provides that neither a political subdivision with fewer than 45,000 residents nor a joint airport zoning board must appoint an airport zoning commission before it adopts airport zoning regulations.

HOUSE BILL 3053 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

House Bill 3053 amends the enabling legislation of the Upper Colorado River Authority to delete the prohibition against appointing a person who has been employed by a utility company to serve as a member of the board of directors. The act also removes a provision requiring per diem payments to a director and changes the name of the chief executive officer of the board from "general manager" to "chairman." The act deletes the requirement that a copy of the authority's annual audit be sent to the Board of Water Engineers. Instead, the act requires that a copy of the audit be filed with the Texas Natural Resource Conservation Commission.

SENATE BILL 99 **SENATE AUTHOR:** R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Giddings

Senate Bill 99 amends the Local Government Code to allow a local governing body to grant general authority to an administrative official to approve construction change orders of $25,000 or less. The previous limit was $15,000.

SENATE BILL 361 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Counts

Senate Bill 361 removes the Guadalupe-Blanco River Authority from the application of the Texas Sunset Act.

SENATE BILL 527 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** R. Lewis

Senate Bill 527 prohibits juvenile boards, community supervision and corrections departments, and regional planning commissions from furnishing an automobile allowance to a member of the entity's governing body if the member holds another state, county, or municipal office. The act updates certain provisions of the Local Government Code by changing "probation department" to "community supervision and corrections department."

Senate Bill 527 also authorizes a county commissioners court to adopt and enforce uniform rules on overtime and compensatory time for employees whose salary is set by the commissioners court. These rules may prohibit unbudgeted, nonemergency overtime and may require that emergency overtime be reported.

SENATE BILL 1177 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hamric

Under previous law, a public safety organization, independent promoter, or public safety publication that employs a solicitor was required to file with the secretary of state on or before January 15 of each year. Similar filing was required of the solicitor. Senate Bill 1177 provides that the organizations and solicitors may file for renewal on the anniversary of the date the secretary of state issues the certificate. In addition, a fee is imposed on a public safety organization, independent promoter, and public safety publication that files for renewal.

GOVERNMENT—SPECIAL DISTRICTS

HOUSE BILL 335 **HOUSE AUTHOR:** Uher
EFFECTIVE: 5-9-95 **SENATE SPONSOR:** J. Patterson

House Bill 335 changes the election date for the Sweeny Hospital District board of directors from the first Saturday in April to the first Saturday in May. It also requires candidates to file candidacy petitions 45 days before the date of the election, rather than the 25 days specified by previous law.

HOUSE BILL 338 **HOUSE AUTHOR:** Counts
EFFECTIVE: 5-9-95 **SENATE SPONSOR:** Haywood

House Bill 338 allows the Stamford Hospital District to borrow money from federally insured lending institutions. It sets forth certain requirements regarding the terms of the loan and authorizes the board of directors to make other financial arrangements needed to meet the district's legal obligations.

HOUSE BILL 921 **HOUSE AUTHOR:** Uher
EFFECTIVE: 5-11-95 **SENATE SPONSOR:** J. Patterson

House Bill 921 exempts navigation districts from a requirement that the Texas Natural Resource Conservation Commission determine that a project to be financed by bonds is feasible and issue an order approving bonds.

HOUSE BILL 1207 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

House Bill 1207 allows hospital districts to contract with the Texas Department of Health in order to provide preventive health care services to eligible district residents.

HOUSE BILL 1361 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 1361 amends the Health and Safety Code to authorize rural fire prevention districts to borrow money and to make other financial arrangements to purchase heavy fire-fighting equipment. The act includes provisions relating to loan terms.

HOUSE BILL 1381 **HOUSE AUTHOR:** Glaze
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

House Bill 1381 changes the deadline for filing as a candidate for director of the Van Zandt County Waste Disposal District from 30 days to 60 days before an election.

HOUSE BILL 1480 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 1480 expressly authorizes political subdivisions of the state to contribute funds to a soil and water conservation district and provides that the district may use these funds to carry out its powers or to match funds received from the state.

HOUSE BILL 1651 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 1651 allows the Lipscomb Hospital District to be dissolved and sets forth procedures for doing so. The act provides that the Higgins Hospital District may be expanded to include territory formerly served by the Lipscomb Hospital District and designates the expanded district as the Higgins-Lipscomb Hospital District. If the two districts merge, each jurisdiction is required to appoint three temporary directors to serve on the new hospital board until an election can be held.

HOUSE BILL 1818 **HOUSE AUTHOR:** V. Luna
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Truan

House Bill 1818 amends the Health and Safety Code to provide that members of the Nueces County Hospital District board of hospital managers serve staggered three-year terms, with approximately one-third of the members' terms expiring each year.

HOUSE BILL 2034 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

Previous law required both the treasurer and president of an emergency services district to sign every check disbursing district funds and required board approval for all expenditures. House Bill 2034 provides that in the absence of the treasurer or president, the assistant treasurer and vice president, respectively, are authorized to sign checks. The act also provides that board approval is needed only for expenditures exceeding $2,000.

HOUSE BILL 2177 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** J. Patterson

House Bill 2177 validates all acts and governmental proceedings, commissioners and officials, and obligations of navigation districts that occurred before the effective date of this act. The act does not apply to the validity of an act, official, or obligation that is the subject of pending litigation.

HOUSE BILL 2230 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 2230 modifies the election procedure for the commissioners of the Calhoun County Navigation District. The act changes the composition of the board from four single-member precincts and two at-large precincts to six single-member precincts. The act requires the board to divide the district into precincts of equal population not later than 90 days before the election, sets term lengths, and extends the election filing deadline from 10 days to 45 days before the date of the election.

HOUSE BILL 2661 **HOUSE AUTHOR:** Willis
EFFECTIVE: 6-12-95 **SENATE SPONSOR:** C. Harris

House Bill 2661 repeals a Tax Code provision applicable to certain appraisal districts. The provision precluded the office of an appraisal review board or board member from being situated in the same building as the appraisal district office unless specifically authorized by the taxing units participating in the district.

HOUSE BILL 2873 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 2873 amends numerous provisions relating to the operation, administration, and voting procedures of the Nacogdoches County Hospital District.

The act changes the date of election for the district's board of directors, modifies the board's composition from seven members elected at-large to three elected at-large and four elected from single-member districts, sets forth new eligibility criteria for directors, and alters the board's operating procedures. It provides that all district residents, not just property taxpayers, may vote in or serve on the board and may participate in budget hearings and other matters related to the district's operation.

House Bill 2873 requires the district to use the competitive bidding process for all purchases and construction contracts exceeding $10,000, rather than the $2,000 previously specified. The act authorizes the board to provide retirement benefits to district employees; to adopt rules relating to hospital operation and to duties of district employees; and to contract with other entities to furnish mobile emergency medical services, to provide for patients' welfare needs, and to provide a rural health clinic.

The act also adds provisions that specify the manner in which the district may annex an adjacent area. Finally, the board is required to seek reimbursement for any care or treatment that the district provides to nonresidents.

HOUSE BILL 3061 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 3061 authorizes the Swisher Memorial Hospital District to issue anticipation notes and certificates of obligation in accordance with state law.

HOUSE BILL 3082 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Armbrister

House Bill 3082 amends provisions of the Water Code relating to drainage districts. The act sets forth alternative procedures to streamline the creation of drainage districts and the annexation of territory by drainage districts. These procedures simplify petition and hearing processes and no longer require the commissioners court to determine that creation or annexation is feasible, necessary, or beneficial before ordering an election. The act also authorizes drainage districts to consolidate and to enter into interlocal agreements.

HOUSE BILL 3134 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 3134 authorizes the Hutchinson County Hospital District to purchase and maintain liability insurance for a district officer or employee; to agree to defend or indemnify a district officer or employee; to recruit physicians and employees; to provide health care education for current or prospective employees; and to borrow money to pay the district's operating expenses. Members of the board of directors will serve staggered three-year terms under House Bill 3134, rather than two-year terms.

HOUSE BILL 3166 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 3166 authorizes the Midland County Hospital District to contract with state agencies and public medical schools, including the Texas Tech University Health Sciences Center, for the improvement and equipping of hospital facilities as is needed to support a surgical residency program.

HOUSE BILL 3198 **HOUSE AUTHOR:** Rabuck
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Galloway

House Bill 3198 allows physicians to serve on the Montgomery County Hospital District board of directors.

HOUSE BILL 3211 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Truan

House Bill 3211 amends current law relating to the qualifications and terms of port commissioners of the Port of Corpus Christi Authority. The act requires that a person reside in Nueces County for at least six months to be eligible for appointment to the port commission and imposes a four-term limit on a person serving as a port commissioner.

SENATE BILL 344 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 5-23-95 **HOUSE SPONSOR:** Ramsay

Senate Bill 344 requires the Morris County Hospital District board to transfer all surplus tax money to Morris County on dissolution of the district. The act directs the county to use the funds to provide health care services to indigent county residents. The act authorizes the county to collect any delinquent hospital district taxes to provide additional indigent health care services.

SENATE BILL 561 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Finnell

Previously the directors of the Jack County Hospital District were appointed by the commissioners court. Under Senate Bill 561, they are to be elected at-large by place. The act sets out procedures relating to the elections.

SENATE BILL 934 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Rangel

Senate Bill 934 authorizes the Starr County Hospital District to perform many additional functions and grants the board of trustees more authority to handle administrative and personnel matters.

Under this act, the district has full authority to operate hospital facilities and may provide mobile emergency medical service, air ambulance service, home health care, nursing care, hospice care, and other medical services to residents of the district.

The act authorizes the board of trustees to take actions needed to recruit physicians and other personnel for the district; to provide health care education for district employees; to temporarily appoint district staff; to remove members of the staff with due process; to provide for or administer a retirement program for district employees; to contract with individuals, other entities, or a foreign government for supply services; to contract with local, state, or federal governments for mobile emergency medical services or patients' welfare needs; and to make arrangements regarding medical facilities and equipment, including acquiring, leasing, or selling property on behalf of the district.

SENATE BILL 935 **SENATE AUTHOR:** Madla
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** King

Senate Bill 935 amends the Water Code to change the interest rate from 10 to 15 percent a year for delinquent payments on water control and improvement district service assessments. The act also increases the collection fee a district must assess if a legal proceeding is required to collect an assessment from 10 to 15 percent of the unpaid balance.

SENATE BILL 1241 **SENATE AUTHOR:** Haywood
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Williamson

Senate Bill 1241 modifies certain powers of the Muenster Hospital District board of directors. The act allows the board to use district funds to recruit medical personnel, offer employee retirement benefits, and provide additional health care services within the community. The act expands the board's contracting authority and revises provisions governing debt assumption and revenue bonds.

In addition, Senate Bill 1241 clarifies the board's authority to impose property taxes in an amount approved by voters not to exceed 75 cents per $100 valuation of property, sets forth guidelines and rules governing the use and collection of such taxes, and authorizes the board to issue general obligation bonds approved by the voters. The act also provides for the dissolution of the district and updates certain provisions regarding the composition, election, and duties of the board of directors.

SENATE BILL 1601 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** S. Turner

Senate Bill 1601 creates the Westchase Area Management District in Harris County and grants it the powers of a municipal management district and industrial development corporation. The district may issue bonds, levy property taxes, and impose specified fees and assessments but may not levy sales and use taxes or acquire property by eminent domain.

SENATE BILL 1620 **SENATE AUTHOR:** Ellis
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Coleman

This act creates the Houston Downtown Management District. It grants the district the same powers as a housing finance corporation, a municipal management district, and an industrial development corporation, but precludes the district from engaging in projects related to a domed football stadium. The act authorizes the district to issue bonds, levy property taxes, and impose specified fees and assessments, but prohibits the district from levying sales and use taxes or acquiring property by eminent domain. A declaration of legislative intent states that the act is not to be interpreted as relieving Houston or Harris County of current obligations or service requirements within the area of the district.

SENATE BILL 1627 **SENATE AUTHOR:** Sibley
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Place

Senate Bill 1627 authorizes, with voter approval, the dissolution of the DeLeon Hospital District and Comanche County Hospital District and the creation of a single, countywide district called the Leon Valley Hospital District. Under this act, the new consolidated district must assume all assets, bonds, obligations, and indebtedness of the dissolved districts and is authorized to levy a property tax of up to 25 cents per $100 valuation.

SENATE BILL 1632 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** V. Luna

Senate Bill 1632 authorizes the governing board of a navigation district that contains a municipality with 250,000 or more residents to exchange or convey land for the purposes and uses of the district.

SENATE BILL 1694 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Bailey

The Greater Greenspoint Management District of Harris County was established by the 72nd Legislature in 1991 as a municipal management district. Senate Bill 1694 extends to the district the powers of an industrial development corporation. It also enables the district to create a nonprofit corporation to act on its behalf and clarifies its authority in other areas, including powers of ad valorem taxation and bond issuance.

SENATE BILL 1705 **SENATE AUTHOR:** Lucio
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** De La Garza

Senate Bill 1705 authorizes the conversion of a rural fire prevention district to an emergency services district in a county that is located on an international border, has more than 375,000 residents, and contains at least seven municipalities, each with a population of more than 12,000. The act permits the county to call an election for the purpose of simultaneously dissolving a rural fire prevention district and creating an emergency services district and sets forth the petition, hearing, and election process that must be followed.

GOVERNMENT—STATE

HOUSE BILL 340 **HOUSE AUTHOR:** Counts, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

This act directs the Texas Veterans Commission to contract for a study to determine the need for and feasibility of a system of state residential care facilities for disabled veterans. The directive requires a report on the subject to the governor and legislature by December 1997. The act's provisions, enacted as a temporary amendment to the Government Code, expire June 1, 1999.

HOUSE BILL 785 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 785 amends the Texas Manufactured Housing Standards Act to transfer the responsibility for enforcement and administration of the act to the newly created manufactured housing division of the Texas Department of Housing and Community Affairs. The act was formerly administered by the Texas Department of Licensing and Regulation. The comptroller is specifically charged with coordinating the transfer of employees, as well as the joint use of equipment by the two departments. The new law authorizes administrative sanctions and penalties for violations of the act and revises provisions in the act relating to surety bonds, the manufactured homeowners' recovery fund, and tax liens. In addition, the conditions under which a manufactured home is deemed real property are clarified and the fee charged for a manufactured home transport permit is raised to $20, with a portion of the fee reserved for the state highway fund.

HOUSE BILL 1399 **HOUSE AUTHOR:** Gray
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1399 amends the Government Code to continue the Office of State-Federal Relations (OSFR) until 2007. The act imposes several new requirements intended to enhance coordination between the OSFR and state agencies. It requires the OSFR to enter into an interagency contract with the Legislative Budget Board (LBB) to locate an LBB staff member to work in the OSFR Washington office. The act requires state agencies receiving significant federal funding or significantly affected by federal policy decisions to develop a plan of state-federal coordination and to study the benefits of similar placement of agency staff in Washington under interagency contract. State agencies headed by a statewide elected official are exempt from this directive. The OSFR Advisory Policy Board must approve these interagency contracts. State agency staff working in the Washington office subject to such contracts must provide periodic updates at meetings of their agencies' governing boards, report directly to their board chairs or agency heads, and have official roles in their agencies' budget processes. The act directs the state auditor to establish a salary schedule for agencies' Washington staff based on relevant expertise and experience, with an adjustment for the cost of living in Washington. The director and other Washington staff of the OSFR are also entitled to the cost-of-living adjustment. Other coordinative provisions require the advisory policy board and OSFR director to hold periodic meetings in Austin to discuss upcoming federal issues with state agency representatives and direct state agencies, to the extent practicable, to contact the OSFR before providing information to a federal agency or the United States Congress on state matters.

The act specifies that the OSFR is responsible for monitoring state efforts to secure federal formula funds and that the governor's office is responsible for monitoring opportunities for federal discretionary funds. It requires the director of the Governor's Office of Budget and Planning to establish a state grant writing team and transfers the current powers, duties, records, and obligations of the OSFR regarding grant assistance to that team. The team is charged to develop a plan for increased state access to federal grants and to coordinate with state agencies to develop a plan for grant usage. The team may enter into memoranda of understanding with state agencies to provide it technical assistance, information on funding opportunities, and grant proposal writing assistance, and also may establish a database of state agencies that are entitled to receive federal categorical and block grants. Another provision that relates to grants requires state agencies and institutions of higher education to report to the LBB on their grant activities. The act also contains standard, across-the-board sunset recommendations.

HOUSE BILL 1457 **HOUSE AUTHOR:** Hudson
EFFECTIVE: Vetoed **SENATE SPONSOR:** Ellis

House Bill 1457 amends the Government Code to require the Texas Department of Housing and Community Affairs to review and gather information regarding violations of federal fair housing laws in government subsidized housing and to report the findings to the attorney general. The attorney general is required to forward to the federal government this information along with recommendations for increasing effective enforcement of fair housing laws. The department is required to conduct its review in a manner that does not duplicate efforts of the department or other state agencies.

HOUSE BILL 1659 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Moncrief

House Bill 1659 amends the Health and Safety Code to require that at least one member of the Texas Board of Mental Health and Mental Retardation be a consumer of services for persons with mental illness or mental retardation or a family member of a consumer of those services. If no member of the board meets these qualifications, the governor is required to appoint a qualified person to the first vacancy occurring after the effective date of the act.

HOUSE BILL 1956 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 1956 eliminates certain reports that were required of the Texas Parks and Wildlife Department.

HOUSE BILL 2304 **HOUSE AUTHOR:** Hochberg, Combs
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Nelson

This act amends the Government Code to require the secretary of state to make the Texas Register and Texas Administrative Code available to the public on the Internet conditionally free of charge. The secretary of state may also make either publication available on an electronic bulletin board system (BBS), but if the secretary declines that option, any state agency operating a BBS has authority to obtain the publication electronically and make it available there. The act also changes the list of governmental entities and officials entitled to a free Texas Register subscription, but provides that if anyone on the list has the capability to receive the publication through the Internet or a BBS, the secretary of state may instead provide it by either of those means.

The act contains provisions to assist the secretary of state to recoup revenue lost in the conversion from paid subscribers to free public computer access. It authorizes the secretary of state to offer specialized information services relating to the Texas Register or Texas Administrative Code at the market price for those services. If, despite such marketing, the secretary of state experiences a revenue shortfall, the secretary is to report the shortfall to the Legislative Budget Board and request appropriations for the next biennial budget sufficient to compensate for the shortfall and continue free Internet or BBS availability. Only if the legislature does not appropriate such funds may the secretary of state begin to charge user fees for Internet or BBS access to the Texas Register. Similar provisions and contingent fees apply to any shortfall incurred from providing the Texas Register free of charge to specified governmental entities and officials.

The legislation sets a date of January 1, 1996, for Internet or BBS provision of the Texas Register and Texas Administrative Code to the public. It deletes a Government Code provision making the Texas Administrative Code database confidential.

HOUSE BILL 2377 **HOUSE AUTHOR:** Delisi, Berlanga
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 2377 amends provisions of the Health and Safety Code relating to the provision and administration of mental health and mental retardation services. The organizational structure of the Texas Department of Mental Health and Mental Retardation is revised to delete reference to the medical director, the deputy commissioner for mental health, and the deputy commissioner for mental retardation, and qualifications for membership on the Texas Board of Mental Health and Mental Retardation are revised.

In addition, the board is authorized to implement a pilot project to study an authority structure for service delivery at the local or regional level that provides an organizational separation between the pilot mental health or mental retardation authority and service providers.

The act clarifies that the commissioner is authorized to designate a single entity as the mental health authority and the mental retardation authority for a service area, and it authorizes the board to delegate certain responsibilities to the local authorities. The department is authorized to lease real property under its control, and guidelines are set forth for awarding a lease. In addition, the act authorizes one or more community centers to create a public facility corporation, and it sets forth guidelines for the use of public funds by a local authority.

HOUSE BILL 2448 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

This act amends, clarifies, or repeals assorted statutory reporting or disclosure requirements applicable to various institutions of higher education and state agencies. The act sets forth goals and criteria to be applied to all existing and proposed reports required by any state agency of another state agency or institution of higher education. The goals and criteria relate to identification of unnecessary reporting costs, the use and compatibility of report data, and the periodic review of reporting requirements. The act also repeals an Education Code provision relating to the encouragement of bidding by minority and female-owned small businesses on contracts and open market purchases by institutions of higher education and the Texas Higher Education Coordinating Board.

HOUSE BILL 2449 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2449 amends current law to delete the Legislative Budget Board from the list of recipients of the annual binding encumbrance report that is required of state agencies. The act also removes the governor from the list of recipients of reports on the status of energy audits required of state agencies and institutions of higher education.

HOUSE BILL 2540 **HOUSE AUTHOR:** J. Jones
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

House Bill 2540 amends the Government Code to add public information technology grants to the list of grants in the Texas State Library and Archives Commission grant program. This new grant is intended to help public libraries provide citizens with access via computer to local, state, and federal government information available on the Internet and electronic bulletin boards.

The act also specifies that municipal libraries lending more than 20,000 items per year to nonresidents cannot be denied any grant awarded after January 1, 1995, based solely on the provision of services to nonresidents.

HOUSE BILL 2618 **HOUSE AUTHOR:** Howard
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 2618 repeals a provision of the Water Code requiring the Texas Natural Resource Conservation Commission to file an annual report with the governor and legislature concerning all funds received and disbursed from the Texas irrigators fund.

HOUSE BILL 3199 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

This act amends the Government Code to add to the responsibilities of the secretary of state the performance of additional duties as directed by the governor.

SENATE BILL 12 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Bosse

Senate Bill 12 establishes a natural resource conservation division within the State Office of Administrative Hearings (SOAH) to conduct contested case hearings for the Texas Natural Resource Conservation Commission (TNRCC). The act dissolves the Office of Hearings Examiners of the TNRCC and transfers its duties, authority, and equipment to SOAH, effective September 1, 1995.

Senate Bill 12 specifies that only an administrative law judge (ALJ) in the division may conduct a hearing on behalf of the commission, sets out the qualifications for an ALJ, authorizes the ALJ to impose sanctions, and lists the potential sanctions that can be imposed. The act requires SOAH and TNRCC to jointly adopt rules providing for the certification to the commission of an issue that involves an ultimate finding of compliance with or satisfaction of a statutory standard. Senate Bill 12 sets forth procedures that the ALJ must follow in issuing a proposal for decision to TNRCC. The commission must consider and act on the proposal for decision and any amendments it makes must be based solely on the record made before the ALJ and must be accompanied by an explanation of the basis of the amendment. Provisions in the Government Code relating to administrative procedure continue to apply to contested case hearings. The act also requires SOAH to charge TNRCC a fixed annual fee for services rendered.

The act directs the chief administrative law judge of SOAH to consult with the chief administrative hearings examiner of TNRCC to assist in determining the number of and requirements for administrative law judges needed to conduct TNRCC hearings and provides that this section is effective immediately. Senate Bill 12 also directs the chief administrative law judge to consider applicants for the ALJ position who were previously employed as hearings examiners with TNRCC before considering other applications. The act provides that if a TNRCC hearings examiner or administrative law judge with a case pending has been hired by SOAH, then the pending case will transfer with them.

SENATE BILL 17 **SENATE AUTHOR:** Montford
EFFECTIVE: 4-24-95 **HOUSE SPONSOR:** Junell

The State Conservatorship Board is a three-member body appointed by the governor with powers to assume the policy direction of a state agency on a finding of gross fiscal mismanagement by the Legislative Audit Committee. Previous law provided that public officers were ineligible to serve on the board. This act amends the Government Code to make public officers eligible and to render inapplicable any appropriations limit on board member reimbursement. The act provides also that if no funds for board operation are appropriated, board expenses are to be paid from the appropriations of the agency placed under conservatorship.

SENATE BILL 20 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-96 **HOUSE SPONSOR:** Siebert, Stiles

This act transfers the statutory powers of the state treasurer to the comptroller of public accounts. It authorizes the comptroller to contract with a private entity to perform a transferred activity as long as the activity is not solely a sovereign function of the state. The act is contingent on voter adoption of the constitutional amendment proposed by Senate Joint Resolution 1, abolishing the office of state treasurer. Certain provisions authorizing preparatory arrangements between the treasurer and comptroller take effect on the date the constitutional amendment, if adopted, becomes effective. The remainder of the act takes effect September 1, 1996.

SENATE BILL 59 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Giddings

Senate Bill 59 removes statutory restrictions on the investment of certain state funds and municipal firefighter pension funds in companies doing business in South Africa.

SENATE BILL 192 **SENATE AUTHOR:** Henderson, Truan
EFFECTIVE: 3-20-95 **HOUSE SPONSOR:** Uher, et al.

Senate Bill 192 authorizes the M. D. Anderson Cancer Center to contract with a county, public hospital, or hospital district to provide treatment to indigent residents. The liability of the county or hospital district to the institution is limited by Chapter 61, Health and Safety Code, unless otherwise agreed to by the county or hospital district through a contract with M. D. Anderson. The act also authorizes the institution to offer incentive retirement plans to employees, to be financed from institutional funds. In addition, it exempts the institution from certain General Services Commission purchasing regulations and gives the institution authority to acquire goods or services by the method that would provide the greatest value. The act took effect March 20, 1995, with the exception of two sections relating to administrative matters and the provisions relating to treatment of indigent patients, which take effect September 1, 1995.

SENATE BILL 360 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Telford

Senate Bill 360 amends the Government Code to continue the Texas Commission on the Arts until 2007. The act requires that at least two of the commission's 18 members be residents of a county with a population of less than 50,000. It requires the commission to adopt memoranda of understanding for purposes of program planning and budgeting with other state agencies involved in the arts. These include the Central Education Agency regarding public school arts education, the Texas Department of Commerce, Texas Department of Transportation, and Parks and Wildlife Department regarding tourism promotion, and the Music, Film, Television, and Multimedia Office in the governor's office regarding the state's music and film industries. The memoranda of understanding with these agencies may also cover other areas of mutual concern.

The act amends the State Purchasing and General Services Act to clarify provisions that allow a state agency to set aside up to one percent of the original cost of certain building construction projects for a fine arts project at or near the building site. A state agency proposing a construction project, termed the "using agency," must specify in the general project description whether the agency wishes to set aside a percentage for this purpose and is authorized to consult with the Texas Commission on the Arts in preparing this description. The act authorizes the using agency, the commission, and the General Services Commission to hold a public hearing on the merits of using the fine arts percentage set aside on a particular project. The two commissions are required to adopt a memorandum of understanding establishing guidelines for implementation of the set-aside program.

Senate Bill 360 also prohibits the commission from knowingly promoting art projects that contain obscene material, as defined by state law, and contains standard, across-the-board sunset provisions.

SENATE BILL 365 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-30-95 **HOUSE SPONSOR:** Gray

Senate Bill 365 amends the Government Code to continue the Texas Historical Commission until 2007. The act abolishes the Antiquities Committee and transfers its duties, records, property, unexpended appropriations, and personnel to the commission, which is charged with the administration of the Antiquities Code of Texas. The act modifies the composition of the Texas Historical Commission to require the appointment of a professional archeologist, a professional historian, and a licensed architect and specifies that two other of the commission's 18 members must be from counties with a population of less than 50,000.

The commission is required to develop a state register of historic places and to adopt rules to provide for its implementation. The commission must submit a report relating to the register to the legislature by February 1997, including any recommendations for statutory changes. The act authorizes the commission to establish advisory committees on matters relating to archeology, history, and the antiquities code.

The new law requires the person in charge of a construction project on state or local public land to notify the commission prior to breaking ground on the project. On notification, the commission must promptly determine if a historically significant archeological site is likely to exist there, if action is needed to protect such a site, and if an archeological survey is necessary. If a survey is judged necessary, the project must be halted until the survey is completed. The commission must make its determination within 30 days, or 15 days if the project involves operations related to oil and gas or mineral production. Otherwise, construction may proceed

without further notice to the commission. Certain projects deemed to have little chance of damaging an archeological site are exempted from notification requirements. The act also requires notification of the commission and halting of construction if an archeological site is discovered during construction. In this case, the commission must make a determination as to the site's archeological significance within two business days.

The act deletes a requirement that the commission maintain lists of historic structures available for potential state lease or purchase. It exempts the Texas preservation trust fund account from Government Code provisions relating to fund consolidation, the elimination of fund dedication, and the diversion of unspent dedicated funds. The act authorizes local taxing units to grant property tax exemptions to landowners for archeological sites that have been designated state archeological landmarks. The act requires the commission to conduct a joint study with the Parks and Wildlife Commission on the possible transfer of historical sites from the Texas Parks and Wildlife Department to the historical commission and to issue a report of findings to the 75th Legislature. In addition, the commission is charged with identifying military sites that are historically significant to Texas. The act also contains standard, across-the-board sunset provisions.

SENATE BILL 366 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Telford

Senate Bill 366 amends the Government Code to continue the Texas State Library and Archives Commission until 2007 and to address its functions, including its involvement with the management of governmental records. The act abolishes the Records Management and Preservation Advisory Committee and replaces it with a Records Management Interagency Coordinating Council composed of the secretary of state, the comptroller of public accounts, the attorney general, the chief executive of the commission, the executive directors of the General Services Commission and Department of Information Resources, and the state auditor as a nonvoting member. The interagency council assumes the former advisory committee's duty to study record management issues and is charged additionally to review its member agencies' activities affecting state records management, adopt policies to coordinate those activities, and make improvements to state records management. The act reduces the size of the Local Government Records Committee to 12 members and provides for two appointees each representing counties, cities, school districts, appraisal districts, and water districts.

The act expands and clarifies the definition of "state publication" and requires the commission to establish a system for electronic access at the state library and other depository libraries to state publications whenever issued in electronic format. The state library must index all state publications available electronically, and state agencies offering on-line access to agency publications must provide the state library with at least one free on-line connection.

The commission must establish and keep current a cost recovery schedule for the record storage services it provides to state agencies. State agencies must send the commission an estimate of record storage services they will need each fiscal biennium, to be used as a basis for the commission's appropriations request for such services. The legislature then may appropriate necessary funds to the commission or separately to each agency.

The new law authorizes local governments to adopt records retention schedules of the state library and sets a deadline of January 4, 1999, for local governments to file record control schedules with the commission.

The act authorizes state agencies to recover from any person in the state state government records in private possession that were illegally removed from the state and also allows the director and librarian of the commission to recover state government records of permanent value in private possession. It grants the commission and state agencies the right to sue in Travis County district court for the return of such records.

Other major provisions allow a major resource system to extend membership to nonpublic libraries operated by public school districts, institutions of higher education, or state and local governments, and authorize the commission to create a grant program to address the information needs of libraries and citizens not adequately addressed by the law. The legislation directs the Council on Competitive Government to review the state library's microfilming, record storage, and document destruction services and to determine whether such services may be procured more efficiently from private sources.

The act also contains standard, across-the-board sunset recommendations.

SENATE BILL 369 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Black

This act amends the Government Code to postpone the sunset date of the State Preservation Board from 1995 to 1997. It adopts certain across-the-board sunset provisions applicable to the board. The act exempts the Capitol fund from the State Funds Reform Act and directs the board by rule to prohibit the use of skateboards, rollerblades, and rollerskates and the operation of nonauthorized commercial enterprises in the Capitol or on the Capitol grounds.

SENATE BILL 374 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Junell

This act amends various sunset statutes to postpone the sunset review of three state agencies and to move forward the sunset review of five others. Postponed from 1995 to 1997 is the Texas Racing Commission, and postponed from 1997 to 1999 are the Texas Veterans Commission and Veterans' Land Board. Moved forward from 2001 to 1999 is the Texas Incentive and Productivity Commission, and moved forward from 1999 to 1997 are the Department of Protective and Regulatory Services, Texas Youth Commission, Texas Juvenile Probation Commission, and Texas Commission on Alcohol and Drug Abuse. The act subjects the Advisory Commission on State Emergency Communications to sunset review and gives it a sunset date of 1999.

SENATE BILL 406 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Maxey

Senate Bill 406 amends the State Purchasing and General Services Act to require a state agency to acquire goods and services used in its health care programs by the method that provides the greatest volume discount or is most cost-effective. An agency is authorized to contract with certain medical and dental schools or to participate in a state agency purchasing consortium or group purchasing program. The central administration of The University of Texas System is required to develop methods for sharing information concerning such acquisitions and to report on agency activities to the 75th Legislature. A state agency is required to collect and maintain information as specified by the central administration of The University of Texas System. The act does not apply to the state Medicaid program.

SENATE BILL 409 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Junell

Senate Bill 409 amends the Education Code to require that a premium or discount on a fixed income security purchased as an investment for the permanent school fund be amortized over the life of the security, in accordance with generally accepted accounting principles.

SENATE BILL 424 **SENATE AUTHOR:** Madla
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Puente

Senate Bill 424 requires the Texas Natural Resource Conservation Commission (TNRCC) to adopt rules to allow a small business to pay monetary civil or administrative penalties in periodic installments. The act authorizes TNRCC to determine the period over which the penalty may be paid, not to exceed 12 months, and the amount of the periodic installments according to the amount of the penalty owed and the size of the business that owes the penalty.

SENATE BILL 452 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hochberg

Senate Bill 452 amends the Government Code to revise the required contents of registration documents and expenditure reports filed by lobbyists with the Texas Ethics Commission. It clarifies that documents filed electronically or otherwise are considered to be made under oath regardless of the absence of or defect in the affidavit of verification, including a signature. The act creates an additional exception to prohibited expenditures, allowing incidental transportation expenditures on behalf of members of the legislative or executive branch of state government. It amends the Election Code to clarify that political expenditures made from personal funds may be reported as a loan.

Other amendments affect the Code of Criminal Procedure and require that persons representing inmates for compensation register with the pardons and paroles division of the Texas Department of Criminal Justice rather than with the Texas Ethics Commission.

The amendments to the Government Code and Election Code take effect September 1, 1995. The amendments to the Code of Criminal Procedure take effect January 1, 1996.

SENATE BILL 550 **SENATE AUTHOR:** D. Nixon
EFFECTIVE: 6-15-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 550 authorizes the Railroad Commission of Texas to solicit, receive, and accept grants, gifts, or money from any source in support of any purpose or program of the commission. The act prohibits the commission from accepting gifts from a party in a contested case.

SENATE BILL 605 **SENATE AUTHOR:** Madla, et al.
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 605 amends the Health and Safety Code to require the Texas Department of Mental Health and Mental Retardation to evaluate and, if necessary, revise its sliding fee schedules at least once every five years.

SENATE BILL 627 **SENATE AUTHOR:** Truan
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** B. Hunter, Conley

Senate Bill 627 amends the Government Code to authorize the Texas State Library and Archives Commission to negotiate an agreement with Mexico for the temporary exchange of the Toluca, Guerrero, and Matamoros battalion flags captured by Texans at San Jacinto and the flag of the New Orleans Greys captured by Mexicans at the Alamo. The agreement requires the approval of the governor and appropriate Mexican officials.

SENATE BILL 636 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Hamric

This act amends the Government Code to prohibit a governmental entity from bringing suit against a person making an open records request in instances in which the entity seeks to withhold the information under the open records law. The entity may bring suit only against the attorney general. The act, however, establishes certain notice and procedural requirements relating to the requestor's right to intervene in a suit or to contest a withholding of information to which the attorney general has consented.

SENATE BILL 647 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Walker

Senate Bill 647 amends provisions of the Water Code to remove the Texas Department of Licensing and Regulation from involvement in the licensing and regulation of water well pump installers. The act also requires the Texas Natural Resource Conservation Commission (TNRCC) to deposit all the money it collects pursuant to the regulation of water well pump installers in the water well drillers fund and to use the money from the fund only to pay administrative costs. Senate Bill 647 further limits TNRCC administrative expenses to 20 percent of the water well drillers fund.

SENATE BILL 675 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Walker

Senate Bill 675 amends the Water Code to exclude the Texas Department of Licensing and Regulation from the licensing and regulation of water well drillers. The act broadens provisions relating to the payment of a per diem for each day a member of the Texas water well drillers advisory council engages in the business of the council. Senate Bill 675 provides that all money collected pursuant to the regulation of water well drillers must be deposited in the water well drillers fund and may be used only to pay administrative costs. The act also limits the Texas Natural Resource Conservation Commission's administrative expenses to 20 percent of the fund.

SENATE BILL 686 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Ramsay

Senate Bill 686 amends the Alcoholic Beverage Code to transfer the administration of the alcoholic beverage tax stamp program from the state treasurer to the Texas Alcoholic Beverage Commission.

SENATE BILL 741 **SENATE AUTHOR:** Sims, Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Counts

Senate Bill 741 amends the Water Code to authorize the delegation of certain actions to the executive director of the Texas Natural Resource Conservation Commission. The executive director may take action on certain matters if required notice of the application or request for

authorization or approval has been given, the applicant or requestor agrees in writing to the action taken by the executive director, and the application or request is either uncontested or all parties agree in writing to the action taken by the executive director. The act provides that the executive director's actions are appealable to the commission unless the action relates to a federal operating permit. Actions relating to federal operating permits may be appealed by petitioning the administrator of the U.S. Environmental Protection Agency or filing a petition for judicial review. This act also validates all actions taken by the executive director before the effective date. The validation of the executive director's actions does not apply to any matter that on the effective date of this act is being litigated or that has been held invalid by a court.

SENATE BILL 942 **SENATE AUTHOR:** Sims, Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** P. Patterson

Senate Bill 942 amends the Health and Safety Code to clarify the purpose, powers, and functions of the On-site Wastewater Treatment Research Council. The act provides that the council is not an advisory body to the Texas Natural Resource Conservation Commission, authorizes the council to award grants and enter into contracts, and establishes the On-site Wastewater Treatment Research Account.

SENATE BILL 958 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Black

Senate Bill 958 is a nonsubstantive statutory revision that repeals the State Purchasing and General Services Act and recodifies all of its provisions elsewhere, except for certain contract arbitration provisions scheduled to expire as provided by existing law. The legislation places the recodified statutes in 16 new chapters and 2 existing chapters of the Government Code. It also contains a nonsubstantive conforming amendment eliminating a 1993 recodification of repealed statutes relating to the former Texas Surplus Property Agency.

SENATE BILL 959 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Saunders

This act contains nonsubstantive statutory revisions of various types. It renumbers assorted statutes to eliminate duplicate renumbering and codifies without substantive change certain statutes that were omitted from previously enacted codes. The act makes other necessary technical corrections to existing codes and conforms codifications enacted by the 73rd Legislature to other enactments of the same legislature amending or adding to the source law for those codifications.

SENATE BILL 1020 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Allen

This act amends the Government Code to transfer certain offices and functions from the governor to other state agencies. It transfers the Office of Immigration and Refugee Affairs to the Texas Department of Human Services and moves the Health and Human Services Transportation Office to the Health and Human Services Commission. The act transfers the governor's energy management center to the General Services Commission and conveys to the commission's energy staff certain responsibilities under the state's oil overcharge program. Those responsibilities include specified federal liaison duties as well as operation of the Native American restitutionary program.

SENATE BILL 1046 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Pitts

The Government Code provided previously for the confidentiality of the database for the Texas Administrative Code and for its exemption from disclosure under the open records law. Senate Bill 1046 removes the database from confidential status and retains the disclosure exemption.

SENATE BILL 1070 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Black

This act allocates two state office buildings in the vicinity of the Capitol to the Texas Legislature and provides for the mandatory reallocation of space in four other office buildings for legislative use on written notice to the General Services Commission by the lieutenant governor and speaker of the house. The act eliminates a prior $46 million authorization for the state purchase of Texas Employment Commission buildings and facilities. Instead, it authorizes construction of a new legislative services office building and parking facilities at the same cost and gives the lieutenant governor and speaker jurisdiction over the allocation of associated space to legislative branch entities. The new structure is to be named the Robert E. Johnson Building.

SENATE BILL 1154 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Place

Senate Bill 1154 amends the Texas Department of Transportation's conditional grant program by expanding eligibility to women as well as to minorities and expanding eligible degree criteria to include professions for which state classified positions are identified by the department as having a significant statistical underrepresentation of minorities or women in the department's workforce.

SENATE BILL 1182 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hamric

Senate Bill 1182 repeals a Government Code requirement that annual or biennial agency reports destined for the governor or legislature be routed through the secretary of state.

SENATE BILL 1276 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Place

Senate Bill 1276 creates the Crime Victims' Institute in the attorney general's office to perform specified evaluative duties relating to crime victims, their legal guardians, and close relatives of deceased crime victims. Among other duties, the institute is charged to analyze the impact of crime on such individuals, evaluate how well the criminal justice and juvenile justice systems address their needs, compute and compare state agency costs in providing victims' services, and make general recommendations for improving service delivery systems for crime victims. The institute has access to criminal history record information of the Department of Public Safety and receives assistance also from the Criminal Justice Policy Council, local law enforcement entities, and a newly created Crime Victims' Institute Advisory Council. A new account within the general revenue fund supports the institute through gifts, grants, donations, matching public or private funds, and legislative appropriations. The act requires the institute to issue periodic reports on its progress to the attorney general and legislature and to file annual financial reports with the governor and presiding officers of the legislature.

SENATE BILL 1295 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hightower

Formerly, under the State Purchasing and General Services Act, the central travel office of the General Services Commission has had authority to contract with private travel agents, credit card companies, and other providers for state government travel services. Senate Bill 1295 changes this authority to a directive and encourages the commission to implement electronic bidding procedures on such contracts. The legislation directs the commission to contract with as many private travel agents as possible, giving preference to Texas resident entities, and provides that any travel agent approved by the commission may contract with the state and provide travel services to any state agency. It prohibits the commission from hiring new employees as a result of the statutory changes.

SENATE BILL 1296 **SENATE AUTHOR:** Cain
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Uher

Senate Bill 1296 amends the Administrative Procedure Act to provide that notice of a proposed rule becomes effective only if each item required by the act for inclusion in the notice is published in the Texas Register. The legislation provides further that a rule is not adopted in substantial compliance with the act unless the notice of rule proposal includes all such items.

SENATE BILL 1414 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Yarbrough

Senate Bill 1414 amends the Alcoholic Beverage Code to require the State Office of Administrative Hearings (SOAH) to undertake prompt action in hearings relating to violations of the code if the hearing is declared an emergency by the Texas Alcoholic Beverage Commission. The SOAH is required to assign an administrative law judge or to contract with a qualified individual within five days of the commission's declaration of an emergency and to set a hearing as soon as possible.

SENATE BILL 1428 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 1428 restructures the Texas Commission on Alcohol and Drug Abuse, removing the agency's nine previous commission members and providing for gubernatorial appointment of a new commission consisting of six members. The act reduces the terms of members from six to two years and requires that at least three members have experience in business management, financial management, auditing, contract management, or similar activities. It clarifies that the new governing structure is transitional, and that the change does not affect actions under other law relating to the placement of the agency under conservatorship. The act requires the new commission and the State Conservatorship Board to file with the presiding officers of the legislature, by November 1996, joint recommendations on the issue of the agency's future governance.

The legislation also abolishes 25 miscellaneous agencies, advisory boards, study committees, legislative oversight committees, and other state-government panels. Among other changes, it abolishes the Texas High-Speed Rail Authority and cancels the scheduled transfer of the authority's powers to the Railroad Commission of Texas.

SENATE BILL 1453 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Danburg

This act amends the Government Code to authorize the Texas Legislative Council to make certain legislative information publicly available on the Internet to the extent that it considers feasible and appropriate. The information may include a list of legislators, committees and their membership, committee hearing schedules, the full text of each version of every bill including committee amendments and substitutes, house and senate calendars, matters pending on the house and senate floors, details on the legislative process including timetables set by the constitution or legislative rules, and boundaries or other identifying information for senate, house, congressional, and State Board of Education districts. The act does not affect copyright or other proprietary interests or entitlements of the State of Texas or its contractors. It does not affect Government Code provisions relating to the security of confidential information stored electronically by the council. The act authorizes the council to consider the needs of the disabled in making decisions regarding the availability of legislative information.

Other amendments to the code prohibit the use for political advertising or commercial purposes of audio or visual materials produced by a legislative entity. The Texas Ethics Commission may impose civil penalties of up to $5,000 for prohibited use for political advertising. A violation of the prohibition against commercial use constitutes a Class C misdemeanor. In addition to associated criminal penalties, the attorney general may bring a civil action on behalf of the legislative entity to enjoin such violations. The act creates an exception if the producing legislative entity grants permission for commercial use, if such use is limited to educational or public affairs programming, and if the person using the material transmits to paid subscribers an unedited feed of the audio or visual materials. It clarifies that the two prohibitions do not preclude describing or quoting the verbal intent of the materials for political purposes, nor likewise using such materials, or compiling, analyzing, or researching them, for commercial purposes.

SENATE BILL 1546 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Counts

Senate Bill 1546 amends the Water Code to narrow the definition of persons affected in relation to case hearings before the Texas Natural Resource Conservation Commission (TNRCC). The act provides that an interest common to members of the general public does not qualify as a personal justiciable interest. The act further provides that TNRCC is not required to hold a hearing if it determines that the basis of a person's request for a hearing as an affected person is not reasonable or is not supported by competent evidence. The act also requires TNRCC to adopt rules specifying factors that must be used in determining whether a person is an affected person.

SENATE BILL 1675 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 1675 directs the Health and Human Services Commission to develop an integrated approach to the health and human services delivery system that includes a cost-effective one-stop or service center method of delivery to a client and broadens the oversight duties of the commission. The act requires the commission to review and comment on the annual operating budget and the transfer of funds between budget strategies and to coordinate and approve caseload estimates for programs administered by the agencies under its jurisdiction and to adopt uniform data and guidelines to be used in estimating caseloads. The commission is

required to review and comment on the strategic plan and biennial updates of each agency and to have formal discussions regarding these reports. A health and human services agency is prohibited from submitting its legislative appropriations request to the legislature until the commission has reviewed and commented on the document and is prohibited from submitting required plans to the Department of Information Resources without commission approval. The act establishes reporting requirements relating to these provisions. The act requires the commission to develop ongoing mechanisms to receive consumer input and to involve consumers in the planning, delivery, and evaluation of the programs and services under the commission's jurisdiction.

In addition Senate Bill 1675 requires the commission to expand its existing integrated eligibility pilot programs to include the Harris County Hospital District and the University of Texas Medical Branch at Galveston and, subject to the availability of funds, to have completed by September 1, 1996, the substantial implementation of a plan for an integrated system of eligibility and service delivery at regional and local levels that will achieve a cost savings of at least one percent. The commission is also directed to examine cost-effective methods to address fraud and error rates. The act authorizes the commissioner of human services to request an agency to take a specific action to integrate and streamline service delivery and to facilitate access to services, and it establishes related reporting requirements. The bill requires the commission, rather than the head of a health and human services agency, to determine the space and location needs of each agency and prohibits the General Services Commission from leasing office space to serve the needs of a health and human services agency without approval from the Health and Human Services Commission.

SENATE BILL 1681 **SENATE AUTHOR:** Nelson, Cain
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Pitts

Senate Bill 1681 amends the Government Code by expanding the contracting authority of the Texas National Research Laboratory Commission to include special utility districts.

SENATE JOINT RESOLUTION 1 **SENATE AUTHOR:** Ellis
FOR ELECTION: 11-7-95 **HOUSE SPONSOR:** Siebert, Stiles

Senate Joint Resolution 1 proposes a constitutional amendment to abolish the office of state treasurer effective September 1, 1996. The amendment transfers the treasurer's constitutional powers to the comptroller of public accounts on that date. It authorizes the legislature to provide by law for the transfer of the treasurer's statutory powers to other state officers and agencies. Senate Bill 20 is the enabling legislation for the statutory transfer.

SENATE JOINT RESOLUTION 7 **SENATE AUTHOR:** Ellis, et al.
FOR ELECTION: 11-7-95 **HOUSE SPONSOR:** Giddings

The Texas Constitution establishes the Texas Growth Fund as a trust fund for the potential investment in business and industrial facilities by the state's pension systems, Permanent University Fund, and Permanent School Fund. The constitution prohibits Texas Growth Fund investment in a company doing business in South Africa or Namibia unless the company discloses those business ties. Senate Joint Resolution 7 proposes a constitutional amendment to eliminate the provision relating to investment in the two nations.

HEALTH

HOUSE BILL 359 **HOUSE AUTHOR:** Danburg, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Moncrief

This act, which adopts a new chapter of the Health and Safety Code, entitles a mother to breast-feed her baby anywhere the mother is authorized to be. The act directs state agencies that administer maternal or child health programs to provide information to encourage breast-feeding among program participants who are pregnant women or mothers with infants. It establishes a demonstration project on worksite breast-feeding for Texas Department of Health employees in Travis County and requires a report on the project if requested by the governor or any member of the legislature. The act requires the department to maintain a list of mother-friendly businesses and authorizes a business to designate itself as such in promotional materials upon its development of a policy supportive of worksite breast-feeding.

HOUSE BILL 632 **HOUSE AUTHOR:** Oakley, Hochberg
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Montford

House Bill 632 amends the Health and Safety Code to prohibit use of public funds for the purchase or installation of playground equipment or surfacing purchased on or after September 1, 1997, that does not comply with the Handbook for Public Playground Safety. The act authorizes use of public funds for continued maintenance of playground equipment or surfacing purchased before September 1, 1997.

HOUSE BILL 721 **HOUSE AUTHOR:** De La Garza, et al.
EFFECTIVE: 5-5-95 **SENATE SPONSOR:** Lucio

House Bill 721 requires a person transporting a cat or dog over three months of age to hold a rabies vaccination certificate for the animal and prohibits the transport or sale of certain animals designated by the Texas Board of Health as likely rabies carriers. These requirements are in effect until September 1, 1997. In addition, House Bill 721 requires a veterinarian or local rabies-control authority to quarantine any animal believed to be rabid or to have been exposed to rabies.

HOUSE BILL 988 **HOUSE AUTHOR:** Maxey, et al.
EFFECTIVE: 4-28-95 **SENATE SPONSOR:** Gallegos, Moncrief

House Bill 988 amends the Health and Safety Code to authorize a manufacturer to market and sell a home collection kit for HIV testing. The act requires a manufacturer to sell the kit as part of a package of services, including testing, reporting, and counseling, and establishes guidelines for the provision of these and other services. House Bill 988 sets forth standards for labeling and confidentiality and creates an offense for a breach of confidentiality.

HOUSE BILL 997 **HOUSE AUTHOR:** H. Cuellar, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 997 requires the Texas Department of Health to establish a pilot program to provide primary care health insurance coverage for children younger than 13 years of age who are ineligible for coverage under Medicaid. The act, expiring September 1, 1999, requires the department to report to the 74th and 75th legislatures.

HOUSE BILL 1023 **HOUSE AUTHOR:** Coleman, Ramsay
EFFECTIVE: See below **SENATE SPONSOR:** Ellis

House Bill 1023 amends the Health and Safety Code to provide for the regulation of end stage renal disease facilities.

The act requires a person operating an end stage renal disease facility to be licensed, lists facilities exempt from licensure, and requires dialysis technicians in licensed facilities to meet minimum training and other requirements. It requires the Texas Department of Health to issue a license to a qualified facility and establishes minimum standards for licensure. The Texas Board of Health is required to adopt related rules and set fees to defray administrative costs. A medical review board is created to advise the board of health.

House Bill 1023 establishes criminal, civil, and administrative penalties and hearing procedures. It authorizes the department to use a corrective action plan as an alternative to enforcement and authorizes the department to deny, suspend, or revoke a license and to petition a district court for a temporary restraining order under certain conditions. Provisions are made for unannounced inspection of a facility and temporary management of a facility by the department.

Provisions relating to enforcement, required licensure, and required training are effective September 1, 1996. The remainder of the act is effective September 1, 1995.

HOUSE BILL 1048 **HOUSE AUTHOR:** Maxey, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 1048 amends the Health and Safety Code to create the Texas Health Care Information Council and directs the council to develop a statewide health care data collection system containing data on health care charges, utilization, provider quality, and outcomes. The council, to be composed of 3 ex officio members and 15 appointed members, is authorized to employ an executive director and other staff as necessary and to apply for and receive appropriations from the state or federal government. The council is directed to adopt rules necessary to implement the system and is empowered to compel providers to produce accurate documents and records.

House Bill 1048 directs the council to establish the Texas Department of Health as the single data collection point for data submitted by health care providers. The council may not require certain providers, including those in rural areas, to submit data. Additional powers and duties relating to the data collection system are set forth for the Texas Health Care Information Council and the Texas Department of Health, and the Department of Information Resources is directed to assist in system development.

Data received by the council is subject to the open records law to the extent that its release does not violate certain confidentiality provisions. The act establishes civil penalties for violations of certain provisions and creates a designated account in the general revenue fund for grants, contributions, and fees collected by the council.

HOUSE BILL 1345 **HOUSE AUTHOR:** Hamric, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini, Moncrief

House Bill 1345 amends the Health and Safety Code to require the administration of blood tests for HIV at a pregnant woman's first examination relating to her pregnancy and within 24 hours of delivery unless the woman objects. The act requires information and counseling to be made available if the tests show that the woman is or may be infected with HIV. The testing requirement is effective beginning January 1, 1996.

HOUSE BILL 1366 **HOUSE AUTHOR:** Dutton
EFFECTIVE: See below **SENATE SPONSOR:** D. Nixon

House Bill 1366 amends the Health and Safety Code to require cemeteries to use unique identifying numbers for all plots, crypts, lawn crypts, and niches. The act requires cemeteries to maintain records of changes in the unique numbers and establishes a civil penalty for failing to comply with these requirements. These provisions are effective October 1, 1995.

The act also requires that all death certificates include the name and specific number identifier of the place of interment. If there is no interment, the certificate must include the place and manner of other disposition. House Bill 1366 also requires the bureau of vital statistics and each local registrar to make this information available to the public. These provisions are effective September 1, 1995.

HOUSE BILL 1408 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 1408 amends the Texas Pharmacy Act to repeal a provision requiring a home and community support services agency that administers sterile water and sterile saline to be licensed as a Class F pharmacy. In addition, the act amends the Health and Safety Code to authorize these agencies and certain of their employees to administer these items to home health or hospice patients under a physician's orders.

HOUSE BILL 1491 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** D. Nixon

House Bill 1491 amends the Health and Safety Code to require a partner notification program of the Texas Department of Health to notify a partner who has been named by an individual with HIV regardless of whether the infected person has consented to the notification. A health care professional is required to notify the partner notification program when the health care professional has actual knowledge of possible HIV transmission to a third party. A health care professional who fails to make such notification is immune from civil or criminal liability.

HOUSE BILL 1504 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 1504 amends the Texas Pharmacy Act to increase the amount that the Texas State Board of Pharmacy is authorized to add as a surcharge to a license or license renewal fee and use to fund a peer assistance program for pharmacists and pharmacy students.

HOUSE BILL 1507 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Madla

House Bill 1507 amends the Texas Pharmacy Act to authorize the Texas State Board of Pharmacy to approve pilot and demonstration research projects for innovative applications in the practice of pharmacy. The board is required to specify the application procedures and is authorized to grant an exception to rules adopted under the Texas Pharmacy Act. House Bill 1507 clarifies that it does not expand the definition of pharmacy as provided under the Texas Pharmacy Act and prohibits a demonstration project from authorizing a pharmacist to depart from a physician's prescription by substituting a different drug or medical device.

HOUSE BILL 1745 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 1745 amends the Education Code to add hepatitis B to the immunizations required for Texas schoolchildren. The act provides that immunization against hepatitis B is not required until a date specified by the Texas Board of Health, and it authorizes the board to stagger implementation of the requirement.

HOUSE BILL 2021 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Truan

House Bill 2021 amends the Medical Practice Act to authorize certain nonprofit health organizations to contract with or employ board-licensed physicians and dentists.

HOUSE BILL 2382 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 2382 amends the Health and Safety Code to authorize the Texas Department of Health to modify requirements for standardized training programs for food service workers in order to accommodate the national programs used by some organizations. The act clarifies that an employee trained in an organization's training program is considered to have met a local jurisdiction's requirements only as to food service performed for that organization.

HOUSE BILL 2523 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** R. West

House Bill 2523 adds a new chapter to the Human Resources Code relating to the prevention of Medicaid fraud, establishing certain acts committed "knowingly or intentionally" to be unlawful and authorizing the attorney general to make investigations, seek injunctive relief, and bring an action for civil remedies. If a provider is found liable for damages, health care regulatory agencies are authorized to suspend or revoke an agreement with the provider or the provider's license or permit.

House Bill 2523 further authorizes the attorney general to issue a civil investigative demand, which may require disclosure of any documentary material discoverable under Texas law. If a person fails to comply with an investigative demand, the attorney general is authorized to petition for a court order to enforce the demand. The act also requires state agencies to provide the attorney general access to all documentary materials relating to the Medicaid program to which the agency has access.

House Bill 2523 limits the persons who may inspect or copy the information obtained under the act, grants civil immunity to a person who provides authorized access to documentary material, and authorizes the attorney general to recover and retain fees, expenses, and costs incurred in administering the act.

HOUSE BILL 2850 **HOUSE AUTHOR:** Naishtat, Combs
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Moncrief

House Bill 2850 amends the Health and Safety Code to require the Texas Board of Health to establish voluntary guidelines for indoor air quality in public schools, including guidelines for ventilation and indoor air pollution control systems. The act sets forth criteria to be used in establishing the guidelines.

HOUSE BILL 2856 **HOUSE AUTHOR:** Raymond
EFFECTIVE: Vetoed **SENATE SPONSOR:** Ellis

This act adds a temporary chapter to the Human Resources Code, creating the Texas Food Security Council. The council's duties are to inventory governmental resources of potential use in increasing local communities' secure access to food, to develop programs to reduce the dependence of low-income families on nutritional assistance programs, to develop a coordinated plan to create opportunities for increased food access in low-income communities, and to provide information and technical assistance to help communities to develop comprehensive responses to hunger. Council duties also include assistance to local communities in applying for public and private grants. The act directs the council to provide local communities with information on the availability of public lands for community gardens, the development of farmers markets and local food policy councils, the dissemination of nutrition education, and the financing and development of programs of potential use in increasing food security. The council is abolished, and the chapter expires, on September 1, 1997.

HOUSE BILL 3116 **HOUSE AUTHOR:** Delisi, Greenberg
EFFECTIVE: 5-27-95 **SENATE SPONSOR:** Barrientos

House Bill 3116 amends the Medical Practice Act to exempt a retired physician whose only practice is voluntary charity care from the annual registration fee imposed by the Texas State Board of Medical Examiners.

HOUSE BILL 3171 **HOUSE AUTHOR:** V. Luna, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Truan

House Bill 3171 amends the Health and Safety Code to exempt certain 12-step or similar self-help chemical dependency recovery programs from licensing requirements as chemical dependency treatment programs.

SENATE BILL 10 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 6-13-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 10 requires the Health and Human Services Commission to develop a health care delivery system that restructures the delivery of services provided under the Medicaid program. The act outlines directives the commission must follow in developing a managed care delivery system to maximize the state match for federal funds and expand eligibility for Medicaid coverage. However, Senate Bill 10 also requires the commission to ensure that, with certain exceptions, no new general revenue appropriations are used to expand eligibility for Medicaid coverage. The act further requires that traditional Medicaid providers who have historically delivered a significant level of care to Medicaid clients be included in the provider network for a period of three years if certain conditions are met.

Senate Bill 10 provides that if the health care delivery system includes a method to finance the Medicaid program by obtaining federal matching funds, certain governmental entities are required to make resources available for matching and certain local mental health and mental retardation authorities, city or county health departments, and other governmental entities that provide health care services to indigent persons are authorized to make funds available for matching. A method of calculating matching amounts is set forth. Each entity that makes funds available for matching is required to negotiate a binding "matching funds agreement" between the governing body of the entity and the commission. The act enumerates provisions that must be included in an agreement.

In addition, the act provides for the implementation of the health care delivery system by authorizing one or more of the participating entities to form an intergovernmental initiative to operate the system in a geographical area. Guidelines for the creation and function of an initiative and provisions of a required health care delivery plan agreement between the initiative and the commission are set forth. The act requires the commission to monitor compliance with provisions governing the implementation of the system and to take any action, including the use of administrative penalties, to enforce their implementation. Senate Bill 10 authorizes the commission to delegate until the year 2001 all or part of its functions and powers to a health and human services agency that operates a part of the Medicaid program. In addition, the commission is authorized to grant an award for reporting Medicaid fraud, misuse, or overcharges.

The commission is directed to obtain from the federal government a waiver or other authorization to implement the restructured health care delivery system unless both the governor and the Legislative Budget Board determine that the revised program will not control state Medicaid costs. The waiver must be requested by August 31, 1995. The governor may by executive order postpone the application deadline to as late as September 30, 1995, if the commission determines that the earlier date is not feasible. The act requires the commission to continue to establish additional Medicaid managed care pilot programs if a federal waiver is not obtained to implement the proposed system.

SENATE BILL 18 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 2-6-95 **HOUSE SPONSOR:** Counts

Senate Bill 18 amends the Dental Practice Act to provide for the continuation of the State Board of Dental Examiners and the Dental Hygiene Advisory Committee under the Texas Sunset Act until September 1, 2005. Senate Bill 18 increases the membership of the State Board of Dental Examiners (board) from 15 to 18, increases the number of public members from 3 to 6, and requires the president of the board to be a dentist elected by the board.

The act sets forth the composition of the Dental Hygiene Advisory Committee (committee) as follows: three dental hygienists and two public members, to be appointed by the governor, and one dentist appointed by the board. The committee is required to elect the committee chair, and a sitting member of the board is prohibited from being a member of the committee.

The committee is required to develop and recommend to the board rules that establish qualifications and requirements for dental hygienists. The board is required to approve or reject the proposed rules, and if a rule is not approved the board is further required to indicate to the committee the reasons that the rule was not approved and return the rule to the committee for further development. The board is vested with final authority on all rules. Provisions relating to rules governing dental hygienists expire three years from the effective date of Senate Bill 18, and the board is prohibited from setting a date on which the committee is abolished that is within four years of the effective date of Senate Bill 18.

Other substantive provisions included in the act would: (1) require the board to contract with an independent or regional testing service for clinical exams and authorize the board to use licensed professionals to assist the regional testing service; (2) require rather than permit the board to grant a dentistry or dental hygienist license to out-of-state applicants under certain conditions and allow the board to grant a license, under certain circumstances, to a dentist or dental hygienist who has not graduated from an accredited dental or dental hygiene school; (3) impose new civil, criminal, and administrative penalties for violations of the Dental Practice

Act; (4) require the board to approve and certify certain nonprofit corporations who serve the poor to employ dentists; and (5) appropriate $206,168 to the board for the fiscal biennium ending August 31, 1995.

Senate Bill 18 also includes standard, across-the-board sunset provisions relating to board conflict of interest, board membership, board training, advertising, complaint files, access to public information, employment policies, and monitoring license holders for compliance.

SENATE BILL 96 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Berlanga

Under previous law, the Health and Safety Code prohibited the administering of a psychoactive medication to a patient receiving mental health services if the patient did not consent to the medication, with certain exceptions. Senate Bill 96 changes the requirement for administering a psychoactive medication to provide that patients must refuse the medication and expands the list of exceptions to allow psychoactive medication to be administered to a patient who is receiving court-ordered mental health services because of a criminal commitment, even if the patient refuses the medication.

SENATE BILL 133 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** McDonald

Senate Bill 133 amends the Health and Safety Code to prohibit a health care provider or health care facility from charging a fee for a medical or mental health record requested by a patient or an authorized representative of the patient for use in supporting the patient's application or appeal for certain disability benefits. The act authorizes a health care provider or health care facility to charge a fee for such records when requested by a state or federal agency.

SENATE BILL 297 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Rodriguez

Senate Bill 297 amends the Health and Safety Code to change the name of the San Antonio State Chest Hospital to the Texas Center for Infectious Disease.

SENATE BILL 351 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 6-13-95 **HOUSE SPONSOR:** R. Lewis

Senate Bill 351 amends the Health and Safety Code to clarify procedures for removal of organs or tissues from decedents when an inquest is required. It authorizes a medical examiner to permit the removal of organs and tissues believed to be usable for transplants or other therapy on request from a qualified organ procurement organization. If no autopsy is required, the organs are to be released in a timely manner, and if an autopsy is required, the medical examiner must perform the autopsy in a manner compatible with the preservation of the organs for the purposes of transplantation. A procedure is established in the event that the medical examiner denies removal of the anatomical gift. The act requires an organ procurement organization to reimburse a county or an entity designated by a county for costs incurred by a medical examiner in carrying out these provisions and requires the person removing organs from a decedent, on request from the medical examiner, to file a report detailing certain information relating to the organs removed.

SENATE BILL 436 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-5-95 **HOUSE SPONSOR:** Rangel

Senate Bill 436 requires institutions that advertise treatment of patients with Alzheimer's disease to disclose certain information relating to the nature of care the institution gives to such patients. In addition, the act requires the chairman of the Texas Council on Alzheimer's Disease and Related Disorders to appoint a task force to advise the Texas Board of Health in developing related rules.

SENATE BILL 482 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Berlanga, Naishtat

Senate Bill 482 requires the Texas Department of Health to establish the Texas Volunteer Health Corps to promote preventative health care and encourage active involvement of local communities in supporting public health. The bill defines the types of assistance the corps may provide, authorizes the department to employ persons to coordinate the volunteer activities, and directs the department to provide public health information materials and encourage health care professionals to serve as mentors.

SENATE BILL 544 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Coleman, Van de Putte

Senate Bill 544 brings current law relating to lead-based paint activities into conformity with federal regulations for the purpose of making state and local governments eligible for federal lead-based paint abatement funds. The act requires the Texas Department of Health to establish a program for certification of a person involved in a lead-based paint activity in target housing and for accreditation of training providers. Guidelines for the rules are set forth, and the department is authorized to assess a fee to cover administrative costs. The act provides for administrative, civil, and criminal penalties for a violation of these provisions or a department rule or certification.

SENATE BILL 570 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** McDonald, Berlanga

Senate Bill 570 provides that information regarding the content of a complaint in possession of the Health Professions Council is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to noncouncil employees or agents.

SENATE BILL 572 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 572 amends various provisions of the Health and Safety Code relating to court-ordered mental health services. It requires the district attorney, the criminal district attorney, or a court-appointed special prosecutor to represent the state in a hearing on court-ordered mental health services if a county has no county attorney. Previous law required only the district attorney to provide such representation. The method of allocating costs for a hearing or proceeding is revised, and provision is made for the transfer of an application for court-ordered mental health services from one county to another. The act revises the qualifications for eligibility to serve as an appointed master over a court-ordered mental health proceeding to include a retired county judge, statutory or constitutional, with at least 10 years of service. A provision that prohibits a judge from issuing an order for temporary or extended mental health

services for a patient who is charged with a criminal offense is limited to apply only to a person charged with an offense that involves an act, attempt, or threat of serious bodily injury to another person. The act removes a prohibition against holding a hearing to authorize psychoactive medication of an involuntary patient on the same date as a hearing for court-ordered temporary mental health services for the same patient. The amount of time that may elapse before a hearing is held on an order to authorize psychoactive medication is increased from 7 to 30 days.

SENATE BILL 600 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 600 amends the Health and Safety Code to require the Texas Department of Health to develop standards relating to performance, operation, quality of care, marketing and finance, and children's access to health care for managed care organizations that serve Medicaid clients. The act sets forth basic guidelines to be used in developing the standards.

In addition, Senate Bill 600 requires the Texas Department of Mental Health and Mental Retardation to develop similar standards for the provision by managed care organizations of mental health and mental retardation services to Medicaid clients.

The act also amends the Insurance Code to require the Texas Department of Insurance, in conjunction with the Texas Department of Health, to establish fiscal solvency standards and complaint system guidelines for managed care organizations that serve Medicaid clients.

SENATE BILL 601 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 601 requires the Health and Human Services Commission to adopt rules requiring Medicaid managed care organizations to provide education programs for providers and clients. The commission also is required to establish guidelines for the programs, and the act sets forth items an education program must contain. The act further requires the commission to adopt a bill of rights and a bill of responsibilities for each person enrolled in the Medicaid program, and it lists specific rights and responsibilities to be addressed by the commission. In addition, Senate Bill 601 requires the commission to provide support and information services to a person enrolled in or applying for Medicaid coverage who experiences barriers to receiving health care services, and these services are to include the operation of a toll-free telephone assistance line. The commission is authorized to contract with a nonprofit organization to provide these services, and the bill enumerates services that must be provided.

SENATE BILL 602 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 602 makes provision for the development and implementation of a computer database to reduce fraud and abuse in the Medicaid program. The Health and Human Services Commission and each health and human services agency that administers a part of the program are required to jointly develop a system to coordinate and integrate existing databases. The act requires that the database system make possible a complete analysis of Medicaid data, including the use of prescription medications, minimize cost and duplication of activities, and help detect fraud in the program.

SENATE BILL 604 **SENATE AUTHOR:** Nelson, et al.
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Berlanga, et al.

Senate Bill 604 requires the Health and Human Services Commission to develop a plan for a pilot program to establish medical savings accounts for recipients of acute care services under the state Medicaid program. The act requires the commission to implement the plan by January 1, 1997, and report to the governor and the 76th Legislature regarding the plan's effectiveness by January 15, 1999. If the commission determines that the program will not result in cost savings during the next five years, the commission may choose not to implement the pilot program but is required to report to the governor and legislative leadership regarding its determination that the program would not result in cost savings.

SENATE BILL 606 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 5-11-95 **HOUSE SPONSOR:** McDonald

Senate Bill 606 amends the Health and Safety Code to require the commissioner of health to develop and implement a public education program to promote awareness of osteoporosis. The act authorizes the commissioner to appoint a task force to make recommendations on strategies for educating the public on early detection and prevention of osteoporosis.

SENATE BILL 667 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Janek

Senate Bill 667 amends the Health and Safety Code to prohibit a hospital from releasing a patient's health care information without written authorization by the patient or a legally authorized representative. It provides for certain exceptions to this requirement and authorizes a patient or representative to revoke an authorization for disclosure, with the exception of when disclosure is required for payment to the hospital for services provided to the patient. The act also authorizes a hospital to charge a reasonable fee for providing requested information and establishes maximum fees that may be charged. A patient aggrieved by a violation of these provisions is authorized to bring an action for injunctive relief and damages.

In addition, the act expands exemptions to confidentiality provisions relating to medical and mental health records maintained by a physician or mental health care professional and authorizes a physician or mental health care professional to charge a reasonable fee for copying certain records. The act applies to disclosure of health care information, medical records, and mental health care information on or after January 1, 1996.

SENATE BILL 673 **SENATE AUTHOR:** Madla, et al.
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 673 amends the Medical Practice Act to authorize a physician who serves a medically underserved area to delegate to a registered nurse or physician assistant the carrying out or signing of a prescription for dangerous drugs. A physician whose practice is based at a licensed hospital or long-term care facility may delegate to an advanced nurse practitioner, physician assistant, nurse anesthetist, physician assistant offering obstetrical services, or nurse midwife the acts of administering, providing, carrying out, or signing a prescription drug order. Numerous limitations and safeguards are imposed for the authorized delegation of these activities. The Board of Nurse Examiners is required to adopt rules for approval of a registered nurse to exercise this delegated authority and minimum requirements are set forth. A physician is granted immunity from liability for the delegated acts of a nurse or physician assistant unless the physician has reason to believe the nurse or assistant lacked competency to perform the act.

The act also authorizes a physician assistant to pronounce a person dead in certain circumstances, and the assistant is granted the same immunity from liability for damages arising from this action as is extended to a physician or nurse.

Senate Bill 673 requires the Texas Department of Health to develop a clearinghouse for health professionals seeking collaborative practice and authorizes the department to impose a fee to cover administrative expenses. It requires the Center for Rural Health Initiatives to take certain actions to ensure that rural areas receive the maximum benefits of telemedicine and distance learning and requires the center to develop in conjunction with various state agencies a study of rural health clinics. A hospital authority that owns or operates a licensed hospital located in a rural area is authorized to construct and operate certain facilities and services for the elderly and disabled. A hospital authority may issue revenue bonds and other notes for this purpose if a private provider is not accessible to the area.

Senate Bill 673 amends the Health and Safety Code by adding a chapter to establish procedures regarding the issuance of an out-of-hospital do-not-resuscitate order to withhold cardiopulmonary and certain other life-sustaining procedures. It also adds a chapter to establish that a childhood blood lead level of concern is a reportable health condition, specify health care professionals and public officials who are required to report such cases, and establish a registry of children with lead poisoning and blood lead levels of concern.

The act amends the Texas Health Maintenance Organization Act to require a health maintenance organization to accept certain accreditation of a hospital, facility, agency, or supplier, and it amends the Health and Safety Code to require the Texas Department of Human Services to accept licensure by the Texas Department of Health or certification by the Medicare program in establishing provider criteria for hospitals, home health, or hospice providers. The Managed Health Care Advisory Committee is required to include a provision in the managed health care plan for prison inmates that requires acceptance of certification by the Medicare program as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

Senate Bill 673 amends the Medical Practice Act to clarify that nothing in that act prohibits a hospital from entering into an independent contractor agreement with a physician to provide services at the hospital or at other health care facilities and repeals provisions relating to contracts between a physician and a nonprofit clinic that serves an indigent population.

Senate Bill 673 updates the name of the Texas State Board of Podiatry Examiners to the Texas State Board of Podiatric Medical Examiners. The act deletes the requirement that the board have a bonded secretary-treasurer and amends provisions relating to examination for licensure and annual license renewal. The board is authorized to subpoena certain evidence relating to the board's investigation of an alleged violation and to file suit, if necessary, to enforce the subpoena. The act provides that evidence in the possession of the board is privileged and confidential and makes provisions for the release of such information to certain persons.

In addition, Senate Bill 673 clarifies the definition of the practice of chiropractic. It amends provisions relating to rules and membership of the Texas Board of Chiropractic Examiners and creates an advisory commission to the board. The act establishes penalties for the practice of chiropractic without a license, prohibits the use of anesthesia to perform manipulation, and authorizes the use of the term "chiropractic physician" to meet the requirements of a billing system. It also amends the membership of the board's enforcement committee and establishes guidelines and requirements for filing, investigation, and resolution of complaints.

Senate Bill 673 amends the Psychologists' Certification and Licensing Act. It clarifies provisions regarding license examinations and authorizes the Texas State Board of Examiners of Psychologists to grant a temporary license or certificate to an applicant for permanent licensure who meets certain criteria. The act establishes requirements relating to temporary licensure or certification, provides that information compiled by the board regarding a complaint and investigation of a person licensed by the board is not subject to disclosure, with certain exceptions, and establishes the responsibilities of the executive director and the board in determining whether a violation has occurred.

Senate Bill 673 clarifies definitions relating to the practice of professional counseling. It expands exemptions to include a licensed occupational therapist and a licensed physician assistant, and it amends applicant qualifications relating to required graduate semester hours. It establishes education, work experience, and other requirements to qualify for specialization in art therapy and creates an offense for representing oneself as an art therapist without an appropriate license. The act also requires the registry of licensed professional therapists to include listings of any permitted specializations and authorizes the board to issue a temporary permit to a person meeting certain requirements.

SENATE BILL 955 **SENATE AUTHOR:** Nelson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Giddings

Senate Bill 955 amends the Health and Safety Code to exempt both an individual who sells prepackaged nonperishable foods, including dietary supplements, from a private home and a distributor of alcoholic or nonalcoholic beverages in sealed containers from regulation as a food manufacturer or wholesaler.

SENATE BILL 965 **SENATE AUTHOR:** Truan
EFFECTIVE: 5-11-95 **HOUSE SPONSOR:** J. Harris

Senate Bill 965 amends the Health and Safety Code to ensure procedural due process to each physician, podiatrist, and dentist who applies for hospital staff privileges. The act prohibits discrimination against an applicant who holds an osteopathic medical degree or is accredited or certified by an osteopathic association. A hospital's credentials committee is required to act expeditiously when an application is submitted, and deadlines for required committee actions are set forth.

SENATE BILL 979 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 979 amends the Health and Safety Code to create the Medically Underserved Community-State Matching Incentive Program. The act requires the Texas Board of Health to establish the program, through which an eligible medically underserved community is authorized to sponsor a primary care physician by contributing start-up money. This contribution is to be wholly or partly matched with state money. The act authorizes the board to adopt related rules and establishes eligibility criteria.

In addition, Senate Bill 979 amends the Education Code to require the Family Practice Residency Advisory Committee to establish from three to five pilot programs to provide a major source of indigent health care and train family practice resident physicians. Current law requires the committee to work with a statewide advisory committee to establish three such programs. The act requires that one of the programs be established in an urban area and one in a rural area. The remaining programs are to be established in the border region. The act also amends provisions relating to the repayment of student loans for physicians.

SENATE BILL 1098 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1098 amends the Family Code to clarify that certain adults are authorized to consent to the immunization of a child in the absence of a parent or legal guardian. A person who consents under this section is required to provide the health care provider an accurate health history of the minor. In addition, the act authorizes a qualifying adult to provide a form consenting to the immunization of a child if the adult cannot be present.

SENATE BILL 1162 **SENATE AUTHOR:** Rosson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** McDonald, Naishtat

Senate Bill 1162 amends the Health and Safety Code and the Human Resources Code to authorize the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Human Services to make an unannounced inspection of a facility or program under the department's jurisdiction.

SENATE BILL 1175 **SENATE AUTHOR:** Lucio
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Naishtat

Senate Bill 1175 amends the Health and Safety Code to authorize an individual with certain qualifications to act as an advocate for survivors of sexual assault. It entitles a certified sexual assault program to obtain from the Department of Public Safety criminal history record information relating to an employee, an employee applicant, an advocate, or an advocate applicant of the program and authorizes the Texas Board of Health to adopt minimum certification standards for advocate training programs.

The act provides that communications between a survivor of sexual assault and an advocate and records of the advocate relating to the survivor are confidential, with exceptions. A Class C misdemeanor is established for intentionally or knowingly disclosing a confidential communication or record.

SENATE BILL 1190 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Maxey

Senate Bill 1190 amends provisions of the Health and Safety Code and the Tax Code governing charity care provided by a nonprofit hospital. The act extends the application of numerous provisions to include a "hospital system" and requires that unreimbursed costs be calculated in accordance with generally accepted accounting principles for hospitals. A hospital or hospital system is prohibited from changing its existing fiscal year unless undergoing a sale or merger. Provision is made to exclude certain hospitals in a hospital system when determining the system's compliance with charity care requirements. In addition, the bill revises and clarifies standards of charity care that certain hospitals or hospital systems are required to provide.

SENATE BILL 1229 **SENATE AUTHOR:** Zaffirini, Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1229 amends the Maternal and Infant Health Improvement Act to establish a perinatal health care system. It requires the Texas Board of Health to adopt related rules and requires the Texas Department of Health to develop and monitor a statewide network of

voluntary perinatal health care systems, develop a perinatal reporting and analysis system, and provide for coordination with adjoining states. The act establishes requirements for the perinatal health care system and provides for the creation of a grant program.

In addition, Senate Bill 1229 amends and repeals various provisions of the Maternal and Infant Health Improvement Act to reflect current state and federal policy.

SENATE BILL 1431 **SENATE AUTHOR:** Zaffirini, Truan
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1431 amends the Emergency Medical Services Act to direct the Bureau of Emergency Management within the Texas Department of Health to include in the state plan for emergency medical services a plan for emergency radio communication to be used by local governments to link emergency medical services providers with local hospitals or trauma centers.

The act also requires that the bureau develop a plan to establish a statewide emergency medical services force composed of trained volunteers. The bureau is authorized to appoint a task force for this purpose and is required to report to the governor and presiding officers of the legislature.

SENATE BILL 1454 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hirschi

Senate Bill 1454 encourages certain physicians to include medical education in pain treatment as part of their continuing education program and requires the Texas Cancer Council to maintain a listing of continuing courses in pain treatment offered by accredited institutions. In addition, Senate Bill 1454 establishes instructional requirements for pain treatment course work and requires each medical school to determine and report on the extent to which pain treatment medical education course work is meeting the elements listed in the act. The Texas State Board of Medical Examiners is authorized to adopt rules relating to these provisions.

SENATE BILL 1604 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga

Current law requires the Physician Assistant Advisory Council to annually designate a portion of revenues generated from licensing fees to provide student loan reimbursement for graduates of physician assistant training programs who practice in rural health professional shortage areas. Senate Bill 1604 also amends the Physician Assistant Licensing Act to provide for student loan reimbursement for graduates who practice in rural, medically underserved areas.

SENATE BILL 1685 **SENATE AUTHOR:** Sibley
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Stiles

Senate Bill 1685 amends the Health and Safety Code to require the commissioner of health to develop and implement a program to educate the public on the causes of prostate cancer and the factors associated with the development of prostate cancer, to publicize the value and methods of early detection and prevention, and to identify the options available for treatment. The act requires the commissioner to appoint a task force to make recommendations for development of the program.

HUMAN SERVICES/MENTAL HEALTH AND MENTAL RETARDATION

HOUSE BILL 238 **HOUSE AUTHOR:** Driver, Naishtat
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 238 amends the Human Resources Code to clarify provisions relating to assistance dogs by specifying that the law applies to blind persons as well as physically handicapped persons and by updating certain terminology to conform with industry practice. The act specifically provides that a person may not harass or interfere with an assistance dog and increases the fine for violating related provisions.

HOUSE BILL 553 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Moncrief

House Bill 553 establishes that a function of certain community mental health centers is a governmental function if the function is required or affirmatively approved by state and federal law or regulatory agencies. In addition, the act adds a community center that exercises a governmental function to the entities exempt from the restraint of trade provisions of the Business & Commerce Code.

HOUSE BILL 865 **HOUSE AUTHOR:** Maxey, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini, Moncrief

House Bill 865 amends the Health and Safety Code to require the Texas Department of Mental Health and Mental Retardation to enter into an interagency agreement with the Texas Department of Human Services to amend the state's Title IV-A Emergency Assistance plan to include mental health emergencies. Sixty-six percent of federal funds received as a result of this agreement are required to be allocated to local mental health and mental retardation authorities.

HOUSE BILL 867 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini, Gallegos

House Bill 867 requires the Texas Department of Human Services to develop an automated system for providing Medicaid reimbursements to nursing homes. The system must link TDHS with nursing homes so that claims may be filed electronically and must be designed to allow addition of other components of the state Medicaid program.

HOUSE BILL 869 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 869 requires the commissioner of health and human services to consider plans submitted by local health and human services entities when developing or updating a strategic plan for health and human services. The act also directs the commissioner to request local health and human service delivery entities to identify priorities, develop a coordinated plan for service delivery, and inform the commissioner of the plan. Upon request, the commissioner is required to assist local governmental entities in implementing coordinated plans that address the entities' special needs and priorities.

The act removes the Texas Department of Health from participation in a memorandum of understanding concerning determination of whether certain clients will need guardians and specifically cites the child-care programs of the Texas Department of Human Services and the prekindergarten programs of the Central Education Agency as programs that require planning and implementation by the department in collaboration with other state and local agencies.

HOUSE BILL 1111 **HOUSE AUTHOR:** Naishtat, Hilderbran
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson, Moncrief

House Bill 1111 amends the Human Resources Code to require the Department of Protective and Regulatory Services (DPRS) to investigate reports of abuse, neglect, or exploitation of persons receiving services in facilities operated by the Texas Department of Mental Health and Mental Retardation (TDMHMR) and in community centers. Reports of abuse in a facility regulated by an agency other than TDMHMR are to be made to the appropriate regulatory agency.

In addition, the act authorizes DPRS to apply for guardianship of elderly or disabled persons and to contract with certain entities for guardianship services. The act also clarifies the responsibilities of DPRS relating to investigations in general, establishes requirements relating to the confidentiality of information obtained during investigations, and limits civil and criminal liability relating to an investigation. The act specifies that in counties with more than 2.8 million persons the prosecuting attorney representing the state in civil matters will represent the state in matters related to abuse or neglect of elderly or disabled persons.

HOUSE BILL 1495 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Madla

House Bill 1495 amends the Health and Safety Code to require that notice of a hearing for court-ordered mental health services be furnished to any person claiming to have pertinent evidence regarding the case. Any official providing such information is granted judicial immunity in a civil suit for damages arising as a result of providing notice. If the information about a hearing is in the possession of the Texas Department of Mental Health and Mental Retardation, an employee of the department is required to refer any inquiring person to the court authorized to provide the notice.

HOUSE BILL 1649 **HOUSE AUTHOR:** Raymond, Maxey
EFFECTIVE: Vetoed **SENATE SPONSOR:** Zaffirini

House Bill 1649 amends the Human Resources Code to require the Texas Department of Human Services to develop an electronic data processing system for the administration of the child-care management system. The act also creates the Work Group on Child-Care Electronic Data Processing to advise and assist the department.

HOUSE BILL 1662 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 1662 amends the Human Resources Code to reorganize and clarify current law relating to the powers and duties of the Department of Protective and Regulatory Services. In addition, the act broadens the department's power to access criminal history information. It deletes provisions that limit the information the department is authorized to access and expands the list of persons whose criminal history information the department may obtain. The act also expands the list of persons to whom the department may release criminal history information. Other changes made to current law relate to the confidentiality of information maintained by the department and to the exemption of the department from certain costs and fees relating to court proceedings.

The act requires that the department impose on child-care facilities that provide services for less than 24 hours a day certain minimum standards that were in place on September 1, 1985, and prohibits the department from imposing more stringent standards. These provisions expire

September 1, 1997. The act requires the department to conduct a cost-benefit analysis and economic impact study and obtain review and comment from the appropriate legislative oversight committees before the Board of Protective and Regulatory Services adopts revised minimum standards. It also requires the department to contract with a public or private entity to conduct an independent study relating to certain minimum requirements adopted by the board in 1994 and to submit the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the 75th Legislature.

House Bill 1662 also requires the department to designate a communications officer, creates within the department an advisory committee on promoting the adoption of minority children, and changes the composition of the State Advisory Committee on Child-Care Administrators and Facilities.

HOUSE BILL 1698 **HOUSE AUTHOR:** Maxey, Naishtat
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Barrientos

House Bill 1698 directs the commissioner of health and human services to require each health and human services agency to provide information regarding community-based alternatives to long-term care to each agency client in need of long-term care services. This information must be provided before the client may be placed in a long-term residential care facility.

HOUSE BILL 1863 **HOUSE AUTHOR:** Hilderbran, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini, Nelson

House Bill 1863 makes many revisions to the state's AFDC and related public assistance programs. The act requires each applicant to sign and comply with a responsibility agreement in order to receive assistance and limits the cumulative amount of time a recipient can receive financial and transitional assistance, based on the recipient's education level and amount of prior work experience. A recipient who has exhausted the time-limited benefits is allowed to reapply for assistance after five years. Exceptions to the required time limits are allowed if severe personal hardship or community economic factors prevent the recipient from obtaining employment or if the state is unable to provide support services. Time-limited benefits are to be gradually implemented statewide.

To assist recipients in becoming self-sufficient, House Bill 1863 requires the Texas Department of Human Services to assess the needs of each family, develop a plan through which the family can fulfill those needs, and provide necessary support services, including education, child care, and transportation. AFDC adults are required to work at least 30 hours a week or participate in the JOBS program, with exceptions. The act creates various pilot programs aimed at increasing self-sufficiency, including education, training, and emergency assistance programs. It also increases the amount of resources that are disregarded in determination of eligibility and requires each applicant to prove that each person receiving aid is a U.S. citizen or legal immigrant and a resident of the state. The applicant must also prove that each child under the age of five has been immunized or will be immunized before the family's next eligibility review.

House Bill 1863 provides for the suspension of state licenses of parents found to be delinquent in making child-support payments and requires that unemployed noncustodial parents be referred to education and training programs. Other elements of the legislation provide for maximizing federal funding by expanding eligibility for certain programs and assisting eligible AFDC recipients in applying for federal assistance, decreasing costs through integrated eligibility and service delivery systems, and strengthening fraud- and error-prevention efforts. The act

authorizes a court to establish spousal maintenance in certain cases of divorce, broadens the oversight duties of the Health and Human Services Commission, and directs the commission to develop an integrated approach to the health and human services delivery system.

In addition, the act abolishes the Texas Employment Commission and creates the Texas Workforce Commission, to be made up of at least two divisions: a division of workforce development and a division of unemployment compensation. It consolidates under the workforce development division certain programs previously administered by other governmental entities. Programs consolidated include those relating to adult education, apprenticeship, food stamp employment and training, the Job Training Partnership Act, and the Job Opportunities and Basic Skills program. The commission is required to administer certain programs, review local workforce training, and allocate at least 80 percent of its workforce training and services funds as block grants to eligible local workforce development areas. The percentage change from one biennium to the next in funding allocations for a particular area is limited.

The act removes administrative barriers that impede the response of community and technical colleges to industry training needs, aims to develop incentives for those schools to provide customized training, and creates the Skills Development Fund from money in the general revenue fund to carry out these purposes. It modifies the responsibilities of the Council on Workforce and Economic Competitiveness and reduces the council's membership by eliminating ex officio members and certain government appointees. House Bill 1863 amends procedures through which a local workforce development board may be created and specifies components that must be included in the required plan of a local workforce development board. Finally, a Skill Standards Board is created as an advisory board to the governor and the legislature on the development of a statewide system of industry-defined and -recognized skill standards for occupations that provide employment and earnings opportunities and require less than a college degree.

HOUSE BILL 2094 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 2094 amends the Health and Safety Code to authorize a person younger than 16 years of age who is or has been married to request admission to an inpatient mental health facility.

HOUSE BILL 2644 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 2644 prohibits the Texas Department of Human Services from imposing on a nursing facility Medicaid participation standards different from those imposed by federal law, except to ensure facility compliance with certain sections of the Human Resources Code. The act exempts a nursing facility in compliance with certain standards required for participation in the Medicaid program from certain related minimum standards. House Bill 2644 also requires the department to adopt rules to provide for informal dispute resolution, administrative appeal, and arbitration to resolve claims involving nursing facilities.

A binding arbitration process is authorized for disputes relating to the licensure of a nursing facility or assessment of a penalty under certain provisions. The act includes provisions concerning procedures, qualifications, and orders relating to the arbitration process.

HOUSE BILL 2658 **HOUSE AUTHOR:** Hilderbran, Naishtat
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Galloway

House Bill 2658 amends the Human Resources Code to redesignate the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons as the Texas Council on Purchasing from People with Disabilities. The act requires the General Services Commission to provide legal, clerical, and administrative services to the council and requires the council to contract with a central nonprofit agency for functions relating to products and services of community rehabilitation programs. This contract, which must be reviewed and renegotiated at least once every two years, may include marketing and marketing-support services.

In addition, House Bill 2658 changes the composition of the council and amends provisions relating to term length, eligibility, and grounds for removal from the council.

HOUSE BILL 2698 **HOUSE AUTHOR:** McDonald, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 2698 directs the commissioner of health and human services, in conjunction with appropriate state agencies, to develop a plan for access to individualized long-term care services. The act requires that the guiding principles and goals included in this plan meet certain criteria.

HOUSE BILL 2704 **HOUSE AUTHOR:** Naishtat, Greenberg
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Rosson, Moncrief

House Bill 2704 amends the Health and Safety Code to authorize certain regulatory and private agencies, on behalf of a facility that provides services to the elderly and disabled, to obtain from the Department of Public Safety the criminal history record of an employee or applicant for employment in a position involving direct contact with the facility's clients. The act authorizes regulatory agencies to adopt related rules and prohibits a facility from employing a person whose criminal record reveals a conviction for an offense the facility determines to be a contraindication to serving the facility's clients.

In addition, House Bill 2704 requires the Department of Public Safety to provide a person barred from such employment a hearing concerning the accuracy of the criminal history record and to notify the appropriate facility if inaccurate information is discovered. The act protects a regulatory agency from civil liability for providing a facility with a person's criminal history information.

HOUSE BILL 2859 **HOUSE AUTHOR:** King
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 2859 changes the name of the Texas Commission for the Deaf and Hearing Impaired to the Texas Commission for the Deaf and Hard of Hearing and amends the Human Resources Code to reflect this change. In addition, the act provides that a majority of the commission must be deaf and amends certain provisions relating to the commission's duties to train and maintain a registry of interpreters for the deaf or hard of hearing. It increases the size of the Board for Evaluation of Interpreters and moves certain board duties to the commission.

HOUSE BILL 2891 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 2891 amends the Human Resources Code to streamline reporting requirements of health and human services agencies. The act includes provisions that change due dates and recipients of various reports, eliminate duplicative reports, and require additional information on certain reports.

The act requires the Health and Human Services Transportation and Planning Office to review the feasibility of using mobile clinics to deliver health care services to those in need and to review the possibility of using federal highway funds for this purpose.

The act amends the Government Code to require each state agency to submit a biennial report describing the agency's procedures relating to fees for copies of public records.

HOUSE BILL 3120 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

House Bill 3120 directs the Texas Department of Human Services to waive restrictions relating to the allocation of Medicaid-funded nursing home beds in a facility for the treatment of Alzheimer's disease that is affiliated with a state medical school, is participating in an Alzheimer's research project, and meets certain treatment requirements. The act requires the department to seek a federal waiver if necessary.

SENATE BILL 89 **SENATE AUTHOR:** Zaffirini, Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Carter

Senate Bill 89 amends the Human Resources Code to change the terms of the executive committee of the Office for the Prevention of Developmental Disabilities from two-year to staggered six-year terms.

SENATE BILL 103 **SENATE AUTHOR:** Moncrief, C. Harris
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Naishtat

Senate Bill 103 adds a title to the Human Resources Code creating the Guardianship Resource Board and authorizing the board to establish and serve as the governing board for a nonprofit corporation. The nonprofit corporation would serve as a center charged with developing a state plan to ensure assistance to each person in need of a guardian or other help in making decisions about personal welfare or personal financial affairs. The center would have responsibility to consult with cities, counties, and nonprofit organizations concerning the development of local or regional guardianship programs. Where a local or regional program does not exist, the center itself could provide assistance or could contract with another person or entity to apply for appointment as a guardian in the absence of alternative appointees. The act requires the center to adopt minimum standards for the provision of guardianships and related services, including services by volunteer and private professional guardians. It authorizes the center to provide technical assistance and training for guardians, information and referral support, and matching or other funding if available. The act establishes within the center a community trust to provide guardianship services in certain cases and to manage resources and expenditures for trust beneficiaries.

The act amends the Probate Code to remit portions of an estate not demanded from the executor or administrator to the Guardianship Resource Board. Under prior law, such remittances have gone to the state treasurer. Other code amendments relate to the disposition of estate investments held by a county clerk in the absence of a legal guardian. In specified circumstances, these amounts also are to be remitted to the board.

SENATE BILL 212 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Marchant

Senate Bill 212 amends the Human Resources Code to expand exemptions from child-care licensing requirements to include a municipal youth recreational program not advertised as a child-care facility and meeting certain standards adopted by ordinance. The act sets out certain standards that must be included in the ordinance and requires program standards to be presented to the parents of each program participant. An annual youth camp held in a municipality with a population of more than 1.5 million, that operates and has operated for specific periods, and that is operated by a nonprofit organization that provides care for the homeless is also exempted.

SENATE BILL 509 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 3-22-95 **HOUSE SPONSOR:** Hilderbran

Senate Bill 509 clarifies the authority of the Texas Health and Human Services Commission to delegate the administration of certain programs to the appropriate health and human services agencies.

SENATE BILL 513 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 6-9-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 513 amends the Health and Safety Code to allow patients to begin to receive voluntary inpatient mental health treatment upon receipt of a physician's oral or electronic order if a signed original order is presented to the mental health facility within 24 hours. Current law requires that the facility receive the written order before a patient may be formally accepted for treatment.

SENATE BILL 519 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** McDonald

Senate Bill 519 amends the Health and Safety Code to authorize a peer assistance program to provide services to professional licensure program students believed to be impaired by chemical dependency or mental illness. An approved peer assistance program is required to comply with requirements adopted by the appropriate licensing or disciplinary authority.

In addition, the act requires a professional nursing educational program or a registered nurse who has reasonable cause to suspect that a nursing student is impaired by chemical dependency to report the identity of the student to the Board of Nurse Examiners. The act provides that, in lieu of reporting the student to the board, a registered nurse having reasonable cause is authorized to report the student to the professional nursing program in which the student is enrolled.

SENATE BILL 1336 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 1336 amends the Government Code to clarify that the Texas Department on Aging or any other designated state agency is authorized to receive and administer block grants.

INSURANCE

HOUSE BILL 46 **HOUSE AUTHOR:** McCall
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 46 amends the Insurance Code so that a claim filed, but not paid or payable by an insurance carrier, will not be considered in the cancellation or nonrenewal of a policy relating to standard fire, homeowners, and farm or ranch owners policies.

HOUSE BILL 331 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

House Bill 331 amends the Insurance Code to require the commissioner of insurance to publish by January 1, 1996, a generalized guide to summarize the procedures used by the department to rate nonresidential commercial buildings and to specify how different construction elements and techniques used in a building project affect an insurance rating. The act requires that the guide be made available to the public and that the commissioner review the guide in January of each odd-numbered year. It also authorizes the commissioner to charge a reasonable fee for the publication.

HOUSE BILL 347 **HOUSE AUTHOR:** T. Hunter, et al.
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Truan

House Bill 347 repeals Article 5.35-2 of the Insurance Code, which requires the insurance commissioner to adopt an endorsement form that excludes coverage of certain damage to slabs or foundations on insured dwellings over 10 years old. The repeal does not otherwise affect the authority of the commissioner under other provisions of the Insurance Code to promulgate policy and endorsement provisions regarding the foundation or slab of an insured dwelling.

HOUSE BILL 369 **HOUSE AUTHOR:** Averitt, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 369 amends the Small Employer Health Insurance Availability Act. The act deletes the three benefit plans provided in previous law and replaces them with two plans, catastrophic care and basic coverage, to be adopted by the commissioner of insurance. It deletes the requirement that a small employer contribute 75 percent of the insurance premium for participating employees and lowers the required employee participation rate. The act permits a carrier of plans for small employers to offer plans for employers who do not meet the minimum participation rate under certain circumstances and establishes a separate collective enrollment requirement for an employer offering multiple health benefit plans. A health maintenance organization is authorized to offer certain types of benefit plans in lieu of the catastrophic and basic care plans and to use the same rating methods as an indemnity carrier in accordance with certain requirements.

The act also amends provisions relating to employee eligibility, preexisting conditions, and open enrollment and changes provisions relating to alcohol and substance abuse benefits. The act changes some of the requirements relating to purchasing cooperatives. It also changes provisions relating to conversion policies.

HOUSE BILL 770 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 770 amends the Insurance Code to require both a domestic insurance company and the controlling person of an affiliated insurance holding company system to appoint and maintain a person in this state as their attorney for service of process. It also authorizes the commissioner of insurance to accept service and notify the insurance company if the company does not appoint and maintain an attorney for acceptance of process.

HOUSE BILL 774 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

House Bill 774 makes technical corrections to the Insurance Code by relettering and correcting cross-reference errors and clarifies the effect of a repeal of certain articles.

HOUSE BILL 775 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

House Bill 775 repeals Article 21.33 of the Insurance Code, which provides that a corporation may be incorporated to transact certain types of insurance, other than life, fire, marine, inland, lightning, or tornado insurance, under the same requirements as apply to life insurance companies. Article 21.33 further restricts a corporation from being incorporated to do a fidelity and surety business or a liability insurance business with a paid-up capital stock of less than $200,000.

HOUSE BILL 885 **HOUSE AUTHOR:** Madden
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 885 amends the Insurance Code to raise the maximum amount of group life insurance that an employer may extend to any one employee under certain conditions.

HOUSE BILL 1089 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1089 continues the Workers' Compensation Commission until September 1, 2007. The act requires the governor to designate the chair of the commission and to alternate the chairmanship between employer-members and employee-members of the commission. It also transfers the commission's responsibility for administrative hearings to the State Office of Administrative Hearings.

The membership of the board of directors of the Certified Self-Insurer Guaranty Association is increased to seven, adding a certified self-insurer as a voting member. The act clarifies that the executive director of the commission and the director of the commission's division of self-insurance regulation serve as nonvoting members. The time period to build the guaranty trust fund is increased from 5 to 10 years.

The act expands the criteria used to remove a doctor from the list of approved doctors and sets out certain mandatory qualifications and training for designated doctors. It limits communication with a designated doctor, authorizes the commission to impose additional sanctions against designated doctors for violations of the law, and requires the commission's division of medical review to evaluate the compliance of health care providers serving as designated doctors.

Each state agency is designated as an employer for purposes of workers' compensation insurance. State agencies are required to establish health and safety programs that the commission's risk management division is required to review and approve.

Other substantive provisions of the act (1) specify that benefits for employees who have an occupational disease terminate 401 weeks after the date the benefits begin to accrue; (2) authorize the commission to exclude employers meeting certain conditions from the extra-hazardous employers program; (3) modify employer report-of-injury requirements and require the commission to develop plain language benefits information in English and Spanish and to contact an injured employee on receipt of an injury report; (4) establish mandatory qualifications, training guidelines, and continuing education for ombudsmen; (5) remove specific qualifications for field safety representatives, requiring the commission to establish qualifications; (6) clarify the rights of certain executives to cover or exclude themselves from workers' compensation coverage; (7) authorize legislative oversight of the workers' compensation system; and (8) prohibit the disclosure of information kept in the commission's investigation files except in certain circumstances, specifying that the files are not "open records" as defined by state law.

The commission is authorized to impose an administrative penalty on employers failing to report certain employee injuries and illnesses. The act decreases the criteria necessary for applying administrative penalties to insurance carriers and health care providers for certain violations of the law. The act also adds criminal penalties for the disclosure of certain information in an injury report and for certain fraudulent acts.

HOUSE BILL 1090 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1090 amends the Insurance Code to continue the Texas Workers' Compensation Insurance Fund until September 1, 2007.

The act authorizes the fund to conduct its own fraud and violations investigations, requiring it to coordinate its efforts with the Texas Workers' Compensation Commission, and adds "health care provider" and "other person" to the list of entities the fund is required to include in its investigation program. The disclosure of information kept in the fund's investigation files is prohibited except in specific circumstances. The act specifies that those files are not "open records" as defined by state law.

The fund is authorized to require certain companies applying for workers' compensation insurance to insure all commonly owned or controlled companies if fraud is suspected. The fund is required to report, on request, statistical and other information on its underwriting experience to the Texas Workers' Compensation Research Center, the legislative oversight committee on workers' compensation, or a similar successor agency.

The act also subjects the fund to standard state oversight provisions relating to the appointment of an internal auditor, annual review of the use of outside legal counsel, and compliance with the state agency minority hiring practices guidelines in the General Appropriations Act. The act's other standard oversight provisions require the state auditor to identify issues relating to the operation of the fund, require the issues to be included in the fund's annual independent and internal audit plans, and impose certain reporting requirements on the fund's internal and independent auditors and the state auditor.

The act clarifies that the insurance commissioner's review of a decision made by the fund's board of directors relating to policy cancellation does not suspend a ruling or other action of the fund, unless specifically ordered by the commissioner on a showing by the aggrieved party of immediate, irreparable injury, loss, or damage and probable success on the merits.

Other major provisions of the act (1) require the fund to provide information on request to appropriate legislative committees; (2) clarify that the fund is not required to appoint a local recording agent to act on its behalf and specify that an agent doing business with the fund is the applicant's agent, not the fund's agent; (3) prohibit the fund from disclosing employer information submitted by a licensed agent with certain exceptions; (4) require the commission to charge and collect fees for follow-up safety inspections of policyholders insured through the fund's insurer of last resort program; and (5) change the filing deadline for the fund's annual report to March 1, clarifying that the report must be filed with the department of insurance.

House Bill 1090 also includes standard, across-the-board sunset provisions.

HOUSE BILL 1091 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 8-30-95 **SENATE SPONSOR:** Armbrister

House Bill 1091 amends the Workers' Compensation Act to create a new entity to serve as an advisory body to the Texas Workers' Compensation Commission, the Research and Oversight Council on Workers' Compensation. The new entity merges the functions of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee on Workers' Compensation. The council assumes the existing research duties of the research center, including the preparation of a research agenda, and is directed to study the Texas Workers' Compensation Insurance Fund. The act clarifies the type of information the council must collect and requires the council to report the information to the legislature and the governor on a quarterly basis. In addition, the act authorizes the council to seek and use federal funds.

The act establishes the composition of the board of directors of the research and oversight council as follows: three members of the senate appointed by the lieutenant governor, three members of the house of representatives appointed by the speaker, one TWCC commissioner who represents employees, one TWCC commissioner who represents employers, and the commissioner of insurance or a designee. Board members serve at the will of the appointing officer or agency.

The board is required to conduct research on the performance of the workers' compensation system and to receive testimony, reports, proposed or new rules, and specific recommendations for legislation from public and private entities involved in the workers' compensation system. The board is authorized to obtain information from any of these entities and to delegate powers to the executive director of the council. The board is required to submit a biennial report to the governor, the lieutenant governor, and the speaker.

The board and the executive director must adopt the policies required by the act by January 1, 1996. House Bill 1091 also includes standard, across-the-board sunset provisions.

HOUSE BILL 1243 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1243 amends the Insurance Code to strengthen the financial solvency standards required of certain insurers operating in this state. The act also expands the requirements for disclosure for material transactions by an insurer and sets general requirements for reinsurance agreements.

HOUSE BILL 1367 **HOUSE AUTHOR:** Dutton, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 1367 amends the Insurance Code to prohibit the practice of unfair discrimination in the business of insurance.

The act specifically prohibits refusing to insure, refusing to continue to insure, limiting the amount, extent, or kind of coverage available to, or charging an individual a different rate for the same coverage solely because of race, color, religion, national origin, age, gender, marital status, geographic location, disability, or partial disability. The act provides for exceptions to these provisions and subjects a person who violates these provisions to certain sanctions. The act prohibits the use by health insurers of underwriting guidelines based on fluency in English.

House Bill 1367 authorizes the insurance commissioner to designate areas as underserved areas for residential property insurance and private passenger auto insurance and creates incentives to insurers who write policies in the areas. It also directs the commissioner to establish a voluntary mechanism, or a market assistance program, to assist insureds in obtaining residential property insurance coverage in underserved areas and makes provisions for the development of such a program through a plan of operation. The market assistance program for liability insurance is eliminated. The act creates the Fair Plan Act, which allows the commissioner to establish a "Fair Access to Insurance Requirements (FAIR) Plan" to deliver residential property insurance to citizens in underserved areas if insurance availability does not meet certain minimum levels.

The act authorizes the commissioner to establish a task force to study the utility and feasibility of instituting various property and casualty insurance initiatives and allows certain county mutual insurance companies to write all lines of personal liability insurance, residential fire insurance, residential allied lines insurance, homeowners insurance, and farm and ranch owners insurance. The act also authorizes a voluntary inspection program.

HOUSE BILL 1422 **HOUSE AUTHOR:** Reyna
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Leedom

House Bill 1422 amends the Insurance Code to allow a local recording agent to charge a client a reasonable fee for services such as postage, printing, telephone, electronic mail, and other similar services. The act authorizes an insurer to require that membership dues in its sponsoring organization be paid as a condition for issuance or renewal of an insurance policy.

HOUSE BILL 1472 **HOUSE AUTHOR:** Driver
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Leedom

House Bill 1472 amends the Insurance Code to allow a person with automobile liability insurance in excess of that required by state law to be eligible for coverage through the Texas Automobile Insurance Plan Association. The act applies to policies delivered, issued for delivery, or renewed on or after January 1, 1996.

HOUSE BILL 1670 **HOUSE AUTHOR:** Driver
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Shapiro

House Bill 1670 amends the Insurance Code to authorize a licensed insurance agent who is associated with a licensed automobile dealer to assign and transfer compensation paid under the agent's contract with an insurer to the dealer or an affiliate of the dealer.

HOUSE BILL 1933 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Rosson

House Bill 1933 amends the Insurance Code to require an insurer that writes property and casualty insurance to provide, on written request of a policyholder, a list of claims charged against the policy and payments made on each claim. In addition, the act establishes a time period within which a company or association that writes workers' compensation insurance must provide certain information to a policyholder.

HOUSE BILL 1987 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 1987 amends the Insurance Code to clarify that the Surplus Lines Stamping Office of Texas is not subject to the filing requirements of the state library. The act provides that an individual surplus lines insurance contract filed with the stamping office is confidential and is not a public record. The act also establishes eligibility requirements for an insurance exchange created by the laws of another state.

HOUSE BILL 1988 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

House Bill 1988 amends the Insurance Code to permanently establish the flexible rating program for certain lines of property and casualty insurance, which was previously established as a pilot program. The act also redefines the flexibility band. The act states that filed rates within the flexibility band are presumed valid and establishes procedures through which the commissioner may find such rates invalid. The act also contains provisions relating to approval of rates set outside the flexibility band and procedures at benchmark rate hearings.

The act provides for temporary rate rollback for certain lines of liability insurance. It states that the legislature's intent is that all insurers pass on the savings that accrue from tort reform legislation to policyholders on a prospective basis and sets guidelines for the commissioner to follow to accomplish that intent. It also contains provisions relating to statistical data collection agents.

HOUSE BILL 2256 **HOUSE AUTHOR:** Shields
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 2256 amends the Insurance Code to establish a regulatory program relating to viatical settlements. It directs the insurance commissioner to adopt rules governing registration of persons engaged in the business, contract forms, disclosure requirements, prohibited practices, assignment or resale of life insurance policies, and confidentiality. It also authorizes the commissioner to take certain actions to enforce the rules.

HOUSE BILL 2257 **HOUSE AUTHOR:** Shields
EFFECTIVE: Vetoed **SENATE SPONSOR:** C. Harris

House Bill 2257 amends the Insurance Code to lengthen from 10 to 30 days the period in which insurance companies must respond to a department of insurance request for information. The act also requires that a request for information be signed by the insurance commissioner or one of the four associate commissioners. The act provides that a response by an insurance company is for the exclusive use of the insurance department and is not subject to the open records law.

HOUSE BILL 2501 **HOUSE AUTHOR:** Averitt
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2501 amends the Insurance Code to clarify that the limitation of liability in a fire alarm company contract is not in conflict with the requirement that the fire alarm company carry general liability insurance.

HOUSE BILL 2593 **HOUSE AUTHOR:** Eiland, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 2593 clarifies the meaning of "catastrophic area" and amends the Texas Catastrophe Property Insurance Pool Act to require the Texas Catastrophe Property Insurance Association to file a manual rate for commercial risks and classes of risks for approval by the insurance commissioner on a yearly basis. It requires that the rate for commercial windstorm and hail insurance written by the association be 90 percent of the rate for extended coverage for commercial risks.

The act requires the commissioner, on receipt of such a filing, to provide notice and hold an open meeting to consider the filing. The act establishes procedures for the commissioner to follow in approving, disapproving, or modifying the filing and prohibits a filing from reflecting an annual premium rate change that is 15 percent higher or lower than the rate for commercial windstorm and hail insurance in effect on September 1, 1995.

HOUSE BILL 2710 **HOUSE AUTHOR:** Haggerty
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 2710 amends the Insurance Code to delete the requirement that the insurance commissioner find that it is unnecessary for a holding company privately owned by not more than five persons to be regulated before the company may be exempt from provisions relating to the regulation of insurance holding company systems.

HOUSE BILL 2766 **HOUSE AUTHOR:** Smithee, et al.
EFFECTIVE: Vetoed **SENATE SPONSOR:** J. Turner, Madla

House Bill 2766 amends the Insurance Code to create the Patient Protection Act and to authorize the commissioner of insurance to promulgate rules establishing standards of care for managed care entities that conduct business in this state. Managed care entities are required to provide prospective enrollees a written plan description of the terms and conditions of the plan, to provide the commissioner an explanation of the network configuration, and to include engineering services in the plan. The act includes provisions concerning participating providers and hospitals and contains provisions for point-of-service plans and annual performance reports. It also prohibits a managed care plan from taking retaliatory actions.

HOUSE BILL 2793 **HOUSE AUTHOR:** Shields
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Wentworth

House Bill 2793 amends the Texas Insurance Holding Company System Regulatory Act to increase the maximum amount a domestic insurer may invest in its affiliates or subsidiaries to not to exceed the lesser of 10 percent of the insurer's assets or 50 percent of the insurer's surplus and to exclude investments in domestic or foreign insurance subsidiaries in calculating that amount. The act requires that qualification of an investment in an affiliate or subsidiary be determined before the investment is made and specifies certain criteria that must be considered in making that determination.

HOUSE BILL 2952 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

Current law requires the insurance commissioner to forward to certain persons, by certified or registered mail, a copy of a process, notice, or demand served on the commissioner. House Bill 2952 amends related provisions to require the commissioner, on receiving the return receipt, to issue to the plaintiff and the appropriate court or agency a certificate showing proof of delivery.

HOUSE BILL 2960 **HOUSE AUTHOR:** Counts
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Armbrister

House Bill 2960 amends provisions of the Insurance Code relating to the payment of covered claims under insurance policies of impaired title and property and casualty insurers and proceedings associated with the liquidation of insolvent insurers. The act raises the threshold amount of debt or value of property a receiver may compound or sell without court approval. It grants immunity to the commissioner of insurance, a receiver, a special deputy receiver, and their agents for actions taken in good faith and directs the attorney general to defend an action covered by the immunity provision. The act provides that a guaranty association is entitled to recover administrative expenses and costs allocated to a receivership estate as a Class 1 claim and clarifies that legal expenses incurred in the defense of an insured are covered claims.

The act authorizes the Texas Property and Casualty Insurance Guaranty Association, in the event of a natural disaster or other catastrophic event, to apply to the governor for authority to assess certain member insurers an additional amount not to exceed two percent of the insurers' net direct written premiums for the preceding calendar year. The act also extends the duration of the three-percent assessment cap on the workers' compensation line of business until January 1, 1998.

The act provides that a purchasing group may not receive any benefit from funds for claims arising under the insurance policies procured through the purchasing group unless the policies are underwritten by insurance companies or members of company groups that are state licensed and have capital and surplus of at least $25 million at the time of policy issuance.

HOUSE BILL 3104 **HOUSE AUTHOR:** Junell, Naishtat
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Montford

House Bill 3104 amends the Insurance Code to provide that the issuance of a charitable gift annuity by a charitable organization meeting certain requirements does not constitute engaging in the business of insurance.

The act requires a charitable organization issuing such an annuity to make certain written disclosures to the donor and to provide to the Texas Department of Insurance written notice that the organization is involved in this practice. The insurance commissioner is authorized to enforce these requirements.

HOUSE BILL 3111 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 3111 amends the Insurance Code to require a nonprofit health corporation to provide or arrange for a health care plan on a prepaid basis only if the corporation has a certificate of authority issued by the commissioner of insurance. The act establishes qualifications necessary to obtain and maintain a certificate of authority, including accreditation, and prohibits certificate holders from engaging in unfair and disruptive hiring or contracting practices.

The act also requires the commissioner, with the assistance of an advisory committee, to adopt rules to implement the article by January 1, 1996.

SENATE BILL 182 **SENATE AUTHOR:** Rosson, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gray

Senate Bill 182 amends the Insurance Code to prohibit an insurer who delivers, issues, or renews any health insurance policy or contract from denying, refusing to renew, canceling, charging a different rate for, or otherwise limiting an individual's health insurance coverage because the individual has been diagnosed with or has a history of a fibrocystic breast condition. It provides that a violation of the provision subjects an insurer to penalties imposed under provisions of current law relating to unfair and deceptive practices. The act further provides that insurers are not required to pay for fibrocystic breast disease.

The act applies only to an insurance policy delivered, issued, or renewed on or after January 1, 1996.

SENATE BILL 391 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Duncan

Senate Bill 391 amends the Texas Property and Casualty Insurance Guaranty Act to provide that the Texas Property and Casualty Insurance Guaranty Association is not entitled to recover the amount of a covered claim from an insured who is exempt from federal income tax under certain provisions of the Internal Revenue Code of 1986. In addition, the act entitles the association to recover the amount of a covered claim under a policy or contract of insurance written, issued, and placed in force after January 1, 1992.

SENATE BILL 413 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** J. Harris

Senate Bill 413 provides that an emergency service organization that is not a political subdivision may obtain workers' compensation benefits for its volunteer firefighters and other emergency personnel. The act also directs the Texas Department of Insurance to adopt rules governing the method of calculating premiums for workers' compensation insurance coverage for those volunteer personnel.

SENATE BILL 553 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goolsby

Senate Bill 553 amends the Insurance Code to authorize an insurer to provide a premium discount on certain motor vehicle insurance coverage for students under 25 years of age with a "B" average or better or a 3.0 average or better for the preceding academic reporting period and to continue to grant the discount for persons who have met certain educational requirements while they are under age 25. The act requires the insurance commissioner to set the amount of the discount and authorizes the commissioner to adopt other necessary rules. To be eligible for a discount, a student is required to file with the insurer an annual grade report and other required evidence.

SENATE BILL 597 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Driver

Senate Bill 597 amends the Insurance Code to require the reinstatement of certain life insurance policies in cases of an unintentional default in premium payments caused by mental incapacity of the insured. The act requires that certain specified conditions be met by the insured to qualify for reinstatement. The act also requires each licensed entity to disclose to each of its policyholders these requirements. Provisions concerning timing of the required disclosure are included, and the commissioner of insurance is required to adopt rules relating to the act.

SENATE BILL 598 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Driver

Senate Bill 598 amends the Insurance Code to require attorney's fees to be taxed as part of the costs in a case in which a suit has been filed on a claim made pursuant to a policy of insurance and the insurer is not in compliance with requirements relating to the prompt payment of claims.

SENATE BILL 607 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** McDonald

Senate Bill 607 amends the Insurance Code to require a group health insurance policy to provide a qualified individual with coverage for certain procedures relating to the detection and prevention of osteoporosis. An individual is qualified for the coverage if the individual is a postmenopausal woman who is not receiving estrogen replacement therapy or is an individual who has vertebral abnormalities, primary hyperparathyroidism, or a history of bone fractures, is receiving long-term glucocorticoid therapy, or is being monitored to assess the response to an approved osteoporosis drug therapy.

SENATE BILL 628 **SENATE AUTHOR:** Madla, West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 628 amends the Insurance Code to define and add a managed care plan to the list of entities covered by provisions relating to pharmaceutical services.

The act provides that a managed care plan is not prohibited from establishing reasonable application and recertification fees for a pharmacy that is a contract provider, as long as the fees are uniformly charged to each pharmacy under contract to the plan.

The provisions of the act do not apply to a group model health maintenance organization that provides a majority of its professional services through a single group medical practice that is affiliated with the medical school of a Texas state-supported public college or university and that was certified before November 1, 1981, or to a nonprofit group practice model health maintenance organization that provides pharmaceutical services only through pharmacies located at medical offices owned, leased, or contracted for by the health maintenance organization and that was certified before November 1, 1985.

SENATE BILL 702 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Smithee

Senate Bill 702 amends the Insurance Code to provide that a policyholder of a one-family or two-family dwelling who has installed an approved fire protection sprinkler system on the covered property is entitled to a premium reduction for homeowners insurance coverage. It establishes procedures through which a policyholder may apply for approval of such a system and obtain a premium reduction certificate for presentation to the insurer. The act requires the insurance commissioner to set the amount of the premium reduction and authorizes the board to adopt rules to create a specialized licensing or registration program for fire protection sprinkler system contractors.

The act applies to policies delivered on or after January 1, 1996.

SENATE BILL 885 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Brady, Smithee

Senate Bill 885 amends the Labor Code to add professional hockey players employed by the International Hockey League or the National Hockey League to the list of professional athletes who have the option of choosing between the workers' compensation benefits provided by their contract or collective bargaining agreement and the benefits available in the state workers' compensation system.

SENATE BILL 1222 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Averitt

Senate Bill 1222 amends the Insurance Code to require that interest, to be accrued from the date the insurer receives proof of loss to the date the insurer accepts the claim and offers to pay, be paid to the beneficiary of a life insurance policy. The rate of interest is to be the rate provided in the policy or, if there is no such provision in the policy, the rate of interest on proceeds left on deposit with the insurer.

SENATE BILL 1232 **SENATE AUTHOR:** Armbrister, Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Stiles

Senate Bill 1232 amends the Insurance Code to provide for a motor vehicle self-insurance program for volunteer fire departments to be administered by the Texas Forest Service of the Texas A&M University System. The act establishes various program goals and authorizes the director of the service to adopt rules to implement and administer the program and establish eligibility requirements for participation in the coverage. In providing self-insurance coverage, the program must establish a self-insurance pool funded by fees levied and collected by the service. The act authorizes a "start-up" appropriation until August 31, 1997, and requires the appropriation to be refunded by August 31, 1997.

SENATE BILL 1284 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Counts

Senate Bill 1284 amends the Texas Title Insurance Act to clarify rulemaking and ratemaking procedures relating to title insurance. The act also makes technical corrections reflecting the abolition of the State Board of Insurance.

The act allows a title insurance company to determine the insurability of title for a property with an enforceable recorded lien but prohibits the company from insuring a title with such a lien. In addition, the act exempts normal promotional and educational activities from provisions prohibiting certain rebates and discounts.

SENATE BILL 1365 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Dear

Senate Bill 1365 amends the Insurance Code to delete a provision that all rates, rating plans, and charges for prepaid legal services contracts be established with actuarial principles for various categories of insureds. The act requires that all legal services contracts and related promotional material be truthful and properly describe the coverage offered and authorizes the State Board of Insurance to require those contracts to have rates that are adequate to reasonably provide the contracted services. The act prohibits the State Board of Insurance from setting the maximum rate or premium that may be charged for a prepaid legal services contract or a

nonprofit legal services plan. It deletes a provision that requires the commissioner to approve an actuarially sound ratio of benefits to be paid to anticipated revenues from a proposed rate schedule under a nonprofit legal services contract.

The act applies only to a legal services plan issued or renewed on or after January 1, 1996.

SENATE BILL 1407 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Driver

Senate Bill 1407 amends the Health Maintenance Organization Act to allow a health maintenance organization (HMO) to contract with another HMO and to allow a physician to contract for or arrange to provide through other providers certain health care services. It amends provisions relating to application of the act and provides that the act and the Insurance Code may not be construed to prohibit a physician or provider participating in an HMO delivery network from entering into an authorized contractual arrangement within an HMO delivery network.

The changes apply only to contracts entered into or renewed on or after January 1, 1996.

SENATE BILL 1410 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Danburg

Senate Bill 1410 amends the Insurance Code to include a licensed chemical dependency counselor in the list of practitioners a health insurance policy may designate to be recognized or not recognized for the purpose of providing benefits contingent on treatment by a particular practitioner. The act defines "licensed chemical dependency counselor" as a person who is licensed by the Texas Commission on Alcohol and Drug Abuse.

The provisions apply only to an insurance policy issued or renewed on or after January 1, 1996.

SENATE BILL 1514 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Uher

Senate Bill 1514 amends the Insurance Code to include a licensed psychological associate in the list of practitioners a health insurance policy may designate to be recognized or not recognized for the purpose of providing benefits contingent on treatment by a particular practitioner. The act defines "licensed psychological associate" as a person who is licensed by the Texas State Board of Examiners of Psychologists and practicing under the supervision of a licensed psychologist.

The provisions apply only to an insurance policy issued on or after January 1, 1996.

SENATE BILL 1637 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Duncan

Senate Bill 1637 amends the Insurance Code to move the responsibility for policy form approval and related rulemaking to the insurance commissioner and the Texas Department of Insurance rather than the board. It includes stipulations regarding approval of forms and changes related time requirements.

The act reduces certain filing fees the department may charge, as determined by the commissioner.

The act applies to an insurance policy, contract, or form that is delivered, issued for delivery, or renewed on or after January 1, 1996.

LABOR AND EMPLOYMENT

HOUSE BILL 1027 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

Federal law requires state employment agencies to use a worker profiling system that identifies claimants likely to exhaust their unemployment benefits before finding work. These claimants must then be referred to intensive reemployment services that provide job search or retraining assistance. A claimant referred to job assistance services through the profiling system who does not participate in those services would not be eligible for unemployment benefits.

House Bill 1027 amends the Labor Code by adding a conforming provision that requires referred claimants to participate in reemployment services as a condition to receiving unemployment benefits, except under certain circumstances.

HOUSE BILL 1028 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1028 amends the child labor provisions in the Labor Code relating to the laws on payment of wages. It authorizes the Texas Employment Commission to investigate persons suspected of child labor violations within the last two years, to take depositions, to issue subpoenas, subject to certain restrictions, and to investigate persons suspected of employing or having employed children.

The act incorporates into the Labor Code a section that was enacted in 1993 regarding administrative penalties. It also adds a new subchapter to provide for the collection of penalties assessed against an employer for violations of the child labor provisions.

HOUSE BILL 1030 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Sibley

House Bill 1030 amends the Labor Code to conform with federal requirements by requiring an individual to have a minimum number of wage credits to become eligible for extended unemployment benefits.

HOUSE BILL 1031 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1031 amends provisions of the Labor Code enacted in 1993 that authorize the Texas Employment Commission to file liens on assets owned by employers delinquent in paying wages. The act includes provisions relating to notification of delinquency in the payment of wages, the duties of notice of recipients, and levies. The act allows liens to be assessed to claimants when requested by the claimant and allows a levy on assets any time during the 60 days after the notice of delinquency is received.

HOUSE BILL 1086 **HOUSE AUTHOR:** Brimer, Yarbrough
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Brown, Rosson

House Bill 1086 amends the Labor Code to prevent unemployment benefits from being reduced by the benefit amount of social security received by a claimant.

HOUSE BILL 1233 **HOUSE AUTHOR:** Moffat
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Sibley

Federal law requires state employment agencies to give individuals the option of having federal income taxes withheld from their unemployment benefit payments.

House Bill 1233 amends the Labor Code by adding a conforming provision that allows eligible individuals to have these taxes withheld from their benefit payments, and also requires the Texas Employment Commission to withhold these taxes when requested. This withholding cannot begin until January 1, 1997.

HOUSE BILL 1323 **HOUSE AUTHOR:** Romo
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Gallegos

House Bill 1323 prohibits the employment of a child under 14 years of age to sell goods or services or to solicit donations for any person other than an exempt organization unless the child is accompanied by the child's legal guardian, a business is owned or operated by the child's parent or guardian, or the child is a self-employed person. An exempt organization includes charities, organizations under Title 15 of the Election Code, and certain primary and secondary school organizations. Violation of this provision is a Class A misdemeanor.

HOUSE BILL 1341 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 1341 provides additional funding from a $2 surcharge on birth certificates issued at the local level for the Work and Family Policies Clearinghouse for a grant program for demonstration dependant care projects. A local registrar is prohibited from raising the fee for a certified copy of a birth certificate until the fee charged by the bureau exceeds the fee charged by the local registrar.

HOUSE BILL 1529 **HOUSE AUTHOR:** Eiland
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Gallegos

House Bill 1529 amends the Local Government Code to allow police officers who have voluntarily left a police department to be rehired without taking another departmental entrance examination.

HOUSE BILL 1696 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Turner

House Bill 1696 amends the Government Code to require the institutional division of the Texas Department of Criminal Justice to provide tuberculosis screening for any division employee who requests such testing.

SENATE BILL 867 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Coleman

Senate Bill 867 amends the Labor Code to authorize the Texas Employment Commission, subject to legislative appropriation, to use money from the advance interest fund for the enforcement of state laws concerning child labor, payment of wages, and the minimum wage.

SENATE BILL 1013 **SENATE AUTHOR:** Gallegos
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Oakley

Under current law, police officers or firefighters who are not covered by a civil service statute may see written complaints against them prior to disciplinary action being taken. Senate Bill 1013 deletes the civil service exemption, allowing a police officer or firefighter to see the complaint regardless of his or her civil service status. The act also specifies that disciplinary action may not be taken unless a signed complaint is investigated and there is sufficient evidence to prove allegations of misconduct.

LAW ENFORCEMENT AND PUBLIC SAFETY

HOUSE BILL 40 **HOUSE AUTHOR:** McCall, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Armbrister, Madla

House Bill 40 amends the Government Code to require the director of the Texas Department of Public Safety to establish a system for DNA analysis of certain inmates and maintain a database containing DNA records to assist in the investigation or prosecution of sex-related or other offenses in which biological evidence is recovered. The director is also required to assist in the identification of missing persons and disaster victims and to provide a population statistics database. The act includes provisions relating to the regulation of DNA laboratories; the DPS director is required to establish procedures and authorized to collect fees for DNA analysis. Provisions are set forth regulating access and maintenance of the DNA database. When serving a sentence for certain sex-related offenses, a prison inmate or a juvenile committed to the Texas Youth Commission is required to provide a specimen or blood sample for the purpose of creating a DNA record. The act provides for enforcement of these provisions by court order and for the confidentiality and expunction of DNA records.

The act also amends the Code of Criminal Procedure to authorize a court to require as a condition of community supervision that a person submit a specimen to the department for the purpose of creating a DNA record.

Provisions relating to community supervision and the Texas Youth Commission take effect on January 1, 1996; otherwise, this act takes effect on September 1, 1995.

HOUSE BILL 44 **HOUSE AUTHOR:** Edwards, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson, R. West

House Bill 44 amends the Penal Code to create an offense for negligently allowing access by a child to a loaded firearm. A dealer of firearms is required to post a sign at the dealer's place of business that informs the public of the offense.

The act also amends the Code of Criminal Procedure to authorize a court, when granting community supervision to a defendant convicted of this offense, to require that the defendant provide public service designated by the court or attend a firearms safety course.

The Education Code is amended to authorize and strongly encourage a school district to provide or participate in a firearms safety program for students in grades kindergarten through 12.

HOUSE BILL 76 **HOUSE AUTHOR:** Munoz
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 76 amends provisions of the Human Resources Code relating to the Missing Children and Missing Persons Information Clearinghouse. The release of dental records was authorized under previous law but the release of medical records was not. This act provides a procedure for a law enforcement officer to obtain certain medical records of persons and children reported missing.

The act provides additional safeguards for the release of medical records: (a) Except as provided by a court proceeding, a medical record of a missing child may be released only if the form is signed by a parent or legal guardian. (b) The release form of an adult missing person must be signed by a spouse, adult child who is reasonably available, parent, or legal guardian. (c) Law enforcement agencies and the clearinghouse are prohibited from releasing the information unless permitted by law.

HOUSE BILL 158 **HOUSE AUTHOR:** Kamel
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

House Bill 158 amends the Government Code to authorize the division of emergency management in the office of the governor to provide financial assistance to the Civil Air Patrol, Texas Wing, to support disaster-related activities.

HOUSE BILL 391 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ratliff

House Bill 391 amends the Uniform Act Regulating Traffic on Highways to limit the availability of motor vehicle accident reports. A private person is authorized to receive an accident report only if the person can provide two or more of the following items: the date of the accident; the name of any person involved in the accident; or the specific location of the accident.

HOUSE BILL 523 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Lucio

State and local law enforcement agencies are currently authorized to establish vehicle checkpoints within 250 feet of the Mexican border to prevent stolen vehicles from entering Mexico. House Bill 523 amends the Government Code to extend the area where a checkpoint may be established to within 250 yards of the actual boundary between Texas and Mexico. The act stipulates that the checkpoint be operated so as to stop a vehicle only if there is probable cause to believe that the vehicle is stolen. In addition, the act clarifies that a criminal magistrate, but not a civil court, is authorized to decide rightful ownership of allegedly stolen property.

HOUSE BILL 752 **HOUSE AUTHOR:** Rhodes, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 752 amends the Government Code to require the Commission on Law Enforcement Officer Standards and Education to establish minimum qualifications for a person to enroll in certain training programs or to be examined for a license as an officer, county jailer, or public security officer. In addition, the act prohibits a person who is disqualified by law to be an officer or county jailer from enrolling in certain training programs or taking an examination administered by the commission.

HOUSE BILL 809 **HOUSE AUTHOR:** Williamson, Allen
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 809 amends the Government Code to authorize a local crime stoppers program to use not more than 10 percent of the money annually received by the program to pay administrative expenses and changes certain report requirements.

HOUSE BILL 1155 **HOUSE AUTHOR:** Telford
EFFECTIVE: 5-19-95 **SENATE SPONSOR:** Ratliff

House Bill 1155 grants a peace officer of an adjoining state the same powers, duties, and immunities of a Texas peace officer when the foreign officer has physical custody of an inmate or criminal defendant and is transporting the inmate or criminal defendant to and from a Texas medical facility and to the extent necessary to maintain or regain physical custody of the inmate or defendant.

HOUSE BILL 1379 **HOUSE AUTHOR:** Allen, Greenberg
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 1379 amends various provisions of the Sexual Offender Registration Program requiring a person who has a reportable conviction or adjudication to register or verify information with the local enforcement authority in any municipality or county where the person resides or intends to reside for more than seven days, not later than the seventh day after their arrival.

The Department of Public Safety is required by the act to provide the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, each local law enforcement authority, and each court with a form for registering persons required by this article to register.

The act sets out requirements concerning notification of the person required to register and of the department and local law enforcement authorities. It also extends the duty to register under the program to 10 years after the date the offender satisfies the punishment imposed for the offense.

HOUSE BILL 2226 **HOUSE AUTHOR:** Bailey
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Gallegos

House Bill 2226 amends the Government Code to authorize an officer commissioned by the Texas Department of Public Safety to purchase and wear an officer's uniform while providing enforcement services for entities other than the department. The department is required to adopt guidelines regarding the types of services for which an officer may purchase and wear a uniform and regarding standards of behavior to be maintained by the off-duty officer.

The act specifies that a uniform does not include a weapon.

HOUSE BILL 2307 **HOUSE AUTHOR:** Carter
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 2307 amends provisions of the Health and Safety Code relating to the powers and duties of the Advisory Commission on State Emergency Communications. The act changes the composition of the commission by removing the executive director of the Texas Advisory Commission on Intergovernmental Relations, and it expands the commission's duties to include additional responsibilities in the areas of poison control, public education and training concerning emergency communications, and grants or contracts for services that enhance 9-1-1 services. The commission is further authorized to establish collection procedures to collect past due amounts from a service provider or business service user. The act also grants limited immunity from civil liability to a service supplier or manufacturer of equipment who is involved in providing 9-1-1 service.

HOUSE BILL 2614 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** G. Luna

House Bill 2614 amends the Code of Criminal Procedure to expand the jurisdiction of certain peace officers. These peace officers, including (1) sheriffs and their deputies, (2) constables and deputy constables, (3) marshals or police officers of an incorporated city, town, or village, are authorized to arrest an offender without a warrant for any offense committed in the officer's presence within the officer's jurisdiction. In addition to having the above-mentioned authority, peace officers commissioned by the Public Safety Commission and the director of the Department of Public Safety are authorized to make an arrest for a traffic violation. An officer

making an arrest in a county other than the county in which the agency that employs the officer is located is required to notify a law enforcement agency in the county where the arrest was made. The act also amends the Local Government Code to clarify that a marshal has the same power and jurisdiction as a peace officer to execute warrants, to prevent and suppress crime, and to arrest offenders.

HOUSE BILL 2861 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** C. Harris

House Bill 2861 amends the Government Code to establish that a safe house, or facility providing temporary shelter to a child, is entitled to obtain criminal history information from the Texas Department of Public Safety relating to the conviction of a person who is a volunteer or volunteer applicant if the person signs a written consent. A safe house is prohibited from keeping or retaining criminal history information on file.

HOUSE BILL 3017 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

The Human Resources Code includes a provision under which law enforcement agencies provide a fingerprinting service free of charge upon request for identification purposes. House Bill 3017 amends the code to authorize a law enforcement agency to charge a fee not to exceed $10 for fingerprinting. In addition, the act allows the agency to retain records of fingerprints that are made under this provision without the request of the person being fingerprinted.

SENATE BILL 42 **SENATE AUTHOR:** Shapiro, Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Madden, et al.

The Volunteer Center of Dallas operates as a pilot program to supply criminal history information on potential volunteers and employees to nonprofit organizations by obtaining the information from the Texas Department of Public Safety at the request of a client organization. Senate Bill 42 amends the Government Code to expand the program by authorizing any qualified volunteer center to obtain such information. The department is authorized to charge a fee to cover the costs of administering the program, and a volunteer center is granted immunity from liability for damages arising from its participation in the program.

SENATE BILL 47 **SENATE AUTHOR:** Shapiro, Sims
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Allen

Senate Bill 47 amends the Code of Criminal Procedure to require a community supervision and corrections department to make a reasonable effort to notify a victim or, if the victim has a guardian or is deceased, to notify the guardian of the victim or close relative of the deceased victim of certain information relating to a defendant who is placed on community supervision. An attorney representing the state who receives information concerning a victim's current location is required to provide that information to the department supervising a defendant placed on community supervision.

SENATE BILL 60 **SENATE AUTHOR:** J. Patterson, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Wilson, et al.

Senate Bill 60 provides for the issuance of a license to carry a concealed handgun. Eligibility standards for an applicant are set forth, and the Department of Public Safety is required to issue a license to any person who meets all the eligibility requirements and submits all the application

materials. The department is further required to give written notice to each applicant of any denial, revocation, or suspension and to hold a hearing upon request by the applicant. A court is prohibited from holding the state, a state agency, state employees or peace officers, or a qualified handgun instructor liable for damages arising from the issuance of a license.

The director of the Department of Public Safety is required to establish minimum standards for handgun proficiency, develop a course to teach handgun proficiency, and develop examinations to measure proficiency. Guidelines for the proficiency course and continuing education are set forth. Qualifications for handgun instructors are outlined, and procedures for the review of a denial, revocation, or suspension of a handgun instructor's license are established.

The department is required to disclose certain information to a criminal justice agency or to any other individual regarding whether a person is licensed to carry a concealed handgun. All other records required by the act are made confidential and not subject to mandatory disclosure under the open records law. The department is required to make certain statistical information available on request and require a fee to cover costs of copying.

The application of licensing provisions with respect to active and retired judicial officers, honorably retired peace officers, certain law enforcement officers, and licensed security officers is set forth. A business that sells alcoholic beverages for on-premises consumption is required to display a sign giving notice that it is unlawful to carry a concealed handgun on the premises, and the act clarifies that a public or private employer retains the right to prohibit a person from carrying a concealed handgun on the premises of a business.

The act creates certain offenses relating to carrying a concealed handgun, including an offense for providing false information on the license application. Under the provisions of the act, the offense of unlawful carrying of a concealed handgun includes carrying a concealed handgun while intoxicated; intentionally failing to conceal a handgun, unless in circumstances where the actor would have been justified in using deadly force; or carrying a concealed handgun into specified places, including bars, sporting events, hospitals, or a meeting of a governmental entity. The Department of Public Safety is required to maintain statistics based on law enforcement agency responses to incidents involving a person licensed to carry a handgun.

The act takes effect September 1, 1995, although licenses issued before January 1, 1996, do not become effective until January 1, 1996.

SENATE BILL 118 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Brimer

Senate Bill 118 amends the Government Code to provide that a municipality is entitled to obtain from the Department of Public Safety criminal history record information that relates to a person who is an applicant for employment by the municipality. The act clarifies that a municipality is not entitled to the information under this provision if it is entitled to obtain the information under another provision of the code.

SENATE BILL 124 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** McCall, et al.

Senate Bill 124 amends the Code of Criminal Procedure to require a law enforcement agency that is holding a person accused of stalking to notify the victim of the alleged offense before releasing the accused on bail. The agency and its employees are granted immunity from a civil suit arising from this requirement.

SENATE BILL 130 **SENATE AUTHOR:** R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Greenberg

Senate Bill 130 creates an offense for knowingly delivering a handgun to a person who is the subject of an active protective order. The act clarifies that an "active protective order" does not include a temporary order issued before a court holds a hearing on the matter. The clerk of a court is required to submit a copy of a protective order to the bureau of identification and records in the Department of Public Safety, and the department is required to collect certain information relating to an active protective order. A law enforcement officer who responds to a request for a criminal record check under the Brady Handgun Violence Prevention Act is required to determine whether the department has collected information indicating the existence of an active protective order directed to a prospective purchaser of a handgun. If the department has information indicating that a prospective transferee is the subject of an active protective order, the law enforcement officer is required to advise the firearms dealer that the transfer is prohibited.

The act takes effect September 1, 1995, except for provisions relating to the creation of the offense and the requirement that an officer determine whether the department has collected information on an active protective order. These provisions take effect January 1, 1996.

SENATE BILL 223 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Greenberg

Senate Bill 223 amends the Code of Criminal Procedure to require an agency holding a person arrested, held without a warrant, or incarcerated for a family violence offense to attempt to give personal notice of the release of the offender to the victim or a person designated by the victim. An agency and its employees are granted immunity from liability for damages arising from complying or failing to comply with this requirement.

SENATE BILL 225 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Danburg

Senate Bill 225 amends the Government Code to require the Commission on Law Enforcement Officer Standards and Education to include training in the documentation of cases that involve child abuse and neglect, family violence, and sexual assault as part of minimum curriculum requirements for a peace officer training program. Similar training is required as a part of continuing education courses unless the head of the agency employing an officer determines that such training is inconsistent with the officer's assigned duties. In addition, the act sets forth the required content of the training program and dates for establishment and completion of courses.

SENATE BILL 238 **SENATE AUTHOR:** Sibley, Cain
EFFECTIVE: 3-31-95 **HOUSE SPONSOR:** Oakley

An amendment to the Education Code by the 73rd Legislature limited the authority of all municipalities except the City of Houston to employ and commission security personnel for institutions of higher education. Senate Bill 238 expands this authority to include the City of Dallas.

SENATE BILL 267 **SENATE AUTHOR:** Shapiro, Sims
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Craddick, et al.

Under current law, sex offenders are responsible for registering with the Department of Public Safety as a condition of community supervision, deferred adjudication, or parole. Senate Bill 267 expands the list of reportable offenses and requires the publication of certain information

in a local newspaper regarding an offender if the victim of the offense was a child and the basis on which the person is subject to registration is not delinquent conduct, deferred adjudication, or an offense involving prohibited sexual conduct. A person subject to registration is authorized to petition the district court to restrain the local law enforcement authority from publishing the notice upon a showing that the publication would place the person's health and well-being in immediate danger.

The act further requires the department to maintain a computerized database containing registration information and provides that the information is public, with certain exceptions. The act also requires a local law enforcement authority to release this information to any person who submits a written request. An individual, agency, entity, or authority is granted immunity from liability for damages arising from an action authorized by the act.

SENATE BILL 472 **SENATE AUTHOR:** Bivins
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Craddick

Senate Bill 472 authorizes the Department of Public Safety to provide for a waiver of certain visual standards for a commercial driver's license if the driver operates a vehicle only in this state.

SENATE BILL 645 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Oakley

Senate Bill 645 amends the Uniform Act Regulating Traffic on Highways to provide that certain moving violations involving the operator of a motorcycle may be dismissed upon completion of a motorcycle operator training course.

SENATE BILL 695 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Oakley

Senate Bill 695 amends the Government Code to require the maintenance of a permanent personnel file on each law enforcement or fire protection employee who is employed by an agency or political subdivision of the state. The act sets forth required contents of a personnel file. If a negative record is included in the file, provision is made for notice of the record to the affected employee and the employee is authorized to file a written response to the negative record. An employer is authorized to maintain a private personnel file on a law enforcement or fire protection employee for the employer's use, and a penalty is created for unauthorized disclosure of a record contained in the personnel file maintained by the state or a political subdivision.

SENATE BILL 964 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Bailey

Senate Bill 964 amends the law regulating the teaching of driver education and driver training. The responsibilities and regulatory powers of the Central Education Agency are expanded in regard to driver education and driver training. The act creates new categories of licenses and increases requirements for obtaining a license, authorizes licensed driver training schools to conduct classes at public or private schools, and requires the State Board of Education to establish standards for certifying personnel conducting driver education programs in driver education schools.

The maximum fine for a violation of this law is increased from $1,000 to $20,000, and a felony is created for transfer or possession of a driver education certificate or certificate of driver training completion without authority (punishable by up to five years imprisonment). The act creates and increases licensing fees and dedicates the fees for administration of the law and payment of monetary awards for information resulting in convictions or losses of licenses under the law.

SENATE BILL 1135 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Stiles

Senate Bill 1135 amends various provisions of the Government Code relating to the Commission on Law Enforcement Officer Standards and Education. The commission is required to establish minimum curriculum requirements for certain schools offering training for officers, county jailers, or recruits, and limits are imposed on the length of training and on the proportion of instruction selected by the local agency. In addition, the act requires that the content of a course be determined by the local agency head to be consistent with the officer's assigned duties.

The act increases the amount of certain fees dedicated to the commission and allocates a major portion of the fees collected to continuing education. The act sets forth a formula to be used by the comptroller for allocating these funds to law enforcement agencies and requires the local agency receiving the funds to use them for specified purposes. The act also requires the county or municipality served by the law enforcement agency to perform an annual audit of the agency and report to the comptroller.

The act also requires the head of a local law enforcement agency to submit to the commission the employment record of an officer who resigns or is terminated from employment and to forward a copy of the record to the officer who is the subject of the report. If authorized by that officer, the commission may send a copy of the record to the head of another law enforcement agency. The act provides that the record is otherwise confidential and grants to the commission, the local agency, and its employees immunity from liability for civil damages arising from release of information according to prescribed procedures.

In addition, the act provides that certain retired officers of the Department of Public Safety have the same rights and privileges as any other peace officer of the state. It also requires the Sunset Advisory Commission to conduct a study and make a report to the 75th Legislature concerning the feasibility of establishing regional academies that are operated or funded by the state to provide educational programs for peace officers.

SENATE BILL 1252 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Coleman

Senate Bill 1252 amends current law relating to the information provided on an application for an original, renewal, or duplicate driver's license or personal identification card to authorize the Department of Public Safety to require all applicants to submit certain information, including fingerprints.

SENATE BILL 1337 **SENATE AUTHOR:** Moncrief, R. West
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** V. Luna

Senate Bill 1337 amends the Government Code to revise continuing education training requirements for peace officers. The act clarifies continuing education objectives, provides that additional instructional materials developed by a state, county, special district, or municipal agency may be used in the curriculum, and authorizes the Commission on Law Enforcement

Officer Standards and Education to suspend the license of an officer who fails to complete a training course at least once in every 24-month period. The act further requires the commission to conduct a study on methods of measuring the quality and effectiveness of continuing education training programs for peace officers and report its findings to the 75th Legislature.

In addition, the act amends provisions of the Government Code to disqualify a person who has been convicted of a felony from serving as a public security officer and to prohibit a law enforcement agency from employing such a person. The clerk of a court is required to notify the commission when an officer licensed by the commission is charged with a felony or placed on community supervision, and the commission is required to immediately suspend the officer's license. The act provides that the license may be reinstated when the person is released from community supervision. The act creates a state jail felony offense for a person who appoints or retains an individual as an officer, public security officer, or county jailer if the individual has been convicted of a felony.

SENATE BILL 1504 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Conley

The act authorizes the Department of Public Safety to contract with a political subdivision to set up a statewide traffic warrant database and to deny a renewal of a driver's license for failure to pay for traffic warrants. A peace officer is required to issue a written warning in addition to any other warning to each person whom the officer issues a citation in the jurisdiction of the political subdivision which has contracted with DPS. Under the act DPS is authorized to contract with a private vendor for implementation of this article, providing the vendor is in compliance with terms, policies, and administrative rules established by DPS to administer this article.

SENATE BILL 1695 **SENATE AUTHOR:** Nelson
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Johnson

Senate Bill 1695 amends the Government Code to authorize a municipality, county, or emergency services entity to provide mutual aid assistance upon request from a similar entity. The chief or highest ranking officer of an entity from which assistance is requested is authorized to respond to the request with the approval of the presiding officer of the entity's governing body and in accordance with the policies of the entity and the emergency management council.

NATURAL RESOURCES AND ENVIRONMENTAL REGULATION

HOUSE BILL 320 **HOUSE AUTHOR:** Rabuck
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Galloway

House Bill 320 exempts certain land from the New Caney Municipal Utility District.

HOUSE BILL 432 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 5-9-95 **SENATE SPONSOR:** J. Patterson

House Bill 432 eliminates the unincorporated area representation on the La Porte Area Water Authority.

HOUSE BILL 475 **HOUSE AUTHOR:** Willis
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** C. Harris

This act allows certain cemeteries to make unpermitted water appropriations from bordering rivers for irrigation purposes. The act applies only to cemeteries that are more than 100 years old and border a river and includes a provision for restricting a diversion that would harm certain downstream water users.

HOUSE BILL 546 **HOUSE AUTHOR:** Brimer, Crabb
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 546 amends the Water Code to add a new subchapter to exclude unserved property from certain water conservation and reclamation districts. The act provides that the owner of property in a water conservation or reclamation district may petition the board of the water conservation and reclamation district for withdrawal from the district if the district is unable or unwilling to provide services.

The act establishes procedural requirements for filing the petition, provides that the landowner has a right to appeal to the Texas Natural Resource Conservation Commission, and defines the role and authority of the TNRCC in this process. The act allows the petitioner to file suit in district court if it appears that the board is not in compliance with this section and provides that a property owner may request and receive a trial de novo. This subchapter expires September 1, 2002.

HOUSE BILL 724 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Sims

This act grants Brown County Water Improvement District No. 1, currently designated as a MUD pursuant to a district request in 1978, certain additional powers of a water control and improvement district.

HOUSE BILL 846 **HOUSE AUTHOR:** Counts
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Montford

This act creates the Garza County Underground and Fresh Water Conservation District, comprising all the territory in Garza County, subject to approval at a confirmation election.

HOUSE BILL 1187 **HOUSE AUTHOR:** Pickett, et al.
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Rosson

House Bill 1187 allows for the dissolution of the El Paso County Water Control and Improvement District-Westway and the subsequent transfer of assets and liabilities to the City of El Paso through the El Paso Water Utilities Public Service Board (PSB), in accordance with the terms and conditions of a negotiated agreement. The act also requires the Texas Natural Resource Conservation Commission to oversee the transfer and authorizes the PSB to charge residents of the county higher sewer service rates than residents of the municipality if the higher rates are necessary to cover the cost of service to the area.

HOUSE BILL 1302 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Barrientos

House Bill 1302 authorizes the Tanglewood Forest Municipal Utility District, located in southern Travis County, to use general operating funds to install, operate, and maintain street lights in certain areas served by the district.

HOUSE BILL 1385 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 6-13-95 **SENATE SPONSOR:** Sims, Armbrister

House Bill 1385 amends the Clean Rivers Act by limiting the total amount the Texas Natural Resource Conservation Commission (TNRCC) may recover for the cost of assessing watershed water quality throughout the state to $5 million annually through the fiscal year ending August 31, 1998. The act also limits recoverable overhead and administrative expenses to 10 percent of the total cost recovered annually and exempts irrigation water rights from the assessment. The act requires that the TNRCC file a report accounting for the costs recovered pursuant to the Clean Rivers Act with the governor, lieutenant governor, and speaker of the house on or before December 31, 1998.

HOUSE BILL 1493 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Bivins

This act creates the Hemphill County Underground Water Conservation District, comprising all the territory in Hemphill County, subject to approval at a confirmation election.

HOUSE BILL 1531 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Galloway

This act creates the Hamshire Municipal Utility District, comprising a portion of Jefferson County, subject to approval at a confirmation election.

HOUSE BILL 1536 **HOUSE AUTHOR:** R. Lewis, Farrar
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 1536 amends the Texas Coastal Waterway Act of 1975 to authorize the Texas Transportation Commission through the Texas Department of Transportation to enter into an agreement with the Department of the Army to beneficially use material dredged from the Gulf Intracoastal Waterway. The act requires the commission to establish eligibility criteria for beneficial uses of dredge material to determine that projects using the material do not cause substantial adverse environmental impact and to hold a public hearing prior to undertaking such a project. The commission is authorized to acquire an interest in property required for a project.

HOUSE BILL 1600 **HOUSE AUTHOR:** Serna
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 1600 changes the name of the El Paso County Lower Valley Water District Authority to the Lower Valley Water District.

HOUSE BILL 1644 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Zaffirini

House Bill 1644 amends the Health and Safety Code to create criminal offenses and establish penalties for a violation of the rules governing the disposal of medical waste.

HOUSE BILL 1824 **HOUSE AUTHOR:** Pickett
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Rosson

House Bill 1824 authorizes the El Paso Water Utilities Public Service Board to charge residents of the greater Canutillo service area water supply or sewer service rates that exceed the rates paid by customers who are residents of the City of El Paso, if the rates are necessary or appropriate to recover the cost of service to Canutillo. For a period of three years after the service begins, the rates charged to residents of the greater Canutillo service area may not exceed 115 percent of the rate charged to residents of the city of El Paso.

HOUSE BILL 1826 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 1826 authorizes the Texas Natural Resource Conservation Commission (TNRCC) to review and approve, on a case-by-case basis, wastewater treatment plans and specifications. The act also directs the TNRCC to adopt rules that set standards to determine which plans and specifications will be subject to the TNRCC review and approval.

HOUSE BILL 1876 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 1876 amends the Water Code to prohibit the Texas Natural Resource Conservation Commission from adopting or enforcing regulations governing sanitary sewer overflows that are more stringent than the national policy adopted by the U.S. Environmental Protection Agency. The act allows the commission to require a local government that substantially complies with the national policy for sewer overflows to provide additional controls only if the commission documents a water quality problem attributable to the local government that threatens the public or environment.

HOUSE BILL 1935 **HOUSE AUTHOR:** R. Lewis
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 1935 amends the Water Code to authorize certain special utility districts to receive fair market value for property upon annexation or incorporation by a municipality and requires the use of an independent appraiser to determine the value of a special district's property. The act requires that the Texas Natural Resource Conservation Commission deny an application for single certification if a city fails to demonstrate that it can meet the minimum requirements for a public drinking water system. Finally, House Bill 1935 amends the factors used in determining the value of a special district's property to include liabilities and assets of the district.

HOUSE BILL 1989 **HOUSE AUTHOR:** Rodriguez, et al.
EFFECTIVE: 6-5-95 **SENATE SPONSOR:** Madla

House Bill 1989 amends the Water Code to authorize the Texas Natural Resource Conservation Commission (TNRCC) to issue permits for pilot projects to store appropriated water in certain underground aquifers. The act allows a pilot project permit holder to apply for a standard permit or a permit amendment on conclusion of a pilot project and provides that permits may be issued on or after June 1, 1999. The act also authorizes the Texas Water Development Board (TWDB) to allocate grants for pilot projects.

House Bill 1989 requires that the TNRCC and the TWDB jointly prepare a report on the success of each pilot project and submit the report to the governor, lieutenant governor, and speaker of the house of representatives. The act also requires the TWDB to undertake certain studies, investigations, and surveys to determine if there are other aquifers available for pilot projects. In addition, the TWDB is required to prepare and provide to the legislature a report on all pilot projects not later than January 1 of each odd-numbered year.

HOUSE BILL 2015 **HOUSE AUTHOR:** Talton
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Patterson

House Bill 2015 amends the Water Code and the Natural Resources Code to conform with the National Pollutant Discharge Elimination System (NPDES) requirements of the federal Water Pollution Control Act (Clean Water Act). Currently, both the federal government and the state operate wastewater discharge permitting programs. The NPDES program could be delegated to the state if the state's program meets certain criteria. This act makes changes necessary to obtain Environmental Protection Agency approval for delegation of the NPDES program to the Texas Natural Resource Conservation Commission (TNRCC).

The act amends provisions pertaining to eligibility requirements of the commissioners of the TNRCC to conform with the conflict of interest provisions of the Clean Water Act. House Bill 2015 also sets forth the requirements that the TNRCC must follow in obtaining or administering the NPDES program and prohibits the commission from entering into a memorandum of agreement with state agencies or the federal government that would impose requirements in addition to or more stringent than those set forth in the Clean Water Act. This legislation raises the cap on a waste treatment inspection fee to $25,000 but prohibits the commission from increasing the fee on a treatment works owned by a local government before August 31, 1999. The act amends enforcement provisions in the Water Code and the Natural Resources Code to prohibit the attorney general from opposing intervention by a person who has standing in a civil action brought by the attorney general to enforce NPDES permits or challenge the lack of an NPDES permit. The act further provides for public comment on a proposed judgment or agreement and requires the attorney general or the TNRCC to consider such comments before rendering a final judgment.

HOUSE BILL 2049 **HOUSE AUTHOR:** Jackson, Gray
EFFECTIVE: 5-8-95 **SENATE SPONSOR:** Brown

House Bill 2049 changes the penalty for violating a rule, permit, or order of the Gulf Coast Waste Disposal Authority from no more than $1,000 for each day of violation to no more than $1,000 a day for each violation.

HOUSE BILL 2050 **HOUSE AUTHOR:** Jackson, Gray
EFFECTIVE: 5-8-95 **SENATE SPONSOR:** Brown

House Bill 2050 deletes the 48-day limitation on per diem compensation for the directors of the Gulf Coast Waste Disposal Authority.

HOUSE BILL 2294 **HOUSE AUTHOR:** Yost
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 2294 repeals Chapter 52 of the Water Code relating to underground water conservation districts and creates two new chapters governing groundwater regulation and management under Title 2, Water Code (State Water Administration).

The act authorizes the Texas Natural Resource Conservation Commission (TNRCC) to designate groundwater management areas to conserve, preserve, protect, recharge, and prevent the waste of groundwater or groundwater reservoirs and control subsidence. The act establishes procedures for identifying, designating, and creating groundwater management areas and critical areas and provides for the joint planning by two or more districts located within the boundaries of the same management area. The act also exempts from this chapter any active groundwater conservation district or land within an active groundwater conservation district and establishes procedures for management of state-owned land located in a critical area not controlled by the TNRCC. House Bill 2294 also consolidates provisions governing groundwater conservation districts.

HOUSE BILL 2296 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 2296 establishes a voluntary cleanup program for sites contaminated by solid and hazardous waste to be administered by the Texas Natural Resource Conservation Commission.

As stated, the purpose of the act is to provide an incentive to remediate property by removing liability of lenders and future landowners. The act sets out procedures for voluntary participation in the cleanup program and provides that participants must enter into a voluntary cleanup agreement with the TNRCC and submit implementation work plans consistent with existing risk reduction rules and other applicable cleanup standards. The agreement must provide for recovery by the commission of all reasonable costs attributable to the voluntary cleanup agreement. The act prohibits the TNRCC from taking enforcement action against a person who is in compliance with this section for the contamination or release that is the subject of the voluntary cleanup agreement. Upon successful completion of the cleanup, House Bill 2296 requires the TNRCC to issue a certificate of completion, to be filed in the real property records of the county in which the land is located, releasing future owners and lenders from liability at the site.

HOUSE BILL 2315 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 2315 amends the Health and Safety Code to exempt a permit holder or municipal solid waste management facility that intends to establish an energy and material recovery or gas recovery or transfer facility in conjunction with a permitted municipal solid waste management facility from the requirement to obtain a separate permit or amendments to an existing permit. The act requires a facility to register with the Texas Natural Resource Conservation Commission under this section and authorizes the commission to require registration to extract materials for energy and material recovery and for gas recovery or transfer.

HOUSE BILL 2387 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ratliff

House Bill 2387 amends Chapter 13 of the Water Code to clarify statutory provisions and consolidate certain regulatory functions previously administered by the Texas Department of Health. Specifically, this act changes the definitions of "member" and "water supply or sewer service corporation" to include services provided to subdivision residents and developers. This act also gives service providers the option to deny services to subdivisions in the service area if a subdivision has failed to comply with the service provider's extension policy. Other changes to Chapter 13 include broadening the grounds for holding a hearing on a transfer of ownership of a service provider and notice provisions in the event of foreclosure.

HOUSE BILL 2473 **HOUSE AUTHOR:** Chisum, et al.
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Brown

House Bill 2473 creates the Environmental, Health, and Safety Audit Privilege Act to encourage voluntary compliance with health and safety and environmental laws through voluntarily conducted audits.

The act offers protection from discovery of information compiled during a voluntary audit and from such information being used against a company, individual, or other entity in court if certain conditions are met. To ensure that the information has been derived through a good faith audit, the act provides that the confidentiality privilege would not apply if it is waived, if privilege is asserted for a fraudulent purpose, or if the entity did not take appropriate efforts to comply with the law upon discovery of noncompliance. In addition, the act exempts most violations that have been voluntarily reported to a regulatory agency from being used as grounds for penalizing an entity if the disclosure is made promptly and the entity makes efforts to cooperate with the agency to correct the violation. The act also establishes that a disclosure is not voluntary if the person making the disclosure acted intentionally or knowingly regarding the commission of the violation or if the person's reckless disregard resulted in off-site harm.

HOUSE BILL 2579 **HOUSE AUTHOR:** Howard
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 2579 repeals a provision of the Health and Safety Code to abolish the interagency coordination council on solid waste management.

HOUSE BILL 2587 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sims, Brown

House Bill 2587 amends petroleum storage tank remediation fund provisions of the Water Code to phase out the petroleum storage tank (PST) remediation fund and provides that the fund may not be used to pay the cost of corrective actions incurred for releases reported after December 22, 1998. The act authorizes the privatization of any part of the PST remediation program and provides that the program expires September 1, 2001. House Bill 2587 requires storage tank owners and operators to maintain insurance or evidence of financial responsibility after December 22, 1998, and authorizes the Texas Natural Resource Conservation Commission (TNRCC) to impose penalties on violators and seek injunctive relief in district court in Travis County to force closure of a tank that does not comply with this provision. The act also abolishes the Petroleum Storage Tank Advisory Committee.

The act amends provisions relating to costs imposed on owners and operators for corrective action and requires owners and operators to comply with release detection, spill and overfill prevention, and corrosion protection requirements set by the TNRCC. House Bill 2587 requires the TNRCC to use risk-based corrective action when evaluating corrective action plans for remediation. The act provides that claims from the petroleum storage tank remediation fund are to be considered in the order in which they are received and clarifies that interest on reimbursement claims is prohibited. The act also enhances the TNRCC's enforcement powers over consultants who perform corrective action at leaking storage tank sites and contractors who install, repair, or remove underground storage tanks.

Finally, House Bill 2587 doubles the current fees to the PST remediation fund by increasing the fees on bulk delivery of petroleum products and reauthorizes a temporary transfer of up to $120 million from the general revenue fund to the petroleum storage tank remediation fund to pay reimbursement claims against the fund. Eighty million dollars of the transfer amount must be repaid to the general revenue fund by August 31, 1996, and the balance of $40 million by May 31, 1997.

HOUSE BILL 2642 **HOUSE AUTHOR:** Counts
EFFECTIVE: 5-23-95 **SENATE SPONSOR:** Montford

House Bill 2642 establishes that the authority of a city or member of the Canadian River Municipal Water Authority to enter into a contract with the district is vested exclusively in the governing body of each member.

HOUSE BILL 2839 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Lucio

House Bill 2839 amends the Water Code to authorize drainage districts to borrow money by issuing negotiable tax anticipation notes or bond anticipation notes if the district has insufficient funds.

HOUSE BILL 2944 **HOUSE AUTHOR:** Dukes
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ellis

House Bill 2944 prohibits the Texas Natural Resource Conservation Commission from charging a fee to a municipal solid waste disposal facility if the facility has donated the cost of the disposal of trash resulting from a natural or man-made disaster or from structures that have been contributing to criminal activity. The act prohibits the commission from charging a fee for the disposal of Class I industrial solid waste or hazardous waste subject to the assessment of fees under Section 361.136, Health and Safety Code, or the disposal of industrial solid waste for which no permit is required under Section 361.090, Health and Safety Code.

HOUSE BILL 3072 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Shapiro

House Bill 3072 amends the Health and Safety Code to reallocate dedicated revenues that are generated from the disposal or transportation of solid waste. The act provides that half of the revenue is to be used by the Texas Natural Resource Conservation Commission for state level activities related to solid waste management. The other half of the revenue is dedicated to municipal solid waste geographic planning regions to carry out local and regional projects specific to area needs and in accordance with approved regional solid waste management plans. The act requires that a project must promote cooperation between public and private entities

and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. The act also requires each planning region to issue a biennial report to the legislature detailing how the revenue was spent.

HOUSE BILL 3179 **HOUSE AUTHOR:** J. Harris, et al.
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Brown

House Bill 3179 creates the Clear Creek Watershed Regional Flood Control District pursuant to Section 59, Article XVI, Texas Constitution, and subject to approval by confirmation election. The district is required to create a regional flood control plan and is authorized to bring suit for injunctive relief and seek civil penalties for violations of the plan. The district is authorized to construct and make improvements to the main channel of Clear Creek and to make improvements and infrastructure alterations on land draining into the creek or its tributaries, provided that the district has an agreement with other political subdivisions.

House Bill 3179 prohibits a person or political subdivision from engaging in any activity that will affect flood control in the district without obtaining a certificate from the board, with certain exceptions. After voter approval, the district is authorized to levy ad valorem taxes to support bonds for flood control and for operation and maintenance in the district.

HOUSE BILL 3186 **HOUSE AUTHOR:** Serna
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 3186 creates the El Paso County Municipal Utility District No. 2, comprising a portion of El Paso County, subject to voter approval at a confirmation election.

HOUSE BILL 3187 **HOUSE AUTHOR:** Serna
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 3187 creates the El Paso County Municipal Utility District No. 1, a conservation and reclamation district, subject to voter approval at a confirmation election.

HOUSE BILL 3189 **HOUSE AUTHOR:** Puente, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 3189 amends current law to establish a 17-member board to administer the Edwards Aquifer Authority. The authority is charged with implementing a plan to effectively manage the water in the Edwards Aquifer. This act provides for a temporary appointed board of directors that adopts rules governing the procedures for the board and authority. The temporary board orders an election of 15 permanent voting directors on the uniform election date in November 1996 who are elected from single-member districts as follows: seven from Bexar County, four from Medina, Atascosa, and Uvalde counties, and four from Comal, Guadalupe, Hays, and Caldwell counties. In addition, two permanent nonvoting directors are appointed to the authority as follows: one by the South Central Texas Water Advisory Committee and one by the Commissioners Court of Medina or Uvalde County on an alternating basis, beginning with Medina County.

HOUSE BILL 3193 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

House Bill 3193 creates the Southwest Travis County Water District, a conservation and reclamation district.

HOUSE BILL 3215 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Henderson

House Bill 3215 amends the Water Code to increase from 17 to 19 the number of board members for the Harris-Galveston Coastal Subsidence District. The act authorizes the commissioners court from Galveston and Harris counties to each appoint an additional board member representing a municipal utility district.

HOUSE BILL 3226 **HOUSE AUTHOR:** Berlanga, et al.
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** J. Patterson, Armbrister

House Bill 3226 amends the Natural Resources Code to codify the rules of the Coastal Management Program (CMP) as proposed by the General Land Office (GLO).

The act deletes the term "coastal conservation area," replaces it with "coastal natural resource areas," and defines the areas. The act establishes the coastal management program as an ongoing, comprehensive program that contains the elements required for approval under the federal Coastal Zone Management Act.

House Bill 3226 amends the CMP rules adopted by the GLO by restructuring the membership of the Coastal Coordination Council (CCC). The act removes the attorney general as a member of the CCC and adds a representative of the Texas Transportation Commission, a member of the Soil and Water Conservation Board, a member of the Texas Water Development Board, an additional public member who is a coastal area business owner, and a representative of agriculture appointed by the governor. The act also makes the CCC subject to the sunset statute in four years.

The act codifies actions subject to the CMP and requires the CCC to adopt, by rule, procedures by which agencies may submit rules and rule amendments. The act authorizes an agency taking an action subject to the CMP to issue a written determination that the action is consistent with CMP goals and policies. The CCC may only review an agency's consistency finding in very limited circumstances, and such review is not mandatory. If the CCC protests a proposed action through an affirmative vote of two-thirds of the members, the CCC shall report its findings to the agency. If the agency fails to make the proposed action consistent with the CCC report, the CCC may request that the attorney general issue an opinion and take subsequent enforcement action. The act also authorizes the CCC to review major federal actions that affect Texas coastal waters and prohibits the CCC from reviewing proposed rules of the Texas Department of Agriculture. The act requires the agency with jurisdiction over the proposed action to enforce provisions of the CMP and prohibits any action related to the CMP that may result in the taking, damage, or destruction of private property without compensation.

HOUSE BILL 3231 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 3231 changes the name of the Brazoria County Drainage District No. 4 to the Brazoria Drainage District No. 4 and reenacts, updates, and consolidates existing law relating to the district. The act authorizes the district to impose taxes, issue bonds, and exercise eminent domain and adds new provisions concerning board compensation and vacancies.

SENATE BILL 19 **SENATE AUTHOR:** Whitmire, et al.
EFFECTIVE: 1-31-95 **HOUSE SPONSOR:** Hamric

The federal Clean Air Act, administered by the Environmental Protection Agency (EPA), designated the areas of El Paso, Houston/Galveston, Beaumont/Port Arthur, and Dallas/Fort Worth as nonattainment areas because the ambient air quality failed to meet the national clean air standards. Nonattainment areas are required to reduce air pollution 15 percent by November 1996. To achieve this goal, the EPA has required vehicle emissions and maintenance testing in all nonattainment areas.

Senate Bill 19 establishes a 90-day delay on the federally mandated vehicle emissions and maintenance testing program. The act also appropriates $8.8 million from the clean air fund account to the Texas Natural Resource Conservation Commission for payment to the managing contractors and subcontractors under contract with the commission to perform the vehicle emissions inspection and maintenance program. The funding provided is intended to offset losses incurred by the contractor resulting from the 90-day delay and must be paid back to the state, without interest, not later than August 31, 1997.

SENATE BILL 178 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 5-1-95 **HOUSE SPONSOR:** Chisum

Senate Bill 178 establishes a vehicle emissions inspection and maintenance program to comply with the federal Clean Air Act. This program is intended to replace the vehicle emissions and maintenance program instituted by the Texas Natural Resource Conservation Commission (TNRCC) that was suspended for 90 days by Senate Bill 19 on January 31, 1995. The bill applies only to the following nonattainment counties: Brazoria, Fort Bend, Galveston, Harris, Montgomery, Collin, Denton, Dallas, Tarrant, and El Paso.

Senate Bill 178 resumes vehicle emissions inspection and maintenance testing on June 1, 1995, and provides that the program as set out in this legislation is effective until the governor determines, after negotiations with the U.S. Environmental Protection Agency, the type of program necessary for the state. Upon making that determination, the governor by executive order shall direct the commission to develop and implement a program for the state as determined by the governor, and the program as established by this act is suspended. The governor is authorized to direct the exemption of a county from inclusion in a vehicle emissions inspection and maintenance program.

The testing program as established by Senate Bill 178 requires vehicles to be tested annually after the date of the second anniversary of the vehicle's first sale. The act exempts certain vehicles from the inspection requirement, including certain fleet, antique, classic, slow-moving, and circus vehicles. A vehicle may be tested at a decentralized test-only facility or a decentralized test-and-repair facility at the option of the vehicle owner. The TNRCC is required to adopt rules to prescribe the types of vehicle emissions tests to be used at each type of testing facility, but the commission may not require an emissions testing technology or procedure that is more stringent than a technology or procedure used or in place in vehicle emissions inspection and maintenance programs in this state before January 1, 1994.

Senate Bill 178 also requires the Department of Public Safety to develop and implement a program to certify, inspect, and audit vehicle emissions testing facilities. The department is authorized to collect a certification fee and after a hearing revoke the certification of a facility that violates rules or provisions of this act. The act also authorizes the department to establish a motor vehicle inspection and maintenance program for vehicles specified by the department at the direction of the governor in certain counties. In addition, the department is authorized to

designate emissions testing facilities to perform safety inspections. Vehicle registration is no longer contingent on emissions testing. Instead, a safety inspection cannot be completed unless an emissions test has been performed, either during the safety inspection or prior to the safety inspection by a certified emissions testing facility.

SENATE BILL 200 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Stiles

Senate Bill 200 establishes an alternative fuels program for the state as mandated by the federal Clean Fuel Fleet Program of the Clean Air Act Amendments of 1990. The act authorizes the Texas Natural Resource Conservation Commission to require the use of alternative fuels, including reformulated gasoline, for public and private fleet vehicles operating in nonattainment areas. The act also establishes program compliance credits and a Mobile Emissions Reduction Credit (MERC) program and sets deadlines for program implementation.

The act applies to mass transit vehicles, local governments that operate more than 15 vehicles, and private entities that operate more than 25 fleet vehicles. The act excludes law enforcement and emergency vehicles, fleet vehicles over a certain weight, and fleet vehicles that are parked at the user's residence when not in use.

SENATE BILL 290 **SENATE AUTHOR:** Henderson, Haywood
EFFECTIVE: 4-12-95 **HOUSE SPONSOR:** Culberson

Under the federal Clean Air Act Amendments of 1990, states containing a severe ozone nonattainment area must submit a state implementation plan requiring employers to implement programs to reduce work-related vehicle trips and miles traveled by employees. The Employer Trip Reduction (ETR) plan requires each employer of 100 or more persons at a single work site in a severe nonattainment area to increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 percent.

Senate Bill 290 suspends the implementation of the ETR program for 180 days and allows the governor to extend the suspension for an additional 45 days after this act expires. Extension of the suspensions must be done by executive order and the governor can order successive 45-day suspensions.

Senate Bill 290 exempts employees from participating in an ETR plan if the employee travels less than 30 miles one way or spends less than one hour traveling one way from residence to workplace.

SENATE BILL 450 **SENATE AUTHOR:** Rosson
EFFECTIVE: 5-11-95 **HOUSE SPONSOR:** McDonald, et al.

Senate Bill 450 designates the City of El Paso and its water utility, the Public Service Board, as the regional water and wastewater planner with the authority to conduct regional water and wastewater planning as defined by the act. The information that must be submitted by an applicant for water and wastewater projects is set forth.

SENATE BILL 584 **SENATE AUTHOR:** Shapiro, Nelson
EFFECTIVE: 4-24-95 **HOUSE SPONSOR:** Hartnett, et al.

Senate Bill 584 authorizes the Dallas County Utility and Reclamation District to enter into tax abatement agreements. The act authorizes abatement agreements for facilities and structures that commenced or were modified on or after January 1, 1995, but before the effective date of

the act, and for associated personal property. The abatement agreements may not exceed 30 years and are not required to contain identical terms of other abatement agreements covering the property. It also validates certain actions by the district.

SENATE BILL 626 **SENATE AUTHOR:** Armbrister
EFFECTIVE: See below **HOUSE SPONSOR:** Yost

Senate Bill 626 reorganizes, consolidates, and amends provisions in the Water Code to establish a uniform system of financial and administrative procedures to govern water districts. The act repeals Chapter 50, except for Subchapters H and M, and replaces it with a new Chapter 49 relating to provisions applicable to all districts. The act renames Subchapter M of Chapter 50 as Chapter 59 and repeals various other provisions related to general law districts.

The act takes effect September 1, 1995, except for numerous provisions governing election of water district directors.

SENATE BILL 731 **SENATE AUTHOR:** Galloway
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Brady

Senate Bill 731 authorizes the Oak Ridge Municipal Utility District's board of directors to dissolve the district after certain conditions have been met. The act also allows the district's assets and obligations to be assumed by a qualified municipality.

SENATE BILL 776 **SENATE AUTHOR:** Brown
EFFECTIVE: See below **HOUSE SPONSOR:** Junell

The waste tire recycling fund, supported by fees on certain tire sales, compensates entities that process scrap tires. This act makes a $9.34 million supplemental appropriation from the fund to the Texas Natural Resource Conservation Commission for the FY1994-FY1995 biennium. The appropriation is effective June 5, 1995, and enables the commission to pay tire shredders and recyclers for tires that have been processed but for which earlier appropriations had been exhausted. The remainder of the act takes effect September 1, 1995, and amends the Health and Safety Code and other state law to modify various aspects of the waste tire recycling program and waste tire handling. The legislation provides for the expiration of that program on December 31, 1997.

In addition to existing fees on new tires, the act establishes a fee of $1 on the sale of good used tires. It clarifies that tire fees do not apply to recapped or retreaded tires, nor to off-the-road tires intended for use on heavy machinery such as earthmoving equipment. The act clarifies circumstances under which tire dealers must accept used tires and prohibits the sale or conveyance to metals recyclers of Texas motor vehicles containing tires. It directs the commission to include in its 1997 report recommendations relating to adjustment of tire fees and tire processing reimbursement rates.

Under the code, the commission may allocate reimbursement money based on specified factors if the waste tire recycling fund or appropriations from the fund fail to keep pace with processing activity. The act amends these factors to give more preference in the future to processors who have developed actual end-use markets for their shredded tires. It gives carryover credits to processors for waste tires shredded in excess of their allocations and gives first priority to compensation of carryover credits accrued before September 1, 1995. The act eliminates a requirement that the commission assess statewide shredding capacity biennially.

The act modifies tire shredding specifications under the reimbursement program and increases from 25 to 50 percent the percentage of shredded tires that must originate from registered generators such as tire dealers and wholesalers. It reduces from 85 to 80 cents the reimbursement per tire that processors receive for shredding. The commission, however, reserves discretion to set the reimbursement rate for certain illegal scrap tire sites on its priority enforcement list for cleanup. Moreover, the act provides for an additional five cents, effectively restoring the original 85 cents, if the processor meets certain registration and verification deadlines and has a binding agreement to deliver all shredded tires for recycling, reuse, or energy recovery. Beginning January 1, 1996, all reimbursement is suspended for processors who fail to deliver tire shreds to an identified end-use market.

Prior law provided for reimbursement rates of 25 cents for recycling waste tires into useful products or baling whole tires for energy recovery purposes. The act eliminates such reimbursements, which never became operational. For recycling, it substitutes an authorization of grants for recycling facility construction, up to a total of $2 million per fiscal year.

Other newly authorized grants provide funds to cement kilns, pulp and paper mills, utility boilers, cogeneration plants, and other waste tire energy recovery facilities for capital and equipment costs toward retrofits to enable the use of tire shreds or whole tires as fuel. Waste tire energy recovery facilities must register with the commission and must register as storage sites if they accumulate in excess of a 30-day fuel supply. For shreds, the act authorizes up to $2 million in retrofit grants, limited to FY1996 or, if a facility is already retrofitted, reimbursement of 40 cents per tire equivalent, up to $600,000 in any one fiscal year. For whole tires, the act authorizes up to $4 million in FY1996 for retrofit grants and for reimbursements at a rate of 80 cents per tire. A facility may receive either a grant or the per-tire rate, but not both, and its reimbursements at the per-tire rate are capped at its combined retrofit and transport costs. For FY1997 and the last quarter of calendar 1997, the act discontinues all grants but authorizes reimbursement at a rate of 80 cents per whole tire burned for energy recovery or at the aforementioned rate of 40 cents for shreds. A facility may receive no payment for burning out-of-state tires and must both store and burn its tires or shreds in Texas.

The act requires registration fees of waste tire recyclers and waste tire energy recovery facility storage sites. It authorizes the commission, when it initiates an enforcement proceeding for statutory or regulatory violations, to suspend registration of or reimbursements to a waste tire generator, transporter, processor, recycler, or energy recovery facility. Other administrative, civil, or criminal penalties attach to parties who use false documentation to masquerade out-of-state tires as tires generated in Texas. The act requires biennial fiscal audits of each processor, recycler, and energy recovery facility. Persons seeking reimbursements from the waste tire recycling fund are subject to community service requirements relating to the cleanup of sites not on the priority enforcement list. New or expanded operations are subject to additional requirements that they certify end-use markets and assist as requested by the commission in the emergency management of waste tires from generators in the state's rural counties.

SENATE BILL 792 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 792 deletes the requirement that the Trinity River Authority seek competitive bids for any construction contract or contract for the purchase of materials, equipment, or supplies requiring an expenditure of more than $5,000. Instead, such contracts will be subject to general law.

SENATE BILL 1016 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** R. Lewis

Senate Bill 1016 amends provisions of the Water Code to broaden the fiscal and annexation powers of a water control and improvement district. The act authorizes a district to make construction contract payments from taxes and any other income of the district, provided that there is a majority of support from the electorate. The act also revises the conditions on which a water control and improvement district is authorized to annex contiguous land without the approval of the municipality in which the land is located by requiring that the municipality must not have supplied water and sewer service to that area within the preceding 12 months and that the district has not previously issued any bonded indebtedness. The act restricts a district's annexation authority by stating that a district may not increase its total land area by more than 100 percent in any one calendar year. The act deletes a provision that would have required the district to notify the city of the proposed annexation and set a 120-day waiting period. In addition, the act deletes language that makes the annexation contingent on whether the city has, within that 120-day period, extended its utility service area to the land subject to annexation.

Finally, Senate Bill 1016 establishes that any limitation on a district's authority to issue bonds that are imposed by a municipality when an original district is divided into two or more districts is void.

SENATE BILL 1017 **SENATE AUTHOR:** Wentworth, Brown
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** R. Lewis

Senate Bill 1017 amends the Water Code to authorize the creation of water quality protection zones in areas within the extraterritorial jurisdiction, but outside the corporate limits, of certain municipalities. The act provides that an owner of a contiguous tract of land in excess of 1,000 acres may designate the tract as a water quality protection zone. An owner of a contiguous tract of land containing less than 1,000 acres, but not less than 500 acres, may also designate the tract as a water quality protection zone, upon prior approval of the Texas Natural Resource Conservation Commission (TNRCC). The designation of a zone becomes effective upon the recordation of the designation in the deed records of the county in which the land is located. Once an area has been designated a water quality protection zone, the act requires water quality monitoring to establish a base line level of water quality that must be maintained during all phases of development of the property within the zone.

After monitoring a water quality protection zone, the act requires the development of a water quality plan. The plan must be submitted to the TNRCC, whereupon the agency is required to review and approve the plan within 120 days. The act provides that a public hearing on the plan is not required and authorizes the TNRCC to assess reasonable and necessary fees to recover the administrative costs. The water quality plan becomes effective upon recordation of the plan in the deed records.

Once a water quality plan is adopted, a city may not enforce any of its ordinances, land use ordinances, rules, or requirements, including the abatement of nuisance, pollution control and abatement programs or regulations, water quality ordinances, subdivision requirements, or any environmental regulations within the zone that may limit or impair the water quality plan or land use plan. However, the act provides that a landowner and the municipality may agree in writing to waive the requirements of this act. The TNRCC is authorized to require and enforce additional water quality protection measures to comply with federal water quality requirements, standards, permit provisions, or regulations.

Senate Bill 1017 also provides that a water quality zone may be annexed by a municipality only after the installation and completion of 90 percent of all facilities and infrastructure described in the water quality plan for the entire zone or the expiration of 20 years from the date of designation of the zone, whichever occurs first.

SENATE BILL 1076 **SENATE AUTHOR:** Sims, Armbrister
EFFECTIVE: 6-13-95 **HOUSE SPONSOR:** Black

Senate Bill 1076 authorizes the Lower Colorado River Authority to exercise all its powers within Lampasas County but prohibits the district from providing water or wastewater services in the portion of Lampasas County outside the Colorado River watershed without the consent of the Brazos River Authority.

SENATE BILL 1125 **SENATE AUTHOR:** D. Nixon, Sims
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 1125 amends provisions of the Health and Safety Code relating to renewal of preconstruction emissions permits. The act prohibits the Texas Natural Resource Conservation Commission (TNRCC) from imposing requirements more stringent than those of the existing permit unless the TNRCC determines that the requirements are necessary to avoid air pollution or ensure compliance with federal or state air quality standards. The act also prohibits the TNRCC from holding a contested case hearing to renew a preconstruction permit if the request for a hearing is determined to be unreasonable. The act authorizes the commission to hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

SENATE BILL 1126 **SENATE AUTHOR:** D. Nixon, Sims
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 1126 allows an existing facility to be modified without obtaining a permit amendment as long as the modification does not result in a net increase in permitted allowable emissions or an emission of an air contaminant not previously emitted. The act requires the Texas Natural Resource Conservation Commission to consider certain factors in determining whether a change results in a net increase in allowable emissions.

SENATE BILL 1172 **SENATE AUTHOR:** Lucio
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** De La Garza, Gutierrez

Senate Bill 1172 amends the Water Code to allow certain water districts that provide water for agricultural irrigation to exclude from the district land that is not being irrigated. The act sets out procedures for excluding the land and provides for the conversion of a proportionate irrigation water allocation from irrigation to municipal use.

SENATE BILL 1371 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Corte

Senate Bill 1371 amends the Health and Safety Code to authorize political subdivisions to contract for solid waste collection and disposal services with other public agencies or private contractors. The act also provides that a contract between a municipality and another public agency or private contractor entered into before the effective date of this act is validated to the extent of the authority of the municipality to contract.

SENATE BILL 1606 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Yost

Senate Bill 1606 creates Travis County Municipal Utility District Nos. 3-9 to provide wastewater and sewer services to certain areas in Travis County. The act prohibits a municipality from annexing the land for 20 years or until 90 percent of the utility system and other improvements are installed, whichever occurs first. The act also prohibits a municipality from limiting a district's ability to exercise its powers or to finance, construct, or operate water, wastewater, or drainage systems. Finally, the act provides that if a municipality annexes a district and thereby precludes or impairs the ability of the district to issue bonds, the municipality is required to pay the landowner or developer of the district a sum equal to all actual costs and expenses incurred in connection with the district. The municipality is also required after annexation to install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district.

SENATE BILL 1607 **SENATE AUTHOR:** Nelson
EFFECTIVE: 6-12-95 **HOUSE SPONSOR:** Denny

Senate Bill 1607 creates the Southwest Denton County Road and Utility District as a conservation and reclamation district and a road district. This act also authorizes the newly created district to exercise the powers of a municipal utility district.

SENATE BILL 1619 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Howard

Senate Bill 1619 amends the Water Code to authorize members, employees, or agents of the Texas Natural Resource Conservation Commission and commission contractors to enter public or private property. Such persons may enter property to investigate, to monitor, or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to water quality. The act further authorizes employees and agents of the commission to enter public and private property for the purpose of inspecting or investigating conditions relating to water quality and makes conforming amendments to the Solid Waste Disposal Act to enable such persons to carry out the commission's statutory duties pursuant to that act.

The act amends the Civil Practice and Remedies Code to require the state to indemnify a state contractor who signed a waste manifest pursuant to a state contract. The act also holds the state liable for indemnification if the person or company who signed the manifest did not act in a grossly negligent manner.

Senate Bill 1619 further amends the Solid Waste Disposal Act to authorize the state to seek a judgment against a noncompliant party for the total cost of the remedial investigation and feasibility study, the remedial design, and the remedial action.

SENATE BILL 1645 **SENATE AUTHOR:** Barrientos, Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Combs, Krusee

Senate Bill 1645 authorizes a water control and improvement district to redivide if the district is located in two or more counties, is within the jurisdiction of two river authorities, one of which has issued an interbasin transfer permit to a city that supplies water to the district, and has not constructed any facilities or incurred any indebtedness secured by taxes or net revenues.

The act authorizes the redivision of a qualifying district provided that the resulting districts are not less than 100 acres in size. The act also provides that the board may consider a proposal to divide the district on the petition of any landowner or on a motion of the board.

SENATE BILL 1647 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** King

Senate Bill 1647 requires the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to divide the district into five single-member precincts not later than January 1, 1996. The act provides for a seven-member board of directors, five to be elected from single-member districts, and two to be elected at-large. The act sets dates for the elections, establishes staggered terms, and sets forth the qualifications of the board of directors.

SENATE BILL 1657 **SENATE AUTHOR:** Nelson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Horn

Senate Bill 1657 expands the boundaries of the Upper Trinity Regional Water District to include the city of Irving upon the execution of a contract between the city and the district, approved by three-quarters of the district's board of directors.

SENATE BILL 1660 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Yost

Senate Bill 1660 amends the Water Code and the Health and Safety Code to establish requirements for the contents and procedural aspects of an agreed order in the assessment of administrative penalties by the Texas Natural Resource Conservation Commission (TNRCC). The only findings of fact or conclusions of law that must be contained in an agreed order that settles an alleged violation is that the TNRCC has jurisdiction. The act provides that an agreed order may state that the order is not an admission of guilt, that there is a dispute regarding the occurrence of a violation, and that the order is not intended to be a part of the compliance history of a party or facility. The act further prohibits the use of an agreed order as evidence against a party in a civil proceeding unless the attorney general's office brings suit to enforce the order or pursue violations of the Water Code or the Health and Safety Code.

SENATE BILL 1674 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Dear

Senate Bill 1674 repeals a provision of special law authorizing the board of directors of the Tarrant County Water Control and Improvement District No. 1 to offer compensation packages to its employees and officers for retirement, disability, and death plans. The act provides that any compensation or benefit plan offered by the district on the effective date of this legislation may be continued under the authority of general law.

SENATE BILL 1683 **SENATE AUTHOR:** D. Nixon, Madla
EFFECTIVE: See below **HOUSE SPONSOR:** Howard

Senate Bill 1683 amends the Used Oil Collection, Management, and Recycling Act to make the state's regulations consistent with, but not more stringent than, U.S. Environmental Protection Agency standards on used oil and oil filters. The act also establishes a program to promote public and private "do-it-yourselfer" (DIY) used oil collection centers. The Texas Natural Resource Conservation Commission (TNRCC) is required to develop a grant program for local governments and private entities to encourage the collection, reuse, and recycling of household

DIY used oil and to appoint a seven-member advisory committee for the used oil grant program. The act exempts a private entity that serves voluntarily as a DIY used oil collection center from the facility registration fee and amends registration and reporting requirements for used oil collection facilities and handlers. The act authorizes the TNRCC to reimburse DIY collection centers and used oil collection centers for costs associated with the disposal of hazardous waste up to $7,500 and limits the amount of used oil a collection center may take from any person at any one time.

The TNRCC is required to establish, not later than January 1, 1996, rules, standards, and procedures consistent with federal standards to implement the used oil program. The act establishes new offenses and sets criminal penalties. The act also authorizes the TNRCC to adopt reasonable standards for the management of used oil filters and encourage the recycling of used oil filters.

The act provides a definition of a "distributor" and reduces by one-half the fee a manufacturer or distributor is required to pay on a first sale of oil. Finally, a distributor is required to obtain a permit from the comptroller and authorizes the comptroller to revoke a permit if false information is submitted.

Senate Bill 1683 takes effect September 1, 1995, except for the provision relating to a revised fee imposed on a first sale of motor oil, which takes effect January 1, 1997.

SENATE BILL 1693 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Rhodes

Senate Bill 1693 authorizes the Gonzales County Underground Water Conservation District to divide the district into five single-member precincts of substantially equal population for the purpose of electing directors. This act also authorizes the board of directors to divide territory contained in a municipal corporation within the district into as many precincts as necessary to obtain precincts of substantially equal population. The act also validates the creation of the district and all resolutions, orders, other acts, and attempted acts of the board of directors or the temporary board of directors.

SENATE BILL 1709 **SENATE AUTHOR:** Rosson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Pickett

Senate Bill 1709 validates the disannexation of certain land from the El Paso County Water Authority, also known as the El Paso County Water Authority Municipal Utility District. The act provides that the disannexation of land from the district does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district. The act further requires the district to collect taxes each year on the property disannexed from the district at a rate necessary for the disannexed land to pay its pro rata share of the outstanding indebtedness of the district.

SENATE BILL 1714 **SENATE AUTHOR:** Bivins
EFFECTIVE: 6-15-95 **HOUSE SPONSOR:** Smithee

Senate Bill 1714 creates the Oldham County Underground Water Conservation District, subject to approval at a confirmation election. The act also sets forth the powers, duties, administration, and operation of the district.

OCCUPATIONAL REGULATION

HOUSE BILL 172 **HOUSE AUTHOR:** Thompson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 172 amends the Government Code by raising the fees a notary public or the employer of a notary public may charge for certain services.

HOUSE BILL 200 **HOUSE AUTHOR:** Madden
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ratliff

House Bill 200 amends the Professional Land Surveying Practices Act by requiring an applicant for registration as a registered public surveyor after January 1, 2003, to have earned a bachelor's degree. It modifies the education requirement for certification as a surveyor-in-training to designate that a bachelor's degree, as well as a bachelor of science degree, may satisfy the requirement. The act also revises the definition of "professional surveying" and adds the preparation of easements to the definition of professional surveying work. The act specifies that the use of a registered land surveyor is not required to establish a construction estimate that does not involve the monumentation of a metes and bounds description.

HOUSE BILL 637 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

House Bill 637 pertains to the renewal certification requirements for court reporters. The act allows the supreme court to authorize the Court Reporter Certification Board to adopt rules that would deny renewal of certification to court reporters who default on their student loans. The act also gives the Court Reporter Certification Board the authority to approve continuing professional education courses for court reporters and to adopt rules that set standards relating to the courses.

HOUSE BILL 713 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 713 amends the Private Investigators and Private Security Agencies Act. It adds provisions about persons covered by and persons exempted from the act and requires, rather than authorizes, the Texas Board of Private Investigators and Private Security Agencies to recognize, prepare, or administer continuing education programs for persons regulated by the board. The board is further required to set minimum standards for satisfaction of continuing education requirements and a person regulated by the board is required to submit evidence of compliance. Provisions are made requiring the board to oversee compliance with detailed requirements for obtaining a personal protection authorization. The act authorizes the board to resolve questions and allow alarm system companies to issue certificates regarding alarm system installations being in compliance with certain regulations of the Texas Insurance Code.

Senate Bill 1542 deletes provisions of House Bill 713 relating to: revocation of a license on evidence of fraud, deceit, or theft; personal protection authorization; requirements for carrying a concealed weapon; disclosure of certain information by court order; criminal history background checks and denial, suspension, or revocation of a license; enhanced penalties for repeated violations; and creation of an offense for employing a person who does not hold the required certification.

HOUSE BILL 856 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 5-9-95 **SENATE SPONSOR:** Sibley

House Bill 856 amends the Dental Practice Act to provide for the specialty practice of oral and maxillofacial (upper jaw) surgery and sets forth the authorized scope of the specialty practice.

HOUSE BILL 883 **HOUSE AUTHOR:** McDonald, Kamel
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 883 amends current law relating to the regulation of registered nurses and licensed vocational nurses. The act revises qualifications for membership on the Board of Nurse Examiners to require a professional nurse member to be engaged in nursing for at least three of the five years preceding the appointment. An applicant for registration as a registered nurse is required to present evidence of good professional character. The act amends the composition and duties of a nursing peer review committee. The act prohibits discrimination against or suspension or termination of a registered nurse for refusal to engage in certain conduct or omission under certain conditions.

House Bill 883 requires the Board of Vocational Nurse Examiners (BVNE) to disseminate information of significant interest to LVNs and their employers, including summaries of final disciplinary action taken against LVNs by the board, and to adopt rules relating to certain out-of-state LVNs who provide care for a patient being transported into, out of, or through the state. The act includes the BVNE among licensing agencies authorized to suspend, deny, or revoke a license because the licensee commits a criminal offense that is directly related to the licensed occupation.

The act prohibits a person from resisting a subpoena issued by the BVNE unless the information requested is subject to the attorney-client privilege, and provision is made for service, payment of copy charges, and confidentiality of information identifying a patient named in requested information. The act increases the educational requirement for licensure as an LVN to include a high school diploma or its equivalent and removes a requirement that an applicant submit proof of employment under a sponsor before receiving a temporary license.

HOUSE BILL 1065 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1065 amends state law regarding the practice of property tax consulting. It exempts state-licensed real estate brokers and salesmen and state-licensed or -certified real estate appraisers from a provision requiring registration with the state as a property tax consultant in order to perform property tax consulting services for compensation. The services must be performed in connection with single-family residences. The act enables these professionals to qualify for registration as a property tax consultant upon completion of four classroom hours in relevant coursework and exempts them from a provision in the law requiring a registered property tax consultant to work with a registered senior property tax consultant.

HOUSE BILL 1200 **HOUSE AUTHOR:** Rodriguez, Yarbrough
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Galloway

House Bill 1200 amends the Medical Radiologic Technologist Certification Act concerning regulatory authority of the Texas Department of Health. The Texas Board of Health is required to establish mandatory training guidelines for a person who administers radiation for medical purposes, including a person who is not certified under the act, and is further required to identify procedures that may only be performed by a certified radiologic technologist. Dental radiography is exempted from these provisions, and the department is authorized to grant other

exemptions based on hardship. The range of disciplinary actions that the department is authorized to take and the grounds for taking disciplinary action are expanded. Likewise, the range of actions subject to criminal penalty is broadened, and the board is authorized to seek an injunction to restrain a continued or threatened violation of the act.

HOUSE BILL 1205 **HOUSE AUTHOR:** Place
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

Real estate brokers and salesmen are required by state law to pay a fee at the time of license renewal to support the Texas Real Estate Research Center. House Bill 1205 amends the Real Estate License Act to raise the fee for brokers to $20, and the fee for salesmen to $17.50, and to require that the fees be paid at the time of license issuance as well as renewal. The act requires the Texas Real Estate Commission to transmit the fees to the research center's account on a quarterly basis. Previously, these fees were transmitted annually.

HOUSE BILL 1353 **HOUSE AUTHOR:** Crabb
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 1353 amends the Plumbing License Law to direct political subdivisions to accept, in lieu of the bond a master plumber must currently supply to obtain a permit, a certificate of insurance that meets certain criteria.

HOUSE BILL 1483 **HOUSE AUTHOR:** Tillery, Dukes
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 1483 prohibits a school or college of mortuary science from using a dead human body for research, educational, or instructional purposes without the written consent of a person authorized to give consent. Requirements are set forth governing the type of document, retention of records, and release of a body to a school or college of mortuary science, and violation of these provisions is made subject to administrative sanction. The Anatomical Board of the State of Texas is authorized to adopt rules governing the use of a dead human body by mortuary schools and the manner in which the required consent must be obtained.

HOUSE BILL 1604 **HOUSE AUTHOR:** Glaze
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Patterson

House Bill 1604 amends provisions of the Health and Safety Code relating to the regulation of emergency medical services (EMS) providers. The Texas Board of Health is required to establish minimum standards for provisional certification of EMS personnel and for medical supervision of basic life-support systems. The act provides for the imposition of various application fees and authorizes the commissioner of health to assess an administrative penalty against an EMS course coordinator. Revised procedures relating to assessment of an administrative penalty are set forth and made applicable to a course coordinator. A commissioners court is authorized to enter into exclusive agreements with a suitable entity to provide emergency ambulance service in a county.

HOUSE BILL 1605 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 6-12-95 **SENATE SPONSOR:** Sibley

House Bill 1605 amends the Insurance Code to authorize two new entities to be licensed as agents: limited liability partnerships registered with the secretary of state and authorized under the Texas Revised Partnership Act and limited liability companies organized under the Texas Limited Liability Company Act.

HOUSE BILL 1765 **HOUSE AUTHOR:** King
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Wentworth

House Bill 1765 changes the composition of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, and revises certain educational requirements relating to temporary training permit holders. The existing fee schedule is abolished, and the committee is required to adopt fees that are sufficient to cover the costs of administering the act. An account in the general revenue fund is created and dedicated to the administration of the act. In addition, House Bill 1765 clarifies the licensing requirements applicable to certain owners or operators of businesses that fit and dispense hearing aids. The list of persons exempt from regulation under the act is expanded to include persons engaged in measuring human hearing as a part of an academic curriculum, licensed physicians and surgeons, and certain audiologists.

HOUSE BILL 2362 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

House Bill 2362 amends the Insurance Code to expand exemptions from certain continuing education requirements to include those persons holding the designation of Accredited Advisor in Insurance from the Insurance Institute of America.

HOUSE BILL 2510 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 2510 clarifies, updates, and amends provisions of the Water Code relating to the licensing of irrigators and irrigation system installers. The act changes the terms of Texas irrigators advisory council members and entitles council members to reimbursement of travel expenses.

House Bill 2510 modifies a number of provisions relating to licensing fees, requirements, exemptions, and procedures. It requires the Texas Natural Resource Conservation Commission to adopt new rules regarding certificate classes and to establish new standards for the accreditation of training courses, continuing education classes, and course instructors. The act also amends provisions relating to the handling of complaints and the assessment of civil and administrative penalties against irrigators and installers.

HOUSE BILL 2669 **HOUSE AUTHOR:** Crabb
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Nelson

House Bill 2669 amends the Medical Practice Act to establish that an out-of-state health provider who participates electronically or otherwise in a patient care service initiated in this state is subject to the oversight of the Texas State Board of Medical Examiners. Certain exceptions are provided.

SENATE BILL 323 **SENATE AUTHOR:** D. Nixon
EFFECTIVE: 5-11-95 **HOUSE SPONSOR:** Sadler

Senate Bill 323 amends the Medical Practice Act to provide for exceptions to current licensing requirements if the applicant is specialty board certified or has received medical education in a hospital or institution that sponsors an accredited graduate medical education program.

SENATE BILL 378 **SENATE AUTHOR:** Moncrief, Barrientos
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** J. Harris

Senate Bill 378 requires a dentistry license applicant who is a graduate of a foreign or nonaccredited dental school but fails the qualifying clinical examination three times to attend a two-year program at an accredited dental school. This act took effect June 8, 1995, except provisions relating to procedures, fees, and licensing requirements, which take effect December 1, 1995.

SENATE BILL 489 **SENATE AUTHOR:** Armbrister, Nelson
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** Seidlits

Senate Bill 489 amends the Real Estate License Act to impose new disclosure requirements on licensed real estate brokers and salesmen. Real estate brokers and salesmen are required to disclose the party they are representing in a proposed transaction at the time of the first contact with another party to the transaction or the representative of another party. At the time of the first face-to-face meeting with a party to a proposed transaction, a broker or a salesman must provide a written statement to the party explaining the general role of a broker or a salesman in a transaction. The required written statement is provided in the act. It discloses that a broker or salesman may represent the buyer or the seller, or act as an intermediary between the two parties, and explains the duties that attach to these roles. The statement is not required in a face-to-face meeting with a party who is represented by a broker or salesman.

The legislation also clarifies that a party to a transaction is not liable for a misrepresentation of fact made by a broker or salesman unless the party was aware that the information was false. The same exemption from liability applies to a salesman or a broker for a misrepresentation of fact made by a party.

SENATE BILL 548 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** S. Turner

Senate Bill 548 provides that professional communications between a podiatrist and a patient and records maintained by a podiatrist are privileged and confidential, with certain exceptions.

Senate Bill 548 also authorizes a licensed podiatrist to contract with a health organization approved by the Texas State Board of Medical Examiners.

SENATE BILL 634 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Counts

Senate Bill 634 amends the Texas Appraiser Licensing and Certification Act to clarify the authority of the Texas Appraiser Licensing and Certification Board to adopt the guidelines and standards of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council and other specified appraisal organizations. The act revises the requirements for state certification to conform to the education and experience specified by the Appraisal Subcommittee. It also stipulates that the Appraisal Subcommittee's guidelines on experience may be used to satisfy experience requirements for state licensure as an appraiser. The board is charged with verifying the education and appraisal experience claimed by an applicant and is required to audit a sample of applications to fulfill this task. The act adds new definitions, revises the definition of appraisal, and changes the annual registry fee. It also allows a person duly authorized by law to perform an evaluation of real property. The act enables an appraiser trainee with less than the required experience to take the state licensing exam and obtain a license, under certain conditions. The act also subjects the board to the Texas Sunset Act contingent upon the repeal of federal regulations requiring the preparation or use of an appraisal by federally recognized financial institutions.

SENATE BILL 659 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 659 amends the Texas Pharmacy Act to include within the practice of pharmacy specific acts of drug therapy management delegated to a pharmacist by a physician. The act amends the Medical Practice Act to authorize physicians to delegate such acts to qualified pharmacists through written protocol.

SENATE BILL 1009 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Shields

Senate Bill 1009 amends the Insurance Code to provide that a person commits a Class C misdemeanor if the person acts as a life insurance counselor without a license. The act repeals the previous sanctions of a $500 fine and/or imprisonment for such violations.

SENATE BILL 1029 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** King

Senate Bill 1029 amends state law relating to telephone solicitation to clarify that the regulations imposed by the law apply to automated dial announcing devices.

SENATE BILL 1059 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1059 amends the Health and Safety Code to require the Texas Board of Human Services to adopt, publish, and enforce minimum standards requiring appropriate training in geriatric care for each licensed individual who provides services to geriatric residents as an employee of a personal care facility. The act authorizes the board to include in the minimum standards a requirement that such employees complete a continuing education or inservice training program.

SENATE BILL 1150 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Driver

Senate Bill 1150 amends the Insurance Code to allow the insurance commissioner to waive any continuing education requirement for a nonresident adjuster with a valid license from another state having continuing education requirements substantially equivalent to those of this state.

SENATE BILL 1178 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Kubiak

Senate Bill 1178 amends state law regulating athlete agents to authorize the secretary of state to issue subpoenas and propound interrogatories for the purpose of conducting an investigation to determine if a violation has occurred. The act authorizes the secretary of state to refer a matter to the attorney general if a witness fails to obey a subpoena or appear to testify. The act requires the secretary of state to keep confidential any answer to interrogatories that disclose a violation of the law regulating athlete agents, but allows the secretary of state to disclose any confidential information in the secretary's possession to any governmental or quasi-governmental authority.

SENATE BILL 1291 **SENATE AUTHOR:** Madla
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Janek

Senate Bill 1291 amends the Licensed Perfusionists Act to authorize certain physicians to supervise a provisional licensed perfusionist and to require that qualifications for nonresident perfusionists practicing temporarily in this state be substantially similar to the qualifications of a resident perfusionist. The requirement that a representative of the attorney general's office attend informal complaint proceedings is relaxed, and the deadline for a "grandfathered" license application without examination is extended.

SENATE BILL 1301 **SENATE AUTHOR:** Cain
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1301 amends various provisions of the Medical Practice Act relating to physician licensing. The act requires the Texas State Board of Medical Examiners to provide 30-day written notice of the expiration of a license and to provide for a 30-day grace period for payment of the annual registration fee. The act also revises the method used to calculate the amount of a renewal fee, and provides that a temporary license is valid for 180 days and may be renewed for an additional 180 days at the discretion of the executive director. Senate Bill 1301 also sets forth a procedure for licensing an applicant who is a graduate of a medical school located outside the United States and Canada and not approved by the board at the time the degree was conferred.

SENATE BILL 1302 **SENATE AUTHOR:** Cain
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1302 amends the Physician Assistant Licensing Act to change the name of the Physician Assistant Advisory Council to the Board of Physician Assistant Examiners.

It expands the board's authority relating to licenses, expands the list of actions for which the board is authorized to institute disciplinary action, and authorizes the board to impose a nondisciplinary rehabilitation order on a licensee or applicant for specified reasons. The act requires a supervising physician to assume responsibility and legal liability for services rendered by the specific physician assistant the physician is approved to supervise.

In addition, the act amends the Health and Safety Code to extend the medical services provided by the physician assistant to include requesting, receiving, and signing for the receipt of pharmaceutical sample prescription medications as authorized.

The act also expands qualifications for temporary licenses and provides for the confidentiality of information.

SENATE BILL 1303 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1303 amends the Medical Practice Act to authorize the Texas State Board of Medical Examiners to impose a nondisciplinary rehabilitation order on any licensee or applicant for licensure for intemperate use of drugs or alcohol, judgment that the person is of unsound mind, or certain findings of impairment. The act provides that the order may be imposed by agreement or after a contested proceeding and sets forth the grounds on which the order must be based. The act also establishes sanctions available to the board for a violation of a

rehabilitation order and provides that an order is exempt from the open records law but subject to a periodic audit. The act establishes that the audit is for the purpose of ensuring that only qualified licensees are subject to rehabilitation orders and that the results are a public record.

Senate Bill 1303 also amends the Medical Practice Act to establish penalties for practicing medicine without a license. If such practice results in physical or psychological harm to another, it is punishable as a third degree felony. If the practice results in financial harm to another, it is punishable as a state jail felony.

SENATE BILL 1391 **SENATE AUTHOR:** Ellis
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** Brimer

Senate Bill 1391 amends the Government Code to revise the application and reappointment procedure for a notary public and to raise the required bond from $2,500 to $10,000. The act authorizes electronic filing of the required bond and specifies that performing a notarization for an individual who is not physically present is grounds for the denial, suspension, or revocation of a notary commission. The act also establishes a procedure for using the existing supply of notary commissions bearing the name of state officials after those officials leave office.

SENATE BILL 1443 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Wilson

Senate Bill 1443 amends the Administrative Procedure Act to provide that a license under judicial review remains valid unless it expires or is revoked, amended, suspended, annulled, withdrawn, or denied renewal. The act enables the holder of a license that is subject to judicial review to engage in the licensed activity.

SENATE BILL 1502 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 1502 raises the minimum age to qualify for a manicurist license, specialty certificate, and facialist license from 16 years of age to 17. It also increases the number of hours of approved manicuring instruction an applicant for a manicurist license must complete from 250 to 600. The act authorizes a private beauty culture school to keep 100 percent of the tuition and fees paid by a student who withdraws or is terminated during the last 50 percent of a course of training that runs not more than 12 months, sets forth additional guidelines for private beauty schools, and establishes related licensing requirements. Fines for violations of statutes relating to the practice of cosmetology are raised.

SENATE BILL 1542 **SENATE AUTHOR:** J. Turner
EFFECTIVE: See below **HOUSE SPONSOR:** Allen

Senate Bill 1542 amends the Private Investigators and Private Security Agencies Act by revising or providing new definitions for certain persons and entities covered by provisions in the act. Further clarifications and definitions are made regarding who is not covered by provisions of this act. The act authorizes the board to deny, suspend, or revoke a license under circumstances set forth in the act. The board may obtain a criminal history record relating to an applicant for a license or a license holder regulated by the act. The act requires, rather than authorizes, the Texas Board of Private Investigators and Private Security Agencies to recognize, prepare, or administer continuing education programs for private investigators regulated by the board under the act, who are required to submit evidence of compliance. The act outlines measures concerning the board's handling of reviews for suspended or denied licenses. Provisions

are made requiring the board to oversee compliance of detailed requirements for obtaining a personal protection authorization. An enhanced penalty is created for repeated violations of the act, and an offense is created for knowingly employing a person who does not hold the required certification or who is in violation of the act. The act also amends the Penal Code regarding a defense to prosecution for certain persons provided for under this act.

Senate Bill 1542 also includes provisions repealing sections of House Bill 713. Senate Bill 1542 takes effect September 1, 1995, except for the provision that creates a criminal offense, which takes effect March 1, 1996.

SENATE BILL 1554 **SENATE AUTHOR:** D. Nixon
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Telford

Under current law, a nurse's aide must work for 90 days in a nursing home before being eligible to undertake course work for certification as a medication aide. Senate Bill 1554 amends the Health and Safety Code to include employment by a licensed personal care facility as establishing eligibility for course work and certification.

PARKS AND WILDLIFE

HOUSE BILL 670 **HOUSE AUTHOR:** Telford
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 670 authorizes the Parks and Wildlife Department to permit and regulate competitive hunting dog field trials in areas controlled by the department and designated by the Parks and Wildlife Commission as public hunting areas, under certain conditions.

HOUSE BILL 1318 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Ratliff

House Bill 1318 requires the Parks and Wildlife Commission to exempt entities from permit and fee requirements relating to disturbing or taking marl, sand, gravel, shell, and mudshell for noncommercial maintenance projects of public utilities.

HOUSE BILL 1785 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1785 amends the Parks and Wildlife Code to restrict the eligibility requirements for new state parkland passports to residents and active duty members of the armed forces who are 65 years old or older. The act authorizes the Parks and Wildlife Department to discount or waive park entrance fees for holders of passports.

The act also eliminates the fishing license exemption for persons 65 years old or older, or under 17 years old, but authorizes the Parks and Wildlife Commission to establish a lower fee or waive the fee or license requirement for these residents.

HOUSE BILL 1823 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Truan

House Bill 1823 amends provisions of the Parks and Wildlife Code relating to the taking of marl, sand, gravel, shell, or mudshell. The act adds considerations for granting a permit to take marl, sand, gravel, shell, or mudshell, including injury to wildlife, injurious changes to a river's hydrology, and an increase in nonpoint source pollution and erosion. The act authorizes the Parks and Wildlife Commission to establish conditions under which an individual permit is not required and to delegate authority to the executive director to grant uncontested permits. The commission is also authorized to adopt rules to govern various procedures, including application consideration, the setting and collection of fees, and the establishment of permit conditions. The act provides an exemption from permit requirements for certain projects and establishes criminal penalties for violations. The act provides liability for the value of materials taken, establishes civil penalties, and authorizes enforcement by the Parks and Wildlife Department for violations of the chapter. The act also authorizes the commission to require scientific studies to determine the effect of permitted operations and authorizes partial reimbursement to participating permit holders for the cost of the study.

HOUSE BILL 1964 **HOUSE AUTHOR:** Oakley
EFFECTIVE: See below **SENATE SPONSOR:** Brown

House Bill 1964 amends provisions of the Parks and Wildlife Code relating to protected wildlife. The act requires qualified persons to obtain permits if they collect, hold, possess, transport, display, release, or propagate protected wildlife for scientific research, or for zoological,

rehabilitation, or educational purposes, with certain exceptions. It also requires the Parks and Wildlife Commission to adopt rules governing wildlife uses and authorizes administrative fees and permit exemptions for certain beneficial wildlife activities. The act stipulates that wildlife remains the property of the state after collection and must be relinquished as prescribed by the Parks and Wildlife Department. It also authorizes judicial enforcement of these provisions and establishes fines for violations.

The act amends and adds provisions regarding the issuance of permits for trapping, transporting, and transplanting game animals, game birds, and white-tailed deer. It directs the commission to adopt rules for fees, applications, and activities relating to wildlife stocking, trapper certification, and transplanting of game animals and authorizes the setting of and exemption from administration fees.

The above provisions are effective December 1, 1995. The act repeals, effective September 1, 1995, sections of the Parks and Wildlife Code relating to permit applications, fees, conditions, expiration dates, activity reports, and white-tailed deer permit requirements.

HOUSE BILL 2012 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Lucio

House Bill 2012 amends the Parks and Wildlife Code to require the Parks and Wildlife Commission to adopt rules on the disclosure of customer information derived from the purchase of products, licenses, or services from the Parks and Wildlife Department. The act also provides that information collected during technical guidance to a private landowner is confidential and can be disclosed only by the owner or on the owner's written consent. The act requires the department to provide notice to the landowner regarding disclosure of information before entry onto the privately owned land.

House Bill 2012 also includes provisions concerning the release of information in special circumstances and grants immunity from civil liability to department officials and employees for an unintentional release of information.

HOUSE BILL 2133 **HOUSE AUTHOR:** Combs, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 2133 amends the Parks and Wildlife Code to limit the dissemination of information gathered on private property by employees of the Parks and Wildlife Department. The act requires an employee to obtain the written consent of a landowner or the landowner's agent to use information collected on private property for the purpose of scientific investigations and research regarding wild game or fish. The act prohibits the department from using other incidental information obtained on the private land that does not directly pertain to the investigation and research of wild game and fish without the landowner's prior written consent. The act further prohibits the dissemination of information collected on private land without the consent of a landowner to certain databases. The act also creates a right of action for a private landowner against the department. If the department violates the act by disseminating information without a landowner's consent, the department may incur civil penalties in the amount of $1,000. Finally, the act allows the department to continue to collect data related to the federal Pitman-Robertson Wildlife Restoration Act.

HOUSE BILL 2182 **HOUSE AUTHOR:** Woolley
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 2182 amends Parks and Wildlife Code provisions relating to the use of funds in the operation game thief fund and to membership of the Operation Game Thief Committee. The act authorizes the use of funds for advertising and marketing to promote public awareness of the program, payment of rewards, and death benefits to the families of agency peace officers killed in the line of duty. The act authorizes the appointment of a former committee member to serve as chairman emeritus, sets appointment terms for the chairman emeritus, reduces the number of meetings the committee must convene, and reduces the committee quorum number from five to four.

HOUSE BILL 2216 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Armbrister

House Bill 2216 amends provisions of the Parks and Wildlife Code relating to the issuance of hunting and fishing licenses and collection fees. The act streamlines the process for obtaining licenses, license packages, stamps, permits, and tags for hunting, fishing, and other activities and authorizes the Parks and Wildlife Commission to establish an automated license and stamp point-of-sale system. The commission is also authorized to set the collection and issuance fees retained by license deputies, but the act sets a floor for the fees at amounts in effect on June 1, 1995. The act deletes provisions requiring licenses to be in the purchaser's immediate possession while engaged in the licensed activity, authorizes the commission to adopt rules on the possession of a license, establishes an offense for violating this provision, and sets a penalty. The commission is also authorized to set a different license year for certain licenses and issue other editions of certain stamps. The act simplifies the process for obtaining a private bird hunting area license and sets the license fee at $60. The act authorizes the commission to approve public hunting drawing participation fees, not to exceed $25, for special hunting programs, packages, or events that exceed the cost of operating the drawing. Fees charged may be designated only for use in the management and restoration efforts of specific wildlife programs.

HOUSE BILL 3075 **HOUSE AUTHOR:** Siebert
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Haywood

House Bill 3075 amends the Parks and Wildlife Code to prohibit the sale, barter, or exchange of minnows used as bait fish taken from public waters in Clay, Cottle, Hardeman, Motley, Wichita, and Wilbarger counties.

The act also deletes specific prohibitions relating to the sale and purchase of certain fish and directs the Parks and Wildlife Commission to define game and nongame fish.

SENATE BILL 72 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** T. Hunter

Senate Bill 72 prohibits the Parks and Wildlife Department and a county from releasing the name and address of a boat owner unless the request is in writing and is for a lawful purpose. The prohibition does not apply to the release of information to a peace officer, a state official, or an official of a political subdivision who requests the information for tax purposes.

SENATE BILL 97 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 97 bans the killing or injuring of certain confined dangerous wild animals and sets a criminal penalty. The act defines "dangerous wild animal" to mean a lion, tiger, leopard, cheetah, hyena, bear, elephant, wolf, or rhinoceros and includes any species, subspecies, or hybrid of those animals. The act also makes it unlawful to sell, offer to sell, transport, or consign to transport a dangerous wild animal that is to be used for controlled killing or a product from such an animal.

Peace officers are authorized to seize a live dangerous wild animal or a carcass, hide, or part of, or product made from, a dangerous wild animal and are immune from criminal or civil liability or prosecution arising from the seizure. The act exempts peace officers and certain others from the subchapter if they kill or injure a dangerous wild animal that they believe to be a danger to the public. It also exempts licensed veterinarians or employees of a sanctuary who humanely euthanize a dangerous wild animal to eliminate its suffering.

The act specifies that it does not restrict the authority of a local government to regulate the possession of a dangerous wild animal if the regulation does not conflict with the act. The act also repeals Subchapter G, Chapter 12, Parks and Wildlife Code, regulating the possession of wild animals, effective September 1, 1997.

SENATE BILL 248 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Woolley

Senate Bill 248 amends the Parks and Wildlife Code to authorize a game warden or peace officer to seize property without a warrant if there is probable cause to believe that the property is contraband. The act requires a warden or officer to give notice of the seizure to a county judge or a judge of a county court at law or district court and establishes procedures for public notice. The act also requires the court to order the seized property forfeited or released to the owner under certain circumstances and sets out actions the Parks and Wildlife Department may take on receiving a forfeiture order. The act also grants a warden or officer immunity from liability and from suit for the seizure and disposition of property under this section.

SENATE BILL 329 **SENATE AUTHOR:** Sims, Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** B. Turner

Senate Bill 329 amends the Parks and Wildlife Code to include management of exotic animals under the same provision as management of wildlife from an aircraft. The act also consolidates into one permit the "wildlife management from aircraft" permit and the "depredation animal control from aircraft" permit. The act makes it an offense to violate the reporting requirement and clarifies that it does not authorize the hunting of animals or birds from an aircraft for sport.

SENATE BILL 733 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Saunders

Senate Bill 733 amends provisions of the Parks and Wildlife Code to define "prepared feed," revise the list of fish that are unlawful to buy, sell, or import, and authorize the Parks and Wildlife Commission to delegate to the director the authority to make state coastal fisheries regulations consistent with federal regulations in the exclusive economic zone.

SENATE BILL 750 **SENATE AUTHOR:** J. Patterson, Truan
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Uher

Senate Bill 750 directs the Parks and Wildlife Department to implement a shrimp license management program. The act prohibits the issuance of new commercial bay or bait shrimp boat licenses with limited exceptions, restricts the renewal or transfer of those licenses, and establishes dates for implementation of license prohibitions and restrictions. The act restricts the number of licenses that can be held, sets a fee for the transfer of licenses, and sets limits on the length and engine horsepower of vessels licensed as commercial bay or bait shrimp boats. The act also sets out provisions to suspend and revoke licenses, establishes a license buyback program, establishes a shrimp license buyback account as a separate account in the general revenue fund, and authorizes a fee increase for certain licenses. The Shrimp License Management Review Board is created, with nine members to be elected by the holders of commercial bay and bait shrimp boat licenses. The board is to make recommendations concerning such issues as hardship and appeal cases, license policies, and vessel length and engine changes.

SENATE BILL 814 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Siebert

Senate Bill 814 amends provisions of the Parks and Wildlife Code relating to commercial licenses to catch, unload, and sell aquatic products. The act exempts certain persons catching or taking shrimp, oysters, or bait for commercial purposes from a requirement that the persons obtain a general commercial fisherman's license. The act establishes a commercial shrimp boat captain's license, sets a fee for the license, and authorizes the holder of such a license to sell to wholesale and retail fish dealers and restaurant owners or personnel any aquatic product caught incidental to shrimping.

PROPERTY INTERESTS

HOUSE BILL 333 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 333 amends the Property Code to allow a debt holder to void a deed of trust that conveys real property to satisfy a debt in lieu of foreclosure if the debtor has failed to disclose a lien on the property and if the debt holder had no personal knowledge of the undisclosed lien. The debt holder may then foreclose on the property. The debt holder must exercise this option before the fourth anniversary of the date the deed is executed and foreclosed under the original deed of trust.

HOUSE BILL 1125 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Henderson

House Bill 1125 amends the Property Code to provide a method for an owner of real property to secure reimbursement for property taxes paid by the owner on a co-owner's behalf by allowing the owner to petition in district court for the forced sale of the co-owner's interest in the property. The act applies only to undivided interests in real property obtained by inheritance. Upon a favorable ruling, the court must order the sale of the defendant's undivided interest in the real property and payment to the defendant for the difference in the appraised value and the tax owed; it may also direct that the deed to the real property be conveyed to the petitioner.

HOUSE BILL 1454 **HOUSE AUTHOR:** Talton
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Patterson

House Bill 1454 amends the Local Government Code to provide that before a municipality's or county's purchase of real property held in trust the trustee of the property must submit a copy of the trust agreement that discloses the property's true owner. Otherwise, the conveyance is void. House Bill 1454 further provides that the trust agreement is confidential information not subject to the open records law.

HOUSE BILL 1637 **HOUSE AUTHOR:** Brady, Gray
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Shapiro

State law requires landlords to provide smoke detectors in residential rental units. House Bill 1637 amends the Property Code to stipulate that if a landlord does not install a smoke detector at the time of initial occupancy the landlord is liable for certain remedies to tenants under the law. The act also clarifies the duties of a landlord regarding the installation, testing, inspection, and repair of smoke detectors. The act adds a new section which makes a tenant liable for failing to replace a smoke detector battery or knowingly disconnecting or damaging a smoke detector and grants a landlord the right to obtain a judgment against a tenant for damages arising from these acts.

In addition, the act extends the right to recover a judgment against a landlord or a tenant who has failed to properly maintain a smoke detector to guests and visitors of a tenant who have suffered damages due to such failure.

HOUSE BILL 2139 **HOUSE AUTHOR:** Combs
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Barrientos

House Bill 2139 authorizes the Travis County Water Control and Improvement District No. 14 to exclude certain areas from the district. The act sets out provisions relating to the district's indebtedness and requires the district to furnish a detailed description of the excluded areas to the Texas Natural Resource Conservation Commission within 30 days of the act's effective date.

HOUSE BILL 2152 **HOUSE AUTHOR:** Bailey, Combs
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Gallegos

House Bill 2152 adds new provisions to the Property Code relating to property owners' associations that represent certain residential real estate subdivisions located in counties with 2.8 million or more residents. The act does not apply to parts of a subdivision that contain or are zoned for apartments, certain condominium developments, or commercial or residential structures.

The act authorizes property owners' associations to modify, add to, or extend the terms of existing restrictive covenants through a notification, petition, and approval process. Associations are also authorized to exercise a wide range of legal, contractual, regulatory, financial, and administrative powers. The act also provides that, in certain circumstances, associations may exercise the power held by architectural control committees.

House Bill 2152 sets forth a process by which certain subdivisions may create new property owners' associations. It further provides that, in counties with 65,000 or more residents, a redivided subdivision is subject to the same restrictions that applied to the original subdivision.

HOUSE BILL 2803 **HOUSE AUTHOR:** Naishtat, Ehrhardt
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

House Bill 2803 amends the Property Code to prohibit a landlord from disconnecting utility service to a tenant in an all-bills-paid unit other than for needed repairs, construction, or an emergency, except as provided in the act. The act authorizes a landlord to disconnect a tenant's electrical service that is not individually metered if the service connection is in the landlord's name and the tenant is at least seven days late in paying the rent. At least five days before cutting service, the landlord must deliver written notice to the tenant of the impending service interruption, the amount of rent due, and where the rent may be paid. The act also limits the service disconnection to regular business hours and to days when the rental unit is open or the landlord is available. The landlord must restore service within two hours of receiving payment. Certain remedies are extended to a tenant for a landlord's violation of the act's provisions. The act also enables a landlord to disconnect a tenant's electrical service if it is individually metered in accordance with rules established by the Public Utility Commission. A lease may not contain a provision waiving the rights and duties granted by this act.

HOUSE BILL 2925 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 2925 authorizes the transfer of water supply or sewer service corporation stock, membership, or right of participation to a person or entity that acquires real property through foreclosure proceedings, and the act provides that proof of ownership may be required when property is acquired in such a manner. The act requires that all transfer and service applications be completed on the corporation's standardized forms and filed with the corporation's office in a timely manner. House Bill 2925 also allows a transferee to agree to the conditions of service by written agreement instead of making a personal appearance at the corporation's office.

SENATE BILL 14 **SENATE AUTHOR:** Bivins, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Combs, et al.

Senate Bill 14 adds a new chapter to the Government Code entitled the Private Real Property Rights Protection Act. The act waives and abolishes sovereign immunity to enable a private property owner to invalidate or collect compensation for certain governmental actions that reduce or limit the owner's right to property and that reduce the property's value by at least 25 percent. The act sets forth criteria to be used to determine whether a taking has occurred and outlines the procedures by which an owner may bring suit against a political subdivision or initiate administrative proceedings against a state agency.

These new provisions apply only when a municipality imposes special regulations for part, but not all, of the municipality's extraterritorial jurisdiction; when a governmental entity imposes a physical invasion or requires dedication of private property; when a governmental entity adopts or issues policies or regulatory measures; or when enforcement of a governmental action is accomplished through the use of permitting, quasi-judicial proceedings, or other similar means. The act exempts certain governmental actions from the application of this chapter.

Senate Bill 14 requires the attorney general to establish and regularly update guidelines to assist governmental entities in determining which governmental actions may result in a taking. Effective January 1, 1996, the act requires governmental entities to prepare takings impact assessments and requires a political subdivision or state agency to give public notice of intent before it carries out an action that may result in a taking. All other provisions of Senate Bill 14 are effective September 1, 1995.

SENATE BILL 336 **SENATE AUTHOR:** Rosson, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Oliveira

Senate Bill 336 amends the Property Code to impose new disclosure requirements and regulations on a seller who enters an executory contract for the sale of residential real estate located in certain counties. These counties are to be determined annually by the Texas Department of Housing and Community Affairs based on certain criteria, including location and per capita income. Among the disclosure requirements, a seller must notify the buyer of any encumbrances on the title to the property and provide the buyer with a checklist of specific items indicating the condition of the property, including whether the property has water and sewer service or approval for a septic system, and whether the property is part of a recorded subdivision. If Spanish is the primary language used in the transaction, all written disclosure must be made in Spanish. The act provides that a seller's failure to provide the specified information is a violation of the deceptive trade practices act. Furthermore, the act provides that a buyer may cancel and rescind a contract and receive a full refund of all payments made to the seller if a seller does not comply with the disclosure requirements. In addition, the act requires a seller to disclose financing terms in writing, to record the contract with the county clerk, and to provide the purchaser with an annual statement that includes the amount the buyer has paid and the amount still owed on the property. The act enables a buyer to cancel a contract 14 days after the date of the contract. It also clarifies the remedies available to a seller in the event of a buyer's default. This act also requires the Texas Department of Housing and Community Affairs to develop a consumer education program regarding executory contracts for the purchase of residential property.

SENATE BILL 390 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Counts

Under Senate Bill 390, a governmental entity with eminent domain authority is required to furnish the landowner with any and all land appraisal reports it has obtained at the time it makes an offer to purchase. The act also requires a landowner to disclose, within 10 days of receiving an appraisal report but no later than 10 days before the special commissioner's hearing, any and all land appraisal reports that the owner has obtained. Senate Bill 390 provides that a subsequent bona fide purchaser for value from the governmental entity may presume that the requirements of this act have been met.

SENATE BILL 748 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Eiland

Senate Bill 748 authorizes a city or county to accept ownership of property located in its jurisdiction if certain conditions are met. The act sets forth the process of conveyance that must be followed, requires that the city or county be given full and unencumbered ownership of the property, and requires that the property be given as a gift by a person who has received the property from a debtor in default. Under Senate Bill 748, the city or county may not accept the property if ownership will subject the government to certain types of liability or if there is an unabated nuisance on the property.

SENATE BILL 1032 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Cook

Senate Bill 1032 allows encumbrances to be fixed on a homestead property for a court-ordered or agreed-to owelty of partition or for the refinance of a lien against a homestead, including a federal income tax lien. The act contains two substantively similar provisions, the second of which will replace the first if Senate Joint Resolution 46 is adopted by the voters.

SENATE BILL 1281 **SENATE AUTHOR:** Sibley
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Naishtat

State law exempts colleges and universities from a provision that requires certain dwellings to be equipped with window latches, dead bolts, and other security devices. Senate Bill 1281 amends the Property Code to clarify the definition of "college or university."

SENATE BILL 1704 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 1704 amends provisions of the Government Code relating to the uniform approval of permits and development plans by local governments and the state. The act provides that a developer is subject to the requirements that were in place at the time the first permit or development plan was filed and approved. It also requires permits or development plans issued to a single development project to be considered as one series of permits and prevents a government from shortening the duration of any permit required for the project.

Senate Bill 1704 exempts certain permits, regulations, and standards from the Government Code's uniform permitting provisions, including certain municipal zoning regulations, certain health and safety code permits, and the regulation of annexation, colonias, utility connections, and adult-oriented businesses. Provisions in the act relating to a permit's duration and expiration date do not apply to Railroad Commission permits issued without a specific duration or expiration date.

SENATE JOINT RESOLUTION 46 **SENATE AUTHOR:** C. Harris
FOR ELECTION: 11-7-95 **HOUSE SPONSOR:** Cook

Senate Joint Resolution 46 proposes a constitutional amendment to allow an encumbrance to be fixed on homestead property for a court-ordered or agreed-to owelty of partition or for the refinance of a lien against a homestead, including a federal tax lien, or from the tax debt of the owner.

PROPERTY TAXATION

HOUSE BILL 356 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Leedom

House Bill 356 authorizes an appraisal district's board of directors to dismiss a board member who has poor attendance in called meetings or who continues to serve on the board despite violations of conflict-of-interest restrictions. The act also authorizes district directors to appoint from 6 to 30 auxiliary appraisal review board members, depending on the population of the appraisal district's county. Auxiliary members must meet the same eligibility requirements as regular members but may not serve as appraisal review board officers. They may listen to taxpayer protests, make recommendations to the board regarding protested appraisals, and assist the board in performing other duties but cannot vote on protest determinations.

HOUSE BILL 366 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: See below **SENATE SPONSOR:** Brown

House Bill 366 exempts from property taxation income-producing tangible personal property or mineral interests having a taxable value of less than $500. The exemption applies to each separate taxing unit in which a person holds or uses property to produce income or owns a mineral interest. All such property or mineral interests in each taxing unit are aggregated to determine the taxable value to which the $500 threshold applies. An application is not required for the exemption to be in effect.

The act takes effect January 1, 1996, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 31.

HOUSE BILL 399 **HOUSE AUTHOR:** Uher
EFFECTIVE: See below **SENATE SPONSOR:** J. Patterson

House Bill 399 authorizes taxing units to exempt from property taxation boats smaller than 100 feet in length and associated fishing equipment if they are used primarily for gathering seafood for resale as food for human consumption. The exemption, once allowed, need not be claimed in subsequent years.

The act takes effect January 1, 1996, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 35.

HOUSE BILL 623 **HOUSE AUTHOR:** Combs, et al.
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** C. Harris

House Bill 623 amends the Tax Code to require the chief appraisers of two or more appraisal districts whose boundaries overlap to execute a written understanding on appraisal records for properties shared by the districts. The understanding must grant mutual access to appropriate appraisal information and must eliminate differences between the records regarding ownership information and property descriptions. The understanding also must include an advisory form by which to notify an owner of property in the overlapping territory that he or she must submit required reports and information regarding the property to each appraisal district in which it is located. The act requires the chief appraisers to coordinate their appraisal activities to help ensure that the same property will be appraised by each district at the same value.

HOUSE BILL 674 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** J. Turner

Under previous law, appraisal review board members were limited to three total terms in counties of more than 50,000 population and to two consecutive terms in smaller counties. House Bill 674 amends the Tax Code to raise the population threshold for the three-term limit to 300,000 and to raise the consecutive-term limit for smaller counties to three terms.

HOUSE BILL 1127 **HOUSE AUTHOR:** Hamric
EFFECTIVE: See below **SENATE SPONSOR:** Henderson

A county, city, school district, or other political subdivision may grant an exemption of $3,000 or more on the market value of the residence homestead of a disabled person. These same political subdivisions may also grant a similar exemption on the residence homestead of an elderly person. A person who is both disabled and elderly must choose between the two exemptions if a political subdivision has adopted both.

House Bill 1127 entitles the surviving spouse of an individual who received the residence homestead exemption for the elderly during the year of the individual's death to receive the same exemption on the same property and in the same amount if the surviving spouse remains a resident of the homestead, is age 55 or over when the deceased spouse dies, and is not himself or herself a recipient of either the disabled or the elderly residence homestead exemption.

The act takes effect January 1, 1996, contingent on the passage of the constitutional amendment proposed by House Joint Resolution 64.

HOUSE BILL 1358 **HOUSE AUTHOR:** Alexander, et al.
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Montford

Previously, under the Tax Code, the use of land for wildlife management could qualify as agricultural use if, on January 1, 1992, the land was appraised or eligible to be appraised as open-space land and was used in at least two of seven specified ways favorable to the propagation of indigenous wild animals. House Bill 1358 amends the code to increase to three the requisite number of wild animal propagation methods used. It eliminates qualification based on the 1992 appraisal of open-space land or its eligibility for such appraisal on that date and instead bases qualification on a requirement of actual open-space appraisal at the time when active use for wildlife management begins. The act also requires the comptroller, with assistance from other state agencies, to provide each appraisal district with guidelines for determining whether land qualifies for wildlife management use.

HOUSE BILL 1434 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Ellis

House Bill 1434 adds the tax exemption for property owned by a nonprofit corporation and held for use in the development of a medical center to the list of property tax exemptions that require only a one-time application for exemption by an owner. Prior law required annual applications for a medical center exemption.

HOUSE BILL 1537 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown, C. Harris

House Bill 1537 amends the Tax Code to take account of certain tax refunds and appraisal corrections in the calculation of the effective tax rate and rollback tax rates. The revisions improve the comparability of tax rates from successive years by reflecting the appraisal roll

values and revenue assumptions a taxing unit used when adopting the preceding year's budget and tax rate. The formulas as amended result in higher effective and rollback tax rates, reducing the likelihood of a revenue shortfall or rollback election. The act also makes a technical correction to the school district tax rollback rate to prevent a district from being penalized by increases in value of certain property in a tax increment reinvestment zone if the district does not reap the benefit of the taxes.

HOUSE BILL 1882 **HOUSE AUTHOR:** Solomons
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Haywood

Under certain circumstances, individuals at least 65 years of age who claim the elderly homestead exemption may pay their property taxes in installments without penalties or interest. House Bill 1882 extends this payment plan to disabled persons and changes the eligibility requirement so that individuals can participate if they qualify for the school tax homestead exemption for the elderly or disabled, regardless of whether they actually claim it.

HOUSE BILL 1884 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Cain

Under the Tax Code, open-space land used for agricultural purposes can be appraised at less than market value. If the use of the land changes, rollback taxes can be imposed, equal to the difference between the amount of taxes actually imposed during the five years preceding the change and the amount that would have been imposed based on market value, plus interest.

House Bill 1884 allows the use of land to be changed without rollback taxation if the land is smaller than five acres, located in an unincorporated area of a county with a population of less than 100,000, adjacent to a 100-year-old or older cemetery, and owned by a nonprofit cemetery organization that dedicates it for cemetery purposes.

HOUSE BILL 2197 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Zaffirini

House Bill 2197 allows persons to pay property taxes in installments without penalty or interest if they own a homestead or other residential property smaller than five living units that has been damaged by a disaster and is located in a disaster area. The installment option, however, applies only to property taxes imposed before the first anniversary of the disaster. Qualification requires that at least one-fourth of the taxes be paid by the delinquency date and be accompanied by a notice of intent. The remainder is due in three equal installments. An installment overpayment is credited toward the next installment, and an underpayment, if allowed by the tax collector, is subject to penalties and interest. If the tax delinquency date is postponed, the tax collector will extend the installment deadlines by the number of months the delinquency date was postponed, but the third installment deadline may not be extended beyond December 31.

HOUSE BILL 2610 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Turner

House Bill 2610 amends the Tax Code to base a school district's rollback tax rate on the sum of a rate of eight cents, its debt rate, and its effective maintenance and operations rate multiplied by an enrollment adjustment. The adjustment is computed by dividing the current year's projected fall enrollment, as defined by the Texas Education Agency, by last year's enrollment, but in no case may take a value of less than 1.0. The act provides for certain other

formula modifications among districts that have received distributions from an equalization tax, districts that have been certified by the commissioner of education to have been subject to a reduction in total revenue, and districts where local tax funds have been dedicated to a junior college district. House Bill 2610 prevails over comparable provisions of Senate Bill 1.

Certain other portions of the act relate to appraisal review boards. Under the Tax Code, an appraisal review board larger than three members may sit in panels of at least three members to hear tax protests. The act allows a rehearing of a protest by other board members if the full appraisal review board does not accept the panel's recommendation. It requires the board to deliver written notice of a protest determination or rehearing to the protesting property owner and to deliver written notice of a good cause hearing to anyone the board wishes to subpoena for a protest case.

HOUSE BILL 2613 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 6-9-95 **SENATE SPONSOR:** Montford

Under the Tax Code, an incomplete improvement of real property owned by a religious organization and intended as a place of worship can be exempted from property taxation for up to two years while it is under active construction or other physical preparation. House Bill 2613 clarifies the definition of "physical preparation" so that taxing authorities can more accurately determine the beginning and end of the two-year exemption period.

HOUSE BILL 2624 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Montford

House Bill 2624 clarifies Tax Code definitions and language regarding the calculation, assessment, and collection of property taxes on the motor vehicle inventories of motor vehicle dealers. It redefines "motor vehicle" to include towable recreational vehicles but to exclude any vehicle for which the title certificate has been surrendered in exchange for a salvage certificate.

The act modifies the appraisal of medium and heavy trucks, basing appraisals not on market value but on the previous year's average monthly sales, and requires monthly tax prepayment on such trucks, the same as for most other motor vehicles. Excluded from this form of appraisal and tax prepayment are motor vehicles sold to other dealers, motor vehicles sold as part of fleet transactions, and motor vehicles involved in more than one dealer-financed sale from the same dealer's inventory during the same year.

In addition to other applicable fines for each day of violation, the act assesses penalties for a dealer's failure to file with the chief appraiser a motor vehicle inventory declaration or motor vehicle inventory tax statement. The act attaches a tax lien to the dealer's or owner's business personal property to secure payment of a penalty. The penalty is $1,000 for a late declaration, or $500 for a late tax statement, for each month or part of a month that the declaration or tax statement is past due. The act provides that the information contained in the declaration or tax statement is confidential and may be disclosed only for appraisal, judicial, or other limited purposes.

The act authorizes a chief appraiser to examine a dealer's books and records regarding the dealer, the dealer's vehicle inventory, or the taxation of the inventory.

HOUSE BILL 2860 **HOUSE AUTHOR:** Grusendorf, Maxey
EFFECTIVE: 6-17-95 **SENATE SPONSOR:** Barrientos

House Bill 2860 applies to property within a reinvestment zone, with respect to which a city, a county, and a junior college district have entered into a joint tax abatement agreement. It provides that if the property is located in a school district whose wealth does not exceed the equalized wealth level, the tax abatement agreement must exempt from property taxation an additional 10 percent of the maximum portion of the property value that would otherwise be subject to the agreement.

HOUSE BILL 2940 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 1-1-96 **SENATE SPONSOR:** Brown

House Bill 2940 adds a new section to the Tax Code regarding appraisal and property tax collection for dealer inventories of taxable boats under 65 feet in length and outboard motors. These inventories are to be appraised and taxed not on market value but on the previous year's average monthly sales. Dealers must prepay the taxes monthly. Excluded from this form of appraisal and tax prepayment are boats and outboard motors sold to other dealers or as part of a fleet transaction and boats and motors involved in more than one dealer-financed sale from the same dealer's inventory during the same year.

The act assesses misdemeanor fines and penalties for a dealer's failure to file with the chief appraiser by the applicable deadline a boat and outboard motor inventory declaration or boat and outboard motor inventory tax statement. The act attaches a tax lien to the dealer's or owner's business personal property to secure payment of a penalty. The penalty is $1,000 for a late declaration, or $500 for a late tax statement, for each month or part of a month that the declaration or tax statement is past due. The act provides that the information contained in the declaration or tax statement is confidential and may be disclosed only for appraisal, judicial, or other limited purposes.

The act authorizes a chief appraiser to examine a dealer's books and records regarding the dealer, the dealer's boat and outboard motor inventory, or the taxation of the inventory.

HOUSE JOINT RESOLUTION 31 **HOUSE AUTHOR:** Hartnett
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Brown

House Joint Resolution 31 proposes a constitutional amendment to allow the legislature to exempt from property taxation income-producing tangible personal property and mineral interests having a value of less than the minimum required to recover the costs of tax administration. The enabling legislation for the amendment is House Bill 366.

HOUSE JOINT RESOLUTION 35 **HOUSE AUTHOR:** Uher
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** J. Patterson, et al.

House Joint Resolution 35 proposes a constitutional amendment authorizing taxing units to exempt from property taxation boats and other equipment used primarily in the commercial taking or production of marine life. The amendment would allow the legislature to impose additional qualifications or restrictions applicable to the exemption. House Bill 399 is the enabling legislation for the amendment.

HOUSE JOINT RESOLUTION 64 **HOUSE AUTHOR:** Hamric
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Henderson

The Texas Constitution authorizes a county, city, school district, or other political subdivision to grant an exemption of $3,000 or more on the market value of the residence homestead of a disabled person. These same political subdivisions may also grant a similar exemption on the residence homestead of an elderly person. A person who is both disabled and elderly must choose between the two exemptions if a political subdivision has adopted both.

House Joint Resolution 64 proposes a constitutional amendment affecting the surviving spouse of an individual who received the residence homestead exemption for the elderly the year of his or her death. The amendment would entitle the surviving spouse to the same exemption on the same property and in the same amount if the surviving spouse remains a resident of the homestead, is age 55 or over when the deceased spouse dies, and is not himself or herself a recipient of either the disabled or the elderly residence homestead exemption.

The enabling legislation for House Joint Resolution 64 is House Bill 1127.

HOUSE JOINT RESOLUTION 68 **HOUSE AUTHOR:** Haggerty
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Rosson

House Joint Resolution 68 proposes a constitutional amendment to increase the maximum allowable dollar amounts of property tax exemptions available to certain disabled veterans or their surviving spouses and minor children. The amendment has no enabling legislation, but provides that the maximum amounts also become the actual exemption amounts, supplanting amounts specified by statute. The legislature, however, may set new exemption amounts by general law.

HOUSE JOINT RESOLUTION 72 **HOUSE AUTHOR:** Alexander, et al.
FOR ELECTION: 11-7-95 **SENATE SPONSOR:** Montford

Under the Texas Constitution, open-space land devoted to farm or ranch use is taxed based on its productive capacity. The joint resolution proposes a constitutional amendment allowing similar taxation of open-space land devoted to wildlife management. A temporary constitutional provision would validate Tax Code amendments added by the 72nd Legislature in 1991. The 1991 legislation defined land for agricultural use to include land used for wildlife management, qualifying the latter for taxation based on productive capacity if it was eligible for appraisal as open-space agricultural land on January 1, 1992. The proposed amendment also prevents property owners from claiming a property tax refund based on the validation unless the tax payment was challenged before the validation's effective date.

SENATE BILL 101 **SENATE AUTHOR:** Bivins
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Craddick

Senate Bill 101 amends the Tax Code to designate a property tax payment as involuntary if the taxpayer indicates on the tax payment or on a document accompanying the payment that the tax is paid under protest.

SENATE BILL 428 **SENATE AUTHOR:** Galloway
EFFECTIVE: See below **HOUSE SPONSOR:** Brady

Under the Tax Code, property owned and used exclusively by a qualified charitable organization is exempt from property taxation if the organization performs at least one of several specified charitable functions. Promoting or operating a theater of the dramatic arts meets the charitable function qualification. Senate Bill 428 clarifies that use of a theater for the performing arts also satisfies the exemption criteria.

A second provision allows land owned by a religious organization and changed from agricultural use to escape rollback taxes if the land is converted within five years to a tax-exempt religious use. This provision takes effect June 12, 1995. The provision relating to performing arts theaters takes effect January 1, 1996.

SENATE BILL 642 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Holzheauser

Senate Bill 642 transfers from the comptroller to the secretary of state the responsibility of serving process in property tax suits involving nonresidents. It authorizes, rather than requires, the comptroller to perform property value audits that are requested by the commissioner of education or school districts. The act modifies the deadline for the comptroller's certification to the Teacher Retirement System of Texas of individual and statewide average school district maintenance and operations tax rates.

The act authorizes a court to excuse a party from prepayment of property taxes as a prerequisite to appeal if the party files an oath of inability to pay the taxes at issue and the court finds that prepayment would constitute an unreasonable restraint on judicial access. It decreases from 10 to 5 years the period allowed for back-assessment of erroneously allowed special appraisals for timber, public access airport property, and recreational, park, and scenic land. The act validates a homestead exemption adopted for the 1995 tax year by a commissioners court in a county with a population of more than 225,000.

The validation takes effect June 14, 1995. The remainder of the act takes effect January 1, 1996, at which time the validation provisions expire.

SENATE BILL 783 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 783 entitles a person who leases real or tangible personal property, and who is contractually obligated to reimburse the property owner for property taxes, to protest appraisal review board determinations if the owner does not. Entitlement in the case of real property, however, is limited to a single protest by either the lessee or the owner. A lessee may also appeal an appraisal review board order and, in making a protest or appeal, is considered the property owner for purposes of that action. The appraisal review board must deliver notice regarding a protest or protest determination to both the lessee and the property owner, and the chief appraiser must do likewise for a notice relating to an appeal.

SENATE BILL 1092 **SENATE AUTHOR:** Cain
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** De La Garza

Under the Government Code, political subdivisions may contract with each other or with state agencies to perform certain governmental functions and services. The parties to the agreement may create an administrative agency or designate an existing local government to

administer the activities. Senate Bill 1092 establishes that the tax status of all property held or used for a public purpose by the administrative agency or designated local government is the same as if the property were held or used by the participating political subdivisions.

SENATE BILL 1387 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Horn

Under the Tax Code, a property owner may authorize another person to pay his or her property taxes. The person paying the taxes, the transferee, receives from the taxing unit a payment receipt and the tax lien on that property. The transferee is entitled to the same remedies as the taxing unit, including the authority to charge penalties and interest and to foreclose the lien in a manner provided by law. Senate Bill 1387 provides additional procedures for the transfer and foreclosure of tax liens. It also increases the maximum interest rate that lien holders may charge on taxes and penalties and the maximum amount a person may pay to redeem property.

SENATE BILL 1545 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Dutton

Under the Tax Code, taxing units may obtain a warrant to seize personal property for payment of delinquent property taxes. For real property, prior law required a suit for lien foreclosure to collect delinquent taxes. Senate Bill 1545 authorizes a city to obtain a warrant to seize real property for payment of both delinquent taxes and amounts secured by municipal health and safety liens if the property is within the municipality's jurisdiction, is smaller than one acre, and has been vacant or abandoned for at least one year. For property to be subject to seizure, taxes must have been delinquent for each of the preceding five years, or each of the preceding three years if the property is also subject to a municipal health and safety lien. The act requires the city's tax collector to notify persons having an interest in the seized property, other than the delinquent taxpayer, of the time and place of the subsequent tax sale. If the sale does not generate a sufficient bid, the property may be sold for less than the warrant amount to a charitable organization intending to improve the property for low-income housing. A person who purchases the property at or after the tax sale takes the property free of any claims, subject to the delinquent taxpayer's right of redemption and right to bring suit to set aside the tax sale under provisions of the act amending the Civil Practice and Remedies Code.

The act also amends the Health and Safety Code and Local Government Code to authorize certain governmental entities to foreclose liens on such vacant property.

SENATE BILL 1654 **SENATE AUTHOR:** Montford, Brown
EFFECTIVE: See below **HOUSE SPONSOR:** Counts

Senate Bill 1654 amends the Tax Code to entitle an organization chartered by the Republic of Texas and existing continuously since that time to an ad valorem tax exemption on its real property. To qualify, the organization must fulfill its purpose of performing charitable or public service activities, and the property must be used primarily for charitable, nonprofit activities. The act takes effect January 1, 1996, contingent on voter adoption of the constitutional amendment proposed by Senate Joint Resolution 36.

SENATE BILL 1658 **SENATE AUTHOR:** Gallegos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Coleman

Senate Bill 1658 amends the Tax Code and Education Code to allow a taxpayer to donate certain property to certain institutions of higher education in exchange for a credit against the taxpayer's payments of sales and use and franchise taxes.

The credit is equal to 50 percent of the property's market value and could be taken in equal increments of up to 5 percent annually over a period of 20 years beginning on the credit issuance date. The institution must petition the Texas Higher Education Coordinating Board for the tax credit after demonstrating that funds raised through revenue bonds would be insufficient to acquire the property. It must show that the property is included in the school's most recent campus facilities plan and provide the property's market value as determined by an experienced real estate appraiser. The institution must also demonstrate that the property is offered for sale on the open market. The coordinating board must promptly rule on the petition after requesting and considering information from the comptroller regarding the validity of the property's appraised value and the taxpayer's eligibility and current tax status.

The property must be transferred by August 31, 1996. The amendments to the Education Code expire January 1, 1997.

SENATE BILL 1682 **SENATE AUTHOR:** Nelson, Cain
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Pitts

Senate Bill 1682 amends the Government Code to require a state agency, county, city, or conservation and reclamation district owning real property or facilities acquired for purposes of the superconducting super collider to notify the county's chief appraiser of any leasehold or other possessory interest in the property held by another person. The act further requires that, on request of the chief appraiser, the agency or governmental entity supply additional information relating to the conveyance of the interest.

SENATE JOINT RESOLUTION 36 **SENATE AUTHOR:** Montford, Brown
FOR ELECTION: 11-7-95 **HOUSE SPONSOR:** Counts

Senate Joint Resolution 36 proposes a constitutional amendment to authorize an ad valorem tax exemption for property of organizations that have existed continuously since being chartered by the Republic of Texas. The exemption is conditional on the property's use for the organizations' charitable or public service activities as defined by general law. Senate Bill 1654 is the enabling legislation for the joint resolution.

PUBLIC LANDS

HOUSE BILL 895 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Zaffirini

House Bill 895 repeals a previous provision that required the sale of Rancho de las Cabras to the National Park Service to be contingent on the Parks and Wildlife Department's retaining first right of refusal in the event that the service chooses to sell the ranch. This act will not prevent the National Park Service from acquiring ownership of Rancho de las Cabras and managing it as part of the San Antonio Missions Historic Park system.

HOUSE BILL 1271 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 1271 amends Government Code provisions relating to a planned Texas peace officers' memorial on the grounds of the Capitol Complex. The act specifies that eligibility for listing on the memorial is reserved to Texas law enforcement officers, commissioned deputy game wardens, and state or local corrections officers who have been killed in the line of duty. It clarifies that the Texas Peace Officers' Memorial Advisory Committee is to act in an advisory capacity to the Texas Commission on Law Enforcement Officer Standards and Education and provides that advisory committee members, other than ex officio members, may be removed for missing more than half the scheduled committee meetings in a calendar year. The act grants to the commission most policy authority regarding the memorial, including funds expenditure and progress reporting, and transfers to the commission from the Combined Law Enforcement Associations of Texas the conducting of the memorial dedication. The legislation requires the commission to reimburse the peace officers' memorial fund account for any funds not specifically spent on the memorial and specifies that the memorial dedication be conducted under the supervision of the lieutenant governor and the speaker of the house.

HOUSE BILL 1384 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1384 amends the Parks and Wildlife Code to authorize the purchase and sale of channel and blue catfish taken from the Colorado River in Bastrop, Colorado, Fayette, Matagorda, and Wharton counties.

HOUSE BILL 1798 **HOUSE AUTHOR:** McCoulskey
EFFECTIVE: See below **SENATE SPONSOR:** Armbrister

House Bill 1798 creates a process by which a person claiming a title to state land may apply for a patent that relinquishes all or part of the state's interest in the land. It creates a three-member patent review panel, sets forth the patent application and review process, and specifies criteria that must be met by the applicant in order to receive the patent. The act also exempts from this provision beaches, submerged or filled land, islands, or land found by the courts after January 1, 1946, to be state permanent school fund land. House Bill 1798 was to take effect on January 1, 1996, provided that the proposed constitutional amendment authorizing the legislature to settle land disputes between the state and a private party was approved by the 74th Legislature and the voters. However, House Bill 1798 has no effect because the proposed constitutional amendment failed to be adopted by the 74th Legislature.

HOUSE BILL 1976 **HOUSE AUTHOR:** Janek
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 1976 requires the Texas Department of Transportation to convey to the City of Bellaire a tract of land that the city has used and maintained as a public park. The act provides that the conveyance is not subject to public bid requirements and that the land will revert to the state should Bellaire stop using the land as a public park.

HOUSE BILL 1979 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 1979 authorizes the Texas Board of Criminal Justice to sell state-owned real property under its management for fair market value. The act requires the General Land Office to negotiate and close real property transactions pursuant to established sealed bid sale requirements. However, the act authorizes the board to sell land directly to a local government at fair market value without the requirement of a sealed bid sale if the local government acquires the property for use as a local correctional facility. All proceeds from the transaction shall be deposited in the Texas capital trust fund.

HOUSE BILL 2069 **HOUSE AUTHOR:** Hill
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Leedom

House Bill 2069 amends the Local Government Code by requiring cities disannexing roadways to disannex a strip of area adjacent to either side of the roadway that is at least 1,000 feet wide, unless such disannexation is undertaken with the mutual agreement of the county and the municipality.

HOUSE BILL 2198 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 2198 establishes a Texas Community Nutrition Task Force to conduct a two-year community food production and farmers market pilot program using underutilized state land or other appropriate property. The task force is required to select suitable property in at least two communities for the establishment of community food gardens. It is authorized to establish a farmers market for the purpose of selling locally grown produce directly to consumers if the market would increase food security in the area. The act directs the task force to report on its evaluation of the pilot program to the 75th Legislature. The task force is abolished, and the legislation expires, on September 1, 1997.

HOUSE BILL 2376 **HOUSE AUTHOR:** Junell
EFFECTIVE: 6-5-95 **SENATE SPONSOR:** Montford

House Bill 2376 authorizes the Texas Department of Public Safety to transfer certain real property, buildings, and equipment to the City of San Angelo. The act requires the city to keep, maintain, and preserve the property and to assume liability arising out of its use.

SENATE BILL 21 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Saunders

Senate Bill 21 amends the State Purchasing and General Services Act to expand the boundaries of the State Cemetery by approximately 50 acres. The act also reduces the width of a grave plot from five feet to three feet.

Senate Bill 21 amends the eligibility requirements for burial in the State Cemetery to require that present and former state officials appointed by the governor and confirmed by the senate have at least 12 years of service in the appointed office. The act requires the Texas Historical Commission to review and approve a person's eligibility to be buried in the State Cemetery if eligibility is derived from either a governor's proclamation or a legislative concurrent resolution. The commission may give its approval only if the person specified made a significant contribution to Texas history. The act also provides that the commission may, by order, authorize a burial, but only during a period in which the legislature is not convened in regular or special session. Finally, the act requires the commission to conduct a study of persons eligible for burial in the State Cemetery and make recommendations to the 75th Legislature.

SENATE BILL 956 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Puente

Senate Bill 956 authorizes the General Land Office to convey the state's interest in two parcels of land located in Bexar County. The act specifies that adjoining owners must be given the option to purchase the land before it is offered for sale to another person.

SENATE BILL 993 **SENATE AUTHOR:** Barrientos, Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Maxey, et al.

Senate Bill 993 expands the definition of "public purpose" to include the lease or operation of certain property by the City of Austin to a nonprofit organization for the purpose of operating a nonprofit health care facility. The act stipulates that the city must continue to provide charity care at a level equal to the charity care provided by the city in fiscal year 1994.

SENATE BILL 1018 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Ogden

Senate Bill 1018 authorizes the board of regents of The Texas A&M University System to dedicate land owned by the system within the Bush Presidential Library site to be used as a cemetery. The act prohibits use of general revenue funds for the creation or operation of the cemetery.

SENATE BILL 1038 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Mowery

Senate Bill 1038 amends provisions of the Natural Resources Code regarding permanent school fund land. The act authorizes the School Land Board to take certain action if it determines that a mineral reservation would substantially reduce the value of the surface land by restricting its suitability for agricultural, commercial, or residential use. The board is authorized to waive access or development rights, convey land without mineral reservations, establish designated exploration or drilling sites, and take other actions to protect the value of the land. Senate Bill 1038 also amends provisions relating to the delivery of patents by mail, the payment of delinquent interest on permanent school fund land sales, and the issuance of permits to mineral prospectors.

SENATE BILL 1262 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Junell

Current law provides that unused or underused state-owned land may be sold, following a General Land Office (GLO) evaluation and recommendation process, in one of two ways. Either the legislature may authorize the sale or the governor may propose that the GLO's asset management division handle the sale with the approval of the Legislative Budget Board (LBB).

Senate Bill 1262 alters the procedure by which a state agency may sell its unused or underused property in accordance with the recommendation of the GLO. The act authorizes the GLO commissioner to conduct the sale unless the GLO's recommendation is rejected by the governor within 90 days of receiving the recommendation. It provides that a state agency may not develop or dispose of the property until (1) the governor rejects the GLO's recommendation or (2) two years have elapsed from the date the recommended transaction is approved by operation of law, whichever occurs first. A state agency that intends to develop or dispose of the property before this time must submit a general development plan to the governor at least 30 days before the date the transaction would normally be approved by operation of law. Finally, Senate Bill 1262 requires the GLO's asset management division to provide the governor and LBB with a list of all known unused and underused state-owned properties, complete with recommendations for disposal of these properties, not later than November 1, 1995.

SENATE BILL 1282 **SENATE AUTHOR:** Rosson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Saunders

Senate Bill 1282 authorizes the School Land Board to dedicate permanent school fund land to a governmental entity for public use in exchange for nonmonetary consideration. An exchange may occur if the board determines that the exchange will benefit the permanent school fund. Eligible public purposes include but are not limited to schools, government facilities, parks and recreation facilities, residential neighborhood amenities, and rights-of-way for roads, utilities, or other types of infrastructure.

SENATE BILL 1327 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Counts

Senate Bill 1327 authorizes the Texas Department of Mental Health and Mental Retardation to sell a one-acre tract of property in Howard County through a competitive bid process to be conducted by the General Land Office. The state will retain its mineral interests in the property.

SENATE BILL 1328 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Counts

Senate Bill 1328 authorizes the General Land Office to release the state's reversionary interest in a tract of real property adjacent to the Big Spring State Hospital to the City of Big Spring for nominal consideration. The act requires the City of Big Spring and the Texas Department of Mental Health and Mental Retardation to execute a memorandum of agreement that requires the city's future use of the property be compatible with the operation of the hospital. The act also requires the city to make the public portions of the property accessible to persons with disabilities.

SENATE BILL 1688 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Berlanga, T. Hunter

Senate Bill 1688 amends the Natural Resources Code to move the landward boundary of a specific public beach to a line along the base of the seawall. In exchange for the establishment of the landward boundary at the base of the seawall, property owners must grant a perpetual easement to allow public access along the seawall and donate property adjacent to the seawall for the purpose of providing parking and a roadway easement on each end of the seawall to improve access to the beach. The dedication of the public easements and conveyance of the public parking and use area must be completed prior to December 31, 1996.

SENATE BILL 1691 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Naishtat

Senate Bill 1691 authorizes the conveyance of property held by the Austin Independent School District (AISD) to the Austin Community College District (ACCD) to be used for public educational purposes. The act provides for the property to revert back to the AISD in the event the ACCD ceases to use the property for public educational purposes. The act further provides that the conveyance under this act does not invoke the right of reverter the state retains in the property.

PUBLIC OFFICIALS AND EMPLOYEES

HOUSE BILL 175 **HOUSE AUTHOR:** Hirschi, et al.
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Montford

This act amends the whistleblower statute in the Government Code relating to legal protection of governmental employees who report violations of law by fellow employees or an employing governmental entity. The act eliminates the right to sue for exemplary damages but extends the scope of the statute beyond discrimination or suspension or termination of employment to cover a broader range of adverse personnel actions.

For whistleblowers, the act waives sovereign immunity and allows a public employee to sue the employing state or local government for relief without additional authorization. It amends venue provisions to allow public employees to bring suit in the district court of the county where the cause of action arises. For local government employees, venue extends also to the district court of any other county sharing the same regional planning commission or council of government. For state employees, the act eliminates venue in the county of residence but retains venue in Travis County district court.

The act increases civil penalties imposed for a violation of the whistleblower statute by supervising employees from $1,000 to $15,000 and requires the supervisor rather than the employing entity to pay such penalties.

The act sets varying limits on compensatory damages, ranging from $50,000 to $250,000 according to the governmental entity's number of employees. It authorizes reinstatement of a suspended or terminated employee to an equivalent position as an alternative to the employee's original position.

The act requires the attorney general following a judgment or settlement of at least $10,000 to brief the state auditor's office on the suit. The state auditor may audit or investigate the governmental entity to determine any necessary corrective changes. Recommendations for such changes must go to the Legislative Audit Committee, the Legislative Budget Board, and the governmental entity.

HOUSE BILL 736 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 5-8-95 **SENATE SPONSOR:** Montford

House Bill 736 provides a means for an elected or appointed officer to decline remuneration associated with a state government office by filing a form with the secretary of state. The officer may forego all remuneration or only particular types of remuneration such as salary, per diem, expense reimbursement, longevity pay, or fees. The legislation applies to individuals who have been elected but have not yet taken office and to those who have been nominated or appointed but not confirmed. An individual who declines remuneration before taking office or being confirmed may not later revoke the action during the term of office to which he or she has been elected or appointed. An individual who declines remuneration after taking office or being confirmed may, in contrast, revoke the action at any time. Declination of remuneration does not affect whether a position is a lucrative office or office of emolument for constitutional purposes.

HOUSE BILL 1527 **HOUSE AUTHOR:** Uher
EFFECTIVE: 4-20-95 **SENATE SPONSOR:** C. Harris

The Government Code provided previously for a speaker's day ceremony to honor former speakers of the Texas House of Representatives. The code authorized associated fund-raising and expenditures and required the reporting of contributors and contributions. This act renames speaker's day as speaker's reunion day, shifts its focus from the honoring of former speakers to the honoring of former house members, and limits a contributor's aggregate contribution to a value of no more than $100.

HOUSE BILL 1924 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Barrientos

To enable uniformity in computing intercity mileages for state-government travel reimbursement purposes, the comptroller of public accounts provides for the printing of an annual mileage guide for use by state agencies. This act amends the Government Code to require a mileage guide available in electronic as well as printed form and to direct the comptroller to encourage use of the electronic guide and prescribe the circumstances under which state agencies may rely on the printed guide. The act eliminates the requirement of annual issuance and provides instead for update as necessary.

HOUSE BILL 2032 **HOUSE AUTHOR:** Uher
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Armbrister

House Bill 2032 amends Government Code provisions relating to the state's optional retirement for higher education employees program to apply certain compensation limitations under the federal Internal Revenue Code to program participants who join in FY1997 or later. For participants who join earlier, federal grandfathering provisions apply, unless their state retirement contribution or their compensation in excess of the limitation amount is derived from general revenue funds or from higher education tuition or fees.

Amendments to the Education Code authorize certain medical and dental units within the higher education system to offer retirement incentives to eligible employees. Authorization extends to affiliated health care facilities, except for the M. D. Anderson Cancer Center, and includes schools of veterinary medicine. Retirement plans must be filed with the Legislative Budget Board and funded by medical fees or institutional funds. A unit may not, without approval of its president, rehire employees who receive the incentive.

The act also authorizes such units to acquire goods and services through methods that provide the best value, including competitive bidding, competitive sealed proposals, catalogue purchases, group purchasing programs, and open market contracts. In determining best value the unit may consider the price, quality, and other aspects of the goods, services, and vendor. These purchasing provisions expire September 1, 1999. The state auditor may audit purchases using best value methods and report to the 76th Legislature on the purchasing operations of participating medical and dental units.

HOUSE BILL 2508 **HOUSE AUTHOR:** B. Hunter, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

House Bill 2508 amends the Government Code to authorize a governmental body to hold an open or closed meeting by telephone conference call if either of two conditions are met. A meeting by conference call is permissible if the meeting is held by an advisory board or if an

emergency or public necessity exists and quorum assemblage at one site is difficult or impossible. The act makes such meetings subject to normal notice requirements, directs that the notice specify the location of the meeting, and requires that open portions of the conference call be tape-recorded and be audible to the public at the site identified in the notice. Each speaker during the conference call must clearly be identified before speaking, and two-way communication must be provided for the duration of the meeting at the site identified in the notice.

SENATE BILL 102 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Mowery

In 1977, in lieu of a pay raise, the Texas Legislature amended state law to require the state to pay not only the employer's matching social security contribution for state employees, but also a portion of the employee's contribution. Additionally, under related law, the legislature provided for state assumption of a portion of the social security contribution required of certain state-paid judges.

Senate Bill 102 amends the Government Code to eliminate this practice and to provide instead that state employees and state-paid judges assume the entirety of their required social security contribution, excluding the state match. The act cancels any contrary appropriations in the General Appropriations Act for continued state payment of those contributions. The elimination of the social security payment and the associated cancellation of appropriations take effect December 1, 1995, and apply to monthly benefits for calendar year 1996 and the first eight months of calendar year 1997. The social security payment thus continues through the end of calendar year 1995.

Compensating for the elimination of the social security payment, the act provides for equivalent benefit replacement pay. Such pay applies to persons employed by the state or in judicial office on August 31, 1995, and eligible at that time for the social security payment and to certain other persons not working on that date but seasonally employed, using unpaid leave, contractually scheduled to resume work, or fitting other specified special circumstances. Generally, persons not employed and judges not in office on August 31, 1995, are ineligible for benefit replacement pay and are ineligible for the social security payment for the remainder of 1995 prior to the termination of such payments.

The act is made contingent on appropriations for benefit replacement pay. House Bill 1, the General Appropriations Act, satisfies this condition. The act takes effect September 1, 1995, except for the provisions effective December 1, 1995, as described above.

SENATE BILL 646 **SENATE AUTHOR:** Barrientos
EFFECTIVE: See below **HOUSE SPONSOR:** R. Cuellar, et al.

Under the Government Code, veterans and their surviving spouses or orphans qualify for preferential hiring by public entities. This act expands the entitlement to include preferential job retention for entities that undergo workforce reductions. The act deletes references to specific wars and conflicts and links the veterans' preference instead to military service of 90 days or more during a declared national emergency or to military discharge for a service-connected disability. Conscientious objection at the time of discharge no longer disqualifies a veteran, nor does receipt of or eligibility for military retirement pay. For surviving spouses and orphans, eligibility is linked to veterans who are killed on active duty and who meet the 90-day service requirement.

The act requires the Texas Employment Commission to adopt rules to facilitate the exchange of employment information between public entities and individuals entitled to the preference. Each entity must provide the commission with information regarding open positions that are subject to the hiring preference. The entity also must report quarterly to the comptroller the percentages of its total workforce and of new hires who are entitled to the preference. The comptroller must file with the legislature an annual report that compiles and analyzes this information.

The commission requirements to provide and exchange employment information take effect January 31, 1996. The remainder of the act takes effect September 1, 1995.

SENATE BILL 914 **SENATE AUTHOR:** Armbrister
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Yarbrough

Senate Bill 914 amends the Alcoholic Beverage Code to set forth rules governing a disciplinary action taken by the Texas Alcoholic Beverage Commission against certain officers or employees. The act provides that an employee who is subject to a disciplinary action is entitled to an internal appeal before the action becomes final. The commission is required to place an employee who is dismissed for cause on administrative leave without pay until the appeal is decided. If the appeal is decided in favor of the employee, the commission is required to reinstate the employee with back pay.

SENATE BILL 988 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Maxey

State law authorizes state agencies to operate sick leave pools to allow employee donations of sick leave hours for agency transfer to needy employees with insufficient sick leave accumulations. Senate Bill 988 amends the Government Code to remove the upper limit of 24 hours on the amount of sick leave that an employee or retiring employee may donate per fiscal year.

RETIREMENT SYSTEMS AND BENEFITS

HOUSE BILL 384 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 384 allows an employee of the Railroad Commission of Texas who is licensed by the Commission on Law Enforcement Officer Standards and Education and has served at least five years as an investigator for the oil field theft detection division to retire from the Employees Retirement System of Texas at age 55 with at least 10 years of total railroad commission service.

HOUSE BILL 795 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 5-27-95 **SENATE SPONSOR:** J. Turner

House Bill 795 authorizes the purchase, reinstatement, or transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas by a surviving spouse eligible to receive an annuity as a result of the death of a retiree, if the death occurred on or after June 18, 1993. This program was begun in 1993 but did not take immediate effect, thereby excluding those persons who died between June 18, 1993 (the date the bill was signed by the governor), and September 1, 1993.

HOUSE BILL 1264 **HOUSE AUTHOR:** Dear
EFFECTIVE: 5-15-95 **SENATE SPONSOR:** Armbrister

Under previous law, to qualify for insurance coverage provided by the Teacher Retirement System of Texas, a person had to retire with at least 10 years of credit in Texas public schools. House Bill 1264 provides that, with at least five years of credit in Texas public schools, out-of-state credit that is purchased in the retirement system can be used to meet the 10-year requirement.

HOUSE BILL 1417 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 1417 amends the law relating to a police officers' pension system for cities of 1,200,000 inhabitants or more to permit a surviving spouse of a deceased member to continue to receive a survivor's benefit from the retirement system after becoming remarried.

HOUSE BILL 1503 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 1503 amends the law regulating retirement systems for general municipal employees in municipalities having populations of 1.5 million or more to allow future members to choose to participate in either Group A (in which the members contribute a portion of their salaries) or Group B (noncontributory). The act also allows current Group A members to change to Group B and receive a refund, without interest, of all contributions, and allows current Group B members to change to Group A if they elect to pay all past employee contributions accumulated plus six percent interest per year.

The act changes the pension eligibility options for Group B members to allow a member who has attained age 60 and completed 10 years or more of credited service or has attained age 50 and completed 25 years or more of credited service to receive a normal pension.

The act also clarifies the responsibilities of the pension board and the city treasurer in governing the system and adds provisions for lump-sum payments if the present value of the benefit is less than $10,000.

HOUSE BILL 1559 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 1559 amends the law relating to the Houston Police Officers' Pension System to allow the City of Houston to enact an ordinance or resolution to provide that contributions by retirement system members come into the system on a pretax basis as provided by federal tax laws.

HOUSE BILL 1717 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 1717 amends the law relating to the Houston Police Officers' Pension System to describe the group of retirees who are entitled to benefits computed at a particular rate.

HOUSE BILL 1810 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 1810 amends the law relating to membership on the boards of trustees of retirement systems for police officers in certain municipalities. The act changes the requirements for the two board positions elected by the other members of the pension board. The two public members would be replaced with two retired members receiving pensions from the retirement system.

HOUSE BILL 1875 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 1875 amends the law relating to retirement systems for police officers in certain municipalities to provide for the compounding of annual cost-of-living adjustments for retirees and extend the adjustments to all retirees of affected retirement systems.

HOUSE BILL 1899 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Whitmire

House Bill 1899 amends the law relating to the regulation of municipal pension systems for certain municipalities to create a deferred retirement option plan within the affected retirement systems. Under the plan, a member with more than 20 years of service could choose to receive a portion of the member's retirement benefits in a lump-sum payment at retirement.

HOUSE BILL 2008 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** D. Nixon

House Bill 2008 amends the law governing the Texas County and District Retirement System to permit former prosecuting attorneys who are current members of the retirement system to purchase credit for work previously performed as a prosecuting attorney if the county agrees to finance the increased benefits that would result from the credit.

HOUSE BILL 2168 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Turner

House Bill 2168 makes numerous changes in the Texas Municipal Retirement System. The act allows a fire or police department operated by more than one municipality to acquire status as a municipality. The changes include allowing resumption of membership and receipt of additional retirement credit by a retiree who returns to work, allowing the heirs of a deceased member to make an election as to certain death benefits, allowing the designation of a trust as a beneficiary, and allowing a member with 20 years of service for one or more municipalities to

retire. The act adds a provision to forbid benefit payments to a person convicted of causing the death of a member or annuitant and a provision for simultaneous death of member and beneficiary. The act also makes minor technical changes in the law and revises some provisions to comply with federal law.

HOUSE BILL 2283 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

House Bill 2283 makes numerous changes in the Texas County and District Retirement System. The act allows resumption of service and receipt of additional retirement credit for a retiree who returns to work, and makes other technical changes, including changes needed to comply with federal law. Additionally, the act authorizes three new optional annuities, amends the provisions relating to annuity selection by the surviving beneficiary of a vested decedent and removes some restrictions on investments. Sections 32, 33, and 34 of the act relating to investment of assets, custody and investment of assets pending transactions, and securities lending took effect on May 27, 1995.

HOUSE BILL 2522 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Madla

House Bill 2522 amends the law governing the Employees Retirement System of Texas to broaden the definition of law enforcement officers eligible for enhanced retirement benefits to include commissioned peace officers employed by the State Board of Pharmacy.

HOUSE BILL 2684 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire

House Bill 2684 amends the law relating to the membership of the board of a police officers' pension system in certain cities to provide a method for removing a trustee of the pension board of an affected retirement system whose acts are detrimental to the system. Removal requires a vote of five members of the board together with a decision of a hearing examiner to remove the trustee, or a petition for removal signed by at least one-third of the retirement system members and a majority vote at a recall election held in which a majority of the members participate.

HOUSE BILL 2686 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 2686 authorizes the Houston Police Officers' Pension Board to adopt rules and guidelines necessary for the administration of the system, including rules necessary to comply with the Internal Revenue Code of 1986.

HOUSE BILL 2687 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 2687 amends the law relating to the Houston Police Officers' Pension System to authorize elected trustees of an affected retirement system to take leave from their regular jobs to attend to official business of the system and authorizes the pension board to reimburse the affected municipality for the loss of the trustee's services during the leave.

HOUSE BILL 2842 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Whitmire

House Bill 2842 amends the law relating to the Houston Police Officers' Pension System to allow a disabled member to collect a disability pension regardless of the member's eligibility for a service pension if the disability is job-related or the member has at least 10 years of service credit.

HOUSE BILL 2943 **HOUSE AUTHOR:** Greenberg, et al.
EFFECTIVE: 10-1-95 **SENATE SPONSOR:** Barrientos

House Bill 2943 amends the law relating to public retirement systems for employees of municipalities having populations of more than 460,000 but less than 500,000 to comply with new federal regulations and make technical clarifications. The act also increases the percentage used to determine benefits from 2.2 to 2.3 percent for each year of service, makes membership immediate on employment (rather than after six months), increases the lump-sum death benefit from $2,000 to $10,000, provides a postretirement increase for retirees, and adds a second retiree to the retirement system board in place of the municipal finance director. The act directs the retirement system to add six months to the membership service of any member involuntarily terminated for nondisciplinary reasons between April 1, 1995, and September 30, 1995.

SENATE BILL 9 **SENATE AUTHOR:** Armbrister, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Gray

Senate Bill 9 is the Teacher Retirement System of Texas sunset review act. The act moves the system's administrative budget into the appropriations process, specifying that an appropriation from the general revenue fund shall be used to pay the operating expenses of the retirement system for each fiscal year. It sets new eligibility requirements for members of the board of trustees and sets the terms of some current board members to expire on August 31, 1995; it also changes the appointment of two members of the board from the State Board of Education to the governor, from nominees submitted by the state board, and allows the governor to designate the presiding officer of the board, who serves at the pleasure of the governor.

Employees of the retirement system are prohibited from advocating increased benefits and from engaging in activities to influence legislative action or inaction. Such activities would be grounds for dismissal. Additionally, assets of the system may not be used to influence an election or the passage or defeat of any legislative measure. The system is required to verify with the State Pension Review Board the accuracy of information about the effects of proposed legislation on benefits and the trust fund before including the information in any system publication.

The legislative audit committee is required to select an independent firm to evaluate the retirement system's investment practices and performance. The system is to pay the costs of the evaluation and to submit annual investment performance reports to the governor, legislature, State Pension Review Board, and the Legislative Budget Board. The report is required to include a listing of all commissions and fees paid by the system for the sale, purchase, or management of system assets.

The system is required to comply with space use requirements provided by state law and to lease all significant unused space in the home office of the retirement system.

The act provides the largest increase in benefits for current retirees in retirement system history. The increase is generally from 2 percent to 17 percent depending on year of retirement but is greater for persons who retired under old benefit formulas. The act also allows retirees who have selected a standard annuity and later married to change their annuity to include their spouses. The next sunset review is set for 2007.

SENATE BILL 449 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Telford

Senate Bill 449 amends the Texas Local Fire Fighters Retirement Act to expand its applicability to a political subdivision that is outside the boundaries of a municipality and that has a regularly organized fire department not consisting exclusively of volunteers. The act also removes some investment restrictions and deletes specific contribution amounts, allowing members, by majority vote, to determine the amount of their annual contributions.

SENATE BILL 520 **SENATE AUTHOR:** Montford, Lucio
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Telford

Senate Bill 520 authorizes a member of the Texas Municipal Retirement System to receive a service retirement annuity if the member has at least 20 years of credited service and if the governing body of the municipality has authorized this eligibility.

SENATE BILL 774 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Greenberg, et al.

Senate Bill 774 rewrites the law governing retirement systems for firefighters in municipalities having populations of more than 450,000 but less than 500,000. Besides rearranging and restating the law to make it clearer, the act makes technical changes and enhances benefits. The age for service retirement with 10 years of service is reduced from 52 to 50, and eligibility for retirement at any age is reduced from 27 to 25 years of service. The benefit formula is increased from 2.5 percent to 3 percent of a member's final average salary for each year of service, and a deferred retirement option plan is created, authorizing members to receive a portion of their retirement benefits in one or more lump-sum payments. Municipal contributions to the systems are increased.

SENATE BILL 855 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Yarbrough

Senate Bill 855 amends the law governing retirement systems for firefighters in municipalities having populations of 1.2 million or more. The act establishes, within the retirement fund, a deferred retirement option plan for members who meet eligibility requirements for retirement benefits (at least 20 years of service) and remain in active service. A member may participate in the option plan for up to five years, and the member's election to participate in the plan is considered the member's retirement date for determining the amount of the member's monthly retirement pension. After leaving active service, the benefits from the plan may be paid in one lump sum or three equal payments.

SENATE BILL 864 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Greenberg, et al.

Senate Bill 864 amends the law regulating retirement systems for police officers in municipalities having populations of more than 460,000 but less than 500,000 to increase the multiplier used in determining benefits for future retirees from 2.3 percent to 2.8 percent of salary for each year of service credit and to provide a one-time adjustment to retirees' benefits currently being received. The act also gradually increases the city's contribution from 12 percent to 18 percent of basic hourly earnings, decreases the service requirement needed for retirement, regardless of age, from 30 years to 25 years, and increases from $2,000 to $5,000 the lump sum payable to the member's beneficiary in the event of death of a member. Additional changes are made for clarification and to assure compliance with federal law.

SENATE BILL 904 **SENATE AUTHOR:** Henderson
EFFECTIVE: 6-17-95 **HOUSE SPONSOR:** Elkins

Senate Bill 904 amends the law governing the Texas Municipal Retirement System to allow fire or police departments operated by more than one municipality to have the standing of a municipality for the purpose of participating in the retirement system.

SENATE BILL 1148 **SENATE AUTHOR:** Madla
EFFECTIVE: 10-1-95 **HOUSE SPONSOR:** Shields

Senate Bill 1148 amends the law governing retirement systems for firefighters and police officers in municipalities with populations between 750,000 and 1,000,000. The act provides full vesting of benefits for a member with 20 years of service. It entitles a person taking unpaid leave under the Family and Medical Leave Act to make voluntary contributions during the leave, and authorizes a retiring member to elect to receive a lump-sum benefit. In addition, the act allows persons who were disqualified from membership and joined the Texas Municipal Retirement System to elect to establish credit in the local retirement systems, permits contribution refunds for members who have served at least five years but have not vested and who terminate service, eliminates disqualification from benefits of decedents' surviving spouses who remarry, and requires financial disclosure and conflict-of-interest reporting by officers of the systems.

SENATE BILL 1231 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Telford

Senate Bill 1231 makes numerous changes to the systems and programs under the Employees Retirement System of Texas, including a 12.5 percent benefit increase for current retirees, authorizations for a bonus payment ("13th check") in fiscal year 1997, and an increase for persons who retire in fiscal year 1996 after they have been retired for one year. The benefit structure for law enforcement and custodial officers is also improved. The act also allows an employee to use sick leave to meet service requirements for retirement. The act also makes adjustments in the program established by the 73rd Legislature to allow transfer of credit between the teacher and state employee retirement systems. The adjustments allow people to transfer in some circumstances in which they were originally prohibited.

SENATE BILL 1535 **SENATE AUTHOR:** Ellis
EFFECTIVE: 6-16-95 **HOUSE SPONSOR:** S. Turner

Senate Bill 1535 amends the law relating to the Houston Police Officers' Pension System to authorize members of the retirement systems who are involuntarily transferred to the police department from another municipal department to receive credit for their previous municipal service. The act requires the pension board to approve and accept prior service credit on a case-by-case basis and to approve the credit only if the transferred police officer pays all costs to the pension fund incurred because of the allowed credit.

STATE TAXES AND TAX ADMINISTRATION

HOUSE BILL 398 **HOUSE AUTHOR:** Counts, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

High-cost gas, as defined by federal law, is exempt from severance taxes during the 10-year period ending August 31, 2001, if produced from a well that is spudded between May 24, 1989, and September 1, 1996. House Bill 398 amends the Tax Code to provide a severance tax reduction for federally defined high-cost gas produced from a well spudded or completed between September 1, 1996, and August 31, 2002. The reduction applies for 120 consecutive calendar months or until the cumulative value of the reduction equals 50 percent of incurred drilling and completion costs, whichever occurs first. The reduced tax rate is determined by multiplying the normal severance tax rate by a ratio that compares drilling and completion costs for the individual well with the statewide median for such costs from federally defined high-cost wells during the preceding state fiscal year. The comptroller is responsible for calculating this median, and the Railroad Commission of Texas is responsible for filing informational reports with the Legislative Budget Board to assist in assessing the impact of the existing high-cost gas tax exemption and the new high-cost gas tax reduction.

The operator of the well must apply to the commission for certification of such a well, and the taxpayer must apply to the comptroller for the tax reduction. Taxes must be paid at the normal rate on gas produced from wells spudded or completed during the first year of the reduction period, but will be refunded after September 1, 1997. This procedure postpones to future fiscal biennia any resultant revenue losses from the act.

HOUSE BILL 462 **HOUSE AUTHOR:** Alvarado, et al.
EFFECTIVE: 10-1-95 **SENATE SPONSOR:** Whitmire

House Bill 462 amends the Tax Code to require inmates of correctional facilities to pay sales taxes on soft drinks, candy, and other food items taxable to the general public.

HOUSE BILL 467 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 10-1-95 **SENATE SPONSOR:** Ratliff

Under the Tax Code, railroad cars, fuel, and supplies essential to the operation of trains are exempt from sales and use taxation. House Bill 467 extends the exemption to include electricity, natural gas, and other fuels used in the repair, maintenance, or restoration of railroad cars.

HOUSE BILL 596 **HOUSE AUTHOR:** Duncan, Naishtat
EFFECTIVE: 10-1-95 **SENATE SPONSOR:** Montford

House Bill 596 provides a sales tax exemption for taxable items sold during a one-day fund-raising sales event by a nonprofit student organization if the organization is certified to be affiliated with an accredited public, private, or independent institution of higher education. The organization may not hold more than one such sales event each month for which the exemption is claimed. The certification of affiliation must be filed by the student organization and is valid for two years after it is received by the comptroller.

HOUSE BILL 609 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Ellis

House Bill 609 allows municipalities to spend hotel occupancy tax revenues on administrative expenses incurred directly in the promotion and improvement of the arts, historical preservation activities to encourage visitation of historic sites or museums, and the registration of convention delegates. Previously, the only administrative expenses that could be paid with hotel occupancy tax revenues were those relating to the development of convention facilities and visitor information centers or to advertisements and solicitations used to attract tourists or convention delegates.

HOUSE BILL 839 **HOUSE AUTHOR:** Denny, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

For any one fiscal year, a municipality under 5,000 in population may retain from traffic fine revenues an amount equal to 30 percent of its audited revenue from all sources for the preceding fiscal year, excluding federal funds and bond proceeds. Above that percentage limit, portions of fines in excess of one dollar must be remitted to the state. House Bill 839 requires that special expenses, which may be imposed to pay court fees when violations are dismissed following driving safety courses, be included in the amount that is subject to the 30 percent limitation.

HOUSE BILL 840 **HOUSE AUTHOR:** Denny, et al.
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Brown

House Bill 840 provides for the enforcement by the comptroller of public accounts of an existing statutory limitation on the amount of traffic violation revenue that a municipality under 5,000 in population may retain. If its revenue from traffic violations during a fiscal year equals 20 percent or more of its revenue from all sources for the preceding year, a municipality of such size must forward to the comptroller a copy of its annual financial statement and a report on its traffic violation revenue collections. A city failing to do so as required must pay the costs of any enforcement audit conducted by the comptroller.

HOUSE BILL 958 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 6-15-95 **SENATE SPONSOR:** Wentworth

The Tax Code previously authorized a county with a population of 17,500 or less to impose a hotel occupancy tax if the county had a class 1 or class 2 horse racing track. A racetrack license revocation, or a license suspension exceeding one year, removed the tax authorization. House Bill 958 keeps the county population bracket, eliminates the racetrack requirement, and applies the tax authorization instead to a county containing no more than one municipality smaller than 2,500 and bordering two counties located wholly within the Edwards Aquifer Authority. The act repeals the provision tying loss of tax authorization to racetrack license revocation or suspension.

Additionally, the act authorizes a county hotel occupancy tax in three new types of counties: a county having an area of less than 275 square miles with a population of less than 10,000, a county bordering Possum Kingdom Lake with a population of 30,000 or less, and a county bordering Mexico with a population of more than 250,000 but less than 500,000. The act provides, however, that the county tax for the last two categories of counties does not apply to a hotel located in a city that imposes a municipal hotel occupancy tax. For a county fitting the third category, it authorizes use of resultant revenue for the bond debt service, construction, maintenance, or operation of a special events facility with a seating capacity of at least 8,000.

HOUSE BILL 1583
EFFECTIVE: 7-1-95

HOUSE AUTHOR: Rusling, et al.
SENATE SPONSOR: J. Turner

Under the Tax Code, elderly individuals who perform lawn mowing and yard maintenance are exempt from sales taxation if their total receipts from taxable services do not exceed $5,000 in the most recent four calendar quarters. House Bill 1583 amends the code to base the lawn mowing and yard maintenance sales tax exemption for minors on the same dollar amount and time period. The act creates a new sales tax exemption for self-employed individuals who perform such services, likewise based on the $5,000 limitation and the four most recent calendar quarters.

HOUSE BILL 1611
EFFECTIVE: 7-1-95

HOUSE AUTHOR: Stiles
SENATE SPONSOR: Whitmire

House Bill 1611 exempts from sales and use taxation materials purchased by a firm providing stevedoring services for a ship operating exclusively in foreign or interstate coastal commerce if the materials remain aboard the ship after its departure.

HOUSE BILL 1620
EFFECTIVE: 9-1-95

HOUSE AUTHOR: Junell
SENATE SPONSOR: Montford

House Bill 1620 amends the Veterinary Licensing Act to increase the veterinary license renewal fee by $200. Of each $200 fee increase collected, $50 is to be deposited in the foundation school fund and $150 in the general revenue fund. Certain retired, inactive, and military licensees are exempt from the fee increase.

HOUSE BILL 2129
EFFECTIVE: 9-1-95

HOUSE AUTHOR: Grusendorf
SENATE SPONSOR: J. Patterson

The Tax Code provides an exemption from hotel occupancy taxes for federal and state employees, other than employees of institutions of higher education, when traveling on official business. House Bill 2129 requires federal entities to pay for employee hotel expenses directly in order to qualify for the tax exemption. For state employees qualifying for the general rate of travel reimbursement, it establishes procedures whereby the employee pays the tax and the employing agency applies to the comptroller, city, and county for refunds of the state, municipal, and county portions of the tax. For state employees to whom special rates of reimbursement apply, payment of the tax is not required if they are supplied photo identification verifying their identity and tax-exempt status.

The act also changes the population bracket defining cities authorized to charge a nine-cent municipal hotel occupancy tax. The redefinition authorizes a nine-cent rate in cities of more than 440,000 population, located in a county of at least 1,000,000 population, and having a capital improvement plan for the expansion of an existing convention center facility.

Other provisions affect a home-rule municipality bordering the Gulf of Mexico, containing a population of less than 80,000, and having a park board of trustees to administer public beaches. The act diverts two cents from the state portion of the hotel occupancy tax collected in the city and awards it to the city for the cleanup and maintenance of its beaches. Additional provisions clarify how that diversion affects other laws relating to the funding of the city's beach operations.

SENATE BILL 255 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 255 authorizes the comptroller to promote awareness of federal earned income tax credits among individuals and working families who may qualify, and to encourage similar promotion by other agencies. It requires state agencies to cooperate with the comptroller's efforts and authorizes the use of existing information distribution resources to inform persons most likely to qualify.

SENATE BILL 345 **SENATE AUTHOR:** Brown, J. Patterson
EFFECTIVE: See below **HOUSE SPONSOR:** Uher

Senate Bill 345 adopts a new subchapter of the Tax Code, the County Development District Act, authorizing the establishment of county development districts in counties with populations not exceeding 400,000. A county commissioners court may create a district on petition by landowners, subject to a confirmation election and voter approval of sales and use taxes. A district has powers relating to the attraction of visitors and promotion of tourism as well as powers of a municipal management district. It may issue bonds and, if located outside incorporated areas, is vested with the power of eminent domain. The maximum sales and use tax rate for the district is one-half of one percent.

Other provisions of Senate Bill 345 amend the Tax Code to provide for a sales and use and franchise tax refund to persons who paid school district property taxes on certain property within a reinvestment zone. To be eligible for the refund, the property must be subject to a municipal or county property tax abatement but not a school district abatement, and the person must have established or expanded a business within the reinvestment zone or modernized a business to retain jobs. The business's Texas payroll must have increased by $3 million since the abatement began, or the abated property's appraised value must have increased by at least $4 million since an initial comparison year beginning on or after January 1, 1996. Persons making nontax payments to a municipality or county during the abatement period are ineligible for the refund, excluding payments not exceeding an annual aggregate of $5,000 and certain payments for municipal or county services. The refund may not exceed the person's net state sales and use and franchise tax payments for the eligible year and may only be provided for the lesser of five years or the duration of the tax abatement agreement. It is equal to the property's school taxes that would not have been required to be paid if the school district had abated the property under terms identical to those of the municipality and county. However, if the total amount of eligible refunds claimed by all persons exceeds $10 million, each refund is reduced proportionately.

The legislation adds new content requirements for municipal tax abatement agreements, requires all taxing units to file copies of each agreement with the comptroller and Texas Department of Commerce, and directs the comptroller beginning in 1999 to submit an annual report to the legislature documenting refund amounts and incorporating other specified information, including a demonstration of the relationship between the refunds and the economy. It extends the expiration date of the Property Redevelopment and Tax Abatement Act to September 1, 2001. That extension of the act takes effect August 31, 1995. The remainder of Senate Bill 345 takes effect September 1, 1995.

SENATE BILL 401 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Romo

Under the Tax Code, persons who collect or receive a tax from another person, such as retailers who collect a sales tax from consumers, hold the amount in trust for the state and are liable to the state for the full amount collected plus any interest and penalties. Senate Bill 401 extends such liability to include anyone who controls or supervises the collection of a tax from another person or who controls or supervises the accounting for and paying of the tax and who wilfully fails to pay it or causes it not to be paid. The dissolution of a corporation, partnership, or other entity does not affect the responsible person's liability.

The act also adds a new Tax Code section, authorizing a penalty of five percent of taxes due on persons who are required to pay taxes by means of electronic transfer but instead pay by some other means. This penalty is in addition to any other penalty provided by law.

SENATE BILL 403 **SENATE AUTHOR:** Cain
EFFECTIVE: 6-1-95 **HOUSE SPONSOR:** Junell

The comptroller collects all state taxes imposed under the Tax Code except as otherwise provided by law. Senate Bill 403 transfers to the supreme court the responsibility to collect the attorney occupation tax and authorizes the supreme court to suspend from practice, pending satisfaction of their tax obligation, attorneys who are delinquent in paying the tax or related penalties. The act imposes a penalty equal to five percent of taxes owed on attorneys who fail to pay the tax or file the required tax report when due. An additional five percent penalty is imposed if the tax or report is more than 30 days past due. The State Bar, with the approval of the supreme court, is granted authority to adopt rules for the administration and collection of the tax and to compromise related penalties and interest.

SENATE BILL 640 **SENATE AUTHOR:** Montford
EFFECTIVE: 10-1-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 640 amends the Tax Code to add, clarify, and update various definitions, exemptions, and administrative procedures. It provides a sales tax exemption for several items including semiconductor fabrication clean rooms and equipment, hospital beds, certain agricultural pollution control equipment, materials used in certain electrochemical plating processes, and cages used for poultry transportation. The act also provides a sales tax exemption on the first $50,000 of the purchase price of certain machinery used in timber operations, excluding purchases through short-term rental agreements and purchases of certain repair parts and tools and excluding services performed on more expensive machinery. It amends provisions relating to the recovery and refund of delinquent sales taxes and interest, clarifies the definition of certain property and taxable services, and requires the comptroller on request to supply a municipality of less than 50,000 population with information on municipal sales and use taxes from certain businesses that are sizable sales tax collectors.

The act amends provisions relating to the collection and exchange of certain motor fuels tax information with other states and the allocation of taxes due to or from other jurisdictions. It restricts certain diesel fuel tax exemptions to sales below a certain volume, but waives tax collection on diesel fuel used for purposes other than the operation of a motor vehicle on a public highway. For holders of diesel prepaid user permits, it authorizes nonrefundable credits equal to the difference between the permit price and the taxes that would apply to the amount of diesel fuel delivered for motor vehicle use.

Other Tax Code amendments authorize the summary suspension of an operating permit for cigarette, cigar, and tobacco product distributors and modify provisions relating to the administration and enforcement of the controlled substance tax. The act also amends code provisions relating to fees for the use and storage of lead acid batteries and certain municipal sales and use taxes.

The act amends the Local Government Code to give more discretion in the setting of tax rates to a parks and recreation district in a county with river frontage on the Comal and Guadalupe rivers. Additionally, it authorizes the district to settle certain claims for penalties or interest accrued on taxes.

SENATE BILL 641 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Holzheauser

Senate Bill 641 clarifies various provisions of the Insurance Code and transfers to the comptroller the responsibility of collecting certain insurance taxes and fees relating to casualty insurance, farm mutual and county mutual insurance companies, reciprocal exchanges, health maintenance organizations, retaliatory taxes, and nonprofit legal services corporations. It changes the deadline for agents' reporting of gross premiums received from surplus lines insurance and clarifies the tax status of premiums allocated to other states. The act also reconciles and makes conforming amendments to conflicting Insurance Code provisions as amended by the 73rd Legislature in 1993.

SENATE BILL 643 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Holzheauser

Under current law, persons must obtain a permit before they may sell alcoholic beverages and must pay a tax on their mixed beverage sales. Senate Bill 643 amends the Tax Code to expand the permittee classifications that are subject to the tax and to authorize a permittee to withhold tax payment for certain uncollectible sales. It also entitles a permittee to a refund of taxes paid on uncollectible sales and eliminates the penalty on additional taxes revealed by a comptroller examination.

The act amends the Alcoholic Beverage Code to remove the authority of the Texas Alcoholic Beverage Commission to recover the comptroller's tax administration costs. It also authorizes the commission to suspend permits for failure to post security required by the comptroller.

Most provisions of the act, including certain expansions of permittee classifications, take effect August 28, 1995. Provisions relating to further expansion, applicable to mixed beverage and private club registration permittees who hold food and beverage certificates, take effect September 1, 1995.

SENATE BILL 644 **SENATE AUTHOR:** Montford
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** Holzheauser

Senate Bill 644 amends various franchise tax provisions by redefining for tax purposes a corporation's beginning date and by clarifying the property and ownership requirements for a franchise tax exemption for corporations engaged primarily in residential real estate development. It requires a corporation to use the same accounting method for both calculating and apportioning taxable capital. A corporation must send to each of its current officers or directors, and to officers and directors of certain related occupations, copies of the public information report that it files with the comptroller.

SENATE BILL 737 **SENATE AUTHOR:** Henderson
EFFECTIVE: 10-1-95 **HOUSE SPONSOR:** Wolens

Senate Bill 737 exempts from sales and use taxation court reporting services relating to the preparation of certain documents or records for use by the court or for a person participating in the suit if the document or record is sold to the participant. Qualifying services include preparation of deposition or discovery documents, transcripts of testimony, and statements of fact.

SENATE BILL 794 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Park

Senate Bill 794 amends the Tax Code to provide a method for establishing the effective date for a sales and use tax adopted by a county to finance the operation of a crime control and prevention district.

SENATE BILL 821 **SENATE AUTHOR:** Madla
EFFECTIVE: 5-5-95 **HOUSE SPONSOR:** Gallego

Senate Bill 821 applies to a county on the Mexican border having a population of 37,500 or less and containing a municipality with a population exceeding 15,000. It adds a new Tax Code chapter to authorize an additional county sales and use tax of one-half percent to pay for the operation of the county landfill and to retire bonds used to fund the construction of a criminal detention center. Adoption of the tax is contingent on voter approval in a local-option election called by the commissioners court on its own motion or on petition of five percent of the county's qualified voters. The portion of the tax used to retire the bonds expires when the bonds retire, and the portion dedicated to the landfill expires when the landfill is sold or closed. The taxes are abolished when the purposes for which they are dedicated are accomplished. Any tax collections not used for either stated purpose must be used for property tax reduction.

SENATE BILL 833 **SENATE AUTHOR:** Madla, Lucio
EFFECTIVE: 7-1-95 **HOUSE SPONSOR:** Rodriguez

Under the Tax Code, certain aircraft services and property are exempt from sales and use taxation, including repair and maintenance services to aircraft operated by licensed carriers of passengers or cargo, tools used in those services, and tangible personal property affixed to such aircraft. Senate Bill 833 extends the same exemptions to aircraft used for pilot training but clarifies instructional and other requirements necessary to qualify for these and other exemptions.

SENATE BILL 982 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Holzheauser

The Tax Code exempts from sales taxation goods and services purchased for the purpose of resale or rent in the United States or its territories. Senate Bill 982 adds to the exemption goods purchased for resale or rent in Mexico. The act also allows the comptroller to authorize the examination of certain confidential taxpayer information by Texas officials or, if there is a reciprocal agreement, by officials from another state, the United States, or Mexico.

SENATE BILL 1136 **SENATE AUTHOR:** Haywood
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Chisum

The Tax Code establishes effective and rollback tax rate formulas applicable to counties that impose a county sales and use tax. Senate Bill 1136 would exclude from a county's effective and rollback tax rate formulas county sales and use tax revenues distributed to recipients of certain economic development grants.

SENATE BILL 1492 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** G. Lewis

Senate Bill 1492 authorizes the comptroller or attorney general to disclose to a municipality or county confidential taxpayer information obtained during a hotel occupancy tax compliance audit, provided that the municipality or county requests the information in writing, uses it only for the enforcement or administration of its local hotel occupancy tax, and otherwise keeps the information confidential.

SENATE BILL 1530 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hochberg

Under the Tax Code, the county hotel tax rate in a municipality of at least 1.2 million in population is limited to two percent. Senate Bill 1530 amends the code to remove a reduction to one percent that was scheduled to occur on January 1, 2001.

SENATE BILL 1629 **SENATE AUTHOR:** Henderson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Heflin, Coleman

Under the Tax Code, the owner of a qualified hotel project as defined under the Texas Enterprise Zone Act is entitled to a rebate of state sales and use taxes and hotel occupancy taxes paid during the first seven years after the hotel opens. Senate Bill 1629 increases the rebate period to 10 years.

TRANSPORTATION, HIGHWAYS, AND MOTOR VEHICLES

HOUSE BILL 247 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Patterson

House Bill 247 gives members and honorably discharged veterans of the United States Armed Forces the option of purchasing more than one set of special license plates and establishes the fee for the additional sets of plates. It also allows certain surviving spouses to obtain special license plates.

HOUSE BILL 321 **HOUSE AUTHOR:** Rabuck
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** D. Nixon

House Bill 321 amends the Uniform Act Regulating Traffic on Highways to increase the current speed limit for school buses on interstate highways from 50 to 55 miles per hour.

HOUSE BILL 341 **HOUSE AUTHOR:** Kamel, Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** D. Nixon

House Bill 341 amends the Uniform Act Regulating Traffic on Highways to prohibit the use of motorized vehicles on hike and bike trails for purposes other than trail maintenance.

HOUSE BILL 344 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Wentworth

House Bill 344 clarifies that a branch pilot's commission is issued in the name "of the state."

HOUSE BILL 496 **HOUSE AUTHOR:** B. Hunter, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Whitmire, Gallegos

House Bill 496 requires the Texas Department of Transportation to provide special exempt license plates that bear the words "Foreign Organization" for cars and light commercial vehicles of foreign governments that were officially recognized by the United States before January 1, 1979, and with whom the country no longer has diplomatic relations.

HOUSE BILL 835 **HOUSE AUTHOR:** Craddick, Oakley
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Sibley

House Bill 835 amends the Uniform Act Regulating Traffic on Highways to prohibit the Texas Department of Public Safety from divulging information relating to a violation of a speed limit imposed solely in response to federal law.

HOUSE BILL 994 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

House Bill 994 allows a child with a Texas driver's license to operate a motor vehicle, with no more than two axles and weighing no more than 15,000 pounds, for commercial purposes that do not require a commercial driver's license and are performed for a business owned or operated by, and under the direct supervision of, the parent or adult custodian of the child.

HOUSE BILL 1124 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 1124 amends the Uniform Act Regulating Traffic on Highways to authorize a railway employee on the engine of a moving train at the site of an occurrence of a violation to contact local law enforcement authorities to report the violation within 72 hours of the alleged violation. The law enforcement authority is required to attempt to identify the operator of the vehicle and to serve the individual with a notice to appear in court.

HOUSE BILL 1208 **HOUSE AUTHOR:** Cook, B. Turner
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Sibley

House Bill 1208 allows the comptroller to certify persons as operators of excursion trains who demonstrate that the train will promote tourism or provide public service and who provide evidence of at least $5 million liability insurance for the operation of the train. The act provides that a certified excursion train operator may not own or operate an interstate passenger train and is not liable for damages over $5 million resulting from a single occurrence, unless the damages result from malicious or grossly negligent conduct or certain requirements of the act are not met. The act includes requirements for notifying passengers of the liability limitation and specifies that excursion trains may not carry freight, commuters, or passengers traveling solely for business purposes.

HOUSE BILL 1225 **HOUSE AUTHOR:** Carona, Hilbert
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Henderson

House Bill 1225 expands the list of vehicles that are exempt from annual registration fees to include former military vehicles. These former military vehicles are not required to display license plates if proof of registration is carried in the vehicle and if the vehicle bears a registration mark provided by the Texas Department of Transportation. The act also exempts former military vehicles from inspection and liability insurance requirements and allows a certificate of title to be issued regardless of whether the vehicle is registered in Texas.

HOUSE BILL 1359 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Wentworth

House Bill 1359 expands the list of Texas Parks and Wildlife Department facilities in which the Texas Department of Transportation is required to construct, repair, and maintain roads to include state wildlife management areas, fish hatcheries, and support facilities. If the Texas Parks and Wildlife Department does not have an easement, right-of-way, or access to a state park, wildlife area, fish hatchery, or facility, access authorization can only be provided with express written consent of all affected landowners.

HOUSE BILL 1542 **HOUSE AUTHOR:** Willis
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Leedom

Current law requires that a vehicle registration sticker be placed on the inside of the windshield rather than on the rear license plate. House Bill 1542 requires that the registration sticker be affixed within six inches of the inspection sticker. The act would permit motorcycle, moped, construction machinery, and oil well equipment registration stickers to be attached to the rear license plates. Provisions are made for the replacement of registration stickers should they become lost, stolen, or damaged.

HOUSE BILL 1544 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

House Bill 1544 designates the portions of U.S. Highway 290 between Johnson City and Interstate Highway 10 as the Pearl Harbor Memorial Highway.

HOUSE BILL 1547 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Bivins

House Bill 1547 allows a commercial motor vehicle that is operating with an overweight permit issued by the Texas Department of Transportation to exceed the allowable gross weight by five percent, regardless of the weight on any one axle, provided no axle or tandem axle exceeds 10 percent over the allowable axle tolerance weight. The act requires the department to notify each county of impending overweight vehicle operation and creates a new fee schedule for overweight permits that increases the amount of money that counties covered by the permit receive. Penalties are provided for operating a vehicle that is in excess of the authorized weight limits or for operating in a county that is not listed on the permit application.

The act establishes a procedure for counties and cities to have a bridge's load rating lowered, subject to the department's determination that it qualifies for the lower rating under federal standards.

HOUSE BILL 1794 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** J. Turner

Previous law granted restricted license plates for forestry vehicles transporting specific products. House Bill 1794 expands the definition of forestry vehicles that are authorized to display restricted license plates to include vehicles carrying forest products in their natural state, including logs and debarked logs.

HOUSE BILL 2053 **HOUSE AUTHOR:** Price
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 2053 expands the list of conditions for a vehicle to be issued exempt license plates by the Texas Department of Transportation to require governmental entities and individuals to certify that the vehicle qualifies for the exemption and that both sides of the vehicle display distinctive lettering stating the name of the entity or of the U.S. officer. The act provides for seizing and storing vehicles operated on public highways that do not display the proper identification, and sets forth the requirements to obtain the release of the vehicle.

HOUSE BILL 2151 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2151 amends the Certificate of Title Act to establish a more comprehensive regulation scheme to deal with the issuance, recording, and surrender of certificates of title for certain motor vehicles, including salvaged motor vehicles and nonrepairable motor vehicles.

The act requires a salvage dealer who acquires a vehicle for dismantling purposes to surrender the title and to state that certain vehicles are "rebuilt salvage." The act allows certain persons engaged in the car leasing business to include a charge for a proportionate amount of title fees, registration fees, and property taxes paid in the preceding calendar year. Violation of a provision of this act is a Class A misdemeanor.

HOUSE BILL 2176 **HOUSE AUTHOR:** Price
EFFECTIVE: 6-8-95 **SENATE SPONSOR:** Cain

House Bill 2176 allows the Texas Department of Transportation to expedite and clarify the process of advertising, bidding on, and awarding certain highway improvement projects. The Texas Transportation Commission is authorized to delegate the opening of bids for less than $300,000 to a district engineer and to delegate the approval of contracts for less than $300,000 to the executive director of the department.

HOUSE BILL 2180 **HOUSE AUTHOR:** Horn
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Rosson

Previous law required that loans and grants for the development of aviation facilities could not be awarded until the Texas Transportation Commission held a public hearing on the issue. The commission holds public hearings once a month, and topics are restricted to the public notice and time parameters of the meeting. House Bill 2180 allows the commission to authorize a representative to hold public hearings, in addition to the hearings conducted by the commission.

The act also provides that the director of the Texas Department of Transportation or the director's designee may award a loan or grant in the event of an emergency at an airport without holding a public hearing. Emergencies that qualify under this act must require immediate attention, and a notice of the unsafe condition must be filed with the Federal Aviation Administration.

HOUSE BILL 2389 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 6-14-95 **SENATE SPONSOR:** Whitmire

House Bill 2389 clarifies and expands previous law prohibiting a person who has been found to be mentally incompetent or who has been ordered by a court to undergo involuntary treatment for a chemical dependency from operating a motor vehicle. The act includes requirements for the revocation and reinstatement of a driver's license and for notification of the Texas Department of Transportation about a court's adjudication of incompetency, ordering of involuntary treatment, restoration of competency, expiration or termination of an order for involuntary treatment, or release from a hospital.

HOUSE BILL 2390 **HOUSE AUTHOR:** Black, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Turner

House Bill 2390 repeals the Texas High-Speed Rail Act. On the effective date of the bill, the Texas High-Speed Rail Authority is abolished, the terms of the board members expire, all unobligated funds are transferred to the general revenue fund, and all property and records are transferred to the Railroad Commission of Texas.

HOUSE BILL 2496 **HOUSE AUTHOR:** Kubiak, Serna
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

Under previous law, the state Public Transportation Fund could be used only to provide local share requirements of a federally financed transportation project. House Bill 2496 eliminates this restriction for certain municipalities with populations of less than 200,000, thereby allowing the use of state funds for transportation projects that are not federally financed. The act redefines the state public transportation fund program as a grant, rather than a matching grant, program.

HOUSE BILL 2516 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** J. Patterson

House Bill 2516 amends the Vehicle Storage Facility Act to require that the operator of a vehicle storage facility be compensated for all unpaid towing and storage fees by a lienholder who repossesses a vehicle from the storage facility or an insurance company that pays a claim of total loss on a vehicle in the storage facility.

HOUSE BILL 2584 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Lucio

House Bill 2584 allows vehicles equipped with container roll-off units used exclusively for transporting recyclable materials to operate under the same weight limits and bonding requirements as vehicles transporting solid wastes. The operation of these vehicles on interstate and defense highways is prohibited if the weight exceeds federal limits. The act establishes fines and, for second and subsequent convictions, authorizes imprisonment in county jails.

HOUSE BILL 2588 **HOUSE AUTHOR:** Alexander, et al.
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Armbrister

House Bill 2588 creates the Rural and Urban Transit Act. The act sets forth procedures for the creation and expansion of rural and urban public transit districts. Existing rural and small urban transportation providers are made transit districts. Districts are required to provide public transit services and are authorized to receive state and federal public transportation money through the Texas Department of Transportation. Districts are also authorized to contract with governmental or private entities for the purpose of receiving grants and securing loans and for designing, planning, constructing, and operating transit facilities.

HOUSE BILL 2599 **HOUSE AUTHOR:** Kubiak, Bosse
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Cain

House Bill 2599 establishes a licensed program for salvage vehicle dealers through the Texas Department of Transportation and requires that the titles of certain salvaged or nonrepairable cars to be dismantled be surrendered to that department. The penalty for the sale of salvage parts without a license is a Class A misdemeanor.

The act sets the requirements for determining repair estimates and requires a salvage dealer endorsed as a used parts dealer to obtain a sales receipt for all vehicles. The Texas Department of Transportation is required to maintain records and collect fees. Salvage vehicle dealers are required to be licensed by March 1, 1996.

HOUSE BILL 2754 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Armbrister

Under current law, a permit is required to tow a portable building unit that is over the legal length or width provided by law on a state highway. House Bill 2754 defines a portable building unit as a complete inspected unit with a distinct serial number that may be transported fully assembled, partially assembled, or unassembled.

HOUSE BILL 2845 **HOUSE AUTHOR:** Counts
EFFECTIVE: 6-16-95 **SENATE SPONSOR:** Cain

House Bill 2845 transfers the Automobile Theft Prevention Authority from the Governor's Office to the Texas Department of Transportation and requires the department to implement the authority's decisions. The authority may determine if payments made by insurance companies are sufficient, reimburse overpayments to insurance companies, and contract with other state agencies for legal, fiscal, administrative, and personnel services.

HOUSE BILL 3062 **HOUSE AUTHOR:** Combs
EFFECTIVE: 8-28-95 **SENATE SPONSOR:** Wentworth

Current law regulates the level of window tinting by specifying the minimum percentage of light transmission allowed. House Bill 3062 excludes law enforcement vehicles from current specified tinting levels.

HOUSE BILL 3143 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Brown

House Bill 3143 authorizes a county with more than 2.2 million residents to prohibit a person from driving on a toll road if the person has failed to pay the toll and if the county has notified the owner of the vehicle of the unpaid toll. A person who has received notice of an unpaid toll and continues to drive on the toll road is subject to a Class C misdemeanor.

The act authorizes the county to establish a hearing procedure and to assess additional costs if the defendant is found to be at fault, including assessing an additional fine, refusing to allow the vehicle to be registered, or placing on the vehicle a device that prohibits movement of the vehicle. The record from a Texas Department of Transportation video camera is permitted to be used as evidence that the operator of the vehicle did not pay a toll. The act requires the county to provide the person with an opportunity to pay the toll or to request a hearing. The right of appeal is provided.

HOUSE BILL 3208 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** C. Harris

House Bill 3208 clarifies that semitrailers as well as trailers and house trailers are required to have safety chains attached when being towed by a car or light truck.

SENATE BILL 3 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Seidlits

In 1994, the United States Congress extended motor carrier deregulation and preempted all state laws relating to economic regulation of commercial trucking, except for carriers of household goods. Senate Bill 3 transfers responsibilities for commercial truck registration previously vested with the Railroad Commission of Texas to the Texas Department of Transportation. The Department of Public Safety retains authority to enforce motor carrier safety standards, including standards for the transportation of hazardous material.

The act requires all commercial motor carriers that operate in Texas to register with the Texas Department of Transportation and to maintain liability insurance and either workers' compensation insurance or accident insurance coverage in an amount fixed by the department. The department is required to issue a cab card for each vehicle when a carrier pays the annual registration fee and is authorized to impose an administrative penalty for certain violations, to suspend or revoke registration under certain circumstances, and to make inspections of facilities.

The department is prohibited from regulating prices, routes, or services provided by a motor carrier, with certain exceptions for transporters of household goods. The act encourages the department to participate in the federal single-state registration to the greatest extent possible.

The Department of Public Safety is required to establish uniform standards for municipal enforcement of safety standards. Municipal enforcement is limited to cities with a population of 100,000 (current law), cities with a population of 25,000 or more if any part of the city is located in a county with a population of 2.4 million or more (new law), and cities in a county bordering Mexico (new law).

The act provides that a person who acts as a motor transportation broker is required to provide a bond to the Texas Department of Transportation, establishes related requirements for operating as a broker, and creates an offense for failure to provide a bond.

Regulation of tow trucks by municipalities is limited to trucks that perform non-consent tows, to businesses with local offices, and as provided by federal law. Regulation of vehicle storage facilities is transferred from the Railroad Commission of Texas to the Texas Department of Transportation.

SENATE BILL 123 **SENATE AUTHOR:** Leedom
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Willis

Senate Bill 123 expands the list of persons eligible to be issued special license plates to include individuals who have received the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross, or the Medal of Honor. The act requires these license plates to bear the words "Legion of Valor" and requires an applicant for a Legion of Valor license plate to present proof that the applicant received such an award and is an honorably discharged veteran or an active duty member of the armed forces.

SENATE BILL 209 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Hill

Senate Bill 209 requires the Texas Department of Transportation to design and provide for the issuance of special license plates for peace officers wounded in the line of duty or for the surviving spouse, parent, or adult child of a peace officer killed in the line of duty. The act sets forth insignia design and application and eligibility requirements. The plates are subject to a $20 annual fee in addition to the motor vehicle registration fee.

SENATE BILL 304 **SENATE AUTHOR:** J. Turner, et al.
EFFECTIVE: 4-12-95 **HOUSE SPONSOR:** Kubiak

Senate Bill 304 designates portions of U.S. Highway 290 and State Highway 21 that connect the Lyndon B. Johnson Library in Austin and the George H. W. Bush Library in College Station as the Presidential Corridor.

SENATE BILL 318 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 4-12-95 **HOUSE SPONSOR:** Kubiak

Senate Bill 318 designates U.S. Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

SENATE BILL 437 **SENATE AUTHOR:** Madla, Lucio
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Alexander

Under previous law, a county was required to submit an annual report to the Texas Department of Transportation on the expenditures of the additional motor vehicle registration fee that counties are allowed to retain. No penalty for noncompliance was provided. Senate Bill 437 deletes the reporting requirement and amends the County Road and Bridge Act to require a county to file an annual report with the comptroller on the total expenditures for county road and bridge construction, maintenance, rehabilitation, right-of-way acquisition, and utility construction and other road expenditures in the preceding year that are required by the construction or other law to be spent on public roads. The act prohibits the distribution of money from the county and road district highway fund until the required report has been filed.

SENATE BILL 443 **SENATE AUTHOR:** Sims, Armbrister
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** B. Turner

Senate Bill 443 designates portions of Farm-to-Market Roads 503 and 1929 in Coleman and Concho counties as the Ray C. Stoker, Jr., Highway.

SENATE BILL 532 **SENATE AUTHOR:** Brown
EFFECTIVE: 5-27-95 **HOUSE SPONSOR:** Bosse

Current law authorizes partial payments for highway improvement contracts of 95 percent of the value of the work done and requires retainage of the remaining five percent of the contract price until the work is completed and accepted.

Senate Bill 532 exempts contracts for maintenance or for the making of all necessary plans and surveys preliminary to construction, reconstruction, or maintenance from the limitation on partial payments and the requirement that five percent of the contract price be retained until the work has been completed and accepted. This exemption applies to contracts in effect on the effective date of this act as well as to contracts awarded after the effective date.

SENATE BILL 560 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 6-14-95 **HOUSE SPONSOR:** Bosse

Senate Bill 560 sets forth procedures for the disposal of abandoned vehicles by a vehicle storage facility in the event a police department does not claim the vehicle within the required time frame. The period of time within which a garage keeper is required to notify police of possession of an abandoned vehicle in order to claim reimbursement for storing the vehicle is expanded from 48 hours to seven days.

SENATE BILL 688 **SENATE AUTHOR:** Cain
EFFECTIVE: 5-17-95 **HOUSE SPONSOR:** Siebert

Senate Bill 688 authorizes the Texas Department of Transportation to dispose of all recycled asphalt pavement material in the most cost-effective and environmentally sound manner possible, giving priority to counties and cities for maintenance and construction of public works projects. It provides that such disposal is not subject to the State Purchasing and General Services Act and eliminates a requirement for an annual report to the legislative audit committee about the department's use of reclaimed asphalt pavement.

SENATE BILL 706 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Kuempel

Senate Bill 706 amends the Uniform Act Regulating Traffic on Highways to exempt newspaper delivery persons from wearing seat belts while performing delivery duties that require frequent entry into and exit from their vehicles.

SENATE BILL 831 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Van de Putte

Senate Bill 831 authorizes the Texas Department of Transportation to lease a highway right-of-way to an institution of higher education for less than fair market value.

SENATE BILL 832 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Alexander

Senate Bill 832 authorizes the Texas Department of Transportation to issue special United States Olympic Committee license plates and establishes a fee of $20 for these plates. The act creates a special "U.S. Olympics trust fund—Texas" in the state's general revenues; $10 of the fee will be deposited in this fund and the remainder in the state highway fund. All of the money in the trust fund is required to be allocated to the United States Olympic Committee for the training and development of Olympians and Olympic-hopeful athletes.

SENATE BILL 882 **SENATE AUTHOR:** Sims, Ratliff
EFFECTIVE: 6-5-95 **HOUSE SPONSOR:** Brimer

Senate Bill 882 clarifies the eligible content and placement of specific information logo signs along interstate highways and establishes guidelines for commercial businesses to participate in the sign program.

The act also authorizes the erection and placement of major shopping area guide signs along highways in urban areas with a population of 200,000 or more. The Texas Transportation Commission is required to adopt rules regulating the content, composition, and placement of such signs. A major shopping area that has its name displayed on the sign is required to reimburse the commission for all associated sign costs.

SENATE BILL 896 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Uher

Under previous law, a motor vehicle left inoperable or unattended for more than 48 hours on a county, state, or federal highway or for more than 12 hours on a turnpike project was considered "abandoned" and subject to removal by police agencies. Senate Bill 896 redefines "abandoned motor vehicle" to include vehicles left unattended for more than 24 hours on a turnpike or controlled access highway.

SENATE BILL 921 **SENATE AUTHOR:** Cain
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Bosse

Senate Bill 921 amends the Texas Motor Vehicle Commission Code to grant authority to the Motor Vehicle Board of the Texas Transportation Commission to regulate motor vehicle leasing and to license motor vehicle lessors and lease facilitators. The act provides exceptions for state and federally chartered financial institutions. Lessors and lease facilitators are required to apply

to the commission for a license and to pay a prescribed annual license fee. It is unlawful for a dealer to pay a fee or a lessor or a facilitator to accept a fee for obtaining prospective lessees without a written agreement.

The act also requires that all license fees paid to the commission be paid to the state highway fund, including license fees for motor vehicle manufacturers, distributors, dealers, converters, lessors, and lease facilities.

SENATE BILL 927 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 927 authorizes the Texas Turnpike Authority to lease, sell, or convey a turnpike project to a municipality with a population greater than 120,000 that is adjacent to Mexico. The act expands the list of successor agencies to the authority to include municipalities with turnpike projects.

SENATE BILL 971 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Uher

Senate Bill 971 adopts the Transportation Code, a nonsubstantive revision of laws relating to common carriers, waterways and ports, harbor pilots, aviation, mass transit, motor vehicles, traffic rules, highways, roads, streets, and turnpikes. Remaining outside the code at present, but for subsequent incorporation in future legislation, are laws relating to motor carrier regulation and railroads.

SENATE BILL 980 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Oakley

Senate Bill 980 allows television-type monitors used exclusively with a mobile navigational system to be placed within a driver's line of sight.

SENATE BILL 981 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 981 authorizes the Texas Department of Transportation to issue annual, rather than temporary, permits for the registration of foreign commercial motor vehicles, trailers, and semitrailers. It provides that the fees are to be based on weight and exempts foreign vehicles from the optional county registration and child safety fees.

SENATE BILL 1058 **SENATE AUTHOR:** R. West
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Bosse

Senate Bill 1058 authorizes the Texas Department of Transportation to use competitive sealed proposals to procure the services of a technical expert to conduct an environmental or cultural assessment of a transportation project. The act sets forth the procedures the department is required to follow for soliciting, opening, and negotiating the proposals.

SENATE BILL 1129 **SENATE AUTHOR:** R. West
EFFECTIVE: 6-13-95 **HOUSE SPONSOR:** Davis, et al.

Senate Bill 1129 designates the portions of U.S. Highway 175 in Dallas County between Interstate Highway 45 and State Highway 310 and State Highway 310 between U.S. Highway 175 and State Loop 12 as the S. M. Wright Freeway.

SENATE BILL 1139 **SENATE AUTHOR:** Cain
EFFECTIVE: 6-8-95 **HOUSE SPONSOR:** Alexander

Senate Bill 1139 amends the law regulating motor vehicle dealers and providing specific protection for the purchaser of a new or used motor vehicle.

The Texas Motor Vehicle Commission Code is expanded to cover the distribution and sale of all motor vehicles rather than specifying new motor vehicles. Under the act, persons that perform motor vehicle warranty repair work are required to be licensed. Fees for licenses for manufacturers, distributors, representatives, converters, and franchised dealers are increased.

The act prohibits a manufacturer, distributor, or representative from directly or indirectly attempting to force a dealer to discontinue a line-make, parts, or products unless written notice is given and certain conditions are met. It is unlawful for a manufacturer or distributor to operate as a dealer except on a temporary basis under certain conditions. The act allows the commission to determine a protest by a dealer of a manufacturer's refusal to allow a dealer to add or expand a line-make or parts.

The act provides that information about a complaint under the "Lemon Law" is no longer public record until the complaint is resolved. The act also exempts fire-fighting and ambulance vehicles from the requirement that vehicles be purchased from a dealer licensed by the commission.

SENATE BILL 1223 **SENATE AUTHOR:** J. Patterson, et al.
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** T. Hunter

Senate Bill 1223 amends the Education Code by creating the Center for Ports and Waterways at the Texas Transportation Institute, a component of The Texas A&M University System. The center is authorized to develop, implement, and research maritime programs and technology, and is required to operate as a joint program between a consortium of state universities and transportation institutes. The center is required to receive direction and program recommendations from a steering committee and a Maritime/Marine Industry Council. The act authorizes the center to receive state funds and to enter into contracts with other agencies and private entities.

SENATE BILL 1278 **SENATE AUTHOR:** G. Luna, et al.
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Maxey

Senate Bill 1278 clarifies the rights of an owner or operator of a towed vehicle and the responsibilities of a towing company or vehicle storage facility. The act increases the number of days a person has to request a court hearing after the vehicle was towed from 6 to 14, extends the right to request a hearing to an operator of a vehicle, and adds to the items the person requesting the hearing is required to provide photographs showing the location and text of any signs posted at the parking facility that indicate restricted parking. If the owner or operator claims the vehicle and pays the towing company or vehicle storage facility for the costs incurred prior to a hearing, the company or facility is required to give the owner a written notice of his or her rights, including a statement that the person is entitled to request a court hearing. Hearings are required to be held before the seventh, rather than the fourth, working day after the court receives the hearing request.

SENATE BILL 1314 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Bosse

Senate Bill 1314 authorizes a wholesale motor vehicle auction to offer vehicles owned by the U.S. government, the State of Texas, or any subdivision thereof for sale to a purchaser who does not hold a valid license issued by the department or a currently valid license assigned by the appropriate authority of another state.

SENATE BILL 1360 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Alexander

Senate Bill 1360 amends the Transportation Code relating to the operation and management of the Texas Turnpike Authority. It includes provisions concerning quorums and board meetings by telephone conference calls. It authorizes the authority to improve connections between highways adjoining Mexico. It authorizes the authority to impose tolls and sets out requirements for transferring appropriate highway segments to the authority for reimbursing the Texas Transportation Commission for costs, and for determining when and how such transfers may occur. The act includes provisions about turnpike bonds, trust agreements, and nonpayment of tolls, exempts emergency vehicles from tolls, and provides for use and return of transponders. It authorizes the authority to enter into agreements with Mexico and with public and private entities for turnpike projects.

SENATE BILL 1363 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Siebert

Senate Bill 1363 extends the medical exemption from wearing protective headgear from 10 days to no more than 180 days for motorcycle operators and passengers whose medical conditions would be worsened if the person wore protective headgear. The act also provides for a permanent exemption if a physician attests that the medical condition is permanent.

SENATE BILL 1420 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** H. Cuellar

Under previous law, the Texas Department of Transportation is authorized to issue temporary registration permits to commercial motor vehicles owned by residents of the United States and Canada. Senate Bill 1420 expands this list to authorize the issuance of temporary permits to operators of commercial vehicles owned by residents of Mexico. The act requires an operator to present proof of insurance or other evidence of financial responsibility to the county tax assessor-collector or to the department to obtain a temporary permit.

SENATE BILL 1445 **SENATE AUTHOR:** Brown
EFFECTIVE: 1-1-96 **HOUSE SPONSOR:** Siebert

Senate Bill 1445 amends the Tax Code to require a licensed motor vehicle dealer to file all title transfer documents and to collect and remit the sales tax. This does not apply to sales by individuals. The act deletes a provision allowing a purchaser to do paperwork to avoid paying a documentary fee and adds procedural requirements governing the issuance of certified copies of titles by the Texas Department of Transportation.

SENATE BILL 1446 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-9-95 **HOUSE SPONSOR:** Alexander

Senate Bill 1446 expands the list of motor vehicle dealers who are required to be licensed and who are authorized to apply for dealer plates to include franchised, independent, and wholesale motor vehicle dealers. Fees for an original or the renewal of a general distinguishing number and for dealer's or manufacturer's license plates are increased.

SENATE BILL 1470 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** Alexander

Senate Bill 1470 authorizes the Texas Department of Transportation to apply for and protect copyrights and trademarks for any ideas, publications, or other innovations fixed in a tangible medium, to enter into nonexcessive license agreements with any third party for a fee, and to waive or reduce the amount of fees in certain circumstances. The act authorizes the free distribution of single copies of tourism materials and authorizes the department to require payment for multiple copies of materials and to authorize the free distribution of multiple copies if such distribution will promote travel to and within the state. The department also is required to publish the state's official travel magazine, Texas Highways, and to set subscription rates and other charges to cover production and distribution costs.

SENATE BILL 1512 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Seidlits

Senate Bill 1512 directs the Texas Department of Transportation to implement an automated highway-railroad grade crossing enforcement system demonstration project to be concluded by August 31, 1997. The Department of Public Safety, the Railroad Commission of Texas, and cities and counties are required to cooperate in the implementation of the pilot project. The department is required to fund the project and to submit a report to the governor, legislature, and the director of the Legislative Budget Board by January 1, 1998.

SENATE BILL 1513 **SENATE AUTHOR:** Cain
EFFECTIVE: 9-1-95 **HOUSE SPONSOR:** Alexander

Senate Bill 1513 amends the Uniform Act Regulating Traffic on Highways to clarify when a driver approaching a railroad grade crossing is required to stop and when the driver is allowed to proceed. An offense is created if the driver goes around, under, or through a crossing gate or barrier that is closed, being closed, or being opened. The driver is subject to a fine of $50 to $200.

The act also provides that the driver of a motor bus or school bus, a vehicle carrying explosive or flammable liquids, or a slow-moving heavy equipment vehicle who violates existing provisions in the law is subject to a fine of $50 to $200.

SENATE BILL 1633 **SENATE AUTHOR:** Truan, et al.
EFFECTIVE: 5-19-95 **HOUSE SPONSOR:** Berlanga

Senate Bill 1633 requires a local government or private entity to obtain approval from the Texas Transportation Commission before requesting international bridge approval from the federal government. The act sets forth criteria the commission must consider before granting approval, including financial implications and the effects the bridge would have on the local economy, environment, traffic mobility, and trade flow. The local government or private party seeking bridge approval must prepare a report with this information for the commission. The commission is required to consult with other state agencies and is granted rulemaking authority to administer these provisions.

SENATE BILL 1701 **SENATE AUTHOR:** Shapiro, Nelson
EFFECTIVE: 8-28-95 **HOUSE SPONSOR:** McCall

Senate Bill 1701 designates State Highway 190 in Dallas, Collin, and Denton counties as the President George Bush Highway and sets forth the requirements for the design, placement, and maintenance of markers.

CHAPTER 2

PROPOSED CONSTITUTIONAL AMENDMENTS

In the 1995 Regular Session, the 74th Legislature passed 14 joint resolutions proposing amendments to the state constitution. These propositions will be offered for ratification on the November 7, 1995, election ballot.

Listed below are the 14 joint resolutions passed by the 74th Legislature proposing amendments to the state constitution.

For November 7, 1995, Election

HOUSE JOINT RESOLUTION 31

HOUSE AUTHOR: Hartnett
SENATE SPONSOR: Brown

Proposing a constitutional amendment authorizing the exemption from ad valorem taxation of income-producing personal property and mineral interests having a value insufficient to recover the tax administrative costs.

HOUSE JOINT RESOLUTION 34

HOUSE AUTHOR: Willis, et al.
SENATE SPONSOR: Brown, et al.

Proposing a constitutional amendment to increase the amount of general obligation bonds authorized for veterans' housing assistance.

HOUSE JOINT RESOLUTION 35

HOUSE AUTHOR: Uher
SENATE SPONSOR: J. Patterson, et al.

Proposing a constitutional amendment authorizing the governing body of a political subdivision to exempt from ad valorem taxation boats and other equipment used in the commercial taking or production of fish, shrimp, shellfish, and other marine life.

HOUSE JOINT RESOLUTION 50

HOUSE AUTHOR: Hernandez
SENATE SPONSOR: Barrientos

Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

HOUSE JOINT RESOLUTION 64

HOUSE AUTHOR: Hamric
SENATE SPONSOR: Henderson

Proposing a constitutional amendment exempting from ad valorem taxation the residence homestead of the surviving spouse of an elderly person.

HOUSE JOINT RESOLUTION 68

HOUSE AUTHOR: Haggerty
SENATE SPONSOR: Rosson

Proposing a constitutional amendment to raise the limits of the exemption from ad valorem taxation of property owned by disabled veterans or by the surviving spouses and surviving minor children of disabled veterans.

HOUSE JOINT RESOLUTION 72 **HOUSE AUTHOR:** Alexander, et al.
SENATE SPONSOR: Montford

Proposing a constitutional amendment relating to the ad valorem taxation of open-space land used for wildlife management.

HOUSE JOINT RESOLUTION 73 **HOUSE AUTHOR:** Romo
SENATE SPONSOR: Moncrief

Proposing a constitutional amendment reducing the amount of general obligation bonds authorized for the issuance for undertakings related to a superconducting super collider research facility.

HOUSE JOINT RESOLUTION 80 **HOUSE AUTHOR:** Black
SENATE SPONSOR: Sims

Proposing a constitutional amendment to abolish the office of constable in Mills, Reagan, and Roberts counties.

SENATE JOINT RESOLUTION 1 **SENATE AUTHOR:** Ellis
HOUSE SPONSOR: Siebert, Stiles

Proposing a constitutional amendment abolishing the office of state treasurer.

SENATE JOINT RESOLUTION 7 **SENATE AUTHOR:** Ellis, et al.
HOUSE SPONSOR: Giddings

Proposing a constitutional amendment allowing investment of money from the Texas growth fund in a business without the business's disclosure of its investments in or with South Africa or Namibia.

SENATE JOINT RESOLUTION 36 **SENATE AUTHOR:** Montford, Brown
HOUSE SPONSOR: Counts

Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of certain organizations chartered by the Congress of the Republic of Texas.

SENATE JOINT RESOLUTION 46 **SENATE AUTHOR:** C. Harris
HOUSE SPONSOR: Cook

Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an owelty of partition and the refinance of a lien against a homestead.

SENATE JOINT RESOLUTION 51 **SENATE AUTHOR:** Montford
HOUSE SPONSOR: P. Patterson

Proposing a constitutional amendment relating to the use of proceeds of bonds issued for financing of farm and ranch land.

CHAPTER 3

LIST OF VETOED LEGISLATION

Of the legislation passed during the 1995 Regular Session, Governor George W. Bush vetoed 24 bills and one concurrent resolution. The vetoed measures included 14 house bills, 10 senate bills, and 1 senate concurrent resolution. The governor also vetoed various line-item appropriations in House Bill 1, the General Appropriations Act.

HOUSE BILL 943

HOUSE AUTHOR: S. Turner
SENATE SPONSOR: Gallegos

Relating to performance audits of certain metropolitan transit authorities.

HOUSE BILL 1013

HOUSE AUTHOR: Romo
SENATE SPONSOR: Barrientos

Relating to the powers and duties of the Texas Public Finance Authority.

HOUSE BILL 1457

HOUSE AUTHOR: Hudson
SENATE SPONSOR: Ellis

Relating to review of enforcement of the federal fair housing laws in this state.

HOUSE BILL 1586

HOUSE AUTHOR: Marchant
SENATE SPONSOR: Cain

Relating to certain agreements under a retail installment contract for the purchase of a motor vehicle.

HOUSE BILL 1649

HOUSE AUTHOR: Raymond, Maxey
SENATE SPONSOR: Zaffirini

Relating to the development and implementation of an electronic data processing system to expedite payments to certain child-care providers.

HOUSE BILL 2062

HOUSE AUTHOR: Alvarado, et al.
SENATE SPONSOR: Madla

Relating to the conversion to an elected board, and to the removal of board members by recall, of certain mass transit authorities.

HOUSE BILL 2257

HOUSE AUTHOR: Shields
SENATE SPONSOR: C. Harris

Relating to certain inquiries made by the Texas Department of Insurance and information from those inquiries.

HOUSE BILL 2331

HOUSE AUTHOR: R. Lewis
SENATE SPONSOR: Gallegos

Relating to the creation of the offense of preventing execution of civil process.

HOUSE BILL 2460

HOUSE AUTHOR: Seidlits
SENATE SPONSOR: Armbrister

Relating to the possession, purchase, sale, distribution, and receipt of cigarettes and tobacco products; providing penalties.

HOUSE BILL 2732

HOUSE AUTHOR: Brimer
SENATE SPONSOR: C. Harris

Relating to alcoholic beverage regulation.

HOUSE BILL 2766

HOUSE AUTHOR: Smithee, et al.
SENATE SPONSOR: Turner, Madla

Relating to providing fairness and choice to patients and providers under managed care health benefit plans.

HOUSE BILL 2856

HOUSE AUTHOR: Raymond
SENATE SPONSOR: Ellis

Relating to creation of the Texas Food Security Council.

HOUSE BILL 2987

HOUSE AUTHOR: Seidlits
SENATE SPONSOR: Brown

Relating to the authority of the supreme court to adopt rules relating to the contractual relationship between an attorney and client.

HOUSE BILL 3181

HOUSE AUTHOR: Munoz
SENATE SPONSOR: Lucio

Relating to the private practice of law by a judge of a statutory county court of Hidalgo County.

SENATE BILL 103

SENATE AUTHOR: Moncrief, C. Harris
HOUSE SPONSOR: Naishtat

Relating to providing guardianship services and a pooled income trust for incapacitated persons.

SENATE BILL 172

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: Puente

Relating to certain records of transactions conducted under durable powers of attorney.

SENATE BILL 524

SENATE AUTHOR: Lucio
HOUSE SPONSOR: Oliveira

Relating to the civil liability of certain primary and secondary military schools.

SENATE BILL 695

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Oakley

Relating to the personnel records of certain law enforcement officers and fire protection personnel; providing a criminal penalty.

SENATE BILL 707
SENATE AUTHOR: Rosson, Moncrief
HOUSE SPONSOR: Serna

Relating to creating an offense for the possession of aerosol paint by a person younger than 18 years of age and regulating access by customers to aerosol paints; providing penalties.

SENATE BILL 744
SENATE AUTHOR: Cain
HOUSE SPONSOR: Holzheauser

Relating to guaranteed energy savings projects for local governments and certain retail utility fees.

SENATE BILL 914
SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Yarbrough

Relating to disciplinary procedures for commissioned peace officers and other employees of the Texas Alcoholic Beverage Commission.

SENATE BILL 1013
SENATE AUTHOR: Gallegos
HOUSE SPONSOR: Oakley

Relating to complaints against police officers and firefighters.

SENATE BILL 1175
SENATE AUTHOR: Lucio
HOUSE SPONSOR: Naishtat

Relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty.

SENATE BILL 1296
SENATE AUTHOR: Cain
HOUSE SPONSOR: Uher

Relating to the notice of a proposed rule requirement in the Administrative Procedure Act.

SENATE CONCURRENT RESOLUTION 106
SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Junell

Granting Harbert Construction Company permission to sue the State of Texas and the Texas Department of Criminal Justice.

CHAPTER 4
GOVERNOR'S VETO PROCLAMATIONS

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

House Bill 1, 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 49a of the Texas Constitution. The bill appropriates an estimated $79.9 billion from all fund sources and $45.1 billion from general revenue-related funds for the fiscal biennium beginning September 1, 1995.

The accomplishments of the Seventy-fourth Legislature, Regular Session, are of historical significance, and one of its notable achievements is the approval of a fiscally sound and responsible state budget. The members of the Legislature are to be commended for their diligence and the quality of their decisions.

From the outset, my budget priorities were clear and uncomplicated. My evaluation of the bill has been based upon those priorities, and I make note of the following:

- House Bill 1 requires no new taxes and eliminates the reliance on spending deferrals to balance the budget;
- House Bill 1 represents the lowest rate of growth from one biennium to the next in half a century by limiting the increase to only 6.2 percent;
- House Bill 1 allocates the lion's share of new spending to public schools, finances the costs of the new education code, and fully funds the projected state cost of the school finance system;
- House Bill 1 provides the financial resources necessary to reform our juvenile justice system;
- House Bill 1 provides authority to the Governor and the Legislative Budget Board to manage key areas of the budget during the interim;
- House Bill 1 maintains the focus of state agencies on achieving results by setting specific performance targets and tying agency budgets to agency accomplishments; and
- House Bill 1 was adopted by unanimous vote in both the House and the Senate.

Texas is a conservative state, with a conservative philosophy, and the Seventy-fourth Legislature has adopted a conservative budget which is consistent with my priorities. Accordingly, I apply my veto authority very sparingly.

My item vetoes, totaling approximately $ 14 million, would eliminate funding included for proposed legislation which did not pass and for legislation which I have also vetoed. I hereby veto the following items from House Bill 1, Seventy-fourth Legislature, Regular Session, 1995, and am including a statement of my objections to each of those items:

ARTICLE I - GENERAL GOVERNMENT

Office of the Attorney General **Page I-15**

26. **Contingency Rider for House Bill 1589.** Contingent upon the enactment of House Bill 1589, Seventy-fourth Legislature, Regular Session, or similar legislation relating to the provision of workers' compensation benefits for certain state employees and to the creation of a State Office of Risk Management, and for the purpose of implementing the provisions of that Act:

    a. the Comptroller of Public Accounts shall transfer the general revenue appropriation to the Office of the Attorney General in Strategy item E.1.1., Workers' Compensation, in the amount of $5,063,131 for fiscal year 1996 and $5,055,764 for fiscal year 1997, to the State Office of Risk Management within the Workers' Compensation Commission; and

    b. the Comptroller of Public Accounts shall reduce the general revenue appropriation for the 1996-1997 biennium to the Office of the Attorney General by an amount which is equal to the amount by which the Attorney General Debt Collection Receipts for the 1994-1995 biennium exceed the Attorney General Debt Collection Receipts for the 1996-1997 biennium.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Office of the Attorney General Workers' Compensation Payments **Page I-17**

4. **Contingency Rider for House Bill 1589.** Contingent upon the enactment of House Bill 1589, Seventy-fourth Legislature, Regular Session, or similar legislation relating to the provision of workers' compensation benefits for certain state employees and to the creation of a State Office of Risk Management, and for the purposes of implementing the provisions of that Act:

    a. The Comptroller of Public Accounts shall reduce the fiscal year 1996 general revenue appropriation to Workers' Compensation Payments by $2,300,000; and

    b. all references in the above riders to the Office of the Attorney General or the Attorney General's Office shall mean the State Office of Risk Management within the Workers' Compensation Commission.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Office of the Governor **Page I-55**

15. **Oil Overcharge Settlement Funds.**

    a. Unexpended balances from contracts executed in the 1994-95 biennium are reappropriated for the 1996-97 biennium for the purpose of completing existing projects under contract.

    b. It is the intent of the Legislature that the LoanStar Program continue at the current level of financial commitment.

    c. Any new receipts of oil overcharge funds to the State of Texas or any oil overcharge funds available for reallocation by the Governor shall be used to fund eligible programs with priority given to the LoanStar Program, property-poor school districts and low-income persons.

d. Any unexpended balances in oil overcharge funds as of August 31, 1995, for the Alternative Energy Program, Sustainable Energy Development Council, and the City of Dallas Alternative Fuels Taxi Program are hereby appropriated for the biennium beginning September 1, 1995 to the General Land Office for the completion of these projects and for the purpose of implementing the plan of the Sustainable Energy Development Council.

This rider would automatically continue funding for some contracts which will expire and would reassign responsibility for some projects without affording an opportunity for further review. The Governor, with the concurrence of the Lieutenant Governor and the Speaker of the House, has the authority to contract out these funds. This veto action will allow time to examine any issues with existing contracts and will allow decisions regarding the continuation of these contracts to be based upon the results of that examination.

Treasury Department **Page I-88**

9. **Contingency Appropriation for House Bill 2460.** Contingent upon the enactment of House Bill 2460, or similar legislation relating to the possession, purchase, sale, distribution, and receipt of cigarette and tobacco products, by the Seventy-fourth Legislature, Regular Session, the Treasury Department is hereby appropriated an amount not to exceed $245,000 for fiscal year 1996 and $85,000 for fiscal year 1997 out of additional revenues collected pursuant to House Bill 2460 for the purpose of implementing that Act. The Treasury Department is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

House Bill 2460 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

ARTICLE II - HEALTH AND HUMAN SERVICES

Commission on Alcohol and Drug Abuse **Page II-11**

24. **Contingency Appropriation for House Bill 2460.** Contingent upon the enactment of House Bill 2460, or similar legislation relating to the possession, purchase, sale, distribution, and receipt of cigarettes and tobacco products, by the 74th Legislature, Regular Session, the Commission on Alcohol and Drug Abuse is hereby appropriated $904,920 for fiscal year 1996 and $663,720 for fiscal year 1997 out of additional revenues collected pursuant to House Bill 2460 for the purpose of implementing that Act. The Commission on Alcohol and Drug Abuse is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

House Bill 2460 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

Department of Health **Page II-28**

	For the Years Ending August 31, 1996	For the Years Ending August 31, 1997
F.1.1. Strategy: CONTINGENCY APPROPRIATION, HB 682	$ 38,316	$ 32,652

Page II-39

54. **Contingency Appropriation for House Bill 682.** The appropriation of funds made above in item F.1.1., Contingency Appropriation, House Bill 682, is hereby made contingent upon the enactment of House Bill 682, or similar legislation relating to the regulation of certain animal control officers, by the 74th Legislature, Regular Session.

Funds appropriated in that item may be transferred to other appropriate strategies for the purpose of implementing House Bill 682. In no event shall the amount expended out of, or transferred from, item F.1.1., Contingency Appropriation, House Bill 682, exceed the amount of additional revenues generated pursuant to House Bill 682.

This veto action deletes an item that was contingent upon proposed legislation which did not pass.

Page II-28

	For the Years Ending August 31, 1996	For the Years Ending August 31, 1997
F.1.3. Strategy: CONTINGENCY APPROPRIATION, HB 1193	$ 102,834	$ 97,834

Page II-39

56. **Contingency Appropriation for House Bill 1193.** The appropriation of funds made above in item F.1.3., Contingency Appropriation, House Bill 1193, is hereby made contingent upon the enactment of House Bill 1193, or similar legislation relating to the regulation of orthotists and prosthetists, by the 74th Legislature, Regular Session. Funds appropriated in that item may be transferred to other appropriate strategies for the purpose of implementing House Bill 1193. In no event shall the amount expended out of, or transferred from, item F.1.3., Contingency Appropriation, House Bill 1193, exceed the amount of additional revenues generated pursuant to House Bill 1193.

This veto action deletes an item that was contingent upon proposed legislation which did not pass.

Health and Human Services Commission **Page II-43**

10. **Contingency Appropriation: Matching Grant Program.** Contingent upon enactment of Senate Bill 574, Seventy-fourth Legislature, Regular Session, or similar legislation, $2,500,000 for fiscal year 1996 and $2,500,000 for fiscal year 1997 in general revenue is appropriated and shall be used only for the purpose of funding the matching grant program for local child and family commissions. The Commission is hereby authorized to carry forward any remaining unexpended balances in the $2,500,000 appropriated for fiscal year 1996 and restricted by this provision to fiscal year 1997 to be used for the same purpose.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass. Although this rider is eliminated, a related provision which appropriates this amount to the Department of Criminal Justice is retained.

Department of Human Services **Page II-55**

31. **Contingency Appropriation for Senate Bill 103.** Contingent upon the enactment of Senate Bill 103, or similar legislation relating to the creation of the Guardianship Resource Board, by the 74th Legislature, Regular Session, the Texas Department of Human Services is hereby appropriated $300,000 for fiscal year 1996 and $300,000 for fiscal year 1997 out of the General Revenue Fund for the purpose of implementing that Act. The Texas Department of Human Services is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

Senate Bill 103 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE

Alcoholic Beverage Commission **Page V-9**

15. **Contingency Appropriation for House Bill 2732.** Contingent upon the enactment of HB 2732, or similar legislation relating to the timely filing of alcoholic beverage permits, activities authorized and storage of certain alcoholic beverages by the 74th Legislature, Regular Session Alcoholic Beverage Commission increasing surcharges in a equal amount, and providing such information as may be deemed necessary by the Comptroller Public Accounts to issue a finding of fact that the increased revenues will be available to fund the increased appropriations, the Texas Alcoholic Beverage Commission is hereby appropriated $71,115 for fiscal year 1996 and $54,329 for fiscal year 1997 out of the General Revenue Fund for the purpose of implementing that Act. The Texas Alcoholic Beverage Commission is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

House Bill 2732 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

Juvenile Probation Commission **Page V-38**

17. **Contingency Appropriation for Senate Bill 384.** Contingent upon the enactment of Senate Bill 384, or similar legislation relating to state aid for counties that provide secure residential care facilities for certain delinquent children, by the 74th Legislature, Regular Session, the Juvenile Probation Commission is hereby appropriated $2,500,000 for fiscal year 1996 and $2,500,000 for fiscal year 1997 out of the General Revenue Fund for the purpose of implementing that Act. The Juvenile Probation Commission is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Department of Public Safety **Page V-53**

36. **Contingency Appropriation for Senate Bill 1390.** Contingent upon enactment of Senate Bill 1390, Seventy-fourth Legislature, Regular Session, or similar legislation, the Department of Public Safety is hereby appropriated the additional fee revenue collected pursuant to Senate Bill 1390 in an amount not to exceed $116,905 for fiscal year 1996 and $25,100 for fiscal year 1997 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 strategy items listed above.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE VI - NATURAL RESOURCES

Natural Resource Conservation Commission **Page VI-31**

33. **Contingency Appropriation for Senate Bill 1697.** Contingent upon the enactment of Senate Bill 1697, or similar legislation relating to the licensing of radioactive waste, low-level waste and mixed waste processing facilities by the 74th Legislature, Regular Session, the Texas Natural Resource Conservation Commission (TORCH) is hereby appropriated an amount not to exceed $202,179 for fiscal year 1996 and $425,013 for fiscal year 1997 out of additional revenues collected pursuant to Senate Bill 1697 for the purpose of

implementing that Act. The TORCH is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE VIII - REGULATORY

Board of Registration for Professional Engineers **Page VIII-20**

4. **Contingency Appropriation for Senate Bill 784.** Contingent upon the enactment of Senate Bill 784, or similar legislation relating to administrative penalties for practicing engineers by the Seventy-fourth Legislature, Regular Session, the Board of Registration for Professional Engineers is hereby appropriated $22,000 for fiscal year 1996 and $22,000 for fiscal year 1997 out of General Revenue Fund - Consolidated, Account No. 056, for the purpose of implementing that Act. The Board of Registration for Professional Engineers is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Department of Licensing and Regulation **Page VIII-45**

10. **Contingency Appropriation for Senate Bill 151.** Contingent upon the enactment of Senate Bill 151, or similar legislation relating to certification and licensing of court appointed interpreters by the 74th Legislature, Regular Session, the Department of Licensing and Regulation is hereby appropriated an amount not to exceed $383,583 for fiscal year 1996 and $501,644 for fiscal year 1997 out of additional revenues collected pursuant to Senate Bill 151 for the purpose of implementing that Act. The Department of Licensing and Regulation is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Racing Commission **Page VIII-69**

9. **Contingency Appropriation for House Bill 1305.** Contingent upon the enactment of House Bill 1305, or similar legislation relating to the continuation and functions of the Texas Racing Commission, by the 74th Legislature, Regular Session, the Racing Commission is hereby appropriated $838,458 for fiscal year 1996 and $944,288 for fiscal year 1997 out of additional revenues collected pursuant to House Bill 1305 for the purpose of implementing the Act. The Racing Commission is authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy listed above.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Workers' Compensation Commission **Page VIII-90**

6. **Contingency Appropriation for House Bill 1589.** Contingent upon the enactment of House Bill 1589, or similar legislation creating a State Office of Risk Management, by the 74th Legislature, Regular Session, the Workers' Compensation Commission is hereby appropriated $1,363,184 for the fiscal biennium beginning September 1, 1995 out of the General Revenue Fund for the purpose of implementing that Act. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE IX - GENERAL PROVISIONS

Page IX-102

Sec. 157. **Contingency for Senate Bill 984.** If Senate Bill 984 is enacted by the Seventy-fourth Legislature at its regular session and becomes law, in addition to the other appropriations made by this Act, all amounts deposited in the community environmental equity fund during the fiscal biennium ending August 31, 1997, are appropriated for that period to the Community Environmental Equity Board for the purposes for which money in the fund may be used. If Senate Bill 984 does not become law, this provision has no effect.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Page IX-106

Sec. 165. **Contingency Appropriation for Senate Bill 1214.** Contingent upon the enactment of Senate Bill 1214, or similar legislation relating to the registration and reporting by charitable organizations, by the 74th Legislature, Regular Session, the Office of the Attorney General is hereby appropriated $649,030 for fiscal year 1996 and $604,582 for fiscal year 1997 out of additional revenues collected pursuant to Senate Bill 1214 for the purpose of implementing that Act. The Office of the Attorney General is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed in the agency's bill pattern above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

House Bill 1 was received by the Governor's Office less than ten days prior to adjournment of the Regular Session of the Seventy-fourth Legislature. I have signed House Bill 1, 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 officially and caused the seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
1:40 p.m. O'CLOCK

JUN 17 1995

Secretary of State

Antonio O. Garza, Jr.
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2616

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 943 because of the following objections:

House Bill 943 is unnecessary as the governor currently has the power to direct the comptroller to conduct an audit in relation to public funds. In addition, the metropolitan authorities themselves may contract with the comptroller for auditing services under existing law.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2617

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 1013 because of the following objections:

> House Bill 1013 would impose another layer of bureaucracy upon the Texas Agricultural Finance Authority and the Texas Department of Commerce by requiring them to present their bond programs to the Texas Public Finance Authority who would then make presentations to the Bond Review Board. Currently, both agencies present their bond programs directly to the Bond Review Board. This legislation is unnecessary and will result in additional costs and delays to the citizens of Texas.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2618

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 1457 because of the following objections:

> The Texas Commission on Human Rights currently enforces the Fair Housing Act. House Bill 1457 proposes to involve two other state agencies. This is clearly a duplicative effort which would create more bureaucracy through additional cost to the citizens of Texas.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2619

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 1586 because of the following objections:

> House Bill 1586 provides that parties may contract to cancel, for a fee, the difference between the value of a vehicle immediately before a loss and the amount owed on the vehicle under contract. The conditioning of this cancellation on the loss of the vehicle is in the nature of insurance and should be regulated.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2620

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 1649 because of the following objections:

House Bill 1649 promotes inefficiency by imposing requirements on a child care management system that is currently being redesigned.

Additionally, House Bill 1649 does not acknowledge that all child care functions currently administered by the Department of Human Services will be transferred to the Texas Workforce Commission in the coming biennium. This program transfer will consolidate resources to promote efficiencies in the child care management system over and above the level of efficiency that is likely to be recovered under House Bill 1649.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2621

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2062 because of the following objections:

House Bill 2062 is unnecessary given that another bill having the same objective was recently signed into law.

House Bill 3157 creates a recall mechanism for appointed boards, thereby ensuring the responsiveness of a transit board to its citizens. Signing House Bill 2062 into law would be premature without first giving existing transit boards the opportunity to operate under the requirements of House Bill 3157.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2622

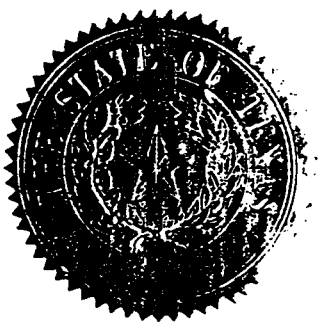
TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2257 because of the following objections:

House Bill 2257 will unduly restrain the Texas Department of Insurance (TDI) from fulfilling its responsibility to regulate insurance companies and protect Texas consumers.

This Bill would preempt TDI's use of any information obtained in a company's response to a regulatory inquiry, and would prevent the introduction of such response as evidence in an administrative hearing. The Commissioner of Insurance has already directed TDI to exercise greater restraint in the issuance of requests and in the use of the information gathered. If this Bill became law, it would hamper TDI's enforcement powers and increase the costs of applying them.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.



George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2623

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2331 because of the following objections:

> House Bill 2331 creates a Class C misdemeanor when a person intentionally or knowingly prevents the execution of any service of process. However, House Bill 2331 contains an exception from a misdemeanor offense when the individual evades service of process by "avoiding detection." The exception is vague and overbroad and effectively bars prosecution under this Bill.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2624

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2460 because of the following objections:

> House Bill 2460 preempts local governing bodies from adopting or enforcing any ordinance, rule, or regulation concerning the sale, distribution, advertising, display, or promotion of cigarettes or tobacco products. Maintaining local control of this issue is in the best interest of the citizens of the State of Texas.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

95 MAY 27 PM 8:19
HOUSE OF REPRESENTATIVES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article 4, Section 14 of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2732 because of the following objections:

House Bill 2732 represents excessive government intervention in private industry.

This bill, which includes the "Liquor Industry Fair Dealing Act," imposes upon liquor suppliers a binding statutory relationship with a single liquor wholesaler for the exclusive regional distribution of the supplier's liquor brands in Texas. By its own provision, the bill would apply retroactively to May 1, 1995, compelling a liquor supplier to use the wholesaler with whom the supplier then had a contractual relationship. The bill further provides that a liquor supplier may only change wholesalers upon application to, and approval of, the Texas Alcoholic Beverage Commission (TABC).

The process for application review in House Bill 2732 is overly restrictive and ambiguous on its face. Additionally, this bill unreasonably impairs the ability of suppliers and wholesalers to freely contract with each other by limiting with whom the suppliers may contract and their ability to change wholesalers. While suppliers and wholesalers voluntarily may choose to use exclusive territorial arrangements, this bill mandates their use. Without compelling evidence that the current distribution system is harmful to Texas consumers, government intervention of this magnitude is unjustified and represents bad public policy.

House Bills 2732 also contains two provisions that appear to be unconstitutional. First, the proposed legislation affords a liquor wholesaler the right to appeal an adverse decision by the TABC on a supplier's application to change wholesalers, but fails to grant suppliers a similar remedy. The proposed bill also retroactively limits a supplier's vested rights in an existing contract by requiring the supplier to use the wholesaler who was under contract as of May 1, 1995. Thus, the retroactive imposition of previously existing contractual relationships may have the practical effect of granting the affected wholesalers a virtually perpetual franchise, dissolvable only upon the occurrence of an extraordinary circumstance.

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 27th day of May, 1995.

George W. Bush
Governor of Texas

Antonio O. Garza
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2625

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2766 because of the following objections:

The market for health care is undergoing rapid and revolutionary change. This Bill attempted the difficult task of balancing the often conflicting interests of the parties in the health care delivery system while attempting to preserve consumer affordability. Had that focus remained sharp, good law would have resulted. Unfortunately, the final Bill imposes numerous new regulations on managed care organizations, adds potentially significant costs to state and local governments and private employers, and contains exemptions which may give a competitive advantage to some managed care organizations. The result was too little protection for patients and much too much protection for special interests combined with too little competition and too much cost.

The most blatant example of tilting the playing field for a special interest is that at least one managed care entity is totally excluded from the Bill's provisions, while others must comply. The Bill also requires a specialty hospital (of which there is one in Texas) to be a provider for every HMO plan in the state. While well-intended, these provisions increase costs for all Texans, including those who might not need or choose such services.

The provisions that would have expanded patient freedom of choice (perhaps the Bill's best feature) are unfortunately written so broadly that the Federal Health Care Financing Administration has indicated the Bill may violate federal requirements. Other provisions of the Bill may also contravene the Federal HMO Act.

Nevertheless, the Bill addressed a number of legitimate concerns, particularly in the area of patient protection and quality assurance. Therefore, I will direct the Commissioners of Insurance and Health to promulgate the following rules: (1) require disclosure of information concerning plan terms and conditions to allow enrollees and employers to make informed decisions when selecting among managed care plans; (2) allow evaluation of managed care plans to ensure consumers are receiving quality care at an affordable price; (3) where possible, expand HMO patient choice to allow for continuity of treatment should a patient's treating physician be terminated; (4) implement reasonable due process procedures to ensure providers are given reasons if they are turned down or terminated from a managed care plan; and (5) prohibit retaliatory actions by HMOs against patients for filing complaints or appealing decisions.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2626

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2856 because of the following objections:

> House Bill 2856 seeks to create the Texas Food Security Council to purportedly address hunger in Texas. It is not in the State's best interest to create another bureaucratic entity that will solicit public and private grants when a private organization could be more effective in dealing with this issue, using the same resources.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2627

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2987 because of the following objections:

House Bill 2987 would remove the Texas Supreme Court and the State Bar of Texas from their historical role of protecting the citizens of Texas from unprofessional and unethical conduct by lawyers. The Bill provides that the Texas Supreme Court cannot pass rules that interfere with an attorney's ability to contract for legal fees or that discourage competition among attorneys to provide legal services. This Bill would call into question the following: (i) Rule 1.04 of the Texas Disciplinary Rules of Professional Conduct, which provides that an attorney in Texas may not charge a client an unreasonable fee; and (ii) the recently enacted lawyer advertising rules. Rule 1.04 was modeled on a rule suggested by the American Bar Association, passed overwhelmingly by State Bar members through a statewide referendum, and promulgated by a unanimous Texas Supreme Court in 1990.

This Bill is contrary to sound public policy because it is so broadly drawn. A more concisely-phrased Bill, supported by the State Bar, could more accurately address the policy concerns underlying this legislation; namely, the Texas Supreme Court's authority to pass rules that interfere with the freedom of contract. The existing body of rules enacted by the Court reveal, however, that the Court, to date, has not adopted a rule which improperly infringes upon a lawyer's freedom to contract.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2628

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 3181 because of the following objections:

> House Bill 3181 proposes to allow sitting Hidalgo County Court at Law judges to practice law in federal courts. There are potential conflicts of interest inherent in allowing sitting judges to practice law. Furthermore, this practice contributes to a backlog of cases in county courts. The reason for allowing this practice was that the judges of county courts at law were not highly paid; however, with judges salaries at current levels, this is no longer an issue.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2629

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 103 because of the following objections:

> Senate Bill 103 creates yet another governmental entity; this one to address difficulties in providing citizens access to the guardianship services needed by Texas families. Rather than improving the guardianship process, this Bill complicates the existing system.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:25 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2630

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 172 because of the following objections:

> Senate Bill 172 imposes unreasonable restrictions on the ability of individuals to provide for the informal management of their estate in a comprehensive and unrestricted manner.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2631

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 524 because of the following objections:

> Senate Bill 524 would define essentially one private school as a charity for the purpose of limiting the liability of its employees. This Arizona corporation is not a charity "operated exclusively for the promotion of social welfare by being primarily engaged in promoting the common good and general welfare of the people in a community." The selective granting of such benefits for an individual private school violates the prohibition in Article III, Section 56, of the Texas Constitution against passing local or special laws.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 pm O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2632

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 695 because of the following objections:

Senate Bill 695 would regulate the way in which state agencies and municipalities manage personnel records of firefighters and police officers. Agencies affected would have to bear the expense of creating separate personnel systems for the police and firefighters under their employment. In addition, cities and agencies would be burdened further by the notice requirements imposed under this Bill.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:25 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2633

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 707 because of the following objections:

> Senate Bill 707, in its attempt to address the specific problem of "gang graffiti," imposes overly broad restrictions upon parents and guardians, and subjects law-abiding juveniles to prosecution. In addition, if this Bill becomes law, retail businesses will be forced to hire additional employees, purchase security equipment and remodel their businesses to avoid prosecution under this Bill.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2634

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 744 because of the following objections:

Senate Bill 744 allows public water to be used in geothermal heat pumps and then returned to the public water supply. The potential risk of public water contamination is too great to allow this without further research.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2635

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 914 because of the following objections:

> Senate Bill 914 would virtually eliminate the at-will doctrine of employment as applied to the Texas Alcoholic Beverage Commission. The Bill would grant all TABC employees, except for those in senior management, a due process property interest in their employment positions. The TABC already has internal policies that allow procedural review of adverse employment actions.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2636

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 1013 because of the following objections:

> Senate Bill 1013 would limit the internal investigations of public servants by prohibiting the use of polygraph examinations and by requiring "sufficient evidence" to prove allegations of misconduct. The "sufficient evidence" standard required by Senate Bill 1013 is legally vague and will encourage litigation against governmental bodies attempting to discipline their employees.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2637

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 1175 because of the following objections:

> Senate Bill 1175 is harmful to sexual assault victims. The Bill provides that the communications between a sexual assault victim and the victim's advocate are legally confidential and privileged. Because a defendant has a constitutional right to confront and cross-examine witnesses with prior statements, this privilege is unconstitutional. If a defendant is precluded from cross-examining a victim about prior statements, then all of the victim's statements may be excluded on appeal. Consequently, without any testimony from the victim, the prosecutor may be forced to dismiss the case.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2638

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 1296 because of the following objections:

> Senate Bill 1296 would replace the substantial compliance rule with a rule of strict compliance regarding each and every technical aspect of an agency's rule-making process under the Texas Administrative Procedure Act. This would result in increased litigation attacking state regulations on the basis of hyper-technical defects that may have no substantive effect or impact on the public.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 16th day of June, 1995.

George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:05 p.m. O'CLOCK

JUN 16 1995

Secretary of State

Governor George W. Bush did not issue
a veto proclamation on
Senate Concurrent Resolution 106

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Senate Bill 346 ..... Courts—General
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Senate Bill 360 ..... Government—State
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Senate Bill 365 ..... Government—State
Senate Bill 366 ..... Government—State
Senate Bill 368 ..... Agriculture
Senate Bill 369 ..... Government—State
Senate Bill 371 ..... Agriculture
Senate Bill 372 ..... Agriculture
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Senate Bill 378 ..... Occupational Regulation
Senate Bill 387 ..... Government—County
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Senate Bill 414 ..... Business Relations
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Senate Bill 428 ..... Property Tax
Senate Bill 436 ..... Health
Senate Bill 437 ..... Transportation
Senate Bill 440 ..... Criminal Justice
Senate Bill 443 ..... Transportation
Senate Bill 446 ..... Education
Senate Bill 449 ..... Retirement Systems and Benefits

Senate Bill 450 ..... Natural Resources and Environmental Regulation
Senate Bill 452 ..... Government—State
Senate Bill 472 ..... Law Enforcement and Public Safety
Senate Bill 478 ..... Business Relations
Senate Bill 480 ..... Energy and Utility Regulation
Senate Bill 482 ..... Health
Senate Bill 488 ..... Business Relations
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Senate Bill 494 ..... Criminal Justice
Senate Bill 496 ..... Government—County
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Senate Bill 513 ..... Human Services/Mental Health and Mental Retardation
Senate Bill 519 ..... Human Services/Mental Health and Mental Retardation
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Senate Bill 524 ..... Civil Remedies and Procedures
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Senate Bill 526 ..... Business Relations
Senate Bill 527 ..... Government—General
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Senate Bill 533 ..... Business Relations
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Senate Bill 542 ..... Government—County
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Senate Bill 595 ..... Government—County
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Senate Bill 598 ..... Insurance
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Senate Bill 601 ..... Health
Senate Bill 602 ..... Health
Senate Bill 604 ..... Health
Senate Bill 605 ..... Government—State
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Senate Bill 609 ..... Government—City
Senate Bill 622 ..... Family Law and Juvenile Justice
Senate Bill 626 ..... Natural Resources and Environmental Regulation
Senate Bill 627 ..... Government—State
Senate Bill 628 ..... Insurance
Senate Bill 634 ..... Occupational Regulation
Senate Bill 636 ..... Government—State
Senate Bill 640 ..... State Taxes and Tax Administration
Senate Bill 641 ..... State Taxes and Tax Administration
Senate Bill 642 ..... Property Tax
Senate Bill 643 ..... State Taxes and Tax Administration
Senate Bill 644 ..... State Taxes and Tax Administration
Senate Bill 645 ..... Law Enforcement and Public Safety
Senate Bill 646 ..... Public Officials and Employees
Senate Bill 647 ..... Government—State
Senate Bill 651 ..... Energy and Utility Regulation
Senate Bill 659 ..... Occupational Regulation

Senate Bill 661 ..... Banking and Finance
Senate Bill 667 ..... Health
Senate Bill 673 ..... Health
Senate Bill 675 ..... Government—State
Senate Bill 676 ..... Criminal Justice
Senate Bill 680 ..... Elections
Senate Bill 686 ..... Government—State
Senate Bill 688 ..... Transportation
Senate Bill 691 ..... Courts—General
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Senate Bill 695 ..... Law Enforcement and Public Safety
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Senate Bill 731 ..... Natural Resources and Environmental Regulation
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Senate Bill 739 ..... Business Relations
Senate Bill 741 ..... Government—State
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Senate Bill 774 ..... Retirement Systems and Benefits
Senate Bill 775 ..... Government—County
Senate Bill 776 ..... Natural Resources and Environmental Regulation
Senate Bill 779 ..... Government—County
Senate Bill 780 ..... Courts—General
Senate Bill 783 ..... Property Tax
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Senate Bill 789 ..... Family Law and Juvenile Justice
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Senate Bill 793 ..... Family Law and Juvenile Justice
Senate Bill 794 ..... State Taxes and Tax Administration
Senate Bill 810 ..... Agriculture
Senate Bill 814 ..... Parks and Wildlife
Senate Bill 821 ..... State Taxes and Tax Administration
Senate Bill 831 ..... Transportation
Senate Bill 832 ..... Transportation
Senate Bill 833 ..... State Taxes and Tax Administration
Senate Bill 840 ..... Criminal Justice
Senate Bill 855 ..... Retirement Systems and Benefits
Senate Bill 863 ..... Government—City
Senate Bill 864 ..... Retirement Systems and Benefits
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Senate Bill 871 ..... Banking and Finance
Senate Bill 872 ..... Banking and Finance
Senate Bill 875 ..... Education
Senate Bill 882 ..... Transportation
Senate Bill 885 ..... Insurance
Senate Bill 886 ..... Courts—General
Senate Bill 888 ..... Elections
Senate Bill 892 ..... Government—City
Senate Bill 896 ..... Transportation
Senate Bill 897 ..... Agriculture
Senate Bill 904 ..... Retirement Systems and Benefits

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Senate Bill 913 ..... Civil Remedies and Procedures
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Senate Bill 927 ..... Transportation
Senate Bill 934 ..... Government—Special Districts
Senate Bill 935 ..... Government—Special Districts
Senate Bill 938 ..... Courts—General
Senate Bill 942 ..... Government—State
Senate Bill 944 ..... Education
Senate Bill 955 ..... Health
Senate Bill 956 ..... Public Lands
Senate Bill 958 ..... Government—State
Senate Bill 959 ..... Government—State
Senate Bill 964 ..... Law Enforcement and Public Safety
Senate Bill 965 ..... Health
Senate Bill 971 ..... Transportation
Senate Bill 979 ..... Health
Senate Bill 980 ..... Transportation
Senate Bill 981 ..... Transportation
Senate Bill 982 ..... State Taxes and Tax Administration
Senate Bill 983 ..... Government—City
Senate Bill 988 ..... Public Officials and Employees
Senate Bill 993 ..... Public Lands
Senate Bill 1009 .... Occupational Regulation
Senate Bill 1013 .... Labor and Employment
Senate Bill 1015 .... Government—City
Senate Bill 1016 .... Natural Resources and Environmental Regulation
Senate Bill 1017 .... Natural Resources and Environmental Regulation
Senate Bill 1018 .... Public Lands
Senate Bill 1020 .... Government—State
Senate Bill 1028 .... Agriculture
Senate Bill 1029 .... Occupational Regulation
Senate Bill 1032 .... Property Interest
Senate Bill 1037 .... Banking and Finance
Senate Bill 1038 .... Public Lands
Senate Bill 1044 .... Business Relations
Senate Bill 1046 .... Government—State
Senate Bill 1049 .... Criminal Justice
Senate Bill 1058 .... Transportation
Senate Bill 1059 .... Occupational Regulation
Senate Bill 1060 .... Courts—General
Senate Bill 1061 .... Courts—General
Senate Bill 1062 .... Courts—General
Senate Bill 1063 .... Business Relations
Senate Bill 1067 .... Government—City
Senate Bill 1070 .... Government—State
Senate Bill 1074 .... Criminal Justice
Senate Bill 1076 .... Natural Resources and Environmental Regulation
Senate Bill 1084 .... Business Relations
Senate Bill 1090 .... Criminal Justice
Senate Bill 1092 .... Property Tax
Senate Bill 1098 .... Health
Senate Bill 1125 .... Natural Resources and Environmental Regulation
Senate Bill 1126 .... Natural Resources and Environmental Regulation
Senate Bill 1128 .... Banking and Finance
Senate Bill 1129 .... Transportation
Senate Bill 1135 .... Law Enforcement and Public Safety
Senate Bill 1136 .... State Taxes and Tax Administration
Senate Bill 1139 .... Transportation
Senate Bill 1146 .... Agriculture
Senate Bill 1148 .... Retirement Systems and Benefits
Senate Bill 1150 .... Occupational Regulation
Senate Bill 1154 .... Government—State
Senate Bill 1158 .... Energy and Utility Regulation

Senate Bill 1162 .... Health
Senate Bill 1168 .... Corrections
Senate Bill 1172 .... Natural Resources and Environmental Regulation
Senate Bill 1173 .... Agriculture
Senate Bill 1175 .... Health
Senate Bill 1177 .... Government—General
Senate Bill 1178 .... Occupational Regulation
Senate Bill 1179 .... Business Relations
Senate Bill 1182 .... Government—State
Senate Bill 1190 .... Health
Senate Bill 1196 .... Agriculture
Senate Bill 1197 .... Courts—General
Senate Bill 1198 .... Government—City
Senate Bill 1212 .... Business Relations
Senate Bill 1217 .... Criminal Justice
Senate Bill 1222 .... Insurance
Senate Bill 1223 .... Transportation
Senate Bill 1227 .... Energy and Utility Regulation
Senate Bill 1228 .... Education
Senate Bill 1229 .... Health
Senate Bill 1231 .... Retirement Systems and Benefits
Senate Bill 1232 .... Insurance
Senate Bill 1236 .... Business Relations
Senate Bill 1241 .... Government—Special Districts
Senate Bill 1252 .... Law Enforcement and Public Safety
Senate Bill 1260 .... Banking and Finance
Senate Bill 1261 .... Government—City
Senate Bill 1262 .... Public Lands
Senate Bill 1276 .... Government—State
Senate Bill 1278 .... Transportation
Senate Bill 1280 .... Education
Senate Bill 1281 .... Property Interest
Senate Bill 1282 .... Public Lands
Senate Bill 1284 .... Insurance
Senate Bill 1291 .... Occupational Regulation
Senate Bill 1295 .... Government—State
Senate Bill 1296 .... Government—State
Senate Bill 1299 .... Education
Senate Bill 1301 .... Occupational Regulation
Senate Bill 1302 .... Occupational Regulation
Senate Bill 1303 .... Occupational Regulation
Senate Bill 1314 .... Transportation
Senate Bill 1327 .... Public Lands
Senate Bill 1328 .... Public Lands
Senate Bill 1329 .... Banking and Finance
Senate Bill 1334 .... Business Relations
Senate Bill 1336 .... Human Services/Mental Health and Mental Retardation
Senate Bill 1337 .... Law Enforcement and Public Safety
Senate Bill 1338 .... Courts—General
Senate Bill 1347 .... Energy and Utility Regulation
Senate Bill 1349 .... Criminal Justice
Senate Bill 1356 .... Energy and Utility Regulation
Senate Bill 1357 .... Energy and Utility Regulation
Senate Bill 1360 .... Transportation
Senate Bill 1363 .... Transportation
Senate Bill 1365 .... Insurance
Senate Bill 1371 .... Natural Resources and Environmental Regulation
Senate Bill 1375 .... Government—City
Senate Bill 1379 .... Courts—General
Senate Bill 1384 .... Courts—General
Senate Bill 1387 .... Property Tax
Senate Bill 1388 .... Government—County
Senate Bill 1391 .... Occupational Regulation
Senate Bill 1396 .... Government—City
Senate Bill 1397 .... Government—City
Senate Bill 1407 .... Insurance
Senate Bill 1410 .... Insurance
Senate Bill 1414 .... Government—State
Senate Bill 1420 .... Transportation
Senate Bill 1428 .... Government—State
Senate Bill 1431 .... Health
Senate Bill 1435 .... Family Law and Juvenile Justice

Senate Bill 1437 .... Government—County
Senate Bill 1438 .... Energy and Utility Regulation
Senate Bill 1439 .... Civil Remedies and Procedures
Senate Bill 1443 .... Occupational Regulation
Senate Bill 1445 .... Transportation
Senate Bill 1446 .... Transportation
Senate Bill 1453 .... Government—State
Senate Bill 1454 .... Health
Senate Bill 1470 .... Transportation
Senate Bill 1477 .... Business Relations
Senate Bill 1479 .... Government—County
Senate Bill 1485 .... Family Law and Juvenile Justice
Senate Bill 1487 .... Family Law and Juvenile Justice
Senate Bill 1491 .... Education
Senate Bill 1492 .... State Taxes and Tax Administration
Senate Bill 1502 .... Occupational Regulation
Senate Bill 1504 .... Law Enforcement and Public Safety
Senate Bill 1509 .... Economic Development
Senate Bill 1512 .... Transportation
Senate Bill 1513 .... Transportation
Senate Bill 1514 .... Insurance
Senate Bill 1515 .... Courts—General
Senate Bill 1530 .... State Taxes and Tax Administration
Senate Bill 1535 .... Retirement Systems and Benefits
Senate Bill 1542 .... Occupational Regulation
Senate Bill 1545 .... Property Tax
Senate Bill 1546 .... Government—State
Senate Bill 1549 .... Banking and Finance
Senate Bill 1551 .... Energy and Utility Regulation
Senate Bill 1554 .... Occupational Regulation
Senate Bill 1585 .... Family Law and Juvenile Justice
Senate Bill 1601 .... Government—Special Districts
Senate Bill 1604 .... Health
Senate Bill 1606 .... Natural Resources and Environmental Regulation
Senate Bill 1607 .... Natural Resources and Environmental Regulation
Senate Bill 1617 .... Business Relations
Senate Bill 1619 .... Natural Resources and Environmental Regulation
Senate Bill 1620 .... Government—Special Districts
Senate Bill 1622 .... Courts—General
Senate Bill 1627 .... Government—Special Districts
Senate Bill 1628 .... Energy and Utility Regulation
Senate Bill 1629 .... State Taxes and Tax Administration
Senate Bill 1632 .... Government—Special Districts
Senate Bill 1633 .... Transportation
Senate Bill 1637 .... Insurance
Senate Bill 1645 .... Natural Resources and Environmental Regulation
Senate Bill 1646 .... Economic Development
Senate Bill 1647 .... Natural Resources and Environmental Regulation
Senate Bill 1654 .... Property Tax
Senate Bill 1657 .... Natural Resources and Environmental Regulation
Senate Bill 1658 .... Property Tax
Senate Bill 1660 .... Natural Resources and Environmental Regulation
Senate Bill 1670 .... Business Relations
Senate Bill 1671 .... Government—City
Senate Bill 1674 .... Natural Resources and Environmental Regulation
Senate Bill 1675 .... Government—State
Senate Bill 1681 .... Government—State
Senate Bill 1682 .... Property Tax
Senate Bill 1683 .... Natural Resources and Environmental Regulation
Senate Bill 1685 .... Health
Senate Bill 1688 .... Public Lands

Senate Bill 1691 .... Public Lands
Senate Bill 1693 .... Natural Resources and Environmental Regulation
Senate Bill 1694 .... Government—Special Districts
Senate Bill 1695 .... Law Enforcement and Public Safety
Senate Bill 1701 .... Transportation
Senate Bill 1704 .... Property Interest
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Senate Bill 1709 .... Natural Resources and Environmental Regulation
Senate Bill 1714 .... Natural Resources and Environmental Regulation
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