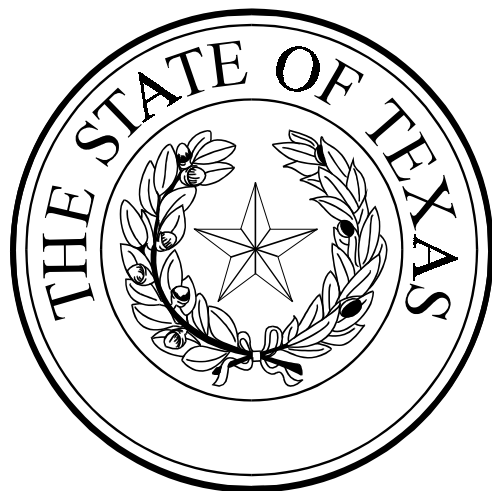


Summary of Enactments 75th Legislature

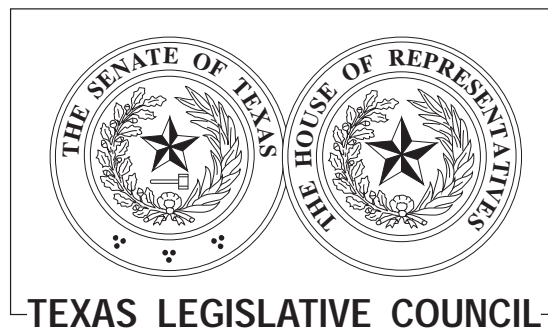
Regular Session 1997



Texas Legislative Council
October 1997

Summary of Enactments 75th Legislature

Regular Session 1997



Prepared by the Research Division
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Robert I. Kelly, Executive Director
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FOREWORD

The Summary of Enactments of the 75th Legislature provides synopses of all bills enacted and all joint resolutions proposing amendments to the Texas Constitution passed by the legislature during the 1997 Regular Session. Chapters on governmental entities abolished and created, sunset legislation, and the governor's vetoes 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, nor should it be used as a source of authority for legal interpretation. For specific, detailed information, the act itself should be examined.

Copies of enrolled bills and resolutions from the 75th Legislature may be obtained from house and senate document distribution offices until November 1998. 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 room 190 in the Sam Houston State Office Building (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 room 2N.3 in the Capitol (P.O. Box 12488, Austin, Texas 78711; (512) 463-1252).

Online access to legislative information, including enrolled bills, resolutions, text for all bill versions, bill history, bill analyses, and fiscal notes, is available through the Internet at <http://www.capitol.state.tx.us>.

INTRODUCTION

The Regular Session of the 75th Legislature convened on January 14, 1997, and adjourned *sine die* on June 2, 1997. Of the 1,487 bills enacted during the session, 36 bills, one senate concurrent resolution, and several items of appropriation in House Bill 1, the General Appropriations Act, were subsequently vetoed by Governor George W. Bush. Lawmakers also passed 15 joint resolutions proposing amendments to the Texas Constitution, one which was approved by Texas voters on August 9, 1997, and 14 to be submitted for approval in the November 4, 1997, election.

	Filed	Passed	Vetoed*
Bills	5,561	1,487	36
Joint Resolutions	166	15	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 75TH LEGISLATURE

AGRICULTURE

HOUSE BILL 404

EFFECTIVE: See below

House Bill 404 amends the Agriculture Code to abolish the office of inspector of hides and animals of Ector County, subject to approval by local voters at an election on November 3, 1998. If approved, the abolition takes effect January 1, 1999.

HOUSE AUTHOR: G. West

SENATE SPONSOR: Duncan

HOUSE BILL 950

EFFECTIVE: 5-23-97

House Bill 950 amends the Agriculture Code to render the Texas Soybean Producers Board inactive unless it is reactivated by the commissioner of agriculture. The act prohibits the board from exercising any powers after the end of the board's 1997 fiscal year aside from preparing the required fiscal year report.

HOUSE AUTHOR: D. Jones

SENATE SPONSOR: Duncan

HOUSE BILL 963

EFFECTIVE: 9-1-97

House Bill 963 amends Agriculture Code provisions relating to the attachment of a lien for the sale of agricultural chemicals, labor, or animal feed. The lien is established on the first day that the chemicals, labor, or feed are provided to the debtor and attaches only to the proceeds of the sale of the crop or animals that resulted or benefited from the materials or labor. The act establishes the amount of the lien as equal to the sum of all unpaid charges for materials or labor furnished within 180 days prior to the lienholder's filing a notice of claim with the secretary of state. A claimant is entitled to take actions to perfect the lien unless the Texas Department of Agriculture is investigating a dispute between the debtor and lienholder.

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Haywood

HOUSE BILL 993

EFFECTIVE: 9-1-97

House Bill 993 amends provisions of the Agriculture Code relating to the Young Farmer Loan Guarantee Program. The act raises the maximum guarantee amount on a loan made through the program from \$50,000 to \$100,000 and changes restrictions on the use of loan proceeds.

HOUSE AUTHOR: P. Patterson et al.

SENATE SPONSOR: Brown

In addition, the act transfers application oversight duties for the program from the Texas Department of Agriculture to the board of directors of the Texas Agriculture Finance Authority and authorizes the board to enter into an agreement with a lender and a borrower regarding certain arrangements for reduced interest rates on guaranteed loans, with rate reductions not to exceed three percentage points.

HOUSE BILL 1052

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Ogden

House Bill 1052 amends provisions of the Agriculture Code relating to state standards for the inspection and regulation of shell eggs to require that shell eggs be stored at a temperature of 45 degrees Fahrenheit or less after initial packing, provided that if a different temperature standard is adopted by the USDA or FDA, the federal temperature standard shall prevail. The act requires the commissioner of agriculture to adopt rules to implement the changes in standards before January 1, 1998.

HOUSE BILL 1145

EFFECTIVE: See below

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Fraser

House Bill 1145 adds a new chapter to the Agriculture Code relating to the sale of bison and buffalo products. The act defines "bison," "buffalo," and their respective meats, sets forth wholesale, retail, and restaurant labeling requirements necessary to properly identify the different types of meat, and establishes criminal penalties for an individual who knowingly violates labeling requirements.

The act also exempts bison from taxation if they are used for experimental breeding or kept in parks for species preservation. The act takes effect September 1, 1997, except for provisions related to tax exemptions, which take effect January 1, 1998.

HOUSE BILL 1577

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher

SENATE SPONSOR: Armbrister

House Bill 1577 amends The Veterinary Licensing Act to establish a peer assistance program for licensed veterinarians. The program must comply with provisions of the Health and Safety Code relating to programs established to address the problems of alcohol and controlled substance addiction within professional ranks. The act provides funding for the program through licensing surcharges and from administrative fines.

HOUSE BILL 1808

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts

SENATE SPONSOR: Bivins

House Bill 1808 adds a new section to the Agriculture Code to establish that certain information collected by the State Soil and Water Conservation Board or a soil and water conservation district regarding water quality management plans or conservation plans is not subject to the open records law. The act sets forth guidelines for the collection and disclosure of information. The act also provides that the state board or an individual conservation district, including any officers, employees, or agents, is not liable for damages caused by a violation of these provisions.

HOUSE BILL 1823

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Glaze

SENATE SPONSOR: Cain

Current law requires inspection of the slaughter and preparation of livestock, with a personal use exemption for a person who slaughters and processes an animal solely for use by that person or the person's household, guests, or employees. House Bill 1823 amends the Texas Meat and Poultry Inspection Act to extend the personal use exemption to the slaughter or preparation of livestock by a processing establishment solely for the personal use of the livestock owner.

HOUSE BILL 2396
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Finnell et al.
SENATE SPONSOR: J. Patterson

House Bill 2396 adds a new chapter to the Agriculture Code directing the Texas Agricultural Extension Service to develop and promote a horse theft training program for horse owners. The chapter also requires state, county, and local law enforcement agencies responsible for investigating horse thefts to provide appropriate training to employees and to work closely with other law enforcement agencies in reporting and investigating the crimes. The act creates guidelines for brands and identifying marks that may be used on horses, requires owners to record horse identification marks with the local county clerk, and gives horse owners the right to request exclusive use of the identification mark they register.

House Bill 2396 sets forth monthly reporting guidelines for horse slaughtering facilities identical to those for cattle slaughtering facilities and assesses a fee on the slaughterer for each horse purchased for slaughter. The act directs the entity designated to inspect livestock in Texas to inspect every horse handled by a slaughterhouse for identification marks. The act also requires that records be made available to the Texas Animal Health Commission 24 hours after livestock is received at the slaughtering plant and that they be preserved by the plant for two years.

HOUSE BILL 2499
EFFECTIVE: 9-1-97

HOUSE AUTHOR: P. Patterson et al.
SENATE SPONSOR: Haywood

House Bill 2499 amends provisions of the Agriculture Code relating to the Texas Family Farm and Ranch Finance Program. The act raises the maximum net worth that an applicant may have and be eligible for the program from \$300,000 to \$400,000 and raises the maximum amount of a loan under the program from \$150,000 to \$250,000. In addition, the act transfers the balance of the farm and ranch loan security fund to the farm and ranch finance program and removes language that previously transferred the funds to other programs.

HOUSE BILL 2602
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Swinford
SENATE SPONSOR: Haywood

House Bill 2602 amends the Property Code to establish that a person holding a lien on an animal fed in confinement for slaughter may enforce the lien as provided under provisions of the Uniform Commercial Code relating to a secured party's right to dispose of collateral after default.

HOUSE BILL 2807
EFFECTIVE: See below

HOUSE AUTHOR: Flores
SENATE SPONSOR: Lucio

House Bill 2807 amends Agriculture Code provisions regarding the citrus budwood certification program. The act expands the purpose of the program and establishes an advisory council to make recommendations on the implementation of the program. The act requires all citrus nurseries and citrus growers to comply with Texas Department of Agriculture program standards and rules regarding the certification and sale of citrus budwood and citrus nursery trees and requires the department to implement the program through periodic inspections of citrus nurseries and their records to ensure the use of certified budwood. In addition, the act authorizes the department to stop the sale of citrus budwood or a citrus nursery tree if the item is falsely portrayed as certified or if the sale is done in violation of rules adopted under the program and to impose criminal and administrative penalties for violation of the act.

The act takes effect June 19, 1997, except for provisions relating to criminal and administrative penalties, which take effect on September 1, 1997.

Agriculture

HOUSE BILL 2945

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 2945 adds a new section to the Agriculture Code to establish that improvements made on agricultural land not expressly prohibited by statute at the time of construction do not constitute a nuisance. The section does not apply to improvements that obstruct the flow of water, light, or air to other land and does not prevent the enforcement of statutes to protect the public health and safety.

HOUSE BILL 3065

EFFECTIVE: 6-18-97

HOUSE AUTHOR: King

SENATE SPONSOR: Fraser

House Bill 3065 amends the Agriculture Code to specify that a lending institution is not ineligible to participate in the linked deposit program established in the Texas Department of Agriculture solely because a member of the board is also an officer, director, or employee of the institution.

SENATE BILL 372

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Walker

Senate Bill 372 amends provisions of the Agriculture Code to modify the authority of the Texas Department of Agriculture to regulate public warehousemen, organic certification, rose grading, citrus and vegetable plants, the establishment of quarantines, and certain inspection fees.

In addition, the act repeals provisions of the Agriculture Code relating to registering and testing of alcohol fuels and fuel alcohol equipment, brake fluid regulations, collection of escrow fees on cotton accounts, registering of antifreeze, investigation of subsoiling, drainage, and irrigation in the state, and certain fees assessed on warehouse corporations.

SENATE BILL 1465

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: P. Patterson

Senate Bill 1465 adds a new section to the Agriculture Code to authorize the Texas Animal Health Commission to require slaughter plants to collect and submit blood samples and other diagnostic specimens necessary to test for disease and establish criminal penalties for an owner or operator of a slaughter plant who fails to comply with collection and submission requirements. The act also removes the statutory limit for bovine tuberculosis indemnity for infected and exposed animals and authorizes the commission to pay indemnity for such animals if necessary to eradicate the disease and to adopt rules to determine eligibility for compensation.

SENATE BILL 1576

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Swinford

Under previous law, the Texas Agriculture Finance Authority was required to complete a biennial cost-benefit study on all finance programs under its jurisdiction. Senate Bill 1576 amends the Agriculture Code to replace cost-benefit study requirements with provisions requiring the adoption and implementation of certain performance measures.

The act requires the authority's board of directors to work in conjunction with the Legislative Budget Board, the state auditor, and the office of the governor to develop a minimum of two performance measures designed to provide information on the benefits of the authority's loan programs and requires the performance measures to be included either in the authority's annual report or as a component of the measures incorporated into the General Appropriations Act.

SENATE BILL 1639
EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Walker

Senate Bill 1639 adds a new subsection to the Property Code to establish the terms of and procedures for a cotton ginner's lien on charges accrued for the processing and harvesting of cotton. The act sets forth requirements regarding notification of outstanding charges, establishes the lienholder's right to sell the cotton, and specifies where the proceeds from the sale will be applied.

SENATE BILL 1814
EFFECTIVE: 5-30-97

SENATE AUTHOR: Duncan et al.
HOUSE SPONSOR: Junell et al.

Senate Bill 1814 amends provisions of the Agriculture Code relating to the state's cotton boll weevil eradication program. The act includes pink bollworm eradication in the program, creates six expanded statutory eradication zones, and provides for the creation of nonstatutory eradication zones.

Senate Bill 1814 transfers to the commissioner of agriculture certain authority, previously exercised by the official cotton grower's boll weevil eradication foundation, regarding approval to borrow money, claims resolution, setting assessment penalties, adjusting the boundaries of eradication zones, and conducting certain referenda. The commissioner is required every four years, or on receipt of a valid petition, to conduct a referendum on the continuance of an eradication program within an established zone and must conduct certain specific retention referenda by certain dates. The commissioner is also required to propose a referendum on monetary assessments levied on cotton growers in each zone and to conduct a referendum on the proposed creation of a nonstatutory eradication zone. The Texas Department of Agriculture is required to provide notice of eradication treatment, monitoring, or inspection activities requiring entry to private property.

The act designates the Texas Boll Weevil Eradication Foundation as the quasi-governmental agency authorized to carry out boll weevil eradication activities. The act changes the composition of the foundation board, requires the foundation to submit an annual progress report to the commissioner of agriculture and to the appropriate house oversight committee, and requires an annual independent audit of the books and records of the foundation, including information about each eradication zone, to be filed with the board, the commissioner of agriculture, and the state auditor. Senate Bill 1814 also stipulates that the foundation is subject to open records and open meetings laws, and that the foundation's members, director, officers, and employees are exempt from lawsuits and liability to the extent of any other state governmental employee. The act sets forth provisions for the liability of pesticide applicators and requires the foundation to have minimum liability coverage in effect for any eradication or diapause efforts.

In addition, the act provides that all funds previously collected by the foundation, with the exception of money designated for claims pending before April 30, 1997, are immune from seizure, taxation, or any other process. The act also reenacts certain provisions of the previous eradication program.

APPROPRIATIONS

HOUSE BILL 1

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Ratliff

House Bill 1, the General Appropriations Act, appropriates \$86.2 billion for the FY1998-FY1999 fiscal biennium beginning September 1, 1997. That amount, from all funding sources, reflects an expenditure increase of 6.8 percent over FY1996-FY1997. Of the biennial appropriations, \$53.1 billion or 61.6 percent is derived from general revenue, both dedicated and undedicated. Another \$24.6 billion or 28.6 percent comes from federal funding.

Education receives \$37.3 billion, an increase of 7.1 percent over the preceding biennium, while health and human services receive \$26.1 billion, an increase of 4.2 percent. The act provides contingency appropriations for public school enrollment growth and caseload growth for temporary assistance to needy families. It continues Medicaid services for elderly and disabled immigrants affected by federal welfare reform legislation. Business and economic development is funded at \$10.3 billion, the bulk going to the Texas Department of Transportation, which receives \$7 billion for a biennial increase of 2.2 percent to that agency. Public safety and criminal justice receive \$7 billion, an increase of 5.3 percent. That amount provides FY1998 funding for an expansion of state jail beds and FY1999 funding for two new high-security prison units.

The Texas Constitution sets a limit on welfare spending, equal to one percent of the budget, and a limit on the growth of undedicated tax revenue relative to the estimated rate of state economic growth. House Bill 1 satisfies both limits. The other constitutional limitation is the "pay-as-you-go" provision, which limits certain budget expenditures to estimated biennial revenue. The legislation is more than \$1 billion under the comptroller's most recent revenue estimate.

Major capital expenditures for the biennium total \$621.7 million. Debt service spending is \$755.1 million. Of that figure, \$729.6 million is subject to a statutory annual percentage limitation on debt service spending from constitutionally undedicated general revenue. The act is within the limit for both years of the biennium.

House Bill 1 provisions include a reduction in full-time equivalent state employees; it provides for 222,767 for the second year of the biennium, a reduction of more than 4,000 from the positions budgeted for FY1997. The act adopts three salary schedules for different sets of state employees, a departure from the traditional single salary schedule. It provides a \$100 per month salary increase for state employees.

HOUSE BILL 2778

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Ratliff

House Bill 2778 directly appropriates or reappropriates \$15.1 million, and authorizes expenditures of another \$1.2 million from FY1998-FY1999 appropriations, to pay itemized claims and judgments against the State of Texas. Each payment is subject to verification and substantiation of the claim or judgment and approval by the attorney general and comptroller of public accounts.

Appropriations

HOUSE BILL 2948

EFFECTIVE: 6-19-97

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Ratliff

House Bill 2948 provides that a fund or account created or re-created in the state treasury by an act of the 75th Legislature, or a dedication or rededication accomplished by an act of the 75th Legislature, is abolished on the later of August 30, 1997, or the effective date of such act. However, it exempts from this abolishment certain funds, accounts, dedications, and rededications in certain newly enacted legislation and proposed constitutional amendments. House Bill 2948 rededicates certain fee revenue under The Real Estate License Act for the support and maintenance of the Texas Real Estate Research Center. It amends the Government Code to transfer interest from the Texas capitol trust fund to the credit of the housing trust fund rather than the general revenue fund. Another code amendment makes temporarily available, for general governmental purposes, dedicated revenues that exceed appropriated amounts on the final day of FY1999. House Bill 2948 prevails over any contrary legislation of the 75th Legislature.

HOUSE JOINT RESOLUTION 59

FOR ELECTION: 11-4-97

HOUSE AUTHOR: Delisi et al.

SENATE SPONSOR: Ratliff

House Joint Resolution 59 proposes an amendment to the Texas Constitution capping annual state debt service payable from the general revenue fund to five percent of the average general revenue fund revenues for the three preceding fiscal years. Revenue constitutionally dedicated for purposes other than paying state debt is excluded from the general revenue average. The resolution defines state debt payable from general revenue as authorized general revenue bonds and lease-purchase agreements over \$250,000 designed to be paid by general revenue.

SENATE BILL 886

EFFECTIVE: 5-9-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 886 makes emergency appropriations of \$50.7 million, for the two-year period beginning on its effective date, to the Department of Protective and Regulatory Services for substitute care services, the Texas Workforce Commission for the JOBS program, the Texas Youth Commission for maintaining the "Six-Month Minimum Length of Stay Rate" objective established by the 74th Legislature, the Employees Retirement System and comptroller for employee benefit costs associated with the appropriations listed above, the Department of Information Resources to make the state's computer systems compatible with year 2000, the Texas Natural Resource Conservation Commission for regional precipitation enhancement programs, and the attorney general for payment of workers' compensation benefits.

The act appropriates another \$5.6 million to the Texas Department of Transportation for the same two-year period to provide a loan relating to passenger rail service. The loan money comes from the general revenue fund.

Senate Bill 886 transfers another \$0.5 million of previously appropriated funds to the Texas Water Development Board to support initial operations of the Edwards Aquifer Authority.

It also amends employee provisions relating to the Telecommunications Infrastructure Fund Board.

SENATE BILL 987**EFFECTIVE:** 6-19-97**SENATE AUTHOR:** Moncrief et al.**HOUSE SPONSOR:** Gallego

The Code of Criminal Procedure provides for a compensation to victims of crime fund, which is used by the attorney general's office to pay compensation to crime victims and to pay administrative costs of crime victim compensation. Senate Bill 987 adds a temporary subsection, expiring at the end of FY1999, to allow the legislature to appropriate money from the fund to state agencies that deliver victim-related services or assistance.

Beginning FY2000, the act establishes a system whereby excess money in the fund may be appropriated for the same purpose. It directs the attorney general to estimate, in consultation with the comptroller of public accounts, the amount of money expected to be obligated from the fund during the next fiscal biennium and to estimate the sum of money expected to be available from the fund during that biennium. The act adds a buffer to the expected obligations and sets a formula for the excess that the legislature may appropriate. Appropriations may go to the attorney general's office for grants or contracts supporting victim-related services or assistance, as well as to other state agencies.

SENATE BILL 1898**EFFECTIVE:** 6-20-97**SENATE AUTHOR:** Ratliff**HOUSE SPONSOR:** Junell

Senate Bill 1898 makes appropriations totaling \$101,781,134, contingent on the satisfaction of certain conditions, to settle certain claims and pay expenses relating to motor vehicle inspection and maintenance litigation. A reappropriation of \$653,211 goes toward another settlement relating to the Texas Department of Criminal Justice. The act appropriates \$9,065,460 to the Texas Natural Resource Conservation Commission for payments to end users of shredded tire pieces and whole scrap tires from certain enforcement sites and provides for the disposition of the unobligated balance of the waste tire recycling fund when that fund expires at the beginning of 1998.

It appropriates \$12,775,000 to the Texas Higher Education Coordinating Board for tuition assistance grants, teacher education at certain private academic institutions, and a pre-freshman engineering program. Contingent on specified guidelines and agreements, the act appropriates \$10,400,000 to Texas Southern University to fund existing financial obligations. The Texas A&M University System and its Galveston campus receive \$2,800,000 for scholarships for needy students and shoreline repair at a boat basin. The act appropriates to Sul Ross State University certain unexpended balances for the school's student center. It also includes directives to the Texas Education Agency and State Board of Education relating to previous appropriations for the FY1996-FY1997 biennium.

Other appropriations include \$2 million to the governor's office to provide disaster funding to local governments and other eligible entities and \$3,517,300 to the Texas Department of Human Services to modify automation systems to administer federal Temporary Assistance for Needy Families grants. The act makes various changes to appropriations item amounts and riders contained in House Bill 1, the General Appropriations Act. Additional provisions relate to salaries of felony prosecutors and deputy court clerks. The Legislative Budget Board is charged to develop performance measures for the additional appropriations provided by Senate Bill 1898.

Appropriations

SENATE JOINT RESOLUTION 33
FOR ELECTION: 11-4-97

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: Gallego

State law provides for a compensation to victims of crime fund and a compensation to victims of crime auxiliary fund. Senate Joint Resolution 33 proposes a constitutional amendment to establish the funds as separate dedicated accounts in the general revenue fund. The dedication allows their use, subject to legislative appropriation, for delivering or funding victim-related compensation, services, or assistance. Also, if other appropriations for emergency assistance are depleted, the legislature may provide for fund expenditures to assist victims of mass violence. The amendment takes effect, if approved by voters, on January 1, 1998.

SENATE JOINT RESOLUTION 39
FOR ELECTION: 11-4-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Giddings

Senate Joint Resolution 39 proposes to amend the Texas Constitution to repeal a provision prohibiting the board of the Texas growth fund from investing in a business without requiring the business to disclose investments in South Africa or Namibia.

BANKING AND FINANCE

HOUSE BILL 10

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Armbrister

House Bill 10 adopts the Finance Code, a nonsubstantive revision of statutes relating to financial regulatory agencies, financial institutions and businesses, consumer protection regarding financial services, and the regulation of interest, loans, and financed transactions. Included in the code are the Texas Banking Act, Texas Savings and Loan Act, Texas Savings Bank Act, and Texas Credit Union Act. The legislation also adopts other nonsubstantive revisions, adding chapters to the Business & Commerce Code relating to business opportunities, telephone solicitation, contests and giveaways, and the cancellation of certain consumer transactions.

HOUSE BILL 16

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 16 amends the Government Code to authorize the comptroller of public accounts to enter into an agreement with a credit card issuer for a credit card in behalf of state parks. Under such an agreement, the issuer may represent to the public that the card benefits state parks, and in return the issuer must pay to the comptroller an amount based on its use by card holders. The design of the credit card, and the manner in which the benefit is represented, requires the comptroller's approval. Resulting proceeds to the state are credited to the state parks fund.

HOUSE BILL 1266

EFFECTIVE: 5-12-97

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: J. Patterson

House Bill 1266 makes loans to purchase an interest in a trust or other entity that holds real property in a foreign country as its primary asset and the collateral to secure the loans subject to existing law governing collateral and loans secured by an interest in real property. The act exempts the loans from state law governing consumer credit and specifies that the principal amount of the loan may include any charge currently permitted for a loan secured by real property that is not a homestead.

HOUSE BILL 1755

EFFECTIVE: 1-1-98

HOUSE AUTHOR: Burnam

SENATE SPONSOR: Moncrief

House Bill 1755 requires mortgage lenders to annually inform borrowers by written notice of the right to cancel a private mortgage insurance policy when, in most cases, the minimum home equity level of 20 percent is attained. Lenders who provide similar information required by federal law satisfy the notice requirement of this act. The act requires that lenders who receive a refund of an unearned mortgage insurance premium remit the refund to the borrower by the tenth business day after receiving the refund.

HOUSE BILL 1870

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Marchant et al.

SENATE SPONSOR: Sibley

House Bill 1870 enacts the Texas Trust Company Act. The act includes a parity provision to the law governing trust companies, granting state trust companies the same rights and privileges that are granted to state or national financial institutions; allows trust companies to accept limited deposits; and grants the state banking department authority to supervise new

Banking and Finance

accounts. It defines “insolvent” to include a trust company with equity capital less than \$500,000, requires that trust companies maintain restricted capital of at least \$1 million, disqualifies the director of a trust company for being party to an uncorrected breach of trust, and requires that the word “trust” be used by a person or company only with the approval of the banking commissioner. The act removes restrictions on the investment of secondary capital, but grants the banking commissioner authority to ensure trust company safety and soundness authority.

HOUSE BILL 2105
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Woolley
SENATE SPONSOR: Ellis

House Bill 2105 amends the Business & Commerce Code to require a credit services organization to obtain a surety bond for each business location and to renew registration annually.

HOUSE BILL 3076
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira
SENATE SPONSOR: Sibley

House Bill 3076 amends the Texas Savings Bank Act to permit members of a savings bank board of directors to serve staggered terms of longer than one year, as provided by bylaws or articles of incorporation.

HOUSE BILL 3077
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira
SENATE SPONSOR: Sibley

House Bill 3077 amends the Texas Savings Bank Act to remove the requirement that a federal savings bank or a federal association under the act have its principal business office in Texas, and permits federal savings banks or associations to merge with or convert into a domestic or foreign savings bank and retain their in-state branches.

HOUSE BILL 3078
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira
SENATE SPONSOR: Sibley

House Bill 3078 amends the Texas Savings Bank Act to grant an institution status as a thrift if it meets the qualified thrift lender test under the federal Home Owners’ Loan Act. It also permits the savings and loan commissioner to grant temporary or limited exceptions to the thrift status requirements.

HOUSE JOINT RESOLUTION 31
FOR ELECTION: 11-4-97

HOUSE AUTHOR: P. Patterson et al.
SENATE SPONSOR: J. Patterson et al.

House Joint Resolution 31 amends the Texas Constitution to permit home equity loans and reverse mortgages. The resolution sets a 12-day waiting period for repairs to begin and a three-day period during which time the owner and spouse may rescind a contract without penalty for home equity loans and home improvement loans. It requires that certain home equity loan contracts be executed only in specified locations, limits the amount of total equity credit to 80 percent of the value of the home, prohibits recourse for personal liability against each owner and owner’s spouse except if the loan was obtained through fraud, and requires a court order to foreclose on a home for repayment of an extension of credit. The resolution limits mandatory fees on extensions of credit to three percent of the loan principal; prohibits open-ended equity accounts, prepayment penalties, and securing the loan with additional personal property; and prohibits home equity extensions of credit for most agricultural homestead property.

A lender granting a home equity extension of credit may not accelerate payments because of a change in property value or the owner's default on other loans, and a homestead property may only have one outstanding home equity credit extension at any time. The resolution specifies the types of lenders that can make home equity loans, specifically prohibiting ones that have been found to have engaged in redlining, and prohibits lenders from advancing additional funds above refinancing costs on any equity loan other than an extension of credit, in addition to establishing other conditions. It specifies disclosure requirements, directs the supreme court to promulgate rules for expedited foreclosure proceedings related to home equity extensions of credit, and directs the Finance Commission of Texas to appoint a director to research and produce reports relating to the provision of financial services in Texas.

The resolution specifies that only a person over 55 years of age who has received certain counseling may take out a reverse mortgage and that the lender cannot reduce the number or amount of agreed-upon advances. It also establishes provisions related to payment of principal and interest and exemptions from existing state laws.

SENATE BILL 251

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Thompson

Senate Bill 251 authorizes lenders to charge an administrative fee for certain consumer installment and secondary mortgage loans. The fee, \$25 for loans over \$1,000 and \$10 for loans under \$1,000, can be charged once upon initiating the loan and again for refinancing, but not more than once every 180 days.

SENATE BILL 265

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Giddings

Senate Bill 265 amends the Government Code to allow child-care providers that are small businesses and nonprofit corporations to receive loans under the linked deposit program. The act limits other qualifying small businesses to those located in enterprise zones and requires the Texas Department of Commerce to promote the linked deposit program to eligible businesses and financial institutions.

SENATE BILL 358

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Telford

Senate Bill 358 amends the Texas Credit Union Act to continue the Credit Union Commission and sets September 1, 2009, as the commission's next sunset review date. The act increases the number of public representatives on the commission by two members and decreases industry representation by the same number, and directs the commission to adopt rules relating to recusal of members. It requires the credit union commissioner to consider the availability and adequacy of financial services in local communities when considering a merger, consolidation, and incorporation; to submit notice of a request for a merger, consolidation, incorporation, or amendment to articles of incorporation, including expanding the field of membership, to the Texas Register; and to accept public comment regarding those decisions. The commissioner may waive the requirement of notice in the Texas Register if waiver is deemed in the public interest. The act requires the sunset commission to evaluate, as part of its review of agencies for 2001, the merits of including the Credit Union Commission under the authority of the Finance Commission of Texas; and directs the credit union and finance commissions to jointly review state law, focusing on differences in authority and methods of regulating the institutions under their control.

Banking and Finance

SENATE BILL 505

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Brimer

Senate Bill 505 amends the secured transactions chapter of the Uniform Commercial Code to specify that the chapter's application to the sale of accounts and chattel paper is not to recharacterize the transaction as a transaction to secure indebtedness, but to protect purchasers by providing a notice filing system.

SENATE BILL 652

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Marchant

Senate Bill 652 amends the secured transactions chapter of the Uniform Commercial Code to include a nonnegotiable certificate of deposit under the definition of "instrument" and adds provisions relating to possession of a nonnegotiable certificate of deposit for perfection of a security interest.

SENATE BILL 1663

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Keel

Senate Bill 1663 amends The Sale of Checks Act to require all persons who maintain, utilize, or otherwise control an account in Texas for the purpose of selling checks to be licensed under the act.

BUSINESS RELATIONS

HOUSE BILL 92

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer et al.

SENATE SPONSOR: Whitmire

House Bill 92 adds Chapters 334 and 335 to the Local Government Code, relating to the financing of sports and community venues. Chapter 334 authorizes a city or county to build a venue project, such as a stadium or convention center, subject to voter approval. Cities of more than 1.2 million and counties of more than 2.2 million must form a venue district to operate under the chapter. Before an election may be held, the comptroller must certify that the project will not have a significant negative fiscal impact on state revenue. If applicable, a rapid transit or regional transportation authority must also determine that implementation of a proposal tax will not have a significant negative impact on the authority's tax rate and its ability to provide services and will not impair existing contracts. The election must allow voters to vote separately on each project, on each method of financing chosen by the city or county, and on the maximum tax rate of the method chosen. Local governments may choose to impose a sales and use tax, a motor vehicle rental tax, an admissions tax, a parking tax, a hotel occupancy tax, or a facility use tax to finance a venue project. The act establishes tax collection procedures, imposes requirements in cities and counties with other taxing authority, provides penalties for failure to pay taxes or keep adequate records, authorizes changes in the tax rate with voter approval, and sets maximum tax rates. Cities and counties are authorized to issue bonds to finance construction and are required to create a venue project fund for the deposit of bond revenue, tax proceeds, and related revenue. The act provides that an agreement requiring a professional sports team to play home games at a venue is enforceable by specific performance and imposes certain restrictions relating to the relocation of a professional sports team.

Chapter 335 authorizes two or more counties, cities, or a combination of cities and counties to create a venue district to provide for the construction of a venue. The project is subject to voter approval in each political subdivision that created the district, and a political subdivision is allowed to dedicate sales and use tax revenue to the district. The district is subject to provisions similar to those described above.

HOUSE BILL 251

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Gallegos

House Bill 251 amends the Alcoholic Beverage Code to establish licensing procedures for the storage of imported beer, ale, and malt liquor. The act authorizes a person who holds a storage license and a customs broker's license to import and store these beverages in defined locales and for specified purposes.

Holders of a storage license are required to pay an annual fee and must maintain daily records of each receipt of beer, ale, or malt liquor, as well as any other records required by the Texas Alcoholic Beverage Commission. The act provides for certain prohibitions and exemptions regarding the use of licensed premises and authorizes the commission to suspend or cancel a storage license for certain violations.

HOUSE BILL 254

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Denny

SENATE SPONSOR: Nelson

House Bill 254 amends the Transportation Code to exempt a directional sign for a small business from regulations of outdoor signs on rural roads if the sign is on private property and is not larger than 50 square feet.

HOUSE BILL 325

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

House Bill 325 amends the Alcoholic Beverage Code to prohibit the location of certain alcoholic beverage establishments within 300 feet of day-care centers and child-care facilities and subjects these establishments to the other distance requirements that exist for public schools. Exceptions to this act include alcoholic beverage establishments with food and beverage certificates that are located on a different floor from the day-care or child-care facility of the same multistory building or that are located in a separate building from the day-care or child-care facility, with one occupying the second floor or above. Certain foster homes, family homes, and agency homes are also exempt.

HOUSE BILL 381

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Swinford et al.

SENATE SPONSOR: Madla

House Bill 381 amends the Business & Commerce Code to impose new requirements relating to warranty claims on suppliers of farm, industrial, or outdoor power equipment. The act prohibits a supplier, including a supplier of electric engines and motors, from paying a warranty claim at an amount less than the hourly labor rate and other expenses the dealer regularly charges to certain retail customers and the dealer's net price plus 15 percent for parts. The act shortens the time in which suppliers must accept or reject and pay a claim and requires a written warranty that includes replacement or cash refund on certain new equipment.

HOUSE BILL 449

EFFECTIVE: 5-16-97

HOUSE AUTHOR: Eiland

SENATE SPONSOR: J. Patterson

House Bill 449 amends the Penal Code to add that oceangoing vessels in territorial waters may cover or disable gambling equipment, as well as make the area inaccessible to anyone other than the master or crew of the vessel while in the state's territorial waters. It also permits inspection and repair of gambling equipment while the vessel is in the territorial waters of the state.

HOUSE BILL 492

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Harris

House Bill 492 amends the Health and Safety Code to extend the definition of manufacturing processes regulated by the Texas Department of Health to include the repackaging and labeling of any food, certain processes relating to a drug, drug product, or medical device, and the making of cosmetics. The act provides that regulations governing food manufacturers and food wholesalers do not apply to a person engaged solely in the distribution of certain alcoholic beverages, and contested case hearings are brought within the provisions of the Government Code.

HOUSE BILL 546

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 546 amends the Charitable Immunity and Liability Act of 1987 to expand the definition of charitable organization to include a neighborhood crime prevention organization in provisions that limit the civil liability of charitable organizations.

HOUSE BILL 625

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Hernandez

SENATE SPONSOR: Madla

House Bill 625 amends the Government Code to exempt from public availability under the open records law information that is submitted by a potential vendor or contractor who applies for certification as a historically underutilized or disadvantaged business. The information may be disclosed to another Texas state or local governmental entity, and then only to verify the applicant's status as a historically underutilized or disadvantaged business or to conduct a study of a purchasing program established for such businesses.

HOUSE BILL 641

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Haggerty et al.

SENATE SPONSOR: Shapleigh

House Bill 641 amends the Charitable Raffle Enabling Act to raise the \$25,000 limit on the value of prizes, including state lottery tickets, offered or awarded at a raffle to \$50,000.

HOUSE BILL 984

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg et al.

SENATE SPONSOR: Sibley et al.

House Bill 984 amends the Business & Commerce Code to allow digital signatures sent from within or received in the state to be used in transactions to buy or sell goods.

The act also amends the Government Code to allow digital signatures to be used in state agency and local government transactions, with the exception of an agency in the judicial branch, subject to rules adopted by the Department of Information Resources and local governments, and sets out minimum requirements and factors to be considered in adopting these rules.

HOUSE BILL 1025

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: J. Patterson

House Bill 1025 amends the Vehicle Storage Facility Act to change the term "preservation" to "impoundment" as it applies to actions taken and fees charged by a vehicle storage facility to store a vehicle.

HOUSE BILL 1285

EFFECTIVE: 1-1-98

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Wentworth

House Bill 1285 amends the Uniform Condominium Act to subject condominiums created by declaration before January 1, 1994, to the act's provisions requiring open meetings of condominium associations and boards of directors. House Bill 1285 prohibits a condominium association or board from meeting to adopt changes to the declaration, articles of incorporation, bylaws, or rules of an association unless each unit owner has been provided with a copy of the proposed changes. A time limit is established for delivering the information. In addition, House Bill 1285 imposes new notification requirements relating to board meetings and specifies that unless provided otherwise by the association's governing documents, board meetings may not address fines, damage assessment, architectural appeals, or the suspension of an association member's rights, before the member has had an opportunity to speak on the issue. This restriction also applies to actions taken by boards without a meeting or in meetings held by telephone or other means.

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HOUSE BILL 1300

EFFECTIVE: See below

House Bill 1300 amends the Business & Commerce Code to require Internet service providers who charge a fee to give subscribers a free link to software or a service that blocks or screens Internet material. The act exempts the General Services Commission in its capacity as the telecommunications provider for the state and institutions of higher education and establishes a civil penalty for noncompliance. The act takes effect September 1, 1997, except for the civil penalty provision, which takes effect January 1, 1998.

HOUSE AUTHOR: Corte

SENATE SPONSOR: Ogden

HOUSE BILL 1362

EFFECTIVE: 9-1-97

Under previous law, an individual who sold prepackaged nonperishable foods from a private home was exempted from regulation as a food manufacturer. House Bill 1362 amends the Health and Safety Code to establish requirements that a “direct seller” must satisfy to be exempted from regulation.

HOUSE AUTHOR: Giddings

SENATE SPONSOR: Nelson

HOUSE BILL 1456

EFFECTIVE: 9-1-97

House Bill 1456 amends the Civil Practice and Remedies Code to extend to interior designers and landscape architects the same statute of limitations that applies to architects and engineers for claims relating to the improvement of real property.

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Cain

HOUSE BILL 1473

EFFECTIVE: 9-1-97

House Bill 1473 amends the Transportation Code to exempt a franchised motor vehicle dealer from the security requirements for wholesale and independent vehicle dealers and makes other changes to bring the code into conformity with laws passed by the 74th Legislature.

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Cain

HOUSE BILL 1507

EFFECTIVE: 9-1-97

House Bill 1507 amends The Securities Act to limit the liability of a professional providing services relating to an offer of securities by a small business. The act applies to a “small business issuer” of securities, a business that neither exceeds annual gross revenues of \$25 million nor offers securities required to be registered with the Securities and Exchange Commission. The act requires a small business issuer offering securities to provide the prospective buyer a written disclosure of the limitation of liability created by this act and to receive a signed acknowledgment that disclosure was provided.

HOUSE AUTHOR: Dutton

SENATE SPONSOR: Ratliff

HOUSE BILL 1572

EFFECTIVE: 9-1-97

House Bill 1572 prohibits charitable organizations that use state funds to purchase computer equipment, excluding software, from discarding the equipment within four years of purchase. The act applies only to computer equipment purchased for at least \$500 and provides exceptions for the sale or trade of equipment, disposal of broken equipment, or donation of equipment to another charitable organization.

HOUSE AUTHOR: Davila

SENATE SPONSOR: G. Luna

HOUSE BILL 1672
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Janek
SENATE SPONSOR: Ellis

House Bill 1672 adds certain written notices to the consumer to the list of items required in a list of services provided by a funeral establishment or in a written memorandum that itemizes the cost of funeral services.

HOUSE BILL 1703
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Torres
SENATE SPONSOR: Cain

House Bill 1703 amends the Alcoholic Beverage Code to allow the holder of an alcoholic beverage license or permit to alter the form of the business entity holding the license or permit if the ownership of the entity remains the same.

HOUSE BILL 1843
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Marchant
SENATE SPONSOR: Sibley

House Bill 1843 sets forth requirements for lawn crypts and subjects plots and lawn crypts to regulation by the banking commissioner under certain conditions. It also includes alternative containers, caskets, or outer burial containers among prepaid funeral merchandise that is under the regulatory control of the banking commissioner, and allows the banking commissioner to waive limitations on the investment of a prepaid funeral benefits trust fund if the commissioner concludes that the waiver would not put the fund at risk.

HOUSE BILL 1899
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg
SENATE SPONSOR: Gallegos

House Bill 1899 amends the Alcoholic Beverage Code to require the alcoholic beverage commission or party conducting a hearing under the code relating to an alcoholic beverage permit or license to adopt rules or policies that provide the public with a reasonable opportunity to appear before the commission or party conducting the hearing and to speak on any issue related to the hearing. The act requires public comment to be considered in the final decision-making process.

HOUSE BILL 1971
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Marchant
SENATE SPONSOR: Cain

House Bill 1971 creates the Texas Credit Title, consolidates laws governing consumer loans and secondary mortgages under the new title, and separates consumer credit law from laws governing commercial transactions. The act permits lenders to receive compensation in the form of equity, profit, or revenue participation for commercial loans over \$3 million, and it makes lenders liable for forfeiture of loan principal as a result of charging more than twice the authorized amount on commercial loans only if the usurious interest is both charged and received. The act also requires 60 days' notice to the creditor before certain usury suits can be filed and provides that creditors who correct the violations are not liable. In addition, the act provides for regulation of consumer credit reporting agencies.

HOUSE BILL 2086
EFFECTIVE: 6-19-97

HOUSE AUTHOR: Palmer
SENATE SPONSOR: Lucio

House Bill 2086 amends the Bingo Enabling Act to increase the maximum prize value for a single bingo game to \$750, permit a charitable raffle to be conducted while bingo is being played, permit the awarding of a door prize valued at \$250 or less at bingo games, and allow the Texas Lottery Commission to advertise bingo. The act increases maximum usage of

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electronic card-minding devices and establishes certain requirements for a commercial license to lease bingo premises. It requires the commission to ascertain prior to granting a commercial license to lease a bingo premises that the funds to be used to prepare the premises meet certain requirements; prohibits a foreign entity, nonresident individual, or publicly traded corporation from obtaining a commercial license to lease a bingo premises; permits a system service provider to use bar codes on bingo paper and purchase goods or services from a licensed manufacturer; and requires the commission to include a system service provider as a member of the bingo advisory committee.

House Bill 2086 establishes provisions related to temporary suspension of a bingo license and for certain investigations by the commission, permits licensees to deduct from gross receipts the cost of goods sold by the organization, and permits recreational bingo to be administered on behalf of patients in a Veterans Administration medical center or military hospital. The act establishes a training requirement for the person responsible for a bingo operation.

House Bill 2086 applies to the operation of a bingo game, the award of prizes, the disbursement of funds for a charitable purpose, or other action taken on or after October 1, 1997.

HOUSE BILL 2569
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Woolley
SENATE SPONSOR: Ratliff

House Bill 2569 amends the Business & Commerce Code to modify and extend to noncorporate business entities certain application requirements relating to trademark registration. The act requires an applicant to furnish the secretary of state with a narrative description of the mark and a drawing of the mark that complies with specified requirements. In addition, it requires the secretary of state to examine applications for compliance and provides for the amendment of applications subsequent to examinations, for disclaimer of unregistrable components, for concurrent applications for the same or similar mark, for recording of other instruments related to the ownership of a mark, and for the transfer of a mark or the change of a registrant name.

The act establishes a misdemeanor offense and provides a criminal penalty for the filing of false or misleading applications.

HOUSE BILL 2584
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Torres
SENATE SPONSOR: Gallegos

House Bill 2584 repeals the Alcoholic Beverage Code provisions specifying contents of a beer and wine permit and of a retail dealer's on-premise license to sell beer.

HOUSE BILL 2703
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Stiles
SENATE SPONSOR: Harris

House Bill 2703 amends the Texas Manufactured Housing Standards Act to prohibit manufactured homes built on or after September 1, 1997, from being installed in Wind Zone II counties unless the home meets federal construction and safety standards. The act requires the Texas Department of Housing and Community Affairs to establish an inspection program for at least 25 percent of all manufactured home installations. The act requires sellers of manufactured homes that do not meet federal standards to notify home buyers that the homes are not designed to withstand hurricane force winds and do not qualify for installation in Wind Zone II areas.

The act changes a retailer's bonding requirements from \$30,000 to \$50,000, reclassifies manufacturers and sellers from registered to licensed, and specifies license renewal and permit requirements. Additionally, House Bill 2703 establishes criteria for board approval of local construction and installation standards, adds regulations for the transportation of manufactured housing, and provides for warranties, professional education, fees, prohibitions, and enforcement.

HOUSE BILL 2745**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Haggerty**SENATE SPONSOR:** Whitmire

House Bill 2745 amends the Alcoholic Beverage Code to allow a hearing related to alcoholic beverage permits to be conducted, in addition to in the county in which the premises is located, at the nearest permanent hearing office of the State Office of Administrative Hearings or at any location agreed to by the parties.

HOUSE BILL 2940**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** McCall**SENATE SPONSOR:** Carona

House Bill 2940 includes computers and computer peripherals in the definition of "business machine" under a state law that regulates dealers of secondhand business equipment. A person whose primary business includes the manufacture, sale, or service of computers and peripherals is exempt from the regulations.

HOUSE BILL 2997**EFFECTIVE:** 6-20-97**HOUSE AUTHOR:** D. Jones**SENATE SPONSOR:** Duncan

House Bill 2997 amends the Alcoholic Beverage Code to allow the use of billboards to advertise alcoholic beverages in a dry county with a population of 250,000 or less under certain conditions.

HOUSE BILL 3176**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** D. Jones**SENATE SPONSOR:** Duncan

House Bill 3176 amends the Alcoholic Beverage Code to permit the holder of a winery permit to conduct a wine sampling on premises and to dispense wine for that purpose. The act allows the holder of a winery permit to collect a fee for the sampling, restricts advertising for the event, prohibits serving samples to minors or obviously intoxicated persons, and prohibits removing samples from the winery premises.

HOUSE BILL 3436**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Kubiak**SENATE SPONSOR:** Whitmire

House Bill 3436 amends the Alcoholic Beverage Code to add the failure to promptly report to the Texas Alcoholic Beverage Commission a breach of peace on a permittee's or licensee's premises as cause for suspension or cancellation of a permit or license.

HOUSE BILL 3437**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Kubiak**SENATE SPONSOR:** Cain

House Bill 3437 amends the Alcoholic Beverage Code to allow the Texas Alcoholic Beverage Commission to suspend or cancel a private club registration permit if it is found that a breach of peace occurred as a direct result of the permit holder's improper supervision of a person who was allowed on the premises controlled by the holder or covered by the permit.

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HOUSE BILL 3440

EFFECTIVE: 9-1-97

House Bill 3440 amends the Alcoholic Beverage Code to provide that the sale, service, or delivery of an alcoholic beverage to a minor, to an intoxicated person, or at a time when its sale is prohibited is grounds for suspension or cancellation of a retail dealer's on- or off-premises license.

HOUSE AUTHOR: Kubiak

SENATE SPONSOR: Cain

SENATE BILL 63

EFFECTIVE: 9-1-97

Senate Bill 63 amends the Alcoholic Beverage Code to authorize, rather than require, the Texas Alcoholic Beverage Commission to give consideration to the recommendations of certain local officials when considering the issuance of an alcoholic beverage permit. The act includes city council members or county commissioners in the list of local officials.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Burnam

SENATE BILL 191

EFFECTIVE: 9-1-97

Senate Bill 191 amends the Alcoholic Beverage Code to authorize, rather than require, a county judge to give consideration to the recommendations of representatives of the Texas Alcoholic Beverage Commission and certain local officials in the case of an application to sell beer at retail. The act includes county commissioners and city council members in the list of local officials.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Burnam

SENATE BILL 221

EFFECTIVE: 9-1-97

Senate Bill 221 amends The Real Estate License Act to exempt contracts to perform property management services from the requirement that a contract for real estate services specify a definite termination date.

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Brimer

SENATE BILL 228

EFFECTIVE: 9-1-97

Senate Bill 228 amends the Penal Code to prohibit the sale, distribution, promotion, or production of a counterfeit mark or an item or service bearing a counterfeit mark. The act establishes penalties of increasing severity, from a Class C misdemeanor to a first-degree felony, according to the retail value of the counterfeited item or service.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hightower

SENATE BILL 241

EFFECTIVE: 9-1-97

Senate Bill 241 amends the Property Code to require a contractor who enters a contract for residential improvements exceeding \$5,000 to deposit trust funds in a construction account at a financial institution. Certain contracts are exempt from the requirement. The act requires the contractor to maintain records of account transactions and of the direct and indirect costs of each project, in addition to other information. The act establishes penalties for violations.

SENATE AUTHOR: R. West et al.

HOUSE SPONSOR: Giddings

SENATE BILL 271

EFFECTIVE: 9-1-97

Senate Bill 271 amends the Alcoholic Beverage Code to prohibit a local distributor from selling a brand of ale, beer, or malt liquor outside the territory assigned to the distributor's supplier under a territorial limit agreement. The act requires a local distributor to purchase these beverages from a supplier assigned the territory in which the distributor's premises is located unless the distributor delivers to a premises outside that supplier's territory, in which

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Wilson

case the distributor is required to purchase from a supplier assigned the territory in which the customer is located. The act applies this provision to local distributors who deliver to mixed beverage or private club permit holders in counties with 8,000 or more issued permits.

SENATE BILL 337**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** R. West et al.**HOUSE SPONSOR:** Wilson

Previous law required the Texas Alcoholic Beverage Commission to give a permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended. Senate Bill 337 amends the Alcoholic Beverage Code to require the commission to determine whether a permittee or licensee should be given the opportunity to pay a fine in lieu of a suspension when the basis for the suspension is a violation of certain provisions of the code.

SENATE BILL 484**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Moncrief**HOUSE SPONSOR:** Carter

Senate Bill 484 amends the Alcoholic Beverage Code to authorize a retail licensee or permittee to erect at each building entrance a sign that has a corporate or trade name that includes certain regulated words or phrases. The act also requires the Texas Alcoholic Beverage Commission to promulgate rules to allow charitable or civic events to advertise alcoholic beverages on a temporary basis with the intent that proceeds are received by the charity or civic endeavor.

SENATE BILL 555**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Solomons

Senate Bill 555 amends various business organization statutes, including the Texas Business Corporation Act, the Texas Miscellaneous Corporation Laws Act, the Texas Limited Liability Company Act, the Texas Revised Limited Partnership Act, the Texas Uniform Partnership Act, and the Texas Revised Partnership Act, to update those statutes and to incorporate elements of the Revised Model Business Corporation Act. In addition to technical and conforming changes relating to the organization of business entities and to the powers, duties, obligations, and liabilities of officers, directors, shareholders, and other principals involved in such organizations or in an organizational change affecting such entities, the act specifies the treatment of broker nonvotes, adds provisions governing certain business combinations, amends limited liability partnership provisions, and includes provisions for a business reorganization procedure known as "conversion."

SENATE BILL 644**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Berlanga

Senate Bill 644 amends the Health and Safety Code to require an air ambulance company based in this state or a company based in another state but transporting patients on flights originating in this state to be licensed by the Texas Department of Health as an emergency medical services provider. A licensed company is required to include information regarding the physical location of the company's base operations in any advertising by the company in this state and is not prohibited from listing those locations in advertising, provided that all statutory requirements have been met. A company that is not located in this state but advertises within the state is required to have at least one physical location in the state. The act clarifies that an air transportation provider is not required to be licensed if, in addition to its normal service, it provides only voluntary, mercy-flight transportation at the company's own expense.

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SENATE BILL 672**EFFECTIVE:** 6-20-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Goolsby

State law exempts aircraft at an air show from restrictions on outdoor advertising. Senate Bill 672 amends the Alcoholic Beverage Code to expand the exemptions to all aircraft.

SENATE BILL 1007**EFFECTIVE:** 5-28-97**SENATE AUTHOR:** Ellis**HOUSE SPONSOR:** Hirschi

Senate Bill 1007 amends the Business & Commerce Code to increase civil penalties for deceptive trade practices against elderly consumers. The act authorizes fines of not more than \$10,000 per violation, not to exceed a total of \$100,000, if the consumer protection division determines that the act or practice that is the subject of the proceeding was calculated to acquire or deprive money from a consumer who was 65 years of age or older when the act or practice occurred.

SENATE BILL 1162**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Carona**HOUSE SPONSOR:** Gutierrez

Senate Bill 1162 amends Chapter 3 of the Uniform Commercial Code (UCC), relating to negotiable instruments, to define a demand draft and to establish a warranty in certain transactions governed by Chapters 3 and 4 of the UCC that the creation of the demand draft was authorized by the person identified as the drawer of the draft.

SENATE BILL 1355**EFFECTIVE:** Vetoed**SENATE AUTHOR:** Brown et al.**HOUSE SPONSOR:** Maxey

Senate Bill 1355 creates an interagency task force on the regulation of retail food stores. It transfers from the comptroller to the commissioner of agriculture the regulation of motor fuel mixtures for motor fuel containing ethanol or methanol. The measure expands those responsibilities to include regulation of automotive fuel ratings and modifies related penalty provisions. Other changes relate to certain hygiene requirements, dealers of off-road construction equipment, retail stores that sell aquatic products, the regulation of weights and measures, and the privatizing of certain testing and inspection functions.

SENATE BILL 1380**EFFECTIVE:** 6-1-98**SENATE AUTHOR:** Ellis et al.**HOUSE SPONSOR:** Hernandez

Senate Bill 1380 amends the Government Code to require the Texas Department of Commerce to establish a state business daily in electronic format and to make it available on the Internet. All contemplated procurements exceeding \$25,000 in value must be posted in the daily, pursuant to departmental rules. The mandate covers state agencies in the executive branch, most judicial branch agencies, including courts of appeal, and most university systems and institutions of higher education, excluding certain associated entities. The Internet posting is in addition to other legal requirements for the solicitation of bids or proposals, or other procurement actions. The department may include in the daily additional information of public interest relating to state business activity. The act establishes minimum time periods for posting and voids contract or procurement awards made in violation of the required minimum. It authorizes governmental entities that offer public Internet access to charge fees for the downloading of procurement notices and bid or proposal solicitation packages, but prohibits the charging of fees by the department or by the posting agency. The act clarifies that nongovernmental entities are free to provide enhanced services, using information from the daily, to parties interested in doing business with the state and may charge appropriate private fees for those enhancements.

SENATE BILL 1529
EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown
HOUSE SPONSOR: Janek

Senate Bill 1529 exempts permits issued for construction of housing for older persons with 100 or more dwelling units from a provision requiring individual utility metering for each dwelling unit or submetering by the dwelling unit owner. The act requires that a political subdivision issue a permit to construct housing for older persons only if specific occupancy, facility, and service criteria are met.

SENATE BILL 1581
EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona
HOUSE SPONSOR: Hartnett

Senate Bill 1581 establishes registration and reporting requirements for charitable organizations that engage in telephone solicitation for purposes relating to law enforcement. The act requires the charities to register with the attorney general and provide certain information, including the name and address of each commercial telephone solicitor employed by a charity, the amount paid to solicitors, total contributions received, and total fund-raising costs. The act sets a maximum fee of \$50 for filing the original registration statements and for renewals and requires solicitors to post a surety bond in the amount of \$50,000 with the secretary of state. Charities are required to retain books and records for three years and to make them available to the attorney general on request. In addition, the act authorizes the attorney general to seek injunctive relief, cancellation or suspension of registration, a restraining order, and civil penalties for violations of the act. Remedies are in addition to others provided by statutory or common law.

In addition, the act requires charities and telephone solicitors that pay less than 90 percent of contributions to a charitable organization to disclose the actual percentage paid before accepting contributions. The act prohibits a person from committing an unfair or deceptive act in soliciting contributions and from representing that a solicitation is for the benefit of survivors of law enforcement officers killed in the line of duty unless 100 percent of the contribution is used for survivors or the actual percentage used is disclosed in writing to the person making the contribution. Telephone calls to solicit contributions are restricted to 9 a.m. to 7 p.m. Monday through Friday.

SENATE BILL 1787
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: P. Patterson

Senate Bill 1787 amends the Alcoholic Beverage Code to allow a winery permit holder in a primarily dry county that borders the Red River and has a population between 20,000 and 30,000 to sell wine for seven consecutive days each year to ultimate consumers for off-premises consumption.

SENATE BILL 1831
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Kamel

Under previous law, applications for approval of a distributor or retailer license for businesses that sell beer for on-premises consumption may be turned down by a county judge if the premises do not have running water or adequate toilet facilities. Senate Bill 1831 exempts an applicant from this requirement if the business is part of a larger business complex with multiple tenants or a commercial space that offers the public facilities required. The act also imposes additional requirements on employees who handle food.

CIVIL REMEDIES AND PROCEDURES

HOUSE BILL 21

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Corte et al.

SENATE SPONSOR: Duncan

House Bill 21 amends the Civil Practice and Remedies Code to exempt from civil liability a person who donates a medical device to a nonprofit health care organization for use in providing free or reduced cost health care. The exemption does not apply if the person knowingly donates a defective or illegal product or if the nonprofit health care organization does not have the required liability insurance.

HOUSE BILL 243

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 243 amends the Civil Practice and Remedies Code to establish as satisfactory evidence of identity, for the purpose of acknowledging a written instrument, a current identification card or other document that contains the photograph and signature of the acknowledging person and is issued by a state or the federal government.

HOUSE BILL 368

EFFECTIVE: 5-1-97

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Duncan

House Bill 368 amends the Civil Practice and Remedies Code by adding a new section relating to misappropriation of trade secrets. It changes the statute limiting the time within which a person must bring suit by making an exception for misappropriation of trade secrets. The exception provides that the limitations period begins to run when the theft is discovered or reasonably should have been discovered rather than at the time of the actual taking, makes a misappropriation that continues over time a single cause of action, and extends the period of time to bring a cause of action from two to three years.

HOUSE BILL 506

EFFECTIVE: Vetoed

HOUSE AUTHOR: Dutton

SENATE SPONSOR: G. Luna

House Bill 506 amends the Civil Practice and Remedies Code to establish a standard procedure for the implementation of a bill of review in civil courts.

HOUSE BILL 598

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Shields

SENATE SPONSOR: Wentworth

House Bill 598 amends the Civil Practice and Remedies Code to allow an employer to deduct an administrative fee from an employee's disposable earnings when complying with a garnishment order issued under a state or federal law. It provides an exception to this provision for income withholding orders for child support. The act also clarifies that garnishment of current wages for personal service can occur only when provided for by state or federal law.

HOUSE BILL 680

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner et al.

SENATE SPONSOR: Ogden

House Bill 680 amends the Education Code to restrict the liability of companies or other entities who donate used or obsolete fire control or fire rescue equipment to the Texas Forest Service for statewide distribution to volunteer and rural fire departments. Both the donating

entity and the Texas Forest Service are exempt from equipment defect liability unless acting with malice, gross negligence, recklessness, or intentional misconduct. The act also creates a definition for “fire control or fire rescue equipment.”

HOUSE BILL 785

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: J. Patterson

House Bill 785 amends the Civil Practice and Remedies Code to provide that an action brought against a political subdivision located in a county with a population of 100,000 or less must be brought in the county in which the political subdivision is located. If the political subdivision is located in more than one county and the population of each county is 100,000 or less, the action must be brought in any county in which the political subdivision is located. The term “political subdivision” applies to any governmental entity, other than a county, that is not a state agency and includes a municipality, school or junior college district, hospital district, or any other special purpose district or authority.

HOUSE BILL 1193

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Rhodes et al.

SENATE SPONSOR: Armbrister

Current law provides that an appellant who has filed an affidavit of inability to pay for the cost of an appeal may receive the statement of facts from the trial court proceeding without cost if the trial judge finds that the appeal is not frivolous and that the statement of facts is needed to decide the issue on appeal. House Bill 1193 amends the Civil Practice and Remedies Code to add court transcripts as an item that such an appellant may receive without cost and authorizes the trial judge to order the clerk of the court to prepare a transcript if necessary.

HOUSE BILL 1477

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bonnen et al.

SENATE SPONSOR: Brown

House Bill 1477 amends the Insurance Code to grant immunity from liability to a director or officer of the Texas Catastrophe Property Insurance Association. The immunity applies only to the acts or omissions of directors or officers occurring in the performance of official duties and does not apply to the acts or omissions of employees, an act or omission of the association, an act or failure to act involving a motor vehicle, or in cases of bad faith, gross negligence or intentional misconduct.

HOUSE BILL 1602

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Ratliff

House Bill 1602 amends the Civil Practice and Remedies Code to provide an affirmative defense to a civil action for damages for a property owner, lessee, or occupant who permits a fire-fighting agency to connect or install a dry fire hydrant on the property. It also provides that an agreement between the property owner, lessee, or occupant and the fire-fighting agency relating to the dry fire hydrant is not binding on a subsequent owner, lessee, or occupant of the property.

HOUSE BILL 1756

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Telford

SENATE SPONSOR: Harris

House Bill 1756 amends the Human Resources Code to grant civil immunity to a person volunteering services at the Texas Youth Commission. A volunteer’s liability for damages arising from the use of any motor-driven equipment is limited to the amount covered by liability insurance.

HOUSE BILL 2169

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kubiak et al.

SENATE SPONSOR: Armbrister

House Bill 2169 amends the Civil Practice and Remedies Code to add emergency service organizations to the list of entities defined as governmental units under the Texas Tort Claims Act. The bill defines an “emergency service organization” as a volunteer fire department, rescue squad, or an emergency medical services provider that is operated by its members and exempt from state taxes.

House Bill 2169 amends the Insurance Code to require the “emergency service organization” to maintain liability policy limits of \$100,000 for each person and \$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.

HOUSE BILL 2261

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Lindsay

House Bill 2261 amends the Civil Practice and Remedies Code to provide that each party in a civil action or the party’s attorney must provide the clerk of the court with written notice of the party’s name and current residence or business address. Notice must be provided at the time the party files its initial pleading with the court or within seven days from the date a request is made by the clerk of the court. The court may assess a fine of not more than \$50 for failure to provide notice.

HOUSE BILL 2664

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Wentworth et al.

House Bill 2664 amends the Civil Practice and Remedies Code to provide that an owner, lessee, or occupant of agricultural land who invites another to enter the premises for purposes of recreation does not assure that the premises are safe for recreational purposes, owe the entrant a greater degree of care than is owed a trespasser, or assume responsibility or incur liability for an injury to the entrant. The act expands the definition of “recreation” and provides, in the case of agricultural land, that the total liability of an owner, lessee, or occupant for a single occurrence of bodily injury, death, or destruction of property shall be \$1 million.

HOUSE BILL 2702

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: Wentworth

House Bill 2702 amends the Local Government Code to extend the maximum amount of time that certain fees for probate original action apply.

HOUSE BILL 3052

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga et al.

SENATE SPONSOR: Truan

House Bill 3052 amends the Civil Practice and Remedies Code to grant a limitation of liability to a nonprofit fire department involved in providing marine fire-fighting services under contract with a governmental unit. The act limits the liability of nonprofit fire departments to the extent that liability is limited to a governmental unit under the Texas Tort Claims Act. The act also extends individual immunities applicable to officers of a governmental unit to analogous employees of the nonprofit fire department.

HOUSE BILL 3087

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Harris

House Bill 3087 amends the Civil Practice and Remedies Code to establish procedures pertaining to vexatious litigants. The act allows a defendant in civil litigation to file a motion, on or before the 90th day the defendant's original answer is filed, seeking to have the plaintiff determined a vexatious litigant. If the trial court finds the plaintiff vexatious, the court shall require the plaintiff to furnish security, stay the litigation should the defendant file the motion after commencement of trial, or prohibit the filing of a new suit. The act outlines criteria the court must consider in reaching a conclusion that a party is a vexatious litigant and provides sanctions available to victims of vexatious litigation. The act also requires the Office of Court Administration of the Texas Judicial System to maintain a list of vexatious litigants and to annually send the list to the clerks and the courts of this state.

HOUSE BILL 3581

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Ogden

House Bill 3581 amends the Civil Practice and Remedies Code to permit the receiver of a railroad company located wholly within this state that has been in receivership for more than 50 years to apply to the court to terminate the receivership and disburse the assets of the railroad company to one or more nonprofit charitable organizations located in the county in which the receiver was appointed.

SENATE BILL 135

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Gray

Senate Bill 135 amends the Education Code to provide that, in relation to the development of a juvenile justice alternative education program, a juvenile board and a county commissioners court have the same immunity from liability as a school district. The bill also extends to board and county employees and volunteers the same immunity from liability extended to school district employees and volunteers.

SENATE BILL 220

EFFECTIVE: 5-29-97

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Junell

Senate Bill 220 amends the Civil Practice and Remedies Code relating to the statutory doctrine of *forum non conveniens*. *Forum non conveniens* refers to the discretionary power of the court to decline jurisdiction when the convenience of parties and ends of justice would be better served if the action were brought and tried in another state or sovereign nation. In Texas, the *forum non conveniens* doctrine requires judges to apply a different set of criteria to lawsuits filed by two categories of individuals: foreign plaintiffs and plaintiffs whose legal residence lies in another state.

Under previous law, claims based on any violation of federal law and claims related to air transportation, railroad companies, and asbestos were exempted from operation of the doctrine. Senate Bill 220 amends the law to allow a plaintiff who is a United States citizen to have the suit stayed or dismissed by the court and moved to another jurisdiction if the plaintiff can prove certain conditions exist relating to an alternate forum. The act authorizes the court to set terms and conditions for staying or dismissing a claim and requires the court to withdraw the order if the plaintiff violates a term or condition of the stay or dismissal. This act provides for a filing period of not later than 180 days after the time required for filing a motion to transfer venue.

The act also amends the doctrine of *forum non conveniens* to provide that a court may not stay or dismiss a claim if the plaintiff is a legal resident of this state, or in a situation that has multiple resident and nonresident plaintiffs, *forum non conveniens* is impermissible if the resident plaintiff is properly joined and the cause of action arose out of a single occurrence.

The act also adds a new section relating to the jurisdiction of a claim for personal injury or wrongful death when the plaintiff was not a resident of the state when the claim arose, the claim arose outside the state, and the claim alleges that harm was caused by exposure to asbestos fibers.

SENATE BILL 386
EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley et al.
HOUSE SPONSOR: Smithee et al.

Senate Bill 386 amends the Civil Practice and Remedies Code to require that health insurance carriers, health maintenance organizations, and other managed care entities exercise ordinary care when making health care treatment decisions and to hold those entities liable for damages for harm caused to an enrollee or an insured individual by treatment decisions of the entity or its employees. It states that advocating for an enrollee may not be grounds for removal or nonrenewal of a health care provider, prohibits contracts with indemnification or hold harmless clauses, and provides that state laws that prevent HMOs, health insurance carriers, or managed care entities from practicing medicine are not a defense in actions brought against those entities. The act establishes certain procedures and limitations for a cause of action against a managed care entity.

The act requires a utilization review agent to permit an appellant to seek review of an adverse determination of a utilization review board by an independent review organization (IRO). The review board must provide all necessary and appropriate information by the third business day after notification for a review of its decision and pay for the independent review. Enrollees must be notified of the right to appeal and the procedures for appealing an adverse determination to an IRO. Life-threatening situations are accorded an immediate review under this process, and HMOs must adhere to the same review requirements.

The act requires the commissioner of the Texas Department of Insurance to develop standards and rules for the certification, selection, enforcement, funding, oversight, and operation of IROs. The act requires that standards for IROs ensure timely review, confidentiality, qualifications of IRO members, fairness of procedures, and timely notice of results.

SENATE BILL 443
EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief et al.
HOUSE SPONSOR: Naishtat

Senate Bill 443 amends the Civil Practice and Remedies Code to allow a former mental health patient who was unlawfully admitted to a mental health facility between 1985 and 1993 to bring suit for an order to seal or destroy all records relating to the patient's stay at the facility. The act entitles an adult to an order to destroy records and a minor to an order to seal records if the court finds that the records relate to an admission or treatment that was medically unnecessary. It requires that records of a minor who brought suit be destroyed two years after the minor becomes an adult unless the person petitions to have the records preserved. The act requires a court to seal records concerning an order under these provisions and prohibits the inspection of the records by anyone other than the former mental health patient without good cause. A former mental health patient and a facility or health care provider subject to an order under these provisions are authorized to deny certain information relating to a successful petition to seal or destroy records. The act prohibits a former mental health patient who has

successfully petitioned to destroy records from filing an action related to an event or activity that formed the basis of a record subject to the order. A former patient who has successfully petitioned to seal records is allowed to file an action or complaint at any time before the records are destroyed.

Senate Bill 443 includes sections on procedures for petition, notice, hearing, and order and on actions following court order which, along with the section authorizing a former mental patient to bring suit, expire January 1, 1999. In addition, the act creates a Class B misdemeanor for disclosing information subject to an order or failing to destroy or seal information as ordered.

SENATE BILL 453
EFFECTIVE: 6-20-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Gallego

Senate Bill 453 amends the Civil Practice and Remedies Code to expand the list of instances in which a person is allowed to appeal an interlocutory order of a district court, county court at law, or county court to include occasions when a court grants or denies the special appearance of a defendant under Rule 120a of the Texas Rules of Civil Procedure, except in a suit brought under the Family Code, and when a court grants or denies a plea to the jurisdiction by a governmental unit. The act also provides that an interlocutory appeal has the effect of staying the commencement of a trial pending resolution of the appeal.

SENATE BILL 455
EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: McCall

Senate Bill 455 amends the Charitable Immunity and Liability Act of 1987 to allow a charitable organization to purchase a \$1 million bodily injury and property damage combined single limit policy to satisfy the requirement that a charitable organization have certain liability insurance coverage in order to be included in provisions that limit damages in a civil action.

Current law provides that the limits on civil liability do not apply to a charitable organization that does not have the required liability insurance. This act changes the wording to specify that the limits apply to an organization that meets the liability coverage requirement.

SENATE BILL 753
EFFECTIVE: 5-20-97

SENATE AUTHOR: Harris et al.
HOUSE SPONSOR: Gray

Senate Bill 753 clarifies provisions of the law relating to the liability of an employer who operates a railroad by specifying that the definition of "railroad" does not include an entity that fabricates, manufactures, repairs, or stores rail cars or that uses rail cars only as part of its internal manufacturing process.

SENATE BILL 754
EFFECTIVE: 5-23-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Pitts

Senate Bill 754 provides that the statute of limitations established in Section 3.118 of the negotiable instruments chapter of the Uniform Commercial Code does not apply to the limitations period on liens and extensions of liens on real property established in the Civil Practice and Remedies Code.

SENATE BILL 800

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Mowery

Senate Bill 800 amends the Local Government Code to apply the substantial evidence rule to an appeal of a judgment by a county civil service commission or a sheriff's department civil service commission regarding an employee's demotion, suspension, or termination. Under previous law, such an appeal was by trial de novo. The act prohibits the district court from substituting its judgment for the judgment of the commission on the weight of evidence on questions committed to the commission's discretion and adopts procedures for review under the substantial evidence rule. The act also authorizes a party to apply to the district court to submit additional evidence and clarifies allocation of the costs of appeals.

SENATE BILL 972

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Coleman

Senate Bill 972 amends the Civil Practice and Remedies Code to authorize an adult who is not incapacitated to execute a declaration to specify preferences or instructions for mental health treatment. A declaration is effective on execution and expires on the third anniversary of its execution or when revoked by the principal. A physician or other health care provider is required to act in accordance with the declaration when the principal is incapacitated, and a provider is not subject to civil liability for an act done in good faith under the terms of a declaration. Provision is made for withdrawal from service of a physician or other provider who is unwilling to comply with a declaration, and a care provider is authorized to disregard a declaration under certain circumstances. A health or residential care provider, health care service plan, insurer issuing disability insurance, self-insured employee benefit plan, or nonprofit hospital service plan is prohibited from specified forms of discrimination relating to execution of a declaration.

SENATE BILL 1479

EFFECTIVE: 6-11-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Roman et al.

Senate Bill 1479 amends the Education Code to establish immunity from liability for direct service volunteers for an institution of higher education. This act provides immunity for an act that is incident to or within the scope of the duties of the volunteer's position and that involves the exercise of judgment or discretion on the part of the volunteer. The immunity established by this act does not apply to the operation or use of a motor vehicle or acts of intentional misconduct and gross negligence.

SENATE BILL 1697

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Bosse

Senate Bill 1697 amends the Civil Practice and Remedies Code to add community development or urban renewal activities undertaken by municipalities to the list of governmental functions covered under the Texas Tort Claims Act.

SENATE BILL 1851

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Junell

Senate Bill 1851 amends provisions of the Civil Practice and Remedies Code relating to violations of collegiate association rules to redefine a regional collegiate athletic association to mean a regional collegiate athletic association with one or more, rather than a majority, of its member institutions in Texas.

CORRECTIONS

HOUSE BILL 126

EFFECTIVE: 9-1-97

House Bill 126 amends the Code of Criminal Procedure to provide that a defendant convicted of a misdemeanor and sentenced to a term of confinement in jail of more than 30 days be discharged at any time between the hours of 6 a.m. and 7 p.m. on the day of discharge.

HOUSE AUTHOR: Danburg

SENATE SPONSOR: J. Patterson

HOUSE BILL 156

EFFECTIVE: 9-1-97

House Bill 156 amends the Code of Criminal Procedure to require the Board of Pardons and Paroles to prohibit contact with the victim as a condition of parole or mandatory supervision for offenders convicted of sexual assault, kidnapping, aggravated robbery, criminal conduct resulting in bodily injury or death, or stalking. The act provides for victim-offender mediation services for victims of persons released to parole or mandatory supervision and provides for certain requirements relating to the victim impact statement of a child. The act requires the Texas Department of Criminal Justice to adopt policies prohibiting an inmate in the institutional division or in a transfer facility from contacting certain victims and requires the department to forfeit accrued good conduct time of an inmate who violates these policies. The act provides for notification to a victim of the release or escape of an offender convicted of family violence, stalking, or violation of a protective order or magistrate's order.

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: Shapiro

HOUSE BILL 312

EFFECTIVE: 9-1-97

House Bill 312 amends the Penal Code to correct a technical error made during a rewrite of the code in 1993. It removes the unintended word "witness," thereby eliminating misunderstandings as to the intent of the law.

HOUSE AUTHOR: Place

SENATE SPONSOR: Whitmire

HOUSE BILL 438

EFFECTIVE: 9-1-97

House Bill 438 amends the Government Code to provide for mandatory random drug testing of inmates in facilities operated by or under contract with the Texas Department of Criminal Justice. The act also provides that the department may defer or dismiss punitive actions against an individual who tests positive but cooperates with the department by identifying the individual who delivered the controlled substance. Implementation of the drug testing program is contingent upon receiving supplemental federal funding.

HOUSE AUTHOR: Alvarado et al.

SENATE SPONSOR: Whitmire

HOUSE BILL 485

EFFECTIVE: 5-21-97

House Bill 485 amends the Government Code to require that out-of-state inmates housed by contract in a correctional facility in Texas be returned to the sending state before the inmates' release from imprisonment.

HOUSE AUTHOR: McClendon et al.

SENATE SPONSOR: Nelson

HOUSE BILL 658

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Burnam et al.

SENATE SPONSOR: Moncrief

House Bill 658 amends the Code of Criminal Procedure to prohibit the parole board from placing sex offender parolees in counties where the number of such parolees exceeds 22 percent of the statewide total unless the parolee resided in the county when the offense was committed, committed the offense in the county, or has family or friends in the county willing to assist the defendant in completing the terms of his release. The act also requires the pardons and paroles division to notify the sheriff of any county in which the total number of sex offenders under the supervision of the division residing in that county exceeds 10 percent of the statewide total.

HOUSE BILL 818

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: J. Patterson

House Bill 818 requires the Texas Department of Criminal Justice, using the community supervision tracking system, to perform a study to provide data on the incidence, duration, and geographic distribution of dual supervision cases during the period beginning June 1, 1997, and ending May 31, 1998. The department is to report its findings to the legislature and to the Sunset Advisory Commission by December 1, 1998.

HOUSE BILL 819

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Ellis

House Bill 819 amends the Government Code to require the Criminal Justice Policy Council to develop methods for measuring the success of each inmate rehabilitation program or service in reducing recidivism and to submit specific findings as part of its biennial plan. It requires the Texas Department of Criminal Justice to assist the council by collecting data. The act adds the programs and services division to the list of divisions within the department and requires this division to administer the rehabilitation and reintegration programs and services. The act requires the department to maintain a program evaluation capability separate from the programs and services division to determine the effectiveness of rehabilitation and reintegration programs and services of the department.

The act requires the Texas Board of Criminal Justice to appoint persons to the prison industries advisory committee who represent business and industry, including persons who are local workforce development board members, members of recognized labor organizations, and members of the staff of the State Occupational Information Coordinating Committee. The act requires the committee to advise the board on all aspects of prison industries operations and requires the board to submit a report to the 76th Legislature that outlines the advisory committee's recommendations.

The act requires the department to consider each inmate's needs and projected release date when assigning inmates to available job training positions in prison factories. It requires the department and the Texas Workforce Commission to adopt a memorandum of understanding that establishes their respective responsibilities for providing released inmates with a comprehensive network of centers designed to provide education, employment, and other support services.

HOUSE BILL 975**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hightower**SENATE SPONSOR:** Whitmire

House Bill 975 amends the Penal Code to change the definition of “custody” and “escape” to ensure that correctional officers have the authority to use deadly force to prevent escape by individuals who have been placed in a secured facility, such as a state jail, as a condition of parole or community supervision. The act also extends the definition of “custody” to include federal correctional facilities operating under contract.

HOUSE BILL 1050**EFFECTIVE:** 5-21-97**HOUSE AUTHOR:** Gutierrez et al.**SENATE SPONSOR:** Moncrief

House Bill 1050 amends the Code of Criminal Procedure to authorize the parole board to require inmates sentenced for the offense of stalking to attend psychological counseling sessions as a condition of parole or release to mandatory supervision.

HOUSE BILL 1112**EFFECTIVE:** 1-1-98**HOUSE AUTHOR:** Hawley et al.**SENATE SPONSOR:** Duncan et al.

House Bill 1112 amends the Code of Criminal Procedure to reduce the responsibility of counties for holding parole violators in their county jails. The act makes changes to certain procedures and hearings relating to the revocation of the release status of persons under the supervision of the pardons and paroles division. The act permits the transfer of a person awaiting a revocation hearing to a Texas Department of Criminal Justice correctional facility or a contracted facility if there is adequate space and the facility is located within 150 miles. The act eliminates a preliminary hearing for prisoners who are arrested on an administrative violation or found guilty of an offense committed after release or who waive the hearing.

HOUSE BILL 1142**EFFECTIVE:** 6-20-97**HOUSE AUTHOR:** P. Patterson**SENATE SPONSOR:** Cain

House Bill 1142 amends the Government Code to allow the Commission on Jail Standards to adopt an order prohibiting the confinement of prisoners in a county jail if the jail population report establishes that a county jail has had a prisoner population in excess of its total confinement capacity for three consecutive months.

HOUSE BILL 1301**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Allen et al.**SENATE SPONSOR:** Whitmire

House Bill 1301 amends the Government Code to create the Private Sector Prison Industries Oversight Authority to approve, certify, and oversee the operation of private sector prison industries programs in the Texas Department of Criminal Justice, the Texas Youth Commission, and county correctional facilities. Funds for the authority will be provided from payments by each participating prison industries program equal to the amount that would have been paid for unemployment insurance if the employees had been non-prison workers and from inmate contributions.

The authority will require each private sector prison industries program to pay its inmate employees not less than the prevailing wage for that occupation and region and to meet federal requirements for providing workers’ compensation to inmates injured while working. The authority may not grant certification to a program if it would result in the loss of existing jobs, and the number of inmate participants cannot be more than 1,500 at any time.

HOUSE BILL 1386

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray

SENATE SPONSOR: Brown

House Bill 1386 continues the Board of Pardons and Paroles and makes the board subject to sunset review when the Texas Department of Criminal Justice is reviewed. The act creates a six-member Board of Pardons and Paroles Policy Board and requires the governor to designate the members from the 18-member parole board. The act requires the policy board to hire a board administrator to carry out the functions of the parole board not related to parole decision-making and abolishes the Board of Pardons and Paroles' executive committee. It charges the policy board with promulgating rules for parole and other policy decisions, establishing caseloads for parole board members, updating parole guidelines, and reporting annually to the governor and legislature. The act also provides for strengthening the training and technical support for parole board members and revocation hearing officers.

HOUSE BILL 1427

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Whitmire

House Bill 1427 amends the Government Code to require the Texas Board of Criminal Justice to permit the use of tobacco products by Texas Department of Criminal Justice employees at certain designated locations. The locations must be at a sufficient distance from work sites to ensure that the physical comfort or safety of any employee or inmate is not negatively affected.

HOUSE BILL 1667

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Wentworth

House Bill 1667 amends the Government Code to clarify that performance evaluations of community supervision officers are confidential.

HOUSE BILL 1747

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place

SENATE SPONSOR: Moncrief

House Bill 1747 amends the Code of Criminal Procedure to clarify the procedure for dealing with defendants in the criminal justice system suspected of being mentally ill or mentally retarded. The act also adds community supervision and corrections departments to the list of providers under the continuity of care and service program for offenders with mental impairments.

The act amends the Health and Safety Code to require the Texas Council on Offenders with Mental Impairments in cooperation with the Commission on Jail Standards, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Criminal Justice to conduct a study to determine how medical and psychological assessments are conducted in county jails and report to the legislature by February 1, 1999.

HOUSE BILL 2324

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Allen

SENATE SPONSOR: Wentworth

House Bill 2324 amends the Government Code to reorganize the statutes governing the prison industries program. It renames the program Texas Correctional Industries and sets out general provisions in Subchapter A. Subchapter B governs the sale of prison-made products to governmental agencies. The act defines "articles and products" to include services provided by inmate labor, gives the Texas Board of Criminal Justice authority to create an Industry Advisory Committee, allows Texas Correctional Industries to purchase real property from

funds in the industrial revolving fund, and repeals the statute that allows direct purchases by the Texas Department of Criminal Justice. In addition, the act amends the Penal Code to make it a third degree felony for an inmate to possess personal information obtained by working in an industry program with the intent to defraud or gain benefit. The act also amends the Human Resources Code, the Civil Practice and Remedies Code, and the Government Code to provide for the apportionment or garnishment of certain inmate funds and to modify the schedule of priorities for withdrawals from an inmate's trust fund.

HOUSE BILL 2634
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place
SENATE SPONSOR: J. Patterson

House Bill 2634 amends the Government Code to authorize community supervision and corrections departments to collect an administrative fee from an individual served by the department regardless of whether the individual is under the department's supervision and repeals the provision making the collection of the fee applicable only to a county with a population of 2.8 million or more.

HOUSE BILL 2825
EFFECTIVE: 6-17-97

HOUSE AUTHOR: Place et al.
SENATE SPONSOR: J. Patterson

House Bill 2825 amends the Transportation Code to expand the list of criminal justice agencies with which the Texas Department of Transportation is allowed to contract for labor to perform highway maintenance work to include community supervision and corrections departments and sheriffs' departments operating county correctional or county farm or workhouse programs. The act also adds probationers to those who can perform the labor.

HOUSE BILL 2826
EFFECTIVE: 5-15-97

HOUSE AUTHOR: Place
SENATE SPONSOR: R. West

House Bill 2826 amends the Government Code to require a bachelor's degree in any field for employment as a community supervision officer. Previously, a bachelor's degree or a year of graduate study in a field related to criminal justice or equivalent work experience was required.

HOUSE BILL 2827
EFFECTIVE: 6-20-97

HOUSE AUTHOR: Place
SENATE SPONSOR: Duncan

House Bill 2827 amends the Code of Criminal Procedure to require the Texas Department of Criminal Justice (TDCJ) to report inmate deaths, other than deaths attributable to natural causes or deaths due to legal execution, to the attorney general's office. It amends the Government Code to require TDCJ, in the event of the death of an inmate by natural causes, to immediately notify the inmate's family of the death and inform the family that an autopsy will be performed if they do not object to the department within eight hours. The act also amends the Government Code to require TDCJ to adopt a procedure and a form to allow inmates to sign up for an organ donation program.

HOUSE BILL 2829
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place et al.
SENATE SPONSOR: Shapleigh

House Bill 2829 amends the Government Code to clarify when local community supervision and corrections departments should transfer unclaimed restitution money to the comptroller.

HOUSE BILL 2918

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place et al.

SENATE SPONSOR: Whitmire

House Bill 2918 amends the Code of Criminal Procedure to authorize judges to extend the period of community supervision for up to 10 years for certain sex offenders and to define electronic monitoring that may be used to assist in the oversight of individuals under community supervision. It requires the Texas Department of Criminal Justice (TDCJ) to establish a program to provide super-intensive supervision for certain parolees. The act also allows TDCJ to separately classify inmates determined to need treatment and to require those inmates to diligently participate in treatment and makes the award of good conduct time dependent on such participation.

HOUSE BILL 3101

EFFECTIVE: 9-1-97

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Carona

House Bill 3101 amends the Government Code to add reimbursement for certain financial assistance by the Texas Department of Human Services to the list of court-ordered payments that the Texas Department of Criminal Justice may be required to withdraw from an inmate's trust fund.

HOUSE BILL 3244

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray

SENATE SPONSOR: Whitmire

House Bill 3244 amends the Government Code to move the language relating to the Treatment Alternative to Incarceration Program from the Code of Criminal Procedure to the Government Code. The act deletes the 5,200-bed minimum from the requirement that the Texas Department of Criminal Justice provide beds for the purpose of operating the Substance Abuse Felony Program. The act also permits the department's institutional division to require inmates selected by the division to attend a substance abuse treatment program. It requires the institutional division to adopt a procedure for determining which inmates may be required to participate in substance abuse programs and to develop an appropriate screening and evaluation procedure for substance abuse programs.

SENATE BILL 51

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Allen

Senate Bill 51 amends provisions of the Government Code relating to inmate classification and good conduct time to require the Texas Department of Criminal Justice to adopt policies that, in certain cases, prohibit an inmate from contacting the victim of the inmate's offense or a member of the victim's family. The act requires the Texas Department of Criminal Justice to permanently forfeit all or part of the accrued good conduct time of any inmate violating these policies.

SENATE BILL 66

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: Burnam

Senate Bill 66 amends the Government Code relating to notice of public meetings regarding proposed community corrections facilities. The act specifies the size of the public notice in the newspaper and expands the list of public officials that should be mailed a copy of the notice. The act also prohibits the community justice assistance division, a community supervision and corrections department, or a private vendor from holding the meetings at certain times and requires that the notice clearly state that the proposed facility will house persons released from prison on parole or mandatory supervision.

SENATE BILL 113
EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief et al.
HOUSE SPONSOR: Burnam

Senate Bill 113 amends the Code of Criminal Procedure to require the pardons and paroles division of the Texas Department of Criminal Justice to include each chief of police in certain counties in the list of officials to be notified when certain actions are taken regarding the release of a prisoner. If the parole panel requires a residency exemption for the parolee, the reason for the exemption must be included in the notification to the officials in the county.

SENATE BILL 188
EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla
HOUSE SPONSOR: Hightower

Senate Bill 188 amends the Penal Code to make it an offense for an inmate to possess a document or other item containing personal information about another person if the information has been gained in a prison work program and the inmate has the intent of harming, defrauding, or obtaining a benefit from another person with it. Under previous law, only disclosing or using the information was an offense.

SENATE BILL 203
EFFECTIVE: 1-1-98

SENATE AUTHOR: Shapiro et al.
HOUSE SPONSOR: Staples et al.

Senate Bill 203 amends the Government Code to require an inmate confined in a facility operated by the Texas Department of Criminal Justice to pay a \$3 copayment, to be deducted from the inmate's trust account, for all self-initiated nonemergency health care visits. A copayment may not be charged for follow-up, prenatal, or chronic care, and no inmate would be denied health care if unable to pay. Money received will be used to pay the cost of administering the program. At the beginning of each fiscal year, any surplus funds will be transferred to the general revenue fund.

SENATE BILL 367
EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown et al.
HOUSE SPONSOR: Hightower

Senate Bill 367 continues the Texas Commission on Jail Standards, updates sections relating to sunset recommendations that are applied to all agencies, and sets September 1, 2009, as the commission's next sunset review date.

Senate Bill 367 amends Government Code provisions relating to the regulation of out-of-state inmates. The act specifies that, other than the state, only a county, a municipality, or a private correctional facility that contracts with a county or municipality may accept out-of-state inmates. It requires a contract between a county or municipality and another state or jurisdiction to contain certain provisions and prohibits a private vendor from contracting directly with another state. The act also transfers responsibility for adopting rules to regulate the number of federal and out-of-state prisoners that may be housed in certain facilities from the Texas Board of Criminal Justice to the commission and excludes jails or correctional facilities that house only federal prisoners from the commission's authority.

The commission is also required to schedule announced and unannounced inspections of a jail based on the facility's compliance history and other high-risk factors.

SENATE BILL 663

EFFECTIVE: 9-1-97

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Place et al.

Senate Bill 663 amends the Code of Criminal Procedure and the Government Code to revise certain aspects of the operation of state jail facilities and the supervision of defendants convicted of state jail felonies. These changes include increasing the time the court retains jurisdiction over a defendant from one year to the duration of confinement in a state jail facility, eliminating good conduct time credits for defendants sentenced to state jail facilities as a condition of community supervision, removing the requirement that a judge suspend the sentence of confinement and place on community supervision defendants that have been convicted of a state jail felony and have no previous felony convictions, and allowing the Texas Department of Criminal Justice to designate certain state jail facilities to be used as substance abuse treatment facilities.

SENATE BILL 939

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Coleman

Senate Bill 939 amends provisions of the Health and Safety Code relating to the control of tuberculosis in certain jail populations. The act requires an inmate who will probably be confined in a jail or community corrections facility for more than seven days, rather than 14 days, to undergo a screening test for tuberculosis. The act expands certain provisions relating to the control of tuberculosis in county jails to include any county jail that houses inmates who are from another state or who have been transferred from a county jail with a capacity of at least 100 beds. In addition, Senate Bill 939 requires any corrections facility to report to the Texas Department of Health the release of an offender who is receiving treatment for tuberculosis and requires the department to arrange for continuity of care for the offender. The act amends the Government Code to authorize the Commission on Jail Standards to bring an action to enforce or enjoin a violation of these provisions.

SENATE BILL 1609

EFFECTIVE: 5-31-97

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Staples

Senate Bill 1609 amends the Uniform Act for out-of-state probationer and parolee supervision to clarify the responsibilities of the deputy administrators of the interstate compact for probationer and parolee supervision and to authorize and direct the executive director of the Texas Department of Criminal Justice to be responsible for all things necessary to carry out the particulars of the compact.

SENATE BILL 1610

EFFECTIVE: Vetoed

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Allen

Senate Bill 1610 amends the Government Code and the Code of Criminal Procedure to provide for the transfer of an eligible Texas Department of Criminal Justice inmate to a county jail for participation in the county jail work release program. It also adds to the list of items allowed to be deducted from an inmate's funds the cost of medical treatment incurred by the inmate while confined in jail.

COURTS—GENERAL

HOUSE BILL 259

EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. West

SENATE SPONSOR: Duncan

House Bill 259 amends the Government Code to allow the governing body of the City of Odessa to appoint a municipal court judge without an election. The act expands the jurisdiction of a municipal court of record for the City of Odessa, establishes qualifications for alternate judges, and transfers the authority to appoint a municipal clerk from the city's governing body to the city manager. The act includes provisions relating to the administration, powers and duties, and personnel of the city's municipal courts of record.

HOUSE BILL 293

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Haywood

House Bill 293 amends the Government Code to include the district attorney for the 100th Judicial District in the list of prosecutors subject to the professional prosecutors law.

HOUSE BILL 412

EFFECTIVE: 5-23-97

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Shapiro

Current law provides for concurrent jurisdiction of a statutory county court and a district court in civil cases in which the amount in controversy is within certain limits. House Bill 412 amends the Government Code to provide for concurrent jurisdiction of a county court at law in Dallas County and the district court in civil cases, regardless of the amount in controversy. The judge of a county court at law in Dallas County who acts on a civil case that is mistakenly filed in a county court at law instead of a civil district court is considered to have acted under assignment to the county district court.

HOUSE BILL 462

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: D. Nixon

House Bill 462 amends the Government Code to include the district attorney for the 88th Judicial District in the list of prosecutors subject to the professional prosecutors law. The act deletes a provision that allows the Commissioners Court of Hardin County to supplement the state salary of the district attorney for the 88th Judicial District.

HOUSE BILL 480

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Craddick

SENATE SPONSOR: Bivins

House Bill 480 amends the Government Code to establish the responsibilities of the district attorney for the 142nd Judicial District.

HOUSE BILL 500

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Finnell et al.

SENATE SPONSOR: Haywood

House Bill 500 amends the Government Code to include the district attorney for the 50th Judicial District in the list of prosecutors subject to the professional prosecutors law.

HOUSE BILL 591

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 591 amends the Texas Mental Health Code to require a judge who holds a hearing for court-ordered mental health services in a place other than the county courthouse to furnish the appropriate presiding judge with an accounting of the costs of the hearing. The presiding judge is required to provide a certification of approved expenses to the county judge responsible for payment of court costs, which may include service fees for the hearing judge and prosecuting attorney.

HOUSE BILL 614

EFFECTIVE: 5-19-97

HOUSE AUTHOR: Alexander et al.

SENATE SPONSOR: Cain

House Bill 614 amends the Government Code by deleting the population restriction in the section providing justice courts jurisdiction over suits to enforce certain deed restrictions of a residential subdivision.

HOUSE BILL 622

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 622 amends the Government Code to require court coordinators to complete 16 hours of continuing education annually when local funding is available. The act also adds district clerks, county clerks, and court coordinators to the list of personnel for which the court of criminal appeals may adopt rules relating to education and training.

HOUSE BILL 697

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dutton

SENATE SPONSOR: Brown

House Bill 697 amends Government Code provisions relating to grounds for revocation or suspension of a court reporter's certification. The act clarifies the meaning of unprofessional conduct, adds entering into or providing services under a prohibited contract to the list of grounds for revocation or suspension, and defines a prohibited contract.

HOUSE BILL 732

EFFECTIVE: 5-31-97

HOUSE AUTHOR: Staples

SENATE SPONSOR: D. Nixon

House Bill 732 amends the Government Code to expand the concurrent jurisdiction of the Anderson County Court at Law with the district court to include criminal cases and actions and proceedings under the Texas Trust Code.

HOUSE BILL 736

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Palmer

SENATE SPONSOR: Moncrief

House Bill 736 adds a new subchapter to the Government Code to authorize the governing body of the City of Lake Worth 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 784

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

House Bill 784 amends the Government Code to allow appellate courts, at the discretion of the chief justice or presiding judge and with the consent of the parties, to hear oral argument through the use of teleconferencing technology.

HOUSE BILL 786

EFFECTIVE: 9-1-97

House Bill 786 amends the Government Code to require, rather than authorize, the Texas Judicial Council to prescribe certain information relating to the duty of court officials to supply statistics and other information pertaining to the amount and character of the civil and criminal business transacted by the courts.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

HOUSE BILL 787

EFFECTIVE: 9-1-97

House Bill 787 amends the Government Code to increase certain filing fees charged by courts of appeal.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

HOUSE BILL 791

EFFECTIVE: 9-1-97

House Bill 791 amends the Government Code to authorize the Office of Court Administration to request, accept, and administer gifts, grants, and donations to carry out the statutory purposes of the office.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

HOUSE BILL 844

EFFECTIVE: 9-1-97

House Bill 844 amends the Government Code to create the office of criminal district attorney of Newton County, eliminate representation of Newton County by the district attorney for the 1st Judicial District, and abolish the office of county attorney of Newton County. The act establishes qualifications, duties, and compensation for the criminal district attorney of Newton County and subjects the office to the professional prosecutors law.

HOUSE AUTHOR: McReynolds et al.

SENATE SPONSOR: D. Nixon

HOUSE BILL 907

EFFECTIVE: 9-1-97

House Bill 907 amends the Government Code to include the criminal district attorney of Collin County in the list of prosecutors subject to the professional prosecutors law.

HOUSE AUTHOR: Madden

SENATE SPONSOR: Shapiro

HOUSE BILL 971

EFFECTIVE: 9-1-97

House Bill 971 amends the Government Code to provide that a county criminal court in Dallas County has concurrent jurisdiction with county courts at law for Dallas County to hear appeals of the suspension of driver's licenses and original proceedings regarding occupational driver's licenses.

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Shapiro

HOUSE BILL 1040

EFFECTIVE: 9-1-97

House Bill 1040 amends the Government Code to exempt from certain salary requirements a county that pays at least, rather than maintains, a specified minimum salary for statutory county court judges.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

HOUSE BILL 1143

EFFECTIVE: 9-1-97

House Bill 1143 amends the Government Code to create the County Court at Law of Lamar County. In addition to the jurisdiction prescribed for a county court under current law, the new county court at law is given concurrent jurisdiction with the district court for certain matters.

HOUSE AUTHOR: P. Patterson

SENATE SPONSOR: Ratliff

HOUSE BILL 1152

EFFECTIVE: 9-1-97

House Bill 1152 amends the Texas Probate Code to specify that the definition of statutory probate court includes only those courts designated as such under the Government Code.

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Wentworth

HOUSE BILL 1229

EFFECTIVE: 9-1-97

House Bill 1229 amends the Government Code to include the district attorney for the 32nd Judicial District in the list of prosecutors subject to the professional prosecutors law.

HOUSE AUTHOR: Counts

SENATE SPONSOR: Fraser

HOUSE BILL 1291

EFFECTIVE: 9-1-97

House Bill 1291 amends the Code of Criminal Procedure to provide that a justice of the peace has original jurisdiction in criminal cases that are punishable by both a fine and a sanction not consisting of confinement or imprisonment, regardless of whether the sanction is rehabilitative or remedial in nature.

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Wentworth

HOUSE BILL 1403

EFFECTIVE: 5-15-97

House Bill 1403 amends the Government Code to create County Court at Law No. 3 of Smith County.

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Cain

HOUSE BILL 1492

EFFECTIVE: 9-1-97

House Bill 1492 amends the Government Code to set out conditions under which a judge may request that a person remove an item of religious apparel during a court proceeding.

HOUSE AUTHOR: Hochberg et al.

SENATE SPONSOR: Ellis

HOUSE BILL 1504

EFFECTIVE: 9-1-97

House Bill 1504 amends the Government Code to increase the maximum reimbursement a juror may receive for travel and other expenses to \$50 and to authorize a presiding judge, in specific cases, to increase the usual daily reimbursement for jurors to an amount not to exceed the maximum amount.

HOUSE AUTHOR: Dutton

SENATE SPONSOR: Ellis

HOUSE BILL 1688

EFFECTIVE: 9-1-97

House Bill 1688 amends the Government Code to establish concurrent jurisdiction between the Guadalupe County Court at Law and the district court in family law and juvenile matters.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

HOUSE BILL 1706

EFFECTIVE: 9-1-97

House Bill 1706 amends the Government Code to change the terms of the 42nd District Court in Callahan County to begin on the first Mondays in January and July.

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Fraser

HOUSE BILL 1710
EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. Lewis
SENATE SPONSOR: Harris

House Bill 1710 amends the Government Code to provide for the appointment of bailiffs by the county sheriff, the district judges, and the board of district judges for the district courts and grand juries in Tarrant County that give preference to criminal cases. The act specifies that bailiffs appointed by the judge of a district court in Tarrant County that gives preference to criminal cases have the same pay grade as the salary of certified and noncertified peace officers who are appointed as bailiffs by sheriffs.

HOUSE BILL 1886
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira
SENATE SPONSOR: Lucio

House Bill 1886 amends the Government Code to expand the list of organizations to which a prospective juror may donate reimbursement for jury service to include the child welfare service fund, any program selected by the commissioners court that is operated by a nonprofit organization and that provides shelter and services to victims of family violence, and any other program approved by the commissioners court. A juror may no longer donate only part of the reimbursement.

HOUSE BILL 1916
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Moncrief

House Bill 1916 amends the Government Code to restore the original criminal jurisdiction of County Criminal Court No. 5 of Tarrant County and establish it as the only court with concurrent jurisdiction of all appeals from criminal convictions that are appealed from justice courts and municipal courts within the county. The act requires this redesignated court to give preference to cases involving domestic violence, violations of protective orders, and stalking and establishes concurrent jurisdiction with the district court in felony cases to conduct arraignments, pretrial hearings, and accept guilty pleas in felony cases.

HOUSE BILL 1965
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel
SENATE SPONSOR: Wentworth

House Bill 1965 amends the Government Code to create the office of criminal district attorney of Comal County. The act grants the office all the powers, duties, and privileges that are conferred by law on county and district attorneys. The act abolishes the office of county attorney of Comal County and the office of district attorney for the 22nd Judicial District.

HOUSE BILL 1974
EFFECTIVE: 9-1-97

HOUSE AUTHOR: McCall et al.
SENATE SPONSOR: Shapiro

House Bill 1974 amends the Government Code to allow the Collin County Commissioners Court to set an annual salary for services rendered by judges of the district courts having jurisdiction in the county. The act validates all prior acts by the Collin County Commissioners Court relating to the payment of district judges.

HOUSE BILL 2145
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Solis
SENATE SPONSOR: G. Luna

House Bill 2145 amends the Government Code to allow a county or district clerk to remove a person's name from the pool of prospective jurors if a written summons for jury service is returned as undeliverable.

HOUSE BILL 2156

EFFECTIVE: Vetoed

HOUSE AUTHOR: Solis

SENATE SPONSOR: G. Luna

House Bill 2156 amends the Government Code to allow a county commissioners court, regardless of the size of the county or the location of the largest municipality in the county, to contract with another governmental unit or a private person to combine the county's voter registration list with the list furnished by the Department of Public Safety for a jury pool.

HOUSE BILL 2183

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Barrientos

House Bill 2183 amends the Government Code to create, as of January 1, 1999, County Court at Law No. 4 of Travis County. The court is required to give preference to cases in which family violence is alleged, including cases involving protective orders.

HOUSE BILL 2273

EFFECTIVE: See below

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 2273 amends the Government Code, the Family Code, and the Civil Practice and Remedies Code to clarify provisions relating to fees a court clerk is authorized to collect. It raises jury fees collected by district and county courts for civil cases, authorizes a clerk to collect fees for the filing of documents relating to the suspension of a license, and standardizes fees relating to the issuance of a subpoena. The act repeals a provision of the Civil Practice and Remedies Code that authorizes a clerk to charge a fee for the issuance of a citation. In addition, the act clarifies that the clerk of a court or child support enforcement agency is responsible for providing notice relating to the suspension of a license for failure to pay child support and requires the clerk to collect a fee for mailing related documents. House Bill 2273 also increases the amount of continuing education a county, district, or county and district clerk is required to complete.

The act takes effect September 1, 1997, except for Section 3 relating to jury fees, which takes effect January 1, 1998.

HOUSE BILL 2297

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

House Bill 2297 amends the Government Code to change the terms and membership of the Texas Judicial Council. The act removes the authority of the council to elect a chair by requiring that the chief justice of the supreme court serve as chair and the presiding judge of the court of criminal appeals serve as vice chair of the council. With the exception of the chief justice of the supreme court and the presiding judge of the court of criminal appeals, all terms of the current members expire on September 1, 1997.

HOUSE BILL 2309

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 2309 amends the Local Government Code to require a justice of the peace to collect a specified fee for a copy of a document, including a certified copy of court papers.

HOUSE BILL 2555

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Nelson

House Bill 2555 amends the Government Code to create two county criminal courts in Denton County. County Criminal Court No. 3 is created on September 1, 1997, and County Criminal Court No. 4 is created on September 1, 1998.

HOUSE BILL 2697
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego et al.
SENATE SPONSOR: Ellis

House Bill 2697 amends the Government Code to increase by \$5,000 the annual salary that a district judge receives from the state if the judge also serves as a local administrative district judge in a county with more than five district courts.

HOUSE BILL 2734
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher
SENATE SPONSOR: Armbrister

House Bill 2734 extends the deadline for the creation of the County Court at Law of Matagorda County to September 1, 2001.

HOUSE BILL 2837
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson
SENATE SPONSOR: Ellis

Under current law a system exists to augment the budgets of statutory county courts through the collection of fees and costs and salary supplements to fund the work directed to them as a result of the backlog of cases in the district courts. Counties opt into the funding system by meeting certain conditions regarding court fees, costs, and salary levels.

House Bill 2837 amends provisions of the Government Code relating to this funding system. It raises the additional filing fees and costs collected by county clerks from \$30 to \$40, raises the amount the comptroller credits to the judicial fund from \$30 to \$40 of each fee deposited for a case assigned to certain statutory county courts, and increases the state contribution to certain counties for judicial salaries.

HOUSE BILL 3060
EFFECTIVE: 5-31-97

HOUSE AUTHOR: King
SENATE SPONSOR: Madla

House Bill 3060 amends the Government Code to authorize a judge of a county court at law in Medina County to record any criminal proceeding in a county court at law by using an electronic recording device instead of a court reporter unless the defendant files a written motion requesting that a court reporter be present.

HOUSE BILL 3104
EFFECTIVE: 6-20-97

HOUSE AUTHOR: Craddick
SENATE SPONSOR: Bivins

House Bill 3104 amends the Government Code to authorize the judge of the 385th district court in Midland County to appoint a bailiff.

HOUSE BILL 3105
EFFECTIVE: 10-1-97

HOUSE AUTHOR: Craddick
SENATE SPONSOR: Bivins

House Bill 3105 amends the Government Code to require the Midland County Commissioners Court to pay an annual supplemental salary to the judges of district courts having jurisdiction in the county.

HOUSE BILL 3190
EFFECTIVE: 5-28-97

HOUSE AUTHOR: Stiles
SENATE SPONSOR: Harris

House Bill 3190 amends the Local Government Code to allow a commissioners court to authorize a jury trial at a designated auxiliary county seat court. Previously, only nonjury proceedings could take place outside the county seat.

HOUSE BILL 3504

EFFECTIVE: 9-1-97

House Bill 3504 amends the Government Code to give a county court at law in Smith County jurisdiction over felony cases other than capital felony cases or felonies of the first or second degree.

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Cain

HOUSE BILL 3507

EFFECTIVE: 9-1-97

House Bill 3507 amends the Government Code to grant a county court at law in Gregg County concurrent jurisdiction with the district court in family law cases and proceedings.

HOUSE AUTHOR: Merritt

SENATE SPONSOR: Ratliff

HOUSE BILL 3538

EFFECTIVE: 6-19-97

House Bill 3538 amends the Government Code to grant a county court at law in Rusk County concurrent jurisdiction with the district court in civil cases.

HOUSE AUTHOR: Sadler

SENATE SPONSOR: Ratliff

HOUSE BILL 3542

EFFECTIVE: 6-17-97

House Bill 3542 adds a new subchapter to the Government Code to provide that the governing body of the City of Rowlett 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 AUTHOR: Driver

SENATE SPONSOR: Carona

HOUSE BILL 3544

EFFECTIVE: 9-1-97

House Bill 3544 amends the Government Code to delete the requirement that qualifications of a special judge in Harris County be the same as for a regular justice of the peace. The act authorizes the justices of the peace in Harris County, by a unanimous vote, to adopt local rules for practice and procedure in the justice and small claims courts, including rules for assigning, docketing, transferring, or hearing a case. It also allows misdemeanor cases and certain civil cases to be prosecuted or brought, according to local rule, in any designated precinct in the county.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Whitmire et al.

HOUSE BILL 3545

EFFECTIVE: 9-1-97

House Bill 3545 amends the Government Code to create County Court at Law No. 3 of Cameron County.

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

HOUSE BILL 3556

EFFECTIVE: 9-1-97

House Bill 3556 amends the Government Code to grant a county court at law in Hidalgo County concurrent jurisdiction with the district court in civil cases in which the matter being contested does not exceed \$500,000, excluding certain costs. The act deletes the maximum salary and establishes a minimum salary for a county court at law judge of Hidalgo County.

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

HOUSE BILL 3557**EFFECTIVE:** 9-1-97

House Bill 3557 amends the Government Code to create the County Court at Law of Burnet County. The act specifies that this county court at law does not have the concurrent jurisdiction with district courts in civil cases extended to statutory county courts.

HOUSE AUTHOR: Hilderbran**SENATE SPONSOR:** Fraser**HOUSE BILL 3558****EFFECTIVE:** 9-1-97

House Bill 3558 amends the Government Code to specify that the district attorney for the 329th Judicial District is responsible for prosecuting all criminal cases in Wharton County and for representing the state in juvenile justice proceedings. The act also outlines the duties of the county attorney in Wharton County and allows the county attorney to assist the district attorney in the prosecution of criminal cases.

HOUSE AUTHOR: Cook**SENATE SPONSOR:** Armbrister**HOUSE BILL 3559****EFFECTIVE:** 5-31-97

House Bill 3559 amends the Government Code to extend the deadline for the creation of the County Court at Law of Bee County to January 1, 2000.

HOUSE AUTHOR: Hawley**SENATE SPONSOR:** Zaffirini**HOUSE BILL 3565****EFFECTIVE:** 9-1-97

House Bill 3565 amends the Government Code to specify matters in which the district clerk of Nueces County serves as the clerk of a county court at law. The act prohibits a district clerk from charging fees that are higher than those charged by county clerks in probate and mental health proceedings and in misdemeanor cases involving official misconduct.

HOUSE AUTHOR: V. Luna et al.**SENATE SPONSOR:** Truan**HOUSE BILL 3572****EFFECTIVE:** 9-1-97

House Bill 3572 amends the Government Code to remove representation of Colorado County from the office of district attorney for the 25th Judicial District. The act requires the county attorney of Colorado County to act as the district attorney and includes the county attorney in the list of prosecutors subject to the professional prosecutors law.

HOUSE AUTHOR: Cook**SENATE SPONSOR:** Armbrister**HOUSE BILL 3588****EFFECTIVE:** 9-1-97

House Bill 3588 amends the Government Code to provide for the appointment of magistrates by the judge of the county criminal courts of Tarrant County. The act expands the criminal cases that a judge may refer to a magistrate in Tarrant County to include proceedings involving an occupational driver's license and specifies that a court is required to provide a court reporter to record the proceedings before a magistrate in felony cases only.

HOUSE AUTHOR: G. Lewis**SENATE SPONSOR:** Harris**HOUSE BILL 3605****EFFECTIVE:** 9-1-97

House Bill 3605 amends the Government Code to exempt the County Court at Law of Nolan County from the provision that prohibits a judge from hearing a case pending in a district court outside the county of the judge's residence.

HOUSE AUTHOR: Counts**SENATE SPONSOR:** Fraser

HOUSE JOINT RESOLUTION 55
FOR ELECTION: 11-4-97

HOUSE AUTHOR: Dutton
SENATE SPONSOR: Ellis

House Joint Resolution 55 proposes an amendment to the Texas Constitution to provide that if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

SENATE BILL 20
EFFECTIVE: Vetoed

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Thompson et al.

Senate Bill 20 amends the Government Code to create, reorganize, or change the operation of certain district courts in Bexar, Cameron, Culberson, Fort Bend, Galveston, Harris, Hudspeth, Nueces, Smith, Tarrant, Terrell, Tom Green, Travis, Val Verde, and Webb counties.

The act requires that initial vacancies in the offices of judges of certain judicial districts be filled by election and the offices exist for purposes of the primary and general elections in 1998. The act also provides that vacancies occurring after the initial vacancies are filled will be as provided by Section 28, Article V, Texas Constitution, which states that the governor is empowered to fill vacancies in the offices of judges of the supreme court, the court of criminal appeals, the court of civil appeals, and district courts.

SENATE BILL 24
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Telford

Senate Bill 24 amends the Government Code to change the terms of the 5th District Court, the 102nd District Court, and the 202nd District Court in Bowie County.

SENATE BILL 182
EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro
HOUSE SPONSOR: Hartnett

Senate Bill 182 amends provisions of the Code of Criminal Procedure relating to court costs that finance courthouse and municipal court building security to broaden the category of defendants who must pay a security fee to include all those convicted. The act also includes a justice court among those courts in which a defendant convicted of a misdemeanor must pay a security fee and adds continuing education on security issues to the list of services for which the courthouse or municipal court building security fund may be used.

SENATE BILL 224
EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Finnell

Senate Bill 224 amends the Code of Criminal Procedure to authorize county court judges who are licensed attorneys to issue certain search warrants.

SENATE BILL 231
EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona et al.
HOUSE SPONSOR: Thompson et al.

Senate Bill 231 amends the Government Code to specify that the list of citizens provided by the Department of Public Safety for the purpose of reconstituting the jury wheel must exclude persons who are younger than 18 years of age, noncitizens of the state or the county in which jury service is to be performed, or convicted felons. The act also allows a voter registrar to exclude the name of a person on the suspense list.

SENATE BILL 263**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Zaffirini et al.**HOUSE SPONSOR:** Cuellar et al.

Senate Bill 263 amends the Government Code to require the commissioners court of each county in the Fourth Court of Appeals District to establish, by order, an appellate judicial system to assist the court of appeals in the processing of appeals filed from the county courts, county courts at law, probate courts, and district courts and to defray certain costs incurred by the county. The act also establishes a fee for each civil suit filed in order to fund the system and adopts requirements for the administration of the appellate judicial system fund.

SENATE BILL 310**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Brown et al.**HOUSE SPONSOR:** Goodman et al.

Senate Bill 310 amends provisions of the Government Code relating to judicial salaries to provide that, notwithstanding the biennial appropriations act, the salary from the state for a justice of the supreme court is at least \$102,463. The act provides for a supplemental salary for a district judge who serves as a local administrative district judge in a county with more than six district courts and for county judges whose functions include at least 40 percent judicial functions. The act also increases the salary for the chief justice of a court of appeals and sets out provisions for the salary from the state of a retired judge assigned to a district court and of a former judge or justice assigned to a district court.

SENATE BILL 324**EFFECTIVE:** 6-20-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Hawley

Senate Bill 324 amends the Government Code to remove the district attorney for the 24th Judicial District from the list of prosecutors subject to the professional prosecutors law.

SENATE BILL 400**EFFECTIVE:** 5-15-97**SENATE AUTHOR:** Nelson**HOUSE SPONSOR:** Horn

Senate Bill 400 adds a new subchapter to the Government Code to provide that the governing body of the City of Lewisville 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 401**EFFECTIVE:** 4-25-97**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Raymond

Senate Bill 401 amends the Government Code to allow the district attorney for the 156th Judicial District to perform the duties of the county attorney in McMullen County if the county has no county attorney.

SENATE BILL 415**EFFECTIVE:** 5-7-97**SENATE AUTHOR:** Brown et al.**HOUSE SPONSOR:** Olivo et al.

Senate Bill 415 adds a new subchapter to the Government Code to allow the judges of the district courts and the statutory county courts at law of Fort Bend County to appoint associate judges if it is determined by a majority of judges of these courts that associate judges are needed to serve the courts and subject to the approval of the commissioners court. The act establishes eligibility requirements for an associate judge, specifies the type of proceedings that may be referred to an associate judge, and outlines the duties and powers of an associate judge.

SENATE BILL 551

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Thompson

Senate Bill 551 amends the Government Code to raise from 65 to 70 the minimum age at which a person may claim an exemption from jury service on the basis of age.

SENATE BILL 580

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: D. Jones

Senate Bill 580 amends the Government Code to include the county attorney for Crosby County in the list of prosecutors subject to the professional prosecutors law.

SENATE BILL 607

EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Goodman

Senate Bill 607 amends the Government Code to allow the presiding judge of an administrative region to assign as a visiting judge an active judge or justice of the supreme court or the court of criminal appeals who has trial court experience. The act prohibits the assignment of an active judge or justice who has served 14 or more days in a year as a visiting judge.

SENATE BILL 611

EFFECTIVE: 5-23-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Garcia

Senate Bill 611 amends the Government Code to authorize a judge of a county criminal court of Dallas County, with the approval of the Dallas County Commissioners Court, to appoint a magistrate to perform duties prescribed by statute. The act expands the list of matters a district judge is authorized to refer to a magistrate to include a criminal case involving a negotiated plea of nolo contendere and a criminal case involving an occupational driver's license. The act also limits the court's requirement to provide a court reporter to record the proceedings before the magistrate to only felony cases.

SENATE BILL 711

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 711 adds a new subchapter to the Government Code to provide that the governing body of the City of Dalworthington Gardens 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 726

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Moreno

Senate Bill 726 amends the Government Code to create the County Courts at Law No. 6 and No. 7 of El Paso County and designates these courts as criminal misdemeanor courts required to give preference to criminal misdemeanor cases, appeals or petitions relating to driver's licenses and certificates of title, certain bond cases, and appeals de novo from the municipal and justice courts. The act requires that at least four county courts at law be designated as criminal misdemeanor courts, unless funding is available to designate a county court at law as a family court or unless the criminal misdemeanor docket permits fewer. The act repeals a provision relating to the appointment of a magistrate judge on creation of the County Court at Law No. 6 of El Paso County.

The act also includes the judge of the probate court of El Paso County on the El Paso Council of Judges.

SENATE BILL 756**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Brown**HOUSE SPONSOR:** Shields

Senate Bill 756 amends the Government Code provisions allowing a prospective juror to donate all or part of a juror's reimbursement to the Texas Crime Victims' Compensation Fund. The bill eliminates the option to donate part of the reimbursement.

SENATE BILL 970**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Wentworth**HOUSE SPONSOR:** Puente et al.

Senate Bill 970 amends the Government Code to change the terms of the 144th, 175th, 186th, 187th, 226th, 227th, 289th, and 290th judicial district courts in Bexar County. The act removes the requirement that the 289th District Court give preference to criminal cases.

SENATE BILL 1012**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Ogden**HOUSE SPONSOR:** Williams

Senate Bill 1012 amends the Government Code to create the office of criminal district attorney of Madison County and include it in the list of prosecutors subject to the professional prosecutors law. The act removes representation of Madison County by the district attorney of the 12th Judicial District and abolishes the office of the county attorney of Madison County.

SENATE BILL 1063**EFFECTIVE:** 6-19-97**SENATE AUTHOR:** Carona et al.**HOUSE SPONSOR:** Hill

Senate Bill 1063 adds a new subchapter to the Government Code to provide that the governing body of the City of Richardson 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 1083**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Rhodes

Senate Bill 1083 amends the Government Code to add constables to the list of officials authorized to draw names from the jury wheel for a justice or district court and to summon additional prospective jurors any time the court does not have a sufficient number.

SENATE BILL 1173**EFFECTIVE:** 5-5-97**SENATE AUTHOR:** Duncan**HOUSE SPONSOR:** Clark

Senate Bill 1173 amends the Government Code to allow a person to hold the office of municipal judge for more than one municipality at the same time if each office is filled by appointment. The act also declares that the holding of these offices is of benefit to the state.

SENATE BILL 1174**EFFECTIVE:** 1-1-98**SENATE AUTHOR:** Fraser**HOUSE SPONSOR:** Keffer

Senate Bill 1174 amends the Government Code to change the terms of the 90th Judicial District.

SENATE BILL 1304
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Thompson

Current law provides for the management of trust funds held by county and district clerks. Senate Bill 1304 amends the Local Government Code to clarify that these provisions apply to funds that are tendered to a clerk to be deposited into the registry of a court. The act sets forth certain requirements to ensure timely reporting of taxable interest received on registry funds and authorizes a clerk to use interest earned on these funds to satisfy Internal Revenue Service withholding requirements. The act requires that registry funds be deposited, with approval of the commissioners court, into a special account at a federally insured bank, authorizes a clerk to place registry funds in an interest-bearing account, allows a clerk to pay an appeal bond from these funds without a court order, and requires that the county use specific means to recover the cost of administering these funds. The act also includes provisions relating to continuing education requirements for county and district clerks and the investment of funds recovered by a minor or incapacitated plaintiff with no legal guardian.

SENATE BILL 1417
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Gallego

Senate Bill 1417 amends the Government Code by adding a subchapter to set out requirements for the collection of time payment fees by certain courts. The act amends provisions relating to the office of court administration by adding subchapters to establish a recruitment program for judicial law clerks and staff attorneys to reflect the gender, racial, and ethnic diversity of the state and to set out requirements for collecting and reporting performance information on the efficiency of certain courts. The act also adds Chapter 77 to establish the Judicial Committee on Information Technology.

SENATE BILL 1534
EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos et al.
HOUSE SPONSOR: Berlanga et al.

Senate Bill 1534 amends the Government Code to create within the judicial fund administered by the supreme court an account to fund programs that provide basic civil legal services to persons who are indigent. To fund this account, the act requires a court clerk to charge certain fees relating to the filing of a civil action or proceeding. It also allows the use of local or federal funds as well as public or private grants to supplement the account. The act prohibits the use of these funds for certain purposes and requires the supreme court to adopt rules and procedures for the distribution of the funds.

SENATE BILL 1563
EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Hartnett

Senate Bill 1563 amends the Government Code to entitle a party in a civil case before an appellate court to file one objection to the assignment of a visiting judge or justice to the court. This act does not apply to the assignment of statutory probate court judges.

SENATE BILL 1924
EFFECTIVE: 5-27-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Marchant

Senate Bill 1924 adds a new subchapter to the Government Code to provide that the governing body of the City of Coppell 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 1956
EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona
HOUSE SPONSOR: Hill

Senate Bill 1956 amends the Government Code to require the governing body of the City of Garland to appoint a chief judge if there is more than one municipal judge in the city. The act requires the chief judge to appoint an official court reporter and allows the use of an electronic recording device to provide a record of a municipal court proceeding. It also establishes that the qualifications, powers, and duties of an alternate judge serving in a City of Garland municipal court are the same as a municipal court judge.

SENATE JOINT RESOLUTION 19
FOR ELECTION: 11-4-97

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Gallego

Senate Joint Resolution 19 proposes a constitutional amendment to authorize the supreme court to sit to transact business at any location in the state.

SENATE JOINT RESOLUTION 36
FOR ELECTION: 11-4-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Clark

Senate Joint Resolution 36 proposes an amendment to the Texas Constitution to allow a person to hold the position of Municipal Court Judge in more than one municipality.

COURTS—GUARDIANSHIP AND PROBATE

HOUSE BILL 881

EFFECTIVE: 9-1-97

House Bill 881 amends the Texas Probate Code to increase to \$15,000 the maximum amount a personal representative is required to pay in claims against a decedent's estate for funeral and last sickness expenses.

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: Wentworth

HOUSE BILL 1126

EFFECTIVE: 9-1-97

House Bill 1126 amends the Texas Probate Code to increase to \$50,000 the maximum amount that may be paid into an account administered by a county court on behalf of a minor or incapacitated person without appointing a legal guardian of the estate. The act also allows the guardian of a ward to apply on behalf of the ward for a court order to sell the ward's estate without being appointed guardian of the estate if the net value of the estate does not exceed \$50,000.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

HOUSE BILL 1314

EFFECTIVE: 9-1-97

House Bill 1314 amends the Texas Probate Code to authorize a ward's attorney ad litem to apply for the creation of a trust for the management of the ward's assets. The act allows the court to omit or modify certain terms of the trust if the court determines it necessary for the ward to be eligible to receive public benefits or other assistance that would not otherwise be available to the ward and is in the best interest of the ward. The act grants the court that created a trust jurisdiction authority to hear matters relating to the trust and provides for the discharge of the guardian of the ward's estate.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

HOUSE BILL 1316

EFFECTIVE: 9-1-97

House Bill 1316 amends the Texas Probate Code to allow the guardian of a ward's estate to apply for court authorization to invest the ward's assets in the Texas Tomorrow Fund.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

HOUSE BILL 1317

EFFECTIVE: 9-1-97

House Bill 1317 amends the Civil Practice and Remedies Code and the Human Resources Code to authorize a court to appoint a receiver for a missing person if the court determines the missing person's estate is in danger of being lost, removed, or materially harmed. The act also amends the Texas Probate Code to assign the definition of "missing person" the same meaning established under the Human Resources Code and to delete certain provisions relating to the appointment of a guardian for a missing person.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

HOUSE BILL 2003

EFFECTIVE: 9-1-97

House Bill 2003 amends the Texas Probate Code to allow a court to order that funds of a decedent held by an employer, individual, or financial institution be used to pay attorney's fees and court costs associated with obtaining an order for emergency intervention, to provide for the payment of funeral and burial costs, or to gain access to accommodations rented by the decedent.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

HOUSE BILL 2007
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson
SENATE SPONSOR: Harris

House Bill 2007 amends the Texas Probate Code to establish provisions for the probate of a will as a muniment of title. The act changes the contents of a written application for the appointment of a temporary administrator of a decedent's estate, in cases where the decedent died testate, to include those contents necessary for letters testamentary. House Bill 2007 requires that family history facts concerning heirship be included in a small estate's affidavit. The act also repeals the chapter of the Texas Probate Code relating to informal probate.

HOUSE BILL 2189
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat
SENATE SPONSOR: Wentworth

House Bill 2189 amends the Texas Probate Code to add the requirement that a personal representative or guardian of an estate show the court a statement that all the required bond premiums have been paid for an accounting period and when administering the final settlement of the estate. The act requires that when an estate is insolvent, a guardian give first priority to the payment of a claim for the administration of the guardianship over other claims against the estate.

HOUSE BILL 3086
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hartnett
SENATE SPONSOR: Wentworth

House Bill 3086 amends the Government Code to allow, on request of the presiding judge of an administrative judicial district, the assignment of a statutory probate judge to hear a probate matter in a county court or statutory county court. The act provides for the compensation of a former or retired judge assigned to a county that does not have a statutory probate court and establishes a procedure for the recusal or disqualification of a statutory probate judge. The act provides that a statutory county court that has the jurisdiction of a statutory probate court as of August 31, 1997, retains that jurisdiction after that date.

HOUSE BILL 3088
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hartnett
SENATE SPONSOR: Wentworth

House Bill 3088 amends the Texas Probate Code to require that a citation notifying distributees of proceedings to determine heirship be served on the parent, managing conservator, or guardian of a distributee who is younger than 12 years of age.

HOUSE BILL 3135
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat
SENATE SPONSOR: Moncrief

House Bill 3135 amends the Persons with Mental Retardation Act to clarify provisions under which a guardian may apply for mental retardation services for the guardian's charge. In addition, the act repeals a provision of the Texas Probate Code that prohibits an agency providing services to a mental health patient from being appointed guardian of the patient except as a last resort.

HOUSE BILL 3541
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray
SENATE SPONSOR: J. Patterson

House Bill 3541 amends the Government Code to rename the statutory probate court of Galveston County and to change both the term length of the court and the eligibility requirements to be elected judge of the court.

SENATE BILL 349
EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro
HOUSE SPONSOR: Goodman

Senate Bill 349 amends the Family Code to require a court or an associate judge to immediately appoint a guardian ad litem to represent a child in a suit filed by a governmental entity in which the entity requests the termination of the parent-child relationship or requests to be named conservator of the child. The act sets forth the powers and duties of a guardian ad litem and provides limited immunity from civil damages. It requires the attorney general to adopt standards for a local volunteer advocate program for volunteers who may be appointed as guardians ad litem.

Senate Bill 349 also establishes that a court is not required to appoint an attorney ad litem in cases where a divorce of indigent parents is uncontested or the issues involving a child are agreed to by both parents.

SENATE BILL 504
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Thompson

Senate Bill 504 amends the Texas Probate Code by adding the Uniform Transfer on Death Security Registration Act to provide a mechanism by which an owner of investment securities can designate a beneficiary to whom ownership of the securities will be transferred at the death of the owner.

Senate Bill 504, enacting Part 4, Chapter XI, Texas Probate Code, was repealed by Senate Bill 506, Acts of the 75th Legislature, Regular Session, 1997.

SENATE BILL 506
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Thompson

Senate Bill 506 amends the Texas Probate Code to delete the requirement that the social security number of the applicant and the decedent be included on an application for probate of a written will or on an application for letters of administration when no will exists. It authorizes a court to request additional identifying information from the applicant, including the applicant's or decedent's social security number. The act provides that a party to a will contest in which the mental or testamentary capacity of a decedent is part of the claim or defense is entitled to certain records.

Senate Bill 506 requires that a will made before the termination of the testator's marriage be read as if the former spouse is deceased, authorizes the representative of an estate to abandon burdensome or worthless property, and sets forth specific requirements for a claim made by an unsecured creditor. In addition, it clarifies that a court finding default of a secured lien for which the creditor has applied for foreclosure has certain options relating to the sale of the secured property.

The act also specifies that certain provisions of securities and multi-party accounts with financial institutions are nontestamentary and repeals the Uniform Transfer on Death Security Registration Act, as added by Senate Bill 504, Acts of the 75th Legislature, Regular Session, 1997.

SENATE BILL 620
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Hilbert

Senate Bill 620 amends the Durable Power of Attorney Act to add a new section providing that a durable power of attorney between a principal and an agent terminates upon divorce or annulment of marriage from each other. The act provides for the protection of certain third parties who act in good faith under or in reliance on the durable power of attorney and makes certain changes with respect to the authority conferred on an agent or attorney-in-fact.

SENATE BILL 887
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Hilbert

Senate Bill 887 amends the Property Code to permit the commingling of property transferred under the Uniform Transfers to Minors Act in a custodianship established under that act. This section applies only to transfers made after September 1, 1995, to a custodian of a custodianship established before September 1, 1995, under the Texas Uniform Gifts to Minors Act.

SENATE BILL 912
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Goodman

Senate Bill 912 amends the Property Code to provide that upon a court finding that it would be in the best interests of a minor or incapacitated person for whom a certain trust is created the trust may contain provisions determined by the court to be necessary to establish a special needs trust as specified under federal law.

SENATE BILL 997
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Thompson

Senate Bill 997 amends provisions of the Texas Probate Code relating to the administration of guardianships to delete the requirement that the social security number of a proposed ward and of the prospective guardian be included on an application for the appointment of a guardian. The act requires that persons designated to serve as guardians of a proposed ward be notified by the county clerk of the filing of a guardianship action and allows a court to request from an applicant or court-appointed fiduciary information identifying the applicant, ward, or guardian. The act also provides for the expenditure of funds from a ward's estate to be used for the education and maintenance of the ward's spouse or dependent and specifies certain persons to whom a guardian is authorized to make gifts.

SENATE BILL 1176
EFFECTIVE: 9-1-97

SENATE AUTHOR: Whitmire
HOUSE SPONSOR: Hawley

Senate Bill 1176 amends provisions of the Texas Probate Code relating to execution and revocation of wills to provide that a devise or bequest of property to an attorney who prepared or supervised the preparation of the will, or to an heir or employee of the attorney, is void. The act provides that this provision does not apply to a bequest made to a person who is related within the second degree of consanguinity or affinity to the testator, nor to a bona fide purchaser for value from a devisee in a will.

CRIMINAL JUSTICE AND PROCEDURE

HOUSE BILL 255

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Denny et al.

SENATE SPONSOR: Haywood

House Bill 255 addresses travel expenses involved in the escort or retrieval of criminals, suspects, and fugitives. It applies to county sheriffs, deputy sheriffs, and juvenile probation officers when they transport a state prisoner under felony warrant. The act amends the Government Code to allow participation in the General Services Commission contracts for reduced airline fares, applicable to both the officer and the prisoner. The commission may charge a participating county a fee not to exceed the costs incurred in providing the travel services.

HOUSE BILL 311

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Place

SENATE SPONSOR: J. Patterson

House Bill 311 amends the Penal Code to return the longstanding exceptions to the unlawful carrying of weapons statute to their previous status as circumstances to which the definition of the offense does not apply. During the 1993 rewrite of the Penal Code, the exceptions were changed from nonapplicable circumstances to defenses to prosecution.

HOUSE BILL 432

EFFECTIVE: 5-23-97

HOUSE AUTHOR: Place

SENATE SPONSOR: Whitmire

House Bill 432 corrects an oversight made during the rewrite of the Penal Code by adding two felony categories to the list of those that preclude release on mandatory supervision. During the rewrite, second degree felony murder and second degree felony indecency with a child were added to the list of "3g" offenses, but individuals convicted of these offenses were unintentionally left off the corresponding list of those not eligible for mandatory release. The act also adds third degree felony indecency with a child to the list.

HOUSE BILL 515

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Sibley

House Bill 515 amends the Code of Criminal Procedure to authorize a defendant who is not charged with a felony offense to agree to waive a jury trial regardless of whether the defendant is represented by an attorney at the time of making the waiver.

HOUSE BILL 749

EFFECTIVE: 5-26-97

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Sibley

Under prior law, indictments were required to be presented against a defendant on or before the last day of the next term of court. Terms of court vary by county from two months to six months. House Bill 749 provides counties with a minimum period of 180 days to present an indictment.

HOUSE BILL 762

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Bivins

House Bill 762 amends the Penal Code to make the preparation, sale, offer for sale, or delivery of a term paper, thesis, dissertation, report, or any academic material in other media, or the attempted inducement to buy such material, a Class C misdemeanor offense. The act specifies exemptions for tutoring, editorial assistance, and typing.

HOUSE BILL 806

EFFECTIVE: 9-1-97

House Bill 806 amends the Penal Code to establish that a person commits the offense of obstruction or retaliation if the retaliation was on account of the victim's status.

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Wentworth

HOUSE BILL 921

EFFECTIVE: 9-1-97

House Bill 921 amends the Code of Criminal Procedure to revise the statute of limitations for sexual offenses committed against children. The act would extend the statute of limitations to ten years from the victim's 18th birthday for indecency with a child involving sexual contact, sexual assault of a child, and aggravated sexual assault of a child.

HOUSE AUTHOR: Danburg et al.

SENATE SPONSOR: Shapiro

HOUSE BILL 1070

EFFECTIVE: See below

House Bill 1070 amends provisions of the Texas Controlled Substances Act to make updates and substantive revisions to the act. The act deletes the schedules of controlled substances from the statutes and requires the commissioner of public health to annually establish and modify the schedules with approval of the Texas Board of Health. The schedules will be published in the Texas Register. The act deletes Lysergic Acid Diethylamide (LSD) from Penalty Group 1 and adds it to the newly created Penalty Group 1-A, criminalizing the possession, manufacture, and delivery of LSD in terms of very small "abuse units" rather than grams. The act adds Rohypnol (the "date rape" drug) to Penalty Group 1. The act also replaces the triplicate prescription system for the dispensation of controlled substances with a system that allows the Department of Public Safety to receive prescription information by electronic means.

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: Madla

This act takes effect January 1, 1998, except that the provision requiring the commissioner to establish or modify schedules of controlled substances takes effect September 1, 1997, and provisions relating to the triplicate prescription program take effect September 1, 1999.

HOUSE BILL 1150

EFFECTIVE: See below

House Bill 1150 amends the Code of Criminal Procedure to clarify the offenses for which law enforcement agencies are required to notify school officials when an individual who is enrolled as a student in a public primary or secondary school is arrested. The offenses include certain crimes against the person, arson, robbery, burglary, unlawful use, sale, or possession of a controlled substance, engaging in organized criminal activity, unlawful possession of weapons, and a felony in which a deadly weapon was used.

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Shapiro

The act also amends provisions that establish notification requirements of law enforcement agencies, school district superintendents, and school officials. The change in law made by this act applies beginning with the 1997-1998 school year.

HOUSE BILL 1155

EFFECTIVE: 9-1-97

House Bill 1155 continues the Criminal Justice Policy Council and sets September 1, 2009, as the council's next sunset review date. The act eliminates the board of the Criminal Justice Policy Council and provides that the agency is under the direction of the executive director. The act requires the executive director to consult with the governor, lieutenant governor,

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

speaker of the house, house and senate criminal justice committee chairs, and house and senate appropriations and finance committee chairs in establishing research priorities. It also grants the governor authority to appoint advisory committees to advise the Criminal Justice Policy Council as needed.

HOUSE BILL 1185

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Hightower et al.

SENATE SPONSOR: Armbrister

House Bill 1185 amends the Penal Code to provide for a process to deal with the filing of fraudulent court documents. The act makes it an offense to file a fraudulent court document, to exercise a function of a public office that has no lawful existence, to deliver a document that simulates legal process, or to refuse to execute a release of a fraudulent lien or claim and provides for criminal sanctions. The act also creates an expedited judicial process that permits someone aggrieved by a fraudulent filing to obtain a court order declaring the filing to be fraudulent.

HOUSE BILL 1327

EFFECTIVE: 9-1-97

HOUSE AUTHOR: J. Nixon

SENATE SPONSOR: Duncan

House Bill 1327 amends the Penal Code to expand the offense of barratry to certain professionals, including chiropractors, physicians, and other health care professionals.

HOUSE BILL 1333

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg et al.

SENATE SPONSOR: Ellis

House Bill 1333 amends provisions of the Penal Code to establish a penalty of a minimum term of confinement of 180 days for a Class A misdemeanor offense that was committed because of bias or prejudice.

HOUSE BILL 1370

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Garcia et al.

SENATE SPONSOR: Shapiro

House Bill 1370 amends the Penal Code to make criminal mischief that results in damage of less than \$1,500 to a habitation a state jail felony if the damage is caused by a firearm or explosive weapon. The act also increases from \$20 to \$50 the minimum amount of pecuniary loss for a criminal mischief offense to be a Class B misdemeanor.

HOUSE BILL 1467

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Puente

SENATE SPONSOR: Shapleigh

House Bill 1467 amends the Code of Criminal Procedure to provide for an exception to the three-year limit of community supervision in misdemeanor cases. The act allows a judge to extend the period of community supervision a maximum of two additional years if the defendant fails to pay a previously assessed fine, costs, or restitution and the judge determines that extending the period increases the likelihood that the defendant will pay these costs.

HOUSE BILL 1482

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Carter et al.

SENATE SPONSOR: Armbrister

House Bill 1482 amends the Penal Code to add Chapter 33A relating to telecommunications crimes. The act also revises the penalty schedule for computer crimes, so that the penalties are assessed according to the amount of the loss, including the cost of verifying that a computer system was not adversely affected.

HOUSE BILL 1516

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: Harris

House Bill 1516 amends the Human Resources Code to create a system for flagging certain records of missing children. It requires a law enforcement agency that receives a report of a missing child to notify each school and day-care facility in which the child has been enrolled, the bureau of vital statistics if the child was born in the state, and the proper authority in another state if the child was born or enrolled in a school or day-care facility in that state. It requires the bureau of vital statistics, upon receiving such notice, to alert the appropriate local birth certificate agency. The bill requires each party that receives notice of a missing child to flag the child's records to note that the child is missing, provides for the removal of such a flag when the child has been found, and sets forth procedures that must be followed when a request for records relating to a missing child is received.

In addition, House Bill 1516 requires a school to collect certain background information for children under the age of eleven who are enrolling at the school for the first time and to notify the appropriate law enforcement agency if the person enrolling a child fails to provide the required information. It requires the law enforcement agency, upon receipt of such notice, to check the missing children and missing persons information clearinghouse and to take appropriate action if the child has been reported missing.

HOUSE BILL 1684

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Clark

SENATE SPONSOR: Duncan

House Bill 1684 amends the Code of Criminal Procedure to provide that on agreement of the defendant, the defendant's counsel, and the prosecuting attorney, the verdict in a criminal case heard by a 12-member jury may be rendered by 11 members if after the court's charge is read to the jury, a jury member is unable to remain on the jury due to illness or other circumstances.

HOUSE BILL 1968

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Garcia

SENATE SPONSOR: Carona

House Bill 1968 amends the Code of Criminal Procedure to make a violator of a peace bond subject to punishment for contempt in addition to forfeiture of the bond.

HOUSE BILL 1990

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Barrientos

House Bill 1990 amends the Health and Safety Code to authorize an individual to act as an advocate for a survivor of sexual assault if the individual has completed a certified training program and is an employee or supervised volunteer of a sexual assault program. The act establishes that a case record or a communication between an advocate and a survivor is confidential, with certain exceptions. A person who receives information from a confidential communication or record is prohibited from disclosing the information for unauthorized purposes, and an offense is created for intentionally or knowingly disclosing a confidential communication or record. Guidelines for providing consent for the release of confidential information are set forth, and a person is required to disclose a confidential communication or record for use in a criminal investigation or in response to a subpoena. House Bill 1990 establishes that these provisions govern a confidential communication or record regardless of when the services of an advocate or program were received.

HOUSE BILL 2075
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Hightower et al.
SENATE SPONSOR: Whitmire

House Bill 2075 amends the Government Code to authorize the Texas Youth Commission to obtain from the Department of Public Safety criminal history information on a person who works for or is applying to work for an entity that contracts with the commission to provide direct services to TYC youth. It authorizes the commission to release this information to the contracting entity and to charge the entity a fee to cover the cost of obtaining the information.

HOUSE BILL 2257
EFFECTIVE: 9-1-97

HOUSE AUTHOR: V. Luna et al.
SENATE SPONSOR: Brown

House Bill 2257 amends the Code of Criminal Procedure to establish annual reporting and auditing requirements relating to forfeited property.

HOUSE BILL 2272
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson
SENATE SPONSOR: Armbrister

House Bill 2272 amends the Code of Criminal Procedure and the Transportation Code to consolidate certain court costs and to establish a percentage allocation to certain state funds of the costs that are collected. It also establishes a new court cost of \$5 on conviction of a felony or certain misdemeanors to be deposited to the credit of the fugitive apprehension account. The act amends the Government Code to appropriate funds from the fugitive apprehension account to the Department of Public Safety for specified purposes.

HOUSE BILL 2283
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Farrar
SENATE SPONSOR: Shapiro

House Bill 2283 amends the Penal Code to make it a state jail felony for an employee of a correctional facility or a peace officer to engage in sexual activity with an individual in custody.

HOUSE BILL 2561
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Moncrief

House Bill 2561 amends the Sexual Assault Prevention and Crisis Services Act to transfer responsibility for the Sexual Assault Prevention and Crisis Services program from the Texas Department of Health to the office of the attorney general. The act requires the attorney general to adopt rules to establish certain minimum standards relating to the certification of a sexual assault training program and the certification of a sexual assault nurse examiner. The act also establishes the sexual assault prevention and crisis services fund and authorizes the attorney general to consult and contract with or award grants to local and statewide programs for special projects to prevent sexual assault and improve services to survivors.

In addition, House Bill 2561 authorizes the attorney general to take certain actions against a court or community supervision office that has not assessed or made a reasonable effort to collect required costs.

HOUSE BILL 2592
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Tillery
SENATE SPONSOR: R. West

House Bill 2592 amends the Code of Criminal Procedure to entitle any magistrate having jurisdiction in the county in which a criminal action concerning the theft or illegal acquisition of property is pending to hold a hearing to determine the right to possession of the property, despite the pending criminal action, upon written consent of the prosecuting attorney.

HOUSE BILL 2693

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Serna

SENATE SPONSOR: Shapleigh

House Bill 2693 amends provisions of the Code of Criminal Procedure relating to inquests into the death of a person to set up procedures for law enforcement agencies and medical examiners to follow in case the deceased person is unidentified.

HOUSE BILL 2699

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Brown

House Bill 2699 continues the Council on Sex Offender Treatment but consolidates its regulatory functions within the Texas Department of Health. Under this consolidation, the existing staff and resources of the council, including its appropriation, transfer to the department, and the council is included in the regular sunset review of the department. The bill increases the size of the council, changes its composition to require that one-third of its members represent the general public, and authorizes the council to appoint additional members to the Interagency Advisory Committee. The bill transfers responsibility for evaluating the need for sex offender treatment from the council to the Criminal Justice Policy Council. In addition, it requires the council to recover its costs through fees and grants to reduce the agency's reliance on general revenue funding.

HOUSE BILL 2830

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place

SENATE SPONSOR: Bivins

House Bill 2830 amends provisions of the Code of Criminal Procedure relating to restitution liens for crime victims. It establishes an express procedure for the perfection of and notice of a lien when attached to a motor vehicle and provides that the restitution lien is inferior to a perfected real estate mortgage lien, a vendor's lien, a purchase money security interest, certain liens on a motor vehicle, and a worker's lien.

HOUSE BILL 2845

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga

SENATE SPONSOR: Ellis

House Bill 2845 amends the Code of Criminal Procedure to authorize a justice of the peace to reopen an inquest if the justice of the peace receives additional information that may change the finding on the cause or manner of death.

HOUSE BILL 2861

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

House Bill 2861 amends the Alcoholic Beverage Code to specify that certain violations related to providing alcoholic beverages to minors are independent of the code.

HOUSE BILL 2874

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Whitmire

House Bill 2874 amends the Code of Criminal Procedure to authorize law enforcement agencies to send information collected on known or suspected gang members to a regional database and to provide that such information may be retained until September 1, 1999.

HOUSE BILL 3062

EFFECTIVE: 9-1-97

House Bill 3062 amends the Crime Victims' Compensation Act to broaden the categories of people and types of losses that are eligible for compensation from the Texas Crime Victims' Compensation Fund. In addition, the act increases the type and amount of benefits available through the fund and extends the deadlines for filing an application and reporting the crime.

HOUSE AUTHOR: Hightower et al.

SENATE SPONSOR: Whitmire

SENATE BILL 46

EFFECTIVE: 9-1-97

Senate Bill 46 amends the Penal Code to provide that a defendant convicted of a felony involving sexual assault, aggravated assault, aggravated kidnapping, or certain other sex offenses a second time is to be sentenced to life imprisonment.

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Wolens et al.

SENATE BILL 48

EFFECTIVE: 9-1-97

Senate Bill 48 amends the Code of Criminal Procedure to redefine "victim" to be a person who was the subject of an offense the commission of which leads to a reportable conviction or adjudication under the sexual offender registration program. This modification expands the definition to include victims of child pornography, pedophilia, and other sex crimes.

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Keel et al.

SENATE BILL 61

EFFECTIVE: 9-1-97

Senate Bill 61 amends the Human Resources Code to increase from a Class B misdemeanor to a Class A misdemeanor the penalty for failure to report the abuse, neglect, or exploitation of an elderly or disabled person.

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Hilderbran et al.

SENATE BILL 68

EFFECTIVE: 9-1-97

Senate Bill 68 amends provisions of the Government Code to establish that criminal cases relating to offenses against children have the same priority as other similar criminal cases.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Place

SENATE BILL 78

EFFECTIVE: 9-1-97

Senate Bill 78 amends provisions of the Penal Code relating to offenses against property to provide that the offense of arson is increased from a second degree felony to a first degree felony if the defendant committed the offense knowing that the property intended to be destroyed was a place of worship.

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: McClendon

SENATE BILL 81

EFFECTIVE: 9-1-97

Senate Bill 81 amends the Transportation Code, the Family Code, and the Penal Code to allow a person younger than 15 years of age to be prosecuted for leaving the scene of an accident involving personal injury or death, an accident involving damage to a vehicle, or a collision that damages an unattended vehicle.

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Hochberg et al.

The act also changes the definition of "child" as it relates to certain offenses to enable a law enforcement officer to take a 17-year-old into custody as an adult for a traffic offense.

SENATE BILL 89

EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West

HOUSE SPONSOR: Hightower

Senate Bill 89 amends the Transportation Code to establish that a person under 21 years of age who possesses a falsified identification card from an agency of this state, another state, or the United States, with the intent to represent that the person is 21 years old or older, commits a Class C misdemeanor. The act enhances the penalty for possessing with intent to sell, distribute, or deliver a forged or counterfeit instrument to a Class A misdemeanor, and the offense of manufacturing or producing a forged counterfeit instrument is made a third-degree felony. The offense of possessing a forged counterfeit instrument is established as a Class C misdemeanor. The act clarifies that falsifying documents from other state governments or the United States is included under the established offenses.

SENATE BILL 97

EFFECTIVE: 1-28-97

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 97 amends the Penal Code to clarify what type of actions are punishable in anti-stalking laws. The Texas anti-stalking law was struck down by the Court of Criminal Appeals on constitutional grounds of vagueness. The act responds to the court's concerns by addressing the issues of course of conduct and continuity of purpose, redefining threatening behavior, and providing reasonable person standards.

The act requires that the conduct must occur on more than one occasion and be part of a course of conduct directed specifically at another person. The perpetrator must know or reasonably believe that the victim would regard the conduct as threatening injury, death, or property destruction for the victim or for a member of the victim's family or household. It also requires that the conduct create fear in the victim of injury, death, or property destruction and be such that it would create fear in a reasonable person of the same.

A first offense is a Class A misdemeanor and subsequent offenses are a third degree felony.

SENATE BILL 121

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Swinford

Senate Bill 121 amends the Code of Criminal Procedure to authorize a court to accept a plea or waiver of a defendant's rights by broadcast by closed circuit video teleconferencing. The act requires that written consent to use teleconferencing be filed by the defendant and the attorney representing the state, that the teleconferencing system meet certain standards of quality, and that the defendant and the defendant's attorney be able to communicate privately. It allows the court to terminate the teleconference on motion of the defendant or the attorney representing the state or at the court's discretion, and requires that a recording of the communication be made and preserved until all appellate proceedings have been disposed of.

SENATE BILL 123

EFFECTIVE: 5-20-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Gallego

Senate Bill 123 amends the Government Code to authorize a physician employed or retained by the Texas Department of Criminal Justice to perform an orchiectomy (surgical castration) on an inmate who has been convicted at least twice of indecency with a child, sexual assault of a child, or aggravated sexual assault of a child. The inmate must be at least 21 years of age, voluntarily choose to undergo the procedure, request the surgery in writing, sign an admission of guilt, be evaluated and counseled by mental health professionals, and be allowed to withdraw the request at any time. The act contains additional safeguards to ensure

that the procedure is not abused by the state or the inmate. The act also includes a provision requiring a long-term study to measure the rate of recidivism among inmates who undergo voluntary castration.

SENATE BILL 143

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Keel

Senate Bill 143 amends the Penal Code to increase the penalty from a Class A misdemeanor to a state jail felony for cruelty to animals if a person has previously been convicted twice of the offense.

SENATE BILL 160

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: G. West

Senate Bill 160 amends the Penal Code to make it a felony of the third degree for an individual who knows that an offense has been committed to tamper with evidence that may be used in any subsequent investigation of the offense. The act also makes it a Class A misdemeanor for an individual who observes human remains and has reason to believe an offense has been committed to fail to report the existence and location of the remains to a law enforcement agency.

SENATE BILL 174

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: V. Luna et al.

Senate Bill 174 amends provisions of the Code of Criminal Procedure relating to fees for collecting and processing sight orders to modify fees that may be collected by county clerks, district attorneys, or criminal district attorneys from a person who is a party to processing a dishonored or forged check. The bill provides that the fee may not exceed \$10 if the face amount of the check does not exceed \$100 and deletes the provision authorizing a \$5 fee if the check does not exceed \$10.

SENATE BILL 185

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Dunnam et al.

Senate Bill 185 amends the Penal Code to make it an offense for a person to knowingly or intentionally cause the mouth of a child to contact the anus or sexual organ of another person.

SENATE BILL 381

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro et al.

HOUSE SPONSOR: Goodman et al.

Senate Bill 381 amends provisions of the Code of Criminal Procedure relating to deferred adjudication and community supervision to provide that a judge may place a defendant charged with certain sexual offenses on community supervision only if it is found to be in the best interest of the victim. The act requires that if a defendant has been previously convicted of two felony offenses and at least one is a specified sexual offense, a dismissal and discharge of the defendant from community supervision is to be deemed a conviction for purposes of legal disqualifications imposed for conviction of an offense. The act prohibits the granting of deferred adjudication when the defendant is charged with specific offenses including certain intoxication offenses, certain offenses committed in drug-free zones, and certain sexual offenses. The act provides that sentences given for designated sexual offenses that arise out of the same criminal episode may run concurrently or consecutively and that, in the case of certain consolidated sexual offenses, a defendant does not have the right to a severance of the offenses.

The act amends provisions of the Penal Code relating to penalties for repeat and habitual felony offenders to define “previously convicted” to include a defendant who has been adjudged guilty or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication and a defendant who has been convicted of similar offenses in another state.

SENATE BILL 467

EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Place

Senate Bill 467 amends the Code of Criminal Procedure to prohibit an attorney representing the state, in addition to a peace officer, from requiring a polygraph examination of certain persons and requires a peace officer or the state’s attorney to inform those persons of certain information if a polygraph examination is requested.

SENATE BILL 531

EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain

HOUSE SPONSOR: Goolsby

Senate Bill 531 amends the Transportation Code to require a peace officer, rather than the arresting officer, to deliver notice of driver’s license suspension to persons arrested for certain DWI offenses and deletes the requirement that the arresting officer personally deliver notice of driver’s license suspension to the person.

SENATE BILL 542

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Naishtat

Senate Bill 542 amends the Penal Code to add certain health care providers to the list of individuals who may be prosecuted for sexual assault, if the provider causes a patient or former patient to submit to or participate in sexual activity by exploiting his or her emotional dependency on the provider.

SENATE BILL 548

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: J. Jones

Senate Bill 548 amends provisions of the Penal Code relating to unlawful transfer of weapons to increase the penalty for providing a person younger than 18 years old with a handgun from a Class A misdemeanor to a state jail felony.

SENATE BILL 550

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: McCall et al.

Senate Bill 550 amends provisions of the Code of Criminal Procedure relating to a magistrate’s order for emergency protection to add assault of the person protected under the order to the list of actions prohibited by the order and to lessen the maximum penalty for a violation of the order. The act provides that a victim need not be present in court when the order for emergency protection is issued and requires victim notification when an order has been issued.

SENATE BILL 612

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Van de Putte

Senate Bill 612 amends provisions of the Penal Code relating to abandoning or endangering a child to establish that a child’s practice for or participation in an organized sporting event, under proper safety standards and supervision, does not constitute child endangerment.

SENATE BILL 642

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Carter et al.

Senate Bill 642 amends the Civil Practice and Remedies Code to revise language describing a common nuisance. It expands the definition of maintaining a common nuisance to include knowingly maintaining a location where habitual possession or manufacture of controlled substances occurs. Another change, applicable to cities of population 440,000 or more, expands the definition to include knowingly maintaining a multiunit residential property used habitually for aggravated assault, sexual assault, aggravated sexual assault, robbery, aggravated robbery, or the unlawful carrying of a weapon, without making a reasonable attempt to abate such activity. The act makes conforming changes to code provisions relating to evidence of a common nuisance.

SENATE BILL 674

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Place

Senate Bill 674 amends Penal Code provisions relating to possession or promotion of child pornography to replace references to “film image” with “visual material.” The act defines visual material to include any film, photograph, videotape, slide, negative, or reproduction, as well as any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or video screen.

SENATE BILL 758

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh et al.

HOUSE SPONSOR: Serna et al.

Senate Bill 758 amends the Penal Code to create the offense of graffiti and to provide penalties ranging from a Class B misdemeanor to a felony of the first degree, depending on the amount of pecuniary loss. The act provides that an offense of graffiti is a state jail felony if the marking is made on a place of worship or human burial, a public monument, or a community center and the amount of pecuniary loss to property is less than \$20,000. The act amends the Code of Criminal Procedure to require that a person convicted of the offense of graffiti pay a \$5 graffiti eradication fee as a cost of court and authorizes the creation of a municipal or county graffiti eradication fund. The court may order the Department of Public Safety to suspend or deny the reinstatement or issuance of a person’s driver’s license on conviction of the offense of graffiti. As a condition of probation to a child adjudicated as having engaged in conduct in violation of the graffiti statute, the juvenile court may order the child to restore the property by removing or painting over any markings made on the property and to attend a class with instruction in self-responsibility and empathy for a victim of an offense.

In addition, the act amends the Health and Safety Code to require that businesses control access to aerosol paints and places restrictions on their display. It provides an exemption for a business that has a computerized checkout system that alerts the cashier that a person purchasing aerosol paint must be over 18 years of age and provides penalties and injunctive relief for violations.

SENATE BILL 875

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro et al.

HOUSE SPONSOR: Danburg et al.

Senate Bill 875 incorporates provisions relating to the sexual offender registration program into the Code of Criminal Procedure and requires a probation or parole officer to notify the appropriate law enforcement agency of any change in an offender’s status that would affect supervision of the offender. Offenders are required to report to the local law enforcement

Criminal Justice and Procedure

authority at specified intervals to verify that registration information is accurate and complete, and certain school administrators are authorized to release public information regarding an offender. The act increases the penalty for failure to comply with registration requirements from a Class A misdemeanor to a state jail felony and requires lifetime registration for those convicted of certain sex offenses, with exceptions.

SENATE BILL 1001

EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West

HOUSE SPONSOR: Allen

Senate Bill 1001 amends the Penal Code to establish an offense for the possession of a firearm, illegal knife, club, or prohibited weapon in a place where weapons are prohibited.

SENATE BILL 1579

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Keel

Senate Bill 1579 amends the Code of Criminal Procedure to require that the requisition for the return of a person charged with a crime in this state be filed with the governor, rather than the secretary of state.

SENATE BILL 1728

EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West

HOUSE SPONSOR: Gallego

Senate Bill 1728 amends the Code of Criminal Procedure to provide for certain procedures related to death penalty cases including setting out certain filing deadlines for an application for a writ of habeas corpus.

SENATE BILL 1827

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Moreno

Senate Bill 1827 amends the Code of Criminal Procedure to prohibit a judge from denying a defendant community supervision based on the defendant's inability to speak, read, write, hear, or understand English.

SENATE BILL 1835

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: McClendon

Senate Bill 1835 amends the Penal Code to increase the penalty for unlawful restraint from a Class B misdemeanor to a Class A misdemeanor if the person restrained was a child younger than 14 years of age.

ECONOMIC DEVELOPMENT

HOUSE BILL 138

EFFECTIVE: 5-28-97

House Bill 138 authorizes the creation of Texas growth fund II, as provided by the Texas Constitution.

HOUSE AUTHOR: Woolley et al.

SENATE SPONSOR: Bivins

HOUSE BILL 1168

EFFECTIVE: 6-20-97

House Bill 1168 amends the Government Code to enable the Texas Manufacturing Institute to operate as a nonprofit organization. The act revises the composition of the institute's board of directors to include the executive director of the Texas Department of Commerce and legislative appointees and provides that certain information, including product, process, and technological or scientific information developed by a client of the institute, is confidential. The act authorizes the department of commerce to contract with the institute to provide state matching funds for federal grants, subjects the institute to audit by the state auditor, and includes other provisions concerning institute personnel and administration of funds.

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Sibley

HOUSE BILL 1310

EFFECTIVE: 9-1-97

House Bill 1310 amends the Development Corporation Act of 1979 to allow municipalities to reimpose or extend an economic development sales tax authorized under Section 4A of the act by a majority vote in a special election.

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

HOUSE BILL 1410

EFFECTIVE: 6-20-97

House Bill 1410 amends the Development Corporation Act of 1979 to include certain projects related to affordable housing as qualifying economic development projects under Section 4B of the act. The act requires the board of directors of Section 4A and 4B corporations to meet certain reporting requirements and provides a penalty for noncompliance.

HOUSE AUTHOR: Hill

SENATE SPONSOR: Ellis

HOUSE BILL 1414

EFFECTIVE: 9-1-97

House Bill 1414 creates the Community Reinvestment work group to work with the state banking community to develop, monitor, and evaluate strategies that encourage banks to lend money to low- and moderate-income families and individuals in a manner that meets the requirements of the federal Community Reinvestment Act of 1977 and complements existing programs. The work group is comprised of appointees from the comptroller's office and the Texas departments of housing and community affairs, banking, commerce, and insurance and is required to consult and coordinate with the appropriate federal authorities in carrying out its functions.

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: Ellis

HOUSE BILL 1525

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Sibley

House Bill 1525 amends the Development Corporation Act of 1979 to allow a city to hold an election to permit the transfer of funds from an approved Section 4A economic development project to a Section 4B project. The new project and any associated operating or maintenance costs must be clearly described on the ballot. The act directs cities to hold a public hearing on the proposed project prior to the election, requires public notice of the hearing, and provides that if the project is not approved by a majority of the voters, it may not be placed on the ballot again for one calendar year. A Section 4B project authorized under Section 4A is subject to the provisions of Section 4A.

HOUSE BILL 1526

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Sibley

House Bill 1526 amends the Property Redevelopment and Tax Abatement Act to transfer the responsibility of maintaining a central registry of reinvestment zones from the Texas Department of Commerce to the comptroller. The act permits the comptroller to provide assistance to a local governing body regarding administration of the act and permits both the comptroller and the department of commerce to provide technical assistance regarding reinvestment zones.

HOUSE BILL 2001

EFFECTIVE: Vetoed

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Sibley

House Bill 2001 limits the current cap of 65 businesses that can be designated as enterprise projects under the enterprise zone program during any biennium to the biennia beginning September 1, 1997, and September 1, 1999, and permits the Texas Department of Commerce to withhold up to five project slots at its discretion. It amends certain requirements restricting the geographic applicability of certain incentives for a governmental entity nominating an area as an enterprise zone. It also requires a business to make a commitment to create or retain at least 10 jobs in a community of 50,000 or less, and 25 jobs in one larger than 50,000, in order to be designated as an enterprise project, adjusts the scoring system used to select enterprise projects by changing the relative weights of existing criteria and adding a weight for the amount of capital investment, and repeals certain provisions relating to restricting zone boundary changes, state auditor review, and refunds for job creation in enterprise zones.

The act makes an enterprise project eligible for a tax refund for equipment rental, repair purchases, and electricity and natural gas used in certain leased or rented facilities, and it removes the requirement that the department annually certify the level of qualified employment to the Legislative Budget Board. Enterprise projects designated after August 31, 1997, may not receive the tax refunds, as amended by this act, or a tax reduction before September 1, 1999. Projects designated after August 31, 1999, may not receive refunds or reductions before September 1, 2001. The act limits the total amount of state sales and use tax per biennium that can be refunded to enterprise projects to \$8 million for any biennium. The act also expands certain provisions relating to hotel projects near county or municipally owned convention centers to apply to municipalities of 440,000 or more and establishes restrictions.

HOUSE BILL 2252

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Truan

House Bill 2252 amends the Government Code to specify that money in the colonia set-aside fund may be used to fund water and sewer connections and to direct the Texas Department of Housing and Community Affairs to permit applications to the colonia set-aside fund for water supply or sewer system construction and improvements after construction has begun and to provide for timely approval or disapproval of the application prior to the completion of the project. It also directs the department and the Texas Water Development Board to coordinate the application process related to certain hookup funds to avoid duplication and simplify the application process.

HOUSE BILL 3203

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts

SENATE SPONSOR: Duncan

House Bill 3203 amends the Property Code to authorize certain nonprofit cooperative associations, including farmers cooperative societies, cooperative marketing associations, and electric cooperatives, to transfer unclaimed funds normally collected by the comptroller to a scholarship fund for rural students or to stimulate rural economic development, subject to certain limitations.

SENATE BILL 226

EFFECTIVE: 5-19-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: D. Jones

Senate Bill 226 adds a new chapter to the Government Code to provide for the creation of defense economic readjustment zones in communities that are adversely affected by federal defense reductions, base closures, contract terminations, or similar actions. A zone is nominated by a city or county or by a combination of one or more cities and counties. It is designated by the Texas Department of Commerce pursuant to specified qualification criteria and is governed by the local government or governments that applied for the designation. Zone designations last up to seven years but can be revoked. The department is limited to six designations before September 1, 2001. Within each zone, on a competitive basis, the department may designate a maximum of two qualified businesses as defense readjustment projects based on job loss, job creation, job retention, and other factors. A project designation lasts up to five years.

The new chapter, plus amendments to the Tax Code, authorizes various types of governmental incentives including suspension of local or state regulations, refunds of local or state sales and use taxes, reductions in corporate franchise tax liability, property tax abatements, tax increment financing, reductions in utility rates, reductions in city or county fees, bargain purchase of surplus buildings or vacant land from a city or county, preferences for state loans or grants, and preferences for block grants, industrial revenue bonds, and job training funds. A statement of legislative intent, however, provides that no property is to be removed from property taxation by a taxing unit.

The act establishes reporting requirements for the department, the comptroller of public accounts, and the governing officials of the readjustment zone.

SENATE BILL 227

EFFECTIVE: 6-18-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: D. Jones

Senate Bill 227 adds a chapter to the Government Code authorizing grants from legislative appropriations for communities that are adversely affected by the establishment, realignment, or closure of military facilities or by defense spending cuts, terminations of defense contracts, or reductions of defense operations. The Texas Department of Commerce administers the grant program. Eligible grantees include adversely affected cities and counties, as well as regional planning commissions containing such cities or counties. Appropriate purposes for grants include a partial fulfillment of federal matching or investment requirements on which federal recovery or response assistance is contingent. A grantee may also use a grant, in the case of a defense facility realignment or closure, as a match of its expenditures to purchase federal defense property, build or refurbish facilities or infrastructure, or purchase capital equipment or insurance. The act specifies a range of permissible grant amounts and provides for the department's establishment of an internal defense economic adjustment assistance panel to evaluate and score grant applications according to certain criteria, for subsequent consideration by the department's governing board.

SENATE BILL 266

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Oliveira et al.

Senate Bill 266 amends the Government Code to direct the Texas Department of Commerce to create the capital access program and discontinues loans from the Texas exporters loan and the Texas rural economic development funds. Funds in the capital access program must be used to assist a financial institution in making an economic development-related loan to a small or medium-sized business or a nonprofit corporation and are deposited in the reserve account of the institution making the loan. Funds in the reserve account comprise mandatory program, borrower, and institution contributions and may be used only to reimburse the lender for any losses incurred through loans in the program. Loans related to residential housing, certain real estate investments, and certain other transactions are prohibited, and a higher state contribution rate to the lender reserve account is established for projects involving enterprise zones, day-care centers, and group day-care homes.

The act stipulates that, among other provisions, the state has no liability for loan repayment. It permits a participating financial institution to cover only a portion of a loan made under the program and to recover any portion of its required contribution to the reserve account from the borrower.

SENATE BILL 293

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Tillery

Senate Bill 293 amends the Development Corporation Act of 1979 to extend the current expiration date of eligibility for a Section 4B economic development sales tax until September 1, 1999, for cities in counties of more than 1.1 million population with more than 29 incorporated municipalities and with a combined sales and use tax rate that does not exceed 7.75 percent. The act decreases the number of required incorporated municipalities from 40 to 29.

SENATE BILL 570**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Truan et al.**HOUSE SPONSOR:** Hawley

Senate Bill 570 adds a new subchapter to the Local Government Code to authorize counties eligible for funding under the Economically Distressed Areas Program that do not lie within 50 miles of the Texas/Mexico border to enforce certain model subdivision rules and platting requirements. The act sets forth guidelines relating to the subdivision of land located outside a municipality or the extraterritorial jurisdiction of a municipality and requires a subdivider to file a plat that includes provisions for installation of water and sewer services. The plat is valid only if approved by the county commissioners court.

Senate Bill 570 requires the county commissioners court to require a bond or cash deposit to ensure the completion of the installation of water and sewer services if services are not installed on the date the subdivider applies for final plat approval. The commissioners court may extend the date by which water and sewer facilities must be fully operational but is prohibited from doing so if it would allow an occupied residence to be without such services. The act requires the commissioners court to issue a certificate of compliance with platting requirements in accordance with certain provisions. Certain entities are prohibited from serving or connecting land with water, sewer, electricity, gas, or other utility services unless presented with a certificate of compliance with platting requirements. The prohibition applies only to land first served or connected with services between September 1, 1989, and June 16, 1995, or after the effective date of the act.

Senate Bill 570 also establishes penalties for actions by members of the commissioners court who have an interest in a subdivided tract that constitute a conflict of interest and establishes civil penalties for subdividers or their agents who do not comply with platting requirements. Enforcement authority for a violation of the platting or utility service requirements rests with the attorney general or a local district or county attorney. The act also sets forth provisions regarding the filing of a motion against a provider of utilities to halt the termination of preexisting services while an enforcement action is pending, but stipulates that termination may proceed if due to a resident's failure to timely pay for services.

SENATE BILL 932**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Oliveira et al.

Senate Bill 932 amends the Government Code to abolish the Texas Department of Commerce and create the Texas Department of Economic Development, establish certain requirements for the department governing board, and directs the department to establish an Office of Defense Affairs and the Texas Business and Community Economic Development Clearinghouse. The act specifies the duties of the department, directs the department to enter into agreements with the Texas Workforce Commission, the comptroller, and the Texas Agricultural Finance Authority to carry out certain responsibilities, and directs the department to conduct a study regarding the transition of the Texas Manufacturing Institute to a self-supporting entity. It transfers certain programs to the department from the Texas Department of Transportation and establishes specific provisions related to the directors and duties of the Office of Rural Affairs and the Office of Small Business Assistance. It states legislative intent that smart jobs fund money be spent in all areas of the state and provides for grants of more than \$1.5 million only to certain employers, including small and micro-businesses. The act also establishes the Texas Strategic Economic Development Planning Commission and the Texas Strategic Military Planning Commission.

SENATE BILL 1041

EFFECTIVE: Vetoed

SENATE AUTHOR: Truan

HOUSE SPONSOR: Hunter et al.

Senate Bill 1041 amends the Government Code to create an International Trade Task Force within the Texas Department of Economic Development. The task force is composed of 27 members, including the executive director of the department and representation from the governor's office, secretary of state's office, Texas Education Agency, Texas Higher Education Coordinating Board, Texas Senate, Texas House of Representatives, community development boards, district export councils, certain regional trade and small business offices, and the public. Members are assigned to develop a strategic plan to promote and develop international trade, to be submitted to the department not later than September 1, 1998. The department, taking into account the results of the task force's efforts, must adopt a strategic plan not later than February 1, 1999. Planning provisions expire on December 1, 2000, by which time the department must report to the legislature on the effectiveness of its adopted plan.

SENATE BILL 1108

EFFECTIVE: 5-27-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 1108 amends the Local Government Code and affects military airports operated by federal defense agencies. It provides that if such an airport is closed, the zoning regulations of a joint airport zoning board may continue in effect until the second anniversary of the closure.

SENATE BILL 1127

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Longoria

Senate Bill 1127 amends the Development Corporation Act of 1979 to expand its applicability, and the associated powers of a development corporation, to include projects for the development or redevelopment and expansion of a military base that has been closed or realigned under the federal Defense Base Closure and Realignment Act of 1990. The act allows a development corporation to own and operate such a project as a business.

SENATE BILL 1514

EFFECTIVE: Vetoed

SENATE AUTHOR: Truan

HOUSE SPONSOR: Flores

Senate Bill 1514 amends the Government Code to require specified state agencies and The University of Texas—Pan American to designate coordinators of colonia initiatives who will meet at least semiannually with the coordinator from the attorney general's office presiding. It also requires representatives of the agencies who work near the border to meet to coordinate initiatives at the local level.

SENATE BILL 1766

EFFECTIVE: 6-20-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Palmer

Senate Bill 1766 creates the Westworth Village-White Settlement Redevelopment Authority, on adoption of resolutions by those two cities, to accept title from the United States to all or any portion of the real property within Carswell Air Force Base and to utilize the property to replace and enhance the economic benefits generated by the base. The act establishes the powers of the authority, including certain powers granted cities for the development of housing and the expansion of economic development and commercial activity. The boundaries of the authority are identical to the combined boundaries of Westworth Village and White Settlement.

SENATE BILL 1877

EFFECTIVE: Vetoed

SENATE AUTHOR: Wentworth et al.

HOUSE SPONSOR: Greenberg et al.

Senate Bill 1877 amends the Government Code to direct the Texas Department of Housing and Community Affairs to establish, with specifically appropriated funds, the Texas community investment program. Under the program the department awards grants to, or purchases stock of, certain multi-bank community development corporations (CDC) making loans in distressed areas. The act sets eligibility criteria for CDCs, time limitations for using the department grant, and maximum allowable losses from loans and investments using the grant. It requires participating CDCs to establish an investment committee with specified membership to make the grant-lending decisions, permits loans in the form of debt, subordinated debt, and equity investment, and sets maximum amounts and term limits for each loan category. Sixty percent of the grant must be invested in businesses that have existed for one year or more and the department must annually audit all amounts awarded to each CDC.

SENATE BILL 1930

EFFECTIVE: 6-18-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Telford

Senate Bill 1930 creates the Red River Redevelopment Authority for the purpose of accepting title from the United States to all or part of the excess personal and real property situated within the Red River Army Depot in Bowie County and for promoting the location and development of new businesses and industries on that property. The act establishes the membership and terms of the authority's board of directors and sets forth the authority's powers and duties.

EDUCATION

HOUSE BILL 8

EFFECTIVE: See below

House Bill 8 amends the Education Code to guarantee the obligations of the Texas Tomorrow Fund, the state's prepaid tuition program, by the full faith and credit of the state. The act takes effect upon voter approval of House Joint Resolution 8.

HOUSE AUTHOR: Stiles et al.

SENATE SPONSOR: Barrientos et al.

HOUSE BILL 9

EFFECTIVE: 9-1-97

House Bill 9 amends the Education Code to provide that a high school student, regardless of age, may qualify as a beneficiary of the Texas Tomorrow Fund prepaid tuition program. The act expands scholarship opportunities under the program by allowing state and local governments to finance prepaid tuition scholarships, brings the program into compliance with federal tax law, and prohibits awarding a scholarship using state or local government derived funds unless it is determined that the award will not jeopardize funds or require an additional state appropriation to cover necessary costs. It permits a prepaid tuition contract purchaser to contract for additional credit hours, defer the use of prepaid credit hours, and apply any remaining credit hours to graduate or professional studies.

House Bill 9 directs the comptroller to study the possibility of providing for prepaid tuition and fees for graduate studies. In addition, the act directs the comptroller to serve as executive director of, and to provide staff support for, a direct support organization formed to administer program funds, clarifies the duties of a direct support organization, and adopts the prudent person rule to govern fund investment decisions.

HOUSE AUTHOR: Stiles et al.

SENATE SPONSOR: Barrientos et al.

HOUSE BILL 63

EFFECTIVE: 9-1-97

The 74th Legislature authorized governing boards of institutions within The Texas A&M University System and the Texas State University System to establish student debit card systems to allow students to purchase merchandise or services from their respective institutions or other board-authorized vendors. House Bill 63 expands the program to other colleges and universities. The act adds a provision allowing an institution to assess participating businesses a program implementation and administrative fee.

HOUSE AUTHOR: Kamel

SENATE SPONSOR: Duncan

HOUSE BILL 65

EFFECTIVE: See below

House Bill 65 amends the Education Code to prohibit a public college or university from charging a student who has registered for a semester or summer term tuition and fees that are higher than those in effect at the time the student registered, regardless of whether the student has paid the tuition and fees in full at the time the college or university increases its rates.

House Bill 65 applies beginning with tuition and fees for the 1998 spring semester.

HOUSE AUTHOR: Kamel

SENATE SPONSOR: Cain

HOUSE BILL 107

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Giddings et al.

SENATE SPONSOR: Ratliff

House Bill 107 amends the Transportation Code to require the Texas Department of Transportation (TXDOT) to issue specially designed “Read to Succeed” license plates to fund extra reading education. The act also amends the Education Code to require the commissioner of education to adopt a list of reading instruments for school districts to use in diagnosing reading development and comprehension for students in kindergarten through second grade and funds from the license plates may be used for reading diagnosis programs.

HOUSE BILL 318

EFFECTIVE: See below

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Bivins

House Bill 318 amends the Education Code to allow the State Board of Education to grant up to 100 charters for open-enrollment schools that adopt express policies for admitting students eligible to receive public education grants and additional charters for open-enrollment schools whose prospective student bodies will include a certain percentage of dropouts and at-risk students.

The act makes a student eligible for a Public Education Grant if the student is assigned to a school where 50 percent or more of the students taking the Texas Assessment of Academic Skills (TAAS) or the required exit-level test perform poorly on the test in any two of the preceding three years rather than for three consecutive years previous, and it provides that a student using a grant to attend a school outside the student’s home district remains eligible for the grant even though the school on which the student’s eligibility is based no longer meets the low performance criteria, but the student becomes ineligible if the student is assigned to a school that does not meet the criteria for identification as a low performing school.

House Bill 318 provides that a student using a grant to attend a school outside the district in which the student resides is included in the average daily attendance (ADA) of the district in which the school is located and not of the student’s home district. The act provides that a receiving district is entitled to a public education grant allotment and, if applicable, additional state aid, including additional facilities funding, for each student using a grant to attend school in the district.

The act requires the commissioner to notify each district having a campus whose students are eligible for public education grants of that fact not later than January 1 of each year, identifying such campuses and informing the district of its obligation to comply with certain parental notification requirements, and it requires each district, not later than February 1, to notify the parents of each student assigned to a campus described above that the student is eligible for a grant and to include in the notice an explanation of the public education grant program and how to obtain further information.

The act applies beginning with the 1997-1998 school year.

HOUSE BILL 385

EFFECTIVE: 5-31-97

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Ogden

House Bill 385 amends the Education Code to transfer the Granger, Hutto, and Thrall independent school districts from the Austin Community College District service area to the Temple Junior College District service area.

HOUSE BILL 571**EFFECTIVE:** See below**HOUSE AUTHOR:** Rangel et al.**SENATE SPONSOR:** Barrientos

House Bill 571 amends the Education Code to waive tuition and fees for residents who have at least two years of experience working as certified educational aides in a school district, are employed as such during the semester for which the tuition exemption is granted, demonstrate financial need, are enrolled in courses required for teacher certification, maintain an acceptable grade point average, and comply with any other requirement established by the Texas Higher Education Coordinating Board. The act requires that the balance of certain foundation school fund savings, after meeting statutory funding priorities, be used to fund these tuition and fee exemptions and that the Texas Education Agency accept and make available contributions made to the agency for the purpose of funding these exemptions.

House Bill 571 also exempts graduates who have completed the coursework required for teacher certification under the tuition exemption described above from any requirement to perform postgraduate student teaching internships.

The provisions relating to tuition and fee exemptions for educational aides apply beginning with the 1997 fall semester.

HOUSE BILL 583**EFFECTIVE:** Vetoed**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Barrientos

House Bill 583 amends the Education Code to require the Texas Education Agency to develop, implement, and administer programs and activities to foster parental involvement in the public schools and requires the commissioner of education to try to consolidate the agency's parental involvement programs and activities to facilitate parental access and maximize agency efficiency.

House Bill 583 requires a school district or campus waiver application to include written comments and the signature of each district and/or campus-level decision-making or planning committee chair indicating review by a majority of the members of the appropriate committee or committees.

The act prohibits the assignment of a student who has been adjudicated on the basis of an offense involving indecency with a child, sexual assault, or aggravated sexual assault to the same classroom as the victim of that offense without the victim's parent's consent or, if the victim is 18 years old or older, the victim's consent.

The act extends to within 300 feet of school property the area within which the commission of certain criminal offenses results in a student's removal from class and placement in an alternative education program and adds several new conditions under which removal and placement in an alternative education program are either required or permitted; it also includes provisions for official review and parental appeal of such placements but prohibits a student's return to the regular classroom while the review or appeal is pending.

House Bill 583 allows local school funds, and state funds not designated for a specific purpose, to be used for certain listed purposes and for other purposes deemed by a school district's board of trustees to be necessary in the conduct of the district's schools.

House Bill 583 also amends the Code of Criminal Procedure to require law enforcement personnel to notify the appropriate school officials of a student's arrest or referral to a juvenile court-designated official and to require a prosecuting attorney or a juvenile court-designated official to notify a school district that removes a student to an alternative education program of certain outcomes in the student's case, including the refusal to prosecute the case or a court or jury finding of not guilty and the case's dismissal. The act requires a superintendent who

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receives such notice, from law enforcement personnel or from a prosecuting attorney, to promptly notify all instructional and support personnel responsible for the student's supervision. The act imposes similar requirements relating to the arrest or referral of a student believed to be a private school student.

HOUSE BILL 588

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Rangel et al.

SENATE SPONSOR: Barrientos et al.

House Bill 588 amends the Education Code to provide for uniform admission and reporting procedures for the state's public colleges and universities. The act requires each public college and university to: (1) admit automatically any student who has graduated in either of the two preceding academic years with a grade-point average in the top 10 percent of the student's graduating class and who applies before the institution's applicable filing deadline; (2) determine whether to extend its automatic admission policy to students who graduate from high school in the top 25 percent of their class and who apply for college admission as first-time freshman students; and (3) after admitting all automatic qualifiers, to admit other applicants upon consideration of academic, socioeconomic, and other enumerated factors. House Bill 588 also requires each institution to report annually to the Texas Higher Education Coordinating Board on the demographic composition of each entering class admitted under the provisions of this act.

The act also requires institutions that offer graduate, postgraduate, or professional programs, or that offer scholarships and fellowship awards, to adopt and make available to the public written policies applicable to admission to these programs or the granting of such awards.

HOUSE BILL 621

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Jackson et al.

SENATE SPONSOR: J. Patterson

House Bill 621 provides for the conversion of the Texas Chiropractic College from a private institution operated as a Texas nonprofit corporation to a public institution of higher education under the management and control of a university system, provided that the Texas Higher Education Coordinating Board finds a compelling public need or state interest in its establishment as a public institution. The act requires the board to determine whether there is such a public need or state interest by August 31, 1998, and, if so, to determine which university system is best suited to assume governance of the college. If the college's board of trustees and the university system's board of regents agree and the coordinating board approves, House Bill 621 provides for the transfer of assets, powers and duties, and contractual obligations of the college and its board of trustees to the university system's board of regents, effective September 1, 1998.

The act specifies that the chiropractic college is not entitled to benefits from either the Permanent University Fund or the Higher Education Fund.

HOUSE BILL 623

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hernandez

SENATE SPONSOR: G. Luna

House Bill 623 amends the Education Code to require the State Board for Educator Certification to provide for a certified educator to attain additional certification to teach a grade level or subject area not covered by the educator's certificate by examination or other assessment of the educator's qualification.

HOUSE BILL 634**EFFECTIVE:** 5-15-97**HOUSE AUTHOR:** Pitts et al.**SENATE SPONSOR:** Ratliff

House Bill 634 amends Education Code provisions relating to the Prepaid Higher Education Tuition Program (Texas Tomorrow Fund) to allow purchasers of prepaid tuition contracts to make payments in annual installments. This option is in addition to the monthly installment payment plan and the single lump sum payment plan options allowed under the original provisions.

House Bill 634 requires the Prepaid Higher Education Tuition Board to begin offering this payment plan option to new contract purchasers by January 1, 1998, and to give persons who purchased a contract before that date the option of converting from a monthly installment payment plan to an annual installment payment plan.

HOUSE BILL 640**EFFECTIVE:** 6-17-97**HOUSE AUTHOR:** Kamel et al.**SENATE SPONSOR:** Cain

House Bill 640 amends the Education Code to allow the governing board of a public college or university to grant tuition and fee exemptions to peace officers who are permanently disabled as a result of injuries suffered while performing certain specified official duties and who are unable to continue their careers as peace officers as a result of the disability, subject to certain limitations.

HOUSE BILL 767**EFFECTIVE:** See below**HOUSE AUTHOR:** Junell et al.**SENATE SPONSOR:** Lindsay

House Bill 767 amends the Education Code to waive tuition and fees at a public college or university for a student who was in foster care or other residential care under the conservatorship of the Department of Protective and Regulatory Services if the student was in such care on or after the student's 14th birthday and was also eligible for adoption on that day or if the student was in such care the day the student graduated from high school or received a high school equivalency diploma.

This exemption applies beginning with the 1997 fall semester.

HOUSE BILL 836**EFFECTIVE:** See below**HOUSE AUTHOR:** Gallego et al.**SENATE SPONSOR:** Bivins

Current law allows any student who attends 90 percent of an extended year program to advance automatically to the next grade level at the beginning of the next school year, unless the student's parent requests, in writing, that the student not be promoted. The Education Code also requires that students be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level. House Bill 836 amends the code to require students in extended year programs to meet those academic achievement or proficiency criteria, as well as the 90 percent attendance requirement, for promotion to the next grade level. The act becomes effective beginning with the 1997-1998 school year.

HOUSE BILL 932**EFFECTIVE:** 6-20-97**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Barrientos

House Bill 932 amends the Education Code to give employees of the Texas School for the Deaf the option of receiving the salary stated in their employment contracts in 12 equal monthly installments. The act deletes language that made the payment option subject to approval by the school's governing board.

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HOUSE BILL 1043

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bailey

SENATE SPONSOR: Lindsay

House Bill 1043 amends the Education Code to allow a corporation created under the Higher Education Authority Act to issue bonds to finance or refinance educational or housing facilities for an accredited primary or secondary school and to secure the bonds by a pledge of any or all of the gross or net revenue to be derived from the facilities' operation or any other revenue or assets pledged for that purpose. The act deletes language that previously restricted the use of bonds issued by a private nonprofit corporation to benefit military-related schools that met certain county population and other criteria.

HOUSE BILL 1235

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Ratliff

The Texas Education Code gives general authority to the governing boards of public universities and university systems to issue revenue bonds to finance capital improvements. House Bill 1235 authorizes the boards of regents of several university systems and of several independent universities to issue bonds in specified amounts.

HOUSE BILL 1384

EFFECTIVE: See below

HOUSE AUTHOR: Telford

SENATE SPONSOR: Ratliff

House Bill 1384 amends the Education Code to waive the nonresident tuition rate requirement for residents of neighboring states enrolled at public upper-level universities located in counties immediately adjacent to the nonresident students' home states. A nonresident student meeting these criteria is charged tuition and fees equivalent to the tuition and fees a Texas resident would pay at a similar institution in the nonresident student's home state.

The nonresident tuition waiver applies beginning with the 1997 fall semester.

HOUSE BILL 1404

EFFECTIVE: 5-19-97

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Bivins

House Bill 1404 amends the Education Code to allow any public college or university in the state to offer courses approved by the Texas Higher Education Coordinating Board to students anywhere in the state. The act requires the coordinating board to encourage collaborative efforts to make computer access to courses widely available throughout the state and to maintain a publicly accessible central information resource, the Texas College On-Line, where institutions can place information relating to all computer-accessible distance learning courses offered for credit by colleges and universities.

HOUSE BILL 1460

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi

SENATE SPONSOR: Fraser

House Bill 1460 amends the Education Code to allow a junior college district's board of trustees to eliminate the words "community" or "junior" from its name, unless the change would result in the district or the college having the same or substantially the same name as an existing district, college, or other institution in the state.

HOUSE BILL 1468
EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. West
SENATE SPONSOR: Bivins

House Bill 1468 amends the Education Code to allow the Ector County Independent School District to conduct a pilot project for a career-targeted transition program to help high school students develop a strong work ethic; academic, technological, and communication skills; teamwork ability; and specific career goals and skills. The act requires the Texas Education Agency to monitor and evaluate the program's development and implementation.

HOUSE BILL 1511
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga et al.
SENATE SPONSOR: Zaffirini

House Bill 1511 requires the Texas Department of Health, in consultation with the Texas Higher Education Coordinating Board, to establish procedures and formulas for the allocation of Medicaid funds used to support graduate medical education and requires the department to emphasize graduate medical education in primary care specialties when allocating these funds. It also requires the department to use a specific formula to reimburse teaching hospitals for resident physician training costs attributable to Medicaid patients. The formula includes a measure of graduate medical education costs and, after state fiscal year 1998, gives greater weight to the number of primary care residents trained by a teaching hospital. The act sets forth a phase-in schedule by which the formula is to be implemented.

In addition, House Bill 1511 requires the Texas Higher Education Coordinating Board to administer a program, to be funded by appropriations, grants, and other sources, to support appropriate graduate medical education programs. To be eligible to receive funds under the program, an entity is required to incur the cost of facility supervision and education or the stipend costs of resident physicians.

HOUSE BILL 1531
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Woolley
SENATE SPONSOR: Ellis

House Bill 1531 amends the Education Code to allow a nonprofit corporation to issue bonds to finance or refinance educational facilities for use by a school that: (1) is located in a county with a population of more than 1.8 million; (2) is located within three miles of a designated enterprise zone; (3) provides primary and secondary education to at least 1,000 students; (4) is accredited by an organization approved by the Texas Education Agency for private school accreditation; and (5) is owned and operated by a Texas nonprofit corporation.

HOUSE BILL 1548
EFFECTIVE: See below

HOUSE AUTHOR: S. Turner
SENATE SPONSOR: M. Galloway

House Bill 1548 amends the Education Code to allow a public junior college district's governing board to waive the nondistrict-resident tuition and fee requirements for certain students residing outside the junior college district boundaries under specified conditions. The waivers apply beginning with the 1997 fall semester.

HOUSE BILL 1611
EFFECTIVE: 6-20-97

HOUSE AUTHOR: B. Turner
SENATE SPONSOR: Shapiro

House Bill 1611 requires school districts to test the pressure in the natural gas piping system of each school district facility before the beginning of the school year. Testing may be performed on a two-year cycle with approximately one-half of the facilities tested each year. The act requires the school district to provide written notice to the district's natural gas

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supplier of the date and result of each pressure test. The natural gas supply company is required to terminate service to the school district facility if the company receives notice of a hazardous natural gas leak or the district fails to perform the test. The act also requires the Railroad Commission of Texas to enforce the act.

HOUSE BILL 1640

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Raymond

SENATE SPONSOR: Ellis

House Bill 1640 amends the Education Code to direct the Texas Education Agency to adopt or develop and administer a standardized assessment mechanism for adult education program participants. The act establishes deadlines for completion of the various elements of the assessment mechanism and requires the agency to develop a comprehensive management information system to measure progress of adult education students by September 1, 1998.

HOUSE BILL 1779

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place

SENATE SPONSOR: Carona

House Bill 1779 amends the Education Code to direct the Real Estate Research Advisory Committee of The Texas A&M University Real Estate Research Center to elect a presiding officer and an assistant presiding officer, rather than a chairman.

HOUSE BILL 1795

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Ratliff

Since joining The University of Texas System in 1979, The University of Texas at Tyler has served as an upper-level institution. House Bill 1795 amends the Education Code to authorize the university to offer lower division courses approved by the coordinating board, but it prohibits the university from offering lower division courses off campus before the 2001 fall semester.

House Bill 1795 also prohibits the university from adopting an open enrollment policy; requires admissions standards for incoming freshman students no less stringent than the 1997 fall admissions standards for freshmen at The University of Texas at Arlington; and includes temporary limits on freshman and sophomore student enrollments. The act also prohibits the university from admitting freshman students before the 1998 summer session and includes other provisions relating to enrollment and admissions standards.

HOUSE BILL 1800

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Barrientos

The state's public school accountability system does not include performance measures by which school districts can be held accountable for the education of students with disabilities who cannot take the standardized tests given other students, and many special education students are excluded from school district performance accounting. House Bill 1800 amends the Education Code to require the Texas Education Agency to begin developing or adopting a criterion-referenced test for each special education student for whom the Texas Assessment of Academic Skills (TAAS) test, or a modified version of the TAAS test, would not provide an appropriate measure of student achievement, and sets deadlines. The act requires the new examination to test competency and growth in reading, mathematics, and writing and requires each special education student's admission, review, and dismissal committee to determine how to test and grade the student. The act exempts special education students from the TAAS test, if the test is not appropriate, until the alternative test has been developed. The act also

exempts special education students from tests if their individualized education programs do not cover the essential knowledge and skills included in the required curriculum and the tests do not provide an appropriate measure of the students' achievements.

The act requires results of tests given to special education students to be included among the public school accountability system's performance indicators.

HOUSE BILL 1820

EFFECTIVE: See below

HOUSE AUTHOR: Solis et al.

SENATE SPONSOR: Lucio

The Education Code provides a waiver of foreign student tuition rate requirements for students from Mexico who demonstrate financial need and who are enrolled at public colleges and universities located in counties along the Texas-Mexico border, allowing such students to pay tuition at the same rate as Texas residents. House Bill 1820 amends the Education Code to extend the foreign student tuition waiver to financially needy Mexican students who are (1) enrolled at a Texas State Technical College System institution in a county adjacent to Mexico, (2) registered for lower division courses at a community or junior college that has a partnership agreement with an upper-level university and both are located in a border county, or (3) enrolled at Texas A&M University–Corpus Christi. House Bill 1820 applies beginning with tuition charged for the 1997 fall semester.

HOUSE BILL 1989

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Rangel et al.

SENATE SPONSOR: Truan

House Bill 1989 amends the Education Code to require the Texas Higher Education Coordinating Board to establish student exchange programs with other nations, to the extent practicable, similar to the current student exchange programs with Mexico and Canada.

HOUSE BILL 2061

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: J. Patterson

House Bill 2061 amends the Education Code to require an applicant for college financial aid to submit a statement to the appropriate institution indicating the applicant's selective service status.

The filing requirements imposed under House Bill 2061 do not apply to female students or to students older than the maximum age for selective service.

HOUSE BILL 2099

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. Patterson

The Physician Assistant Licensing Act provides for reimbursement of student loans for physician assistants trained in the state who practice in rural health professional shortage areas and medically underserved areas. House Bill 2099 amends the act to provide this reimbursement for licensed physician assistants trained in any state.

HOUSE BILL 2146

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Ellis

House Bill 2146 amends the Education Code to require the Texas Higher Education Coordinating Board to collect data and maintain a database on minority participation in all aspects of public higher education, including data on applications, recruitment, admissions, retention, graduation, and professional licensing, at both undergraduate and graduate levels, and to maintain a continuous study of the data and factors affecting the data.

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House Bill 2146 also requires the coordinating board to study the effects of recent actions on the rates of minority applications and admissions at public colleges and universities in Texas, to recommend actions that may be taken to improve minority participation, and to report its findings to the governor, the lieutenant governor, and speaker of the house by December 1, 1998. Recent actions include legal developments (e.g., the 5th Circuit Court of Appeals ruling on Hopwood v. State) and changes in admissions procedures, standards, or practices at public colleges or universities.

HOUSE BILL 2214
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Fraser

The Education Code currently waives college tuition and most fees for certain military veterans and for offspring of military personnel killed or missing in action, but tuition and fee exemptions generally are not applicable to courses for which a college or university does not receive formula funding, which typically include correspondence and other continuing education courses. House Bill 2214 amends the Education Code to make the tuition and fee exemption for veterans and surviving dependents applicable to correspondence courses if the courses count toward a student's degree plan. The act also allows a college or university governing board to grant such exemptions for continuing education courses.

HOUSE BILL 2394
EFFECTIVE: See below

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Fraser

The Education Code provides an exemption from college tuition, fees, and other charges at public colleges and universities for certain military veterans, persons with military-related service, and offspring of certain deceased or missing military personnel. House Bill 2394 amends the code to allow a junior college district's governing board to provide that these exemptions do not apply to a course fee or training fee charged by the junior college district to cover flight time costs associated with an aircraft flight training course if the costs are incurred by a student who does not have a private pilot rating or who has a private pilot rating but is not actively seeking to meet Federal Aviation Administration requirements of additional certification or rating. The act takes effect beginning with the 1997 fall semester.

HOUSE BILL 2411
EFFECTIVE: 5-31-97

HOUSE AUTHOR: Coleman
SENATE SPONSOR: Ellis

House Bill 2411 amends the Education Code to raise the cap on the student fee charged students at Texas Southern University for the maintenance and operation of or capital improvement to the university's student center from \$15 to \$35 per semester and from \$7.50 to \$17.50 per summer session term. The increase applies to fees imposed for a semester or summer session beginning on or after May 31, 1997. The act also includes provisions relating to administration of the fee.

HOUSE BILL 2517
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dunnam
SENATE SPONSOR: Shapleigh

House Bill 2517 amends the Education Code to require each public junior college district to prepare an annual performance report in a form that allows appropriate comparisons among like institutions and to include relevant student performance, student demographic, and faculty data as well as information on the number and types of degrees and certificates awarded.

House Bill 2517 also amends the Government Code to require the state auditor to give a junior college district's governing board, in advance of an independent audit of the district, information detailing the audit procedures and scope, including information to help the district prepare for and participate in the audit.

HOUSE BILL 2528**EFFECTIVE:** 5-23-97**HOUSE AUTHOR:** Gutierrez et al.**SENATE SPONSOR:** Lucio

The Texas Legislature created South Texas Community College in 1993, when it converted a Texas State Technical College (TSTC) extension center in McAllen to a new joint county-junior college. That legislation established a temporary governing board and required the board to call and hold an election within Hidalgo and Starr counties to confirm the college's creation, provide for the elected board of trustees, and authorize the issuance of bonds and levying of taxes. House Bill 2528 validates all governmental acts and proceedings of South Texas Community College, of its board of trustees, and of a college officer or employee that were taken before March 1, 1997, relating to the confirmation proceedings and to the transfer of property from the TSTC extension center to the college. The act does not validate any act or proceeding that constitutes a felony or misdemeanor offense or that, on the act's effective date, is involved in litigation that results in the matter being invalidated by a court or has been invalidated by a court.

HOUSE BILL 2617**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Oakley**SENATE SPONSOR:** Brown

House Bill 2617 amends the Education Code to allow the Texas State University System board of regents to acquire, construct, improve, or equip facilities or make other capital improvements at the Bill Blackwood Law Enforcement Management Institute of Texas, and to finance such undertakings through the issuance of bonds secured by proceeds from the Bill Blackwood Law Enforcement Management Institute of Texas fund.

HOUSE BILL 2626**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Delisi**SENATE SPONSOR:** Moncrief

The 74th Texas Legislature created statewide preceptorship programs in general internal medicine and in general pediatrics for Texas medical school students. House Bill 2626 adds a provision to the Education Code to establish similar programs in public health settings for medical students pursuing careers as primary care physicians. The act authorizes the Texas Higher Education Coordinating Board to contract with tax exempt organizations operated by state accredited medical schools to operate the programs.

House Bill 2626 also requires the coordinating board to require family practice residency programs to provide an opportunity for residents to have a one-month rotation through a rural setting and a public health setting.

HOUSE BILL 2721**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hunter et al.**SENATE SPONSOR:** Bivins

TexShare is a cooperative library resource sharing program among Texas public senior colleges and universities, first funded through an appropriation to the Texas Higher Education Coordinating Board in the General Appropriations Act of 1993. House Bill 2721 amends the Government Code to establish the TexShare library consortium as a statutory program under the Texas State Library and Archives Commission, with participation expanded to include public junior and community colleges and private institutions of higher education. Its functions are to enhance efficient exchange of academic information and sharing of library resources, to

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facilitate certain joint purchasing agreements by member institutions, to maximize the effectiveness of library expenditures, and to increase the intellectual productivity of students and faculty. The commission is authorized to assess fees for membership in the consortium, and the General Appropriations Act passed by the 75th Legislature includes appropriations and appropriations transfers to the commission totaling approximately \$2.1 million for the FY1998-FY1999 biennium.

HOUSE BILL 2747

EFFECTIVE: See below

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

House Bill 2747 amends the Education Code to require the governing boards of junior colleges to provide students the option of paying tuition and fees for a semester either in full before the beginning of the semester or in installments due at various times during that semester. House Bill 2747 takes effect for the 1997 fall semester.

HOUSE BILL 2923

EFFECTIVE: 5-31-97

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Ellis

House Bill 2923 amends the Education Code to allow the board of regents of Texas Southern University to charge students at the university a medical services fee not to exceed \$35 per student per semester or \$17.50 per summer session term for operation, maintenance, improvement, and equipping of a medical service facility and providing students medical services. The authorization applies to fees imposed for a semester or summer session beginning on or after May 31, 1997. The act also includes provisions relating to administering the fee.

HOUSE BILL 2933

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Ellis

House Bill 2933 amends the Education Code to allow the Texas Southern University board of regents to charge students at the university a recreational facility fee not to exceed \$50 per student per semester or summer session for construction, operation, maintenance, improvement, and equipping of a recreational facility or program at the university. The authorization applies to fees imposed for a semester or summer session beginning on or after the act's effective date. The act also includes requirements relating to administering the fee.

HOUSE BILL 3112

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Rangel

SENATE SPONSOR: Bivins

House Bill 3112 amends the Education Code to allow an employee of a college or university to authorize a payroll deduction for payment of parking fees charged by the college or university or for purchase of a parking permit from the college or university.

HOUSE BILL 3125

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Davila

SENATE SPONSOR: Barrientos

House Bill 3125 amends the Education Code to require the public college and university governing boards to develop and implement policies that allow students to participate in the selection or retention of food service providers at their respective institutions by giving them the opportunity to appear before the selection or retention committee, to discuss the performance of a food service provider, and to make recommendations regarding food service provider qualifications. The act requires contracts between an institution and a food service provider to include a requirement for the provider to meet periodically with the institution's students to discuss the provider's performance.

HOUSE BILL 3271**EFFECTIVE:** See below**HOUSE AUTHOR:** Berlanga et al.**SENATE SPONSOR:** Truan

House Bill 3271 amends the Education Code to raise the cap on the student fee charged each student at a component institution of The Texas A&M University System for operation, maintenance, improvement, and equipping of and construction of additions to a student center complex on the institution's campus, from \$30 to \$40 per student per semester and from \$15 to \$20 per summer session term. The fee increase applies to fees levied at that institution beginning with the 1997 fall semester.

HOUSE BILL 3356**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Rangel**SENATE SPONSOR:** Barrientos

The 74th Legislature created the Early High School Graduation Scholarship Program to provide \$1,000 tuition credits to students who graduate from high school in three years or less. That legislation required the tuition credits to be funded through savings to the Foundation School Program (FSP) achieved as a result of lower 12th grade enrollment and required the commissioner of education to transfer funds from the FSP to the Texas Higher Education Coordinating Board in an amount sufficient to reimburse the coordinating board for funds it disbursed to colleges and universities for the tuition credits they applied. House Bill 3356 amends the Education Code to require the coordinating board to distribute the funds to each eligible institution when it receives the funds from the commissioner rather than when it receives a report from the institution that it has applied the credits toward student tuitions.

HOUSE BILL 3530**EFFECTIVE:** 6-19-97**HOUSE AUTHOR:** Holzheuser**SENATE SPONSOR:** Cain

House Bill 3530 amends state law regarding energy savings projects for school districts, institutions of higher education, and state agencies. The bill authorizes state agencies to enter into performance contracts for energy conservation measures to reduce energy consumption and operating costs. The bill sets out the types of energy conservation contracts authorized, the procedures for bidding and awarding contracts, and the term of the contracts. The bill also provides that state agencies shall require the provider of the energy conservation measures to file a payment and performance bond to protect the interests of the state agency.

House Bill 3530 also amends provisions of the Education Code regarding institutions of higher education and school districts by expanding the types of energy conservation contracts eligible for contract bidding to include electrical system improvements. The bill also makes clarifying changes to existing contract provisions.

HOUSE JOINT RESOLUTION 8**FOR ELECTION:** 11-4-97**HOUSE AUTHOR:** Stiles et al.**SENATE SPONSOR:** Barrientos et al.

House Joint Resolution 8 proposes a constitutional amendment to guarantee the obligations of the Texas Tomorrow Fund, the state's prepaid tuition program. The resolution establishes the Texas Tomorrow Fund as a constitutional trust fund and allows fund assets to be invested in accordance with the prudent person rule. The resolution requires that the first money available in the state treasury that is not otherwise dedicated by the constitution be used to cover the fund's obligations in the event of a deficit in the fund.

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SENATE BILL 109

EFFECTIVE: 4-17-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Chisum

The 74th Texas Legislature established geographic service areas for junior college districts and located all of the Pampa Independent School District in the Borger Junior College District service area. Senate Bill 109 transfers that part of the Pampa Independent School District situated in Gray County from the Borger Junior College District's service area to the area served by the Clarendon College District.

SENATE BILL 128

EFFECTIVE: 4-17-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Hirschi

Senate Bill 128 amends the Education Code to allow the Midwestern State University board of regents to set tuition for United States military personnel enrolled in the university's radiological science programs including certain personnel taking the courses via telecommunication, at rates it deems appropriate but not less than the total in-state tuition and fees charged Texas residents in the same programs.

SENATE BILL 133

EFFECTIVE: See below

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Dutton

Senate Bill 133 amends the Education Code to clarify certain issues arising from the implementation of Chapter 37 in 1995, which provided for the removal of students from the classroom and their placement in alternative education programs (AEPs) or their expulsion from school for disruptive or criminal behavior.

The state's compulsory school attendance law previously did not apply to students expelled from school; Senate Bill 133 amends the law to limit that exemption to students expelled from school in districts that do not participate in a juvenile justice alternative education program (JJAEP).

The act clarifies the situations that allow placement of a student in an AEP and those where placement is required. It adds felony conduct to the list of causes requiring a student's removal from class and placement in an AEP; it extends to within 300 feet of school property the boundaries within which engaging in any such conduct results in such placement; and it requires a student's removal from class and placement in an AEP for conduct that occurs off campus and not in connection with school-sponsored or school-related activities if the student receives deferred prosecution for conduct defined as a felony offense or is found guilty of delinquent or felony conduct or district officials reasonably believe that the student engaged in certain felony conduct. The act allows a student's removal from class and placement in an AEP if district officials reasonably believe the student engaged in felony conduct other than that requiring automatic removal and placement or if the presence of the student in the classroom threatens the safety of other students or is detrimental to their learning. The act also includes provisions concerning notice, hearings on, and appeal of a child's removal from classes.

Senate Bill 133 also allows the expulsion of a student from school for selling, delivering, possessing, or using drugs, alcohol, or other abusable substances. The district or other local educational agency must provide educational services in an AEP to an expelled student 10 years of age or younger and may provide such services to an expelled student older than 10 years of age. The act includes provisions about performance standards and accountability in AEPs and JJAEPs and about responsibilities of juvenile boards in counties of more than 125,000 people.

The act prohibits school districts from readmitting a student who was expelled from school for certain offenses after the student successfully completes any court-imposed requirement, including conditions of a deferred prosecution ordered by the court or required by the prosecutor or probation department, but the school may place such student in an AEP. If an expelled student enrolls in another district, that district may continue the expulsion under the terms of a court order, place the student in an AEP for the period of the expulsion, or allow the student into a regular classroom.

Senate Bill 133 takes effect beginning with the 1997-1998 school year.

SENATE BILL 148

EFFECTIVE: 6-19-97

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Rangel et al.

Senate Bill 148 amends the Education Code to require the Texas Higher Education Coordinating Board to develop a recommended core curriculum and to require public colleges and universities to allow students to transfer earned core curriculum credits.

The act also changes provisions relating to the Texas Academic Skills Program (TASP), including a requirement that entering students take the TASP test or a similar test before enrolling in courses, alternatives to allow students with test deficiencies to take upper division classes, exemptions from the test, and limitations on state funding for developmental courses.

SENATE BILL 149

EFFECTIVE: 1-1-98

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Cuellar

Senate Bill 149 amends the Education Code to require periodic evaluations of tenured faculty at public colleges and universities. The act requires each public college or university governing board to adopt rules and procedures for a periodic performance evaluation. The rules and procedures must include provisions that: (1) subject each tenured faculty member to a comprehensive performance evaluation at least once every six years, but not more than once a year after the member is granted tenure or receives a promotion; (2) require an evaluation based on the faculty member's professional duties and include peer review; (3) direct the process toward the member's professional development; (4) ensure the faculty member's due process rights before disciplinary action may be taken on the basis of the evaluation; and (5) allow the revocation of tenure or other disciplinary action upon a determination of professional incompetency or other good cause.

The act requires a post-tenure evaluation before January 1, 2004, of each faculty member who is tenured as of January 1, 1998.

SENATE BILL 150

EFFECTIVE: 4-25-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Maxey

Senate Bill 150 amends the Education Code to require the Texas Higher Education Coordinating Board to adopt common application forms for students seeking admission, either as incoming freshmen or as undergraduate transfer students, to a public college or university in the state. The act requires the state's public colleges and universities to accept such applications, which may be filed either electronically or in hard copy format, but it does not prohibit them from requiring applicants to submit additional information within a reasonable time after receipt of a common application form.

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The act also requires the board of regents of a university system to adopt a common application form for students seeking freshman or transfer admission to a component institution of the system and to allow applicants to apply electronically to one or more of the system's institutions.

SENATE BILL 168

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Greenberg

Senate Bill 168 amends the Education Code to require that a performance incentive awarded to a principal under the principal performance incentive program be distributed to the principal's school and be used for academic enhancement purposes as determined by the school's campus-level planning and decision-making committee. The act requires the commissioner of education to study the feasibility of establishing an incentive grant program for all classes of educators, focusing on the development of objective methods for awarding grants in the areas of student performance, continuing education, and professional duties performed by the teachers outside the classroom.

SENATE BILL 247

EFFECTIVE: See below

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Culberson

Senate Bill 247 amends the Education Code to require a school district to accept a nondistrict resident into the district's school if one of the nonresident student's parents lives in the district and the parent is the student's joint managing conservator, sole managing conservator, or possessory conservator. The act also makes a person who has not yet reached the age of 18 subject to the state's compulsory attendance laws but provides an exemption for an individual who is at least 17 years old and is attending a GED course to prepare for the high school equivalency examination if the individual has parental permission to attend the course, is required to do so by a court order, is living in a home outside parental supervision, or is homeless. The act takes effect with the 1997-1998 school year.

SENATE BILL 274

EFFECTIVE: 6-18-97

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Oliveira

Senate Bill 274 amends the Education Code to require The University of Texas at Brownsville, established as an upper-level institution, to offer basic freshman and sophomore courses, subject to Texas Higher Education Coordinating Board approval, to support bachelor degree programs and to allow the university to offer other lower-division courses if a partnership agreement is reached between the university and the Southmost Union Junior College District. The act includes temporary limitations on lower division student enrollment and requires the application of 4-year university funding formulas to upper division courses at the university.

SENATE BILL 280

EFFECTIVE: 6-18-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Tillery

Senate Bill 280 amends the Education Code to require the commissioner of education to adopt rules for determining a teacher's or librarian's creditable years of service for purposes of the teacher's or librarian's placement on the minimum salary schedule.

SENATE BILL 294**EFFECTIVE:** 6-20-97**SENATE AUTHOR:** Sibley et al.**HOUSE SPONSOR:** Maxey

Senate Bill 294 amends the Education Code by adding a temporary provision requiring the Texas Education Agency to develop a costs/benefits study project on the use of computer networks in the public schools. The act requires the commissioner of education to determine the issues to be studied but stipulates that they must include the possibility of delivering updated textbook supplements via a computer network. The act requires the agency to report the project's results to the legislature not later than February 1, 1999.

SENATE BILL 297**EFFECTIVE:** 5-26-97**SENATE AUTHOR:** Ratliff et al.**HOUSE SPONSOR:** Junell

Senate Bill 297 amends the Education Code to provide additional funding for the school district technology allotment through legislative appropriation rather than through funds set aside from the available school fund for the state textbook fund.

Senate Bill 297 makes this funding change applicable retroactively, beginning with the current (1996-1997) school year.

SENATE BILL 338**EFFECTIVE:** 5-15-97**SENATE AUTHOR:** R. West et al.**HOUSE SPONSOR:** Wolens

The Education Code currently allows the Texas Higher Education Coordinating Board to contract with Texas Chiropractic College and Parker College of Chiropractic for undergraduate chiropractic training and instruction of Texas resident students, but only to the extent that no public school of chiropractic is established in the state. Senate Bill 338 deletes that restriction on the coordinating board's authority to contract with these institutions.

SENATE BILL 462**EFFECTIVE:** Vetoed**SENATE AUTHOR:** G. Luna**HOUSE SPONSOR:** Hernandez

Senate Bill 462 amends the Education Code to require a school district's board of trustees to admit a nondistrict resident into a district school if one of the nonresident student's parents lives in the district and the parent has joint custody of the student and is the student's joint managing conservator. The act applies beginning with the 1997-1998 school year.

SENATE BILL 474**EFFECTIVE:** See below**SENATE AUTHOR:** Ogden et al.**HOUSE SPONSOR:** Delisi

Senate Bill 474 amends the Education Code to allow the spouse or dependent child of a member of the U.S. military on active duty outside the state to pay resident tuition at a public college or university in the state, provided the member previously lived in Texas for a year and (1) signed a document with the applicable branch of service, at least one year before the start of a semester, that indicated a permanent residence address in Texas and that names Texas as the member's legal residence for tax purposes; (2) has been a Texas registered voter for the entire year before the semester's start; and (3) has owned real property in the state for the entire year before the semester's start and is not delinquent in paying property taxes or has had an automobile registered in Texas during that period.

The act also grants residency status for tuition purposes to former U.S. Armed Forces personnel and their spouses and dependent children if those former members have retired or been honorably discharged within one year of the semester's start and have complied with the residency requirements imposed on active duty personnel outside the state.

The changes in law made by Senate Bill 474 apply beginning with the 1997 fall semester.

Education

SENATE BILL 503

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Olivo et al.

Senate Bill 503 amends the Education Code to authorize the Work and Family Policies Clearinghouse in the Texas Workforce Commission to distribute funds to any school district for the purpose of supporting school-age child care programs.

SENATE BILL 517

EFFECTIVE: See below

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Hawley

Senate Bill 517 amends the Education Code to require the use of school buses or motor buses to transport 15 or more students in any one vehicle in connection with school activities outside the normal school bus routes and to allow the use of passenger vans for the transportation of 14 or fewer students. The act also extends the prohibition against children standing in a moving school vehicle to apply to students in a moving passenger van.

Senate Bill 517 allows a school district to charge a fee for the transportation of a student who lives within two miles of the school the student attends if the school is not entitled to additional state aid for that transportation service.

Senate Bill 517 takes effect with the 1997-1998 school year.

SENATE BILL 520

EFFECTIVE: 6-20-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Sadler

Senate Bill 520 amends the Education Code to revise the eligibility criterion for appointment as a public member to the 15-member State Board for Educator Certification. Prior law required the governor to appoint five citizens who had never been employed either by a school district or by a college or university teacher preparation program. Senate Bill 520 modifies that restriction to allow three of those five citizen member appointees to have been employed by a school district or a college or university teacher preparation program if such employment did not occur within the five-year period preceding their appointment.

The act also deletes a provision that required the presiding officer of the board to be elected from among the citizen members.

SENATE BILL 521

EFFECTIVE: See below

SENATE AUTHOR: Bivins

HOUSE SPONSOR: G. West

Senate Bill 521 amends the Education Code to exempt a school district employee from requirements to obtain written parental consent before administering a psychological examination, test, or treatment required by state or federal law relating to special education or before making a videotape or voice recording of a child to be used for media coverage of the school. The act applies beginning with the 1997-1998 school year.

SENATE BILL 572

EFFECTIVE: 9-1-97

SENATE AUTHOR: Fraser

HOUSE SPONSOR: Hupp et al.

Senate Bill 572 provides for the transfer of the University of Central Texas, currently an independent institution governed by a Texas nonprofit corporation, to The Texas A&M University System or to another university system if the system's regents and the university's regents agree to the transfer and the Texas Higher Education Coordinating Board approves the transfer not later than August 31, 1998. If both boards of regents agree and the coordinating board approves, the transfer is effective September 1, 1998. The receiving university system's board

of regents assumes complete responsibility for its governance, management, and operation; and the institution becomes the Public University for Central Texas until the board of regents renames it.

Senate Bill 572 provides for the continuity of certain practices and procedures in the operation of the Public University of Central Texas upon the transfer. The act includes a statement of legislative intent that the act does not create an institution entitled to money from the permanent university fund through the available university fund or from either the higher education fund or the higher education assistance fund.

SENATE BILL 576

EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Gallego

Senate Bill 576 amends the Education Code to establish the Texas New Horizons Scholarship Trust Fund. The act requires the Texas Higher Education Coordinating Board to issue scholarships and sets forth eligibility requirements and selection criteria for scholarship recipients, including a requirement to take into account certain socioeconomic, family, individual, and school district characteristics. The act requires participating colleges and universities to match state scholarship funds.

SENATE BILL 583

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Craddick

Senate Bill 583 amends the Education Code to clarify certain purchasing procedures to be used by school districts and public colleges and universities when contracting for facilities construction or repair. The act specifically allows school districts to enter into contracts to build, remodel, or repair facilities that involve using a construction manager or to enter into contracts for minor repair, rehabilitation, or alteration of facilities. The act also includes specific criteria and procedures that school districts and public colleges and universities must follow when using various methods for entering into contracts, including such methods as: (1) using competitive sealed proposals in selecting contractors for construction services, selecting construction managers, or awarding job order contracts; (2) using a design/build contract approach to construction, rehabilitation, or repair of facilities; (3) contracting for the services of a construction manager-agent or a construction manager-at-risk; and (4) awarding job order contracts for minor facilities repair, rehabilitation, or alteration.

SENATE BILL 591

EFFECTIVE: 9-1-97

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Bailey et al.

Senate Bill 591 amends the Education Code to allow the University of Houston–Downtown to offer graduate programs subject to the authority of the University of Houston System and the Texas Higher Education Coordinating Board.

SENATE BILL 606

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio et al.

HOUSE SPONSOR: Hinojosa

Senate Bill 606 grants The University of Texas System board of regents authority to establish a regional academic health center to serve Cameron, Hidalgo, Starr, and Willacy counties and sets out certain provisions relating to the center. It specifies that the center is subject to the Texas Higher Education Coordinating Board's continuing supervision.

Education

SENATE BILL 656**EFFECTIVE:** 6-20-97**SENATE AUTHOR:** Gallegos**HOUSE SPONSOR:** Torres

Senate Bill 656 amends the Education Code to allow a school district to extend its depository contract with a depository bank for one additional two-year term in lieu of rebidding a new two-year contract.

SENATE BILL 698**EFFECTIVE:** 5-28-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Pickett

Senate Bill 698 amends the Education Code to authorize the Texas Department of Transportation to contract with a public senior college or university, in addition to The University of Texas at Austin or The Texas A&M University System, to conduct research relating to transportation facilities. Such contracts for transportation research are not subject to the Interagency Cooperation Act.

SENATE BILL 730**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Whitmire**HOUSE SPONSOR:** Bailey

Senate Bill 730 amends the Education Code to change the name of the University of Houston Institute for Urban Studies to the University of Houston Center for Public Policy.

SENATE BILL 780**EFFECTIVE:** See below**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Hernandez

Senate Bill 780 amends the Education Code to specify that school district policies governing the use of personal leave may not include restrictions on the purposes for which leave is taken. The act's provisions apply beginning with the 1997-1998 school year.

SENATE BILL 816**EFFECTIVE:** 5-19-97**SENATE AUTHOR:** Truan**HOUSE SPONSOR:** Berlanga

Senate Bill 816 amends the Education Code to change the name of Corpus Christi State University to Texas A&M University—Corpus Christi. The act also deletes obsolete provisions relating to admissions standards and enrollment limitations for lower division students in effect during its transition from upper-level institution to four-year university status.

SENATE BILL 961**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Ratliff et al.**HOUSE SPONSOR:** Cuellar

Senate Bill 961 amends the Education Code to lower the current 130-hour cap on the number of semester credit hours of doctoral work an individual doctoral student can take for which a public college or university can receive formula funding, with certain exceptions. The change begins on September 1, 1999.

SENATE BILL 1028**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Averitt

Senate Bill 1028 amends the Education Code to rename The Texas A&M University System—Baylor College of Dentistry by deleting “Baylor” from its official title. The college of dentistry was made a component institution of The Texas A&M University System by the 74th Legislature, at which time it was renamed to reflect its affiliation with the university system. Its new name, however, retained its original reference to “Baylor,” which is a trademark of Baylor University in Waco.

SENATE BILL 1038
EFFECTIVE: 5-19-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: D. Jones

Under current law, the Texas Tech University board of regents also serves independently as the board of regents of the Texas Tech University Health Sciences Center and is required by law to act separately and independently on matters affecting the health sciences center. The board's authority to issue bonds and notes for those institutions also is divided so that bonds and notes must be issued separately for the two institutions. Senate Bill 1038 amends the Education Code to allow the board to issue bonds and notes on behalf of both institutions, to combine the two institutions' annual appropriations, and to pledge the combined appropriations to support the bonds and notes.

SENATE BILL 1040
EFFECTIVE: 9-1-97

SENATE AUTHOR: Truan
HOUSE SPONSOR: Cuellar

Senate Bill 1040 amends the Education Code to require the Texas Higher Education Coordinating Board to designate a public college or university to conduct a continuing study of higher education programs and efforts addressing small business needs for research, development, and prototyping. The act requires the institution conducting the study to make recommendations on actions that may be taken to address those needs in the most cost-effective manner, including recommendations for college or university partnerships, ventures, or projects to promote technology transfer to and commercialization by small businesses.

SENATE BILL 1044
EFFECTIVE: 5-23-97

SENATE AUTHOR: Truan
HOUSE SPONSOR: Rangel

Senate Bill 1044 amends the Education Code to change the name of Texas A&I University to Texas A&M University–Kingsville.

SENATE BILL 1158
EFFECTIVE: See below

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: Sadler

When the 74th Legislature rewrote Titles 1 and 2 of the Education Code in 1995, it included a provision that abolished the 20 regional education service centers, effective August 31, 1997. Senate Bill 1158 repeals that provision and amends various code provisions relating to those centers, center staff, and certain responsibilities of the centers and their boards. It also transfers the responsibility for the establishment and operation of regional education service centers, and the attendant rulemaking authority, from the State Board of Education to the commissioner of education and allows the commissioner to establish standards for accountability and evaluation, to determine the number, location, and boundaries of centers, and to allocate funds among the centers.

Except for changes in allotted funding for centers, which provision takes effect September 1, 1997, this act takes effect May 26, 1997.

SENATE BILL 1219
EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson
HOUSE SPONSOR: Gray

Senate Bill 1219 amends the Education Code to allow The Texas A&M University board of regents to designate Texas A&M University at Galveston as a branch of Texas A&M University but provides that such designation, if made, does not change the role and mission of Texas A&M University at Galveston.

Education

SENATE BILL 1221

EFFECTIVE: See below

SENATE AUTHOR: G. Luna

HOUSE SPONSOR: Hernandez

Senate Bill 1221 amends the Education Code to require each school district's board of trustees annually to review, after soliciting recommendations from each campus-level and district-level committee and in the context of potential paperwork reductions, the number and length of written reports that district employees are required to prepare. The act applies beginning with the 1997-1998 school year.

SENATE BILL 1241

EFFECTIVE: 6-18-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Cuellar

Senate Bill 1241 amends the Education Code to establish the Faculty Enhancement Fund for Generalist Physicians to attract generalist physicians to faculty posts at the state's medical schools through funding allocations for enhanced salaries for those positions. The act requires the Family Practice Residency Advisory Committee to review medical school applications for salary enhancement funds for generalist physician faculty posts, make recommendations to the Texas Higher Education Coordinating Board, monitor compliance with conditions placed on awards, and evaluate the faculty enhancement program's success in increasing the number of generalist physicians on medical school faculties.

Senate Bill 1241 limits program funding to full-time clinical faculty positions in family practice, general internal medicine, and general pediatrics at a faculty rank not higher than assistant professor. In making recommendations for the allocation of faculty positions to receive enhancement funding, the advisory committee must consider faculty-student ratios in the medical specialty at each medical school applying for funding, how long a budgeted faculty position has been open, whether the position is a new generalist faculty post, and other relevant factors.

Once funds are awarded to support a medical school faculty post, the coordinating board must provide funds for that position for an additional academic year, after which time the medical school will be required to budget sufficient funds to maintain compensation for that position at the level attained through the enhancement. Senate Bill 1241 prohibits the coordinating board from spending more than 10 percent of the funds appropriated for the program in fiscal year 1998, and not more than five percent of the program's appropriation in subsequent fiscal years, for program administration.

SENATE BILL 1311

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Cuellar

Senate Bill 1311 amends the Education Code to establish the Texas-Washington, D.C., Intern Scholarship Program to provide grants to qualified low-income and middle-income college students applying for internships in Washington, D.C. The act establishes student eligibility criteria for receiving program grants, and it requires the Texas Higher Education Coordinating Board to provide a number of grants each year based on available funds and to allocate the grants among the state's colleges and universities in proportion to their total enrollment for the preceding academic year. For each grant awarded, the coordinating board shall distribute an amount, not to exceed the lesser of the student's documented need or \$2,000, to the awarding institution for disbursement to the recipient.

Senate Bill 1311 takes effect September 1, 1999, and requires the coordinating board to begin making grants when it determines sufficient funds are available to provide a reasonable number of grants, but not earlier than the 2000 spring semester. The act prohibits the coordinating board from approving private or independent colleges and universities for program participation before the third academic year after the year in which it makes the first grants.

SENATE BILL 1419
EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West et al.
HOUSE SPONSOR: Rangel

Senate Bill 1419 amends the Education Code to prohibit public colleges and universities from admitting any student on an athletic scholarship unless the student meets certain academic standards. If the college or university requires a minimum high school grade point average (GPA) as an admissions criterion for any entering freshman, that minimum GPA requirement applies to all entering freshmen; an applicant other than an entering freshman must have attained a cumulative college-level GPA equal to or greater than the minimum cumulative college GPA required for an undergraduate to remain enrolled at the institution in the preceding year.

SENATE BILL 1422
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Junell

Under current law, the Texas Higher Education Coordinating Board is required to review and revise the higher education funding formulas each biennium and to notify the public colleges and universities, the governor, and the Legislative Budget Board of the formulas, which are to be used by the colleges and universities in making appropriation requests and by the governor and the Legislative Budget Board in making recommendations to the legislature. Senate Bill 1422 amends the Education Code to change the coordinating board's notification deadline from March 1 to June 1 of every even-numbered year.

SENATE BILL 1578
EFFECTIVE: 6-18-97

SENATE AUTHOR: Bivins
HOUSE SPONSOR: Hunter

Senate Bill 1578 amends the Education Code to allow the Texas Higher Education Coordinating Board to hold irregularly scheduled meetings, without complying with normal agenda mailing requirements, to consider a higher education impact statement necessitated by rules of the Texas House of Representatives or the Texas Senate. Furthermore, the board may conduct such meetings by telephone or video conference call, in conformity with specified requirements and procedures.

SENATE BILL 1653
EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Culberson

Senate Bill 1653 amends the Education Code to require each school district to adopt, not later than January 1, 1998, a campus charter and campus program charter policy that specifies the process for approving a charter, the statutory requirements with which a charter must comply, and the items to be included in a charter application.

SENATE BILL 1712
EFFECTIVE: 5-20-97

SENATE AUTHOR: Bivins
HOUSE SPONSOR: E. Reyna

Senate Bill 1712 amends the Labor Code to authorize the Texas Engineering Extension Service to participate in the Texas Workforce Commission's Skills Development Fund, to recover customized assessment and training costs from the fund, and to use the fund to provide start-up or emergency funds for certain job-training purposes. The act requires the Texas Engineering Extension Service to focus its training activities on programs that are statewide in nature or that are not otherwise available from a local junior college district, a technical college, or a consortium of junior college districts, but it does not prohibit the Texas Engineering Extension Service from participating in such a consortium or with a technical college that provides workforce training.

Education

SENATE BILL 1811
EFFECTIVE: 6-11-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Goolsby

Senate Bill 1811 amends the Education Code to authorize the Master Equipment Lease Purchase Program, operated by the Texas Public Finance Authority, to be used by institutions of higher education to fund contracts for energy conservation measures. The act stipulates that such funding may be used so long as the cost of the energy conservation measures do not exceed the total energy and operating cost savings, beginning after the final date of installation.

SENATE BILL 1826
EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh
HOUSE SPONSOR: McCall

Senate Bill 1826 amends Education Code provisions relating to the Texas Higher Education Coordinating Board's regulation of private postsecondary educational institutions other than fully accredited colleges and universities and of educational or training establishments offering non-degree courses of instruction, education, or training. The act modifies certain exemptions from coordinating board regulation under the applicable chapter; allows the coordinating board to set application fees for institutions applying to amend an existing board-certified program of study; extends the period during which an institution may apply to renew its board-issued certificate of authority; restricts the use of certain protected terms in the name or description of an institution; and requires an institution that is neither exempt nor a holder of a certificate of authority but is otherwise legally operating and that includes a protected term in its title to remove the term from its title by September 1, 1999.

The act allows the commissioner of higher education to assess administrative penalties for certain violations and includes other provisions relating to civil penalties for related violations.

SENATE BILL 1873
EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins
HOUSE SPONSOR: Hochberg

Senate Bill 1873 amends the Education Code to abolish the foundation school fund budget committee, reassigning certain committee functions to the Legislative Budget Board and to the legislature, and to make various changes to the state's public school finance system.

The act provides that amounts paid into a tax increment fund under Chapter 311, Tax Code, are to be excluded from certain calculations of local funding costs.

The act requires the board to report to the legislature before each regular session on the school finance system's qualified funding elements.

Senate Bill 1873 extends through the 1998-2000 school years a current hold harmless provision that allows districts affected by the cap on per-pupil property wealth to maintain a certain level of district per-pupil revenue based on 1992-1993 school year levels. The act deletes a provision that would have allowed attendance in extended year programs to count in ADA calculations, defines the cost of education adjustment as the cost of education index adjustment adopted by the foundation school fund budget committee before the committee's abolition, and repeals a provision requiring the commissioner to recompute the cost of education index.

The act limits the education commissioner's ability to adjust taxable values that are appealed by districts with rapidly declining tax bases (for purposes of determining their local shares of Tier 1 program costs) only to the extent that appropriations are available for that purpose, and allows the commissioner to base the determination of the amount of each district's basic and special allotments, the amount of enrichment funding, and the amount of state aid on estimates provided for that purpose in the General Appropriations Act.

Senate Bill 1873 places certain limitations on districts whose ability to meet debt service obligations is contingent upon receiving state aid.

The act also raises the minimum dollar amount guaranteed yield level of state and local funds per pupil per penny of tax effort from \$20.50 to \$21.

Senate Bill 1873 restricts the use of compensatory education allotment funds to certain specified purposes, including salaries for teachers of at-risk students.

The act adds a temporary provision requiring transfers from the Foundation School Program to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf to offset certain decreases in state funds as a result of passage of House Bill 4, 75th Legislature, Regular Session, and another temporary provision validating an optional homestead tax exemption for the 1997 tax year adopted by a school district board of trustees before July 1, 1997.

SENATE BILL 1893

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Sadler

Senate Bill 1893 amends the Education Code to update the formula for determining the minimum days of service required of a teacher employed under a 10-month contract. The revised formula takes effect with the 1997-1998 school year.

SENATE BILL 1907

EFFECTIVE: 8-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Swinford et al.

Senate Bill 1907 amends several Education Code provisions relating to college tuition charges and state funding for higher education. Under current higher education funding formulas developed by the Texas Higher Education Coordinating Board, institutions receive some of their state funds on the basis of student enrollment at various levels and in different academic programs. Senate Bill 1907 amends the Education Code to exclude from those funding formulas students who have taken 170 or more undergraduate semester credit hours paying tuition at in-state rates, with some exceptions. The act allows colleges and universities to charge resident undergraduate students tuition at rates higher than the in-state tuition rate, but not to exceed nonresident tuition rates, for courses beyond the applicable 170-hour limit. Senate Bill 1907 also entitles resident students who graduate from a public college or university with no more than six credit hours beyond the minimum required for their degree programs to tuition rebates of up to \$1,000.

Senate Bill 1907 also raises the tuition rate at public law schools from \$75 to \$80 per hour for resident students and makes changes relating to tuition for nonresident students. It allows a public college or university governing board to waive certain fees for students enrolled solely in distance learning or other off-campus courses and who cannot use the activity, service, or facility on which the fee is based if the waiver does not affect the institution's ability to provide that activity, service, or facility or to meet related debt service obligations.

The act reclassifies building use fees as tuition; allows public college or university governing boards to levy such tuition charges, in addition to the tuition authorized by law, at rates not to exceed the tuition rates specified by law; and designates revenue derived from these tuition charges as institutional funds rather than "educational and general funds."

It redesignates as tuition those student activity, service, or facility use fees, similar to building use fees, that are charged on the basis of a student's semester course load and authorizes an institution's governing board to spend the revenue derived from such charges in the same manner and for the same purposes as it may spend tuition revenue, including pledging such revenue to secure bonds. It also sets the maximum amount of certain fixed fees charged students at The University of Texas at Austin and The University of Texas at San Antonio.

SENATE BILL 1918
EFFECTIVE: 9-1-97

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: Greenberg

Senate Bill 1918 amends Education Code provisions relating to the operation and administration of the Texas School for the Deaf. The act requires the school to cooperate with public and private agencies and organizations serving the deaf and hearing impaired in the planning, development, and implementation of educational and rehabilitative service delivery systems, and it requires the school and the Texas Education Agency to adopt a memorandum of understanding relating to the establishment of an accountability system for the school.

Senate Bill 1918 allows the school's governing board to license school facilities if the board determines that sufficient public benefit will result. It also allows the school to lease available building space on the school's campus to a private provider to provide a day-care center for children of the school's employees, other state employees, and private customers. The act provides for the admission of a student who has been referred to the school by a person legally authorized to act in place of the student's parent or legal guardian, or a self-referred student, if the student is 18 years of age or older.

The act provides for the employment of teachers under either term or probationary contracts and extends certain provisions relating to the criminal history records of employees to apply to student teachers, educational interns, and persons performing ongoing educational projects at the school.

SENATE BILL 1919
EFFECTIVE: 9-1-97

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: Greenberg

Senate Bill 1919 amends several provisions of the Education Code relating to the operation and administration of the Texas School for the Blind and Visually Impaired. The act provides that the school is intended to serve students who require specialized or intensive educational services related to their visual impairment and that it is not intended to serve students whose needs are better met in a home, hospital, or residential treatment facility or whose needs are related to emotional, behavioral, or cognitive disorders.

The act requires the school to facilitate the preparation of teachers for visually impaired students by providing assistance to colleges and universities and other teacher preparation programs; it allows the school to conduct a cooperative program with other agencies to serve visually impaired high school graduates under the age of 22 who have completed all of the academic requirements for high school graduation except for satisfactory performance on the state exit-level test and who lack job skills, independent living skills, social skills, or functional academic skills; and it requires the school and the Texas Education Agency to adopt a memorandum of understanding relating to the establishment of an accountability system for the school.

Senate Bill 1919 allows the school's governing board to accept and retain control of gifts of money, financial instruments, or real or personal property, to license school facilities to any organization or individual or to a federal or state agency, local government, nonprofit organization, school employee, or a member of the public if the board determines that sufficient public benefit will result, and to lease available building space on its campus to a private provider for a day-care center for children of the school's employees, other state employees, and private customers.

The act also provides for the employment of teachers under either term or probationary contracts and extends certain provisions relating to the criminal history records of employees and prospective employees to apply to student teachers, educational interns, and persons performing ongoing educational projects at the school.

ELECTIONS

HOUSE BILL 6

EFFECTIVE: 5-19-97

House Bill 6 makes changes to Texas house of representatives districts in Collin, Jefferson, and Williamson counties and affirms the current district configurations in Bexar, Dallas, and Harris counties that were approved by the federal court in August 1995.

HOUSE AUTHOR: D. Jones et al.

SENATE SPONSOR: Barrientos

HOUSE BILL 35

EFFECTIVE: 9-1-97

House Bill 35 amends the Election Code to create the Fair Campaign Practices Act. The act sets forth a voluntary Code of Fair Campaign Practices and provides a mechanism for printing and distributing copies of the code to candidates and political committees. Those candidates and political committees that have filed a completed copy of the code may so indicate on political advertising. The act clarifies that no provision for civil action, recovery of damages, or enforcement is made.

HOUSE AUTHOR: Goolsby et al.

SENATE SPONSOR: Cain

HOUSE BILL 131

EFFECTIVE: 9-1-97

House Bill 131 amends the Election Code to allow a person who was appointed to fill a vacancy in a judicial office to accept campaign contributions for 60 days following the appointment. The act establishes the same campaign contribution limits for a specific-purpose committee as those in place for judicial candidates if the donor is a member of a law firm or a general-purpose committee established or controlled by a law firm.

HOUSE AUTHOR: Madden

SENATE SPONSOR: Ellis

HOUSE BILL 298

EFFECTIVE: 6-20-97

House Bill 298 amends the Election Code to establish the days an independent school district is required to keep office hours during an election period, to prohibit a general election of officers for a city, school district, junior college district, or hospital district from being held on the January or August uniform election date, and to authorize additional dates for holding a city charter election. A political subdivision other than a county is authorized to change its general election date no later than December 31, 1997, for use in elections beginning in the year 1998.

HOUSE AUTHOR: Madden et al.

SENATE SPONSOR: Ellis

For a city with a population of more than 450,000 in which all members of the city's governing body are elected at large, the act requires a general or special election of city, independent school district, junior college district, or metropolitan transit authority officers to be held on the spring uniform election date and requires the governing bodies of these political subdivisions to adjust their terms of office to conform to the new election date. The act also requires the election of the directors of the Barton Springs-Edwards Aquifer Conservation District to be held on the spring uniform election date.

House Bill 298 requires the secretary of state to collect information on the number of elections held in the state and the associated administrative costs and to hold an annual election forum. Finally, the act repeals a provision that restricted the elections that could be held in November of even-numbered years in conjunction with the general election for state and county officers.

HOUSE BILL 324

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Barrientos

House Bill 324 amends Election Code provisions relating to early voting in a city with a population of more than 450,000 in which all members of the governing body are elected at large. In a municipal election in which the city secretary is the early voting clerk, the act requires early voting by personal appearance to be conducted on the same days and for the same hours as it is conducted in the general election for state and county officers.

HOUSE BILL 330

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Danburg et al.

SENATE SPONSOR: Shapiro et al.

House Bill 330 amends the Election Code to require ballots cast by voters who execute a voting eligibility affidavit to have detachable ballot stubs. A person who does not have the proper voter registration card is required to present proof of identification, execute an affidavit stating certain facts, and sign the ballot stub, and the presiding election judge is required to verify the person's identity and collect the ballot stub. The act sets forth the documentation that is acceptable as proof of identification for an affidavit voter and grants the secretary of state rulemaking authority to prescribe procedures to implement the ballot stub system.

HOUSE BILL 331

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Danburg et al.

SENATE SPONSOR: Madla et al.

House Bill 331 amends sections of the Election Code relating to election processes and procedures. The act authorizes joint primaries, requires the precinct election judge and alternate judge to be affiliated with different political parties, changes the filing deadlines for write-in candidates, and amends procedures governing tie votes, voter registration, early voting, ballot recounts, and the conduct of a local canvass. The act removes a population bracket to authorize all home-rule cities to hold an election in conjunction with a general election.

House Bill 331 requires a person who does not have a voter registration card or is not on the list of registered voters to present proof of identification and to execute an affidavit, and requires the presiding election judge to verify the person's identity. The act also establishes requirements for counting a marked ballot that arrives by mail and for applicants entitled to receive a full ballot or federal ballot by mail. In addition, the act establishes procedures for processing a federal postcard application.

The secretary of state is required to prescribe procedures for the electronic submission of early voting and state write-in ballots by certain overseas military personnel, for the use of a computerized voting system, and for implementing joint primaries and appointing election officers and clerks.

HOUSE BILL 332

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Danburg et al.

SENATE SPONSOR: J. Patterson

House Bill 332 amends the Election Code to establish a Class C misdemeanor for a candidate who enters a polling place during voting for purposes other than voting or official business. It deletes a prohibition against more than one political party holding a primary election in the same building at the same time and authorizes the use of a regular county polling place as a common polling place in a joint election. The act prohibits locating a polling place in a building if electioneering is not permitted on the building's premises outside the prescribed limits unless it is the only building available for use as a polling place in the precinct.

House Bill 332 requires a commissioners court in a county with a population between 100,000 and 120,000 to establish additional polling places for early voting if requested by at least 15 registered voters, and raises from 100,000 to 120,000 the minimum population for counties required to establish at least one early voting place in each commissioners precinct. The act also allows county election officials in a county with a population of 250,000 or more to combine election precincts that, as a result of a redistricting plan, have fewer than 750 registered voters each.

HOUSE BILL 841**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Jackson et al.**SENATE SPONSOR:** Brown

House Bill 841 amends the Election Code to require the secretary of state to prescribe procedures to allow an astronaut who is eligible to vote in this state and who is on a space flight during early voting and on election day to vote.

HOUSE BILL 1001**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Dutton**SENATE SPONSOR:** Cain

House Bill 1001 amends the Election Code to clarify that a convicted felon who has been fully discharged and completed any term of incarceration, parole, or supervision or has completed any period of probation is eligible to vote.

HOUSE BILL 1257**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Cuellar**SENATE SPONSOR:** Brown

House Bill 1257 amends Election Code provisions related to certain early voting procedures. The act clarifies that the required address on an early voting ballot application is determined by whether the grounds for the application is absence from the county of residence, age or disability, or confinement in jail and requires that the official application form include related items. The act also prohibits public inspection of an application for a mail ballot until 72 hours after the time the ballot is mailed to the voter or until 48 hours after the ballot is mailed, if the mailing occurs on the fourth day before election day.

HOUSE BILL 1483**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Danburg et al.**SENATE SPONSOR:** Armbrister

House Bill 1483 amends Election Code provisions relating to early voting. The act increases to a Class A misdemeanor the offense of providing false information on an application for an early voting ballot, requires the secretary of state to prescribe procedures for the security of early voting ballots, and sets a limit on the number of early voting polling places that may be open in a commissioners precinct for a county-wide election, relative to the number open in the county's other precincts. The act requires that limited ballots cast in person be accepted only at a county's main early voting place. Under previous law, this requirement applied only to a county with a population of at least 1,500,000.

In addition, House Bill 1483 sets forth requirements for the establishment of a movable temporary polling place, the delivery of a marked ballot by a common or contract carrier, and the address to which a ballot for early voting by mail may be sent. The act also amends provisions relating to the application for early voting by mail, the content of certain early voting materials, the procedures for appointing persons to serve on an early voting ballot board or on a signature verification committee in the general election for state and county officers and for appointing the presiding judge of the board and the chair of the committee, and the signature verification process.

HOUSE BILL 1603
EFFECTIVE: 9-1-97

House Bill 1603 amends the Election Code to change gender specific language to language that is gender neutral.

HOUSE AUTHOR: Ehrhardt et al.
SENATE SPONSOR: Shapiro

HOUSE BILL 1645
EFFECTIVE: 9-1-97

House Bill 1645 amends Government Code and Election Code provisions relating to noncitizens. The act requires a court clerk to maintain a list of each person who is excused or disqualified from jury service because the person is not a United States citizen and to forward a copy of the list to the county voter registrar. Upon receipt, the registrar is required to send each registered voter who appears on the list a written notice requiring the person to provide proof of citizenship. If the voter has not provided the information within 31 days, the act requires the registrar to cancel a voter's registration. The registrar is required to retain a copy of the applicable correspondence and any proof of citizenship. The act prohibits use of the clerk's list for any purpose other than to certify citizenship for registered voters, punishable by a Class C misdemeanor.

HOUSE AUTHOR: Goolsby et al.
SENATE SPONSOR: Carona

HOUSE BILL 2254
EFFECTIVE: 9-1-97

House Bill 2254 makes changes to Texas house of representatives districts 57 and 58 in McLennan County, 83 and 84 in Lubbock County, 119 and 120 in Bexar County, and 131 and 146 in Harris County.

HOUSE AUTHOR: D. Jones
SENATE SPONSOR: Barrientos

HOUSE BILL 3207
EFFECTIVE: 9-1-97

House Bill 3207 amends campaign, lobbyist, and ethics laws to make various clarifying, corrective, and substantive revisions. Among other changes, the act clarifies the offense for misrepresentation of incumbency by a candidate and establishes venue in Travis County for delinquent civil penalties imposed by the Texas Ethics Commission. It extends restrictions on contributions during a regular legislative session to include contributions to entities established by a legislative caucus, but removes those restrictions for statewide offices covered by the Judicial Campaign Fairness Act. The new law requires a legislator who represents someone before a state agency in the executive branch for compensation to disclose that he or she is being compensated.

HOUSE AUTHOR: Wolens
SENATE SPONSOR: Armbrister

Other amendments make district attorneys and criminal district attorneys, and candidates for those offices, subject to the same financial disclosure requirements as apply to state officers and state office candidates. The act makes financial disclosure requirements for other county officers and county office candidates, applicable previously only to counties with a population of 500,000 or more, applicable instead to all counties with a population of 100,000 or more. It amends requirements for the filing of financial disclosure statements by county officers and county office candidates to revise associated procedures and make those procedures more compatible with filing requirements for state officers and state office candidates.

HOUSE BILL 3569
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Madden et al.
SENATE SPONSOR: Shapiro

House Bill 3569 requires a bank to obtain the consent and signature of a candidate for public office prior to opening an account in that candidate's name. It does not require the candidate to be a signatory to the account.

SENATE BILL 82
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Denny et al.

Senate Bill 82 amends the Election Code to remove the prohibition against a voter possessing a written communication in a voting station that was prepared by another person and identifies a candidate or measure for which the voter has agreed or been requested to vote. The act requires an election officer to periodically check each voting station and other areas of the polling place and to remove any discarded sample ballots or other written communications.

SENATE BILL 96
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Madden

Senate Bill 96 amends Election Code provisions relating to the regulation of political contributions and expenditures in connection with certain judicial candidates and officeholders. The act changes the allowed period for contributions received by certain judicial candidates in a runoff primary election and a general primary election and limits the amount of contributions a judicial candidate or officeholder may receive from a law firm. The act limits political contributions that may be made by a judicial candidate or officeholder or a specific-purpose committee supporting a judicial candidate or officeholder. A judicial candidate or officeholder is required to return a political contribution that exceeds prescribed limits and a county clerk who is notified of a judicial office campaign treasurer appointment and does not receive a declaration of compliance or of intent to exceed expenditures limits is required to notify the Texas Ethics Commission.

SENATE BILL 292
EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona
HOUSE SPONSOR: C. Galloway et al.

Senate Bill 292 amends the Election Code to reduce the number of days for early voting in person by requiring early voting to begin on the 17th rather than the 20th day before the election.

SENATE BILL 500
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Danburg et al.

Senate Bill 500 amends certain Election Code voter registration procedures to: (1) require a voter registration form to include a space for indicating whether new or updated information is being submitted; (2) permit a voter registrar to copy a social security number from a registration form only to maintain the accuracy of registration records; and (3) require a voter registrar to cancel a voter's registration if notified by the secretary of state that the voter has registered in another county. The act reduces the sum to which a registrar is entitled for each initial registration and entitles a registrar to a sum for each updated voter registration; it also requires Department of Public Safety personnel to enter certain information on incomplete registration forms.

Elections

SENATE BILL 715
EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: D. Jones

Senate Bill 715 affirms the current court-ordered Texas senate districts that were approved by the federal court in September 1995.

SENATE BILL 993
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain et al.
HOUSE SPONSOR: Madden

House Bill 993 amends the Election Code to provide that an election not be held for the office of precinct chair if a candidate is unopposed on both the ballot and the list of write-in candidates, and that the unopposed candidate be declared elected to the office at the time of the local canvass. The act also requires write-in candidates for precinct chair to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general primary election.

ENERGY AND UTILITY REGULATION

HOUSE BILL 320

EFFECTIVE: 9-1-97

House Bill 320 amends the Local Government Code to permit certain municipalities located over or near the recharge zone of an aquifer to construct sanitation sewer laterals and water laterals and to remove or fill septic tanks on private property for the purpose of preserving the quality of the aquifer. The act allows the municipality to assess the cost of the improvements against the property by way of the attachment of a lien to the property for the cost of the improvements. The act requires the notice and consent of the property owner before attachment of a lien and specifies that the owner be given five years from completion of the improvement to pay the assessment.

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Ogden

HOUSE BILL 1178

EFFECTIVE: 5-26-97

House Bill 1178 authorizes the Railroad Commission of Texas to exempt marginal gas wells from production limitations if the wells are located in gas fields without special field rules.

HOUSE AUTHOR: Holzhauser

SENATE SPONSOR: Haywood

HOUSE BILL 1180

EFFECTIVE: 5-26-97

House Bill 1180 amends the Natural Resources Code to provide that a person who installs or services a liquefied petroleum gas system in a motor vehicle is not liable for damages caused solely by a malfunction or improper operation of the system.

HOUSE AUTHOR: Holzhauser

SENATE SPONSOR: Armbrister

HOUSE BILL 1243

EFFECTIVE: 6-11-97

House Bill 1243 adds a new chapter to the Local Government Code to authorize a county, municipality, or political subdivision to enter into performance contracts for energy conservation measures to reduce energy consumption and operating costs. The act sets out the types of energy conservation contracts authorized and the procedures for bidding and awarding contracts. The act also provides that a local government may require the contractor to file a payment and performance bond to protect the interests of the local government and authorizes the use of a lease-purchase contract that begins after the final date of installation with a term not to exceed 10 years.

HOUSE AUTHOR: Holzhauser

SENATE SPONSOR: Cain

HOUSE BILL 1406

EFFECTIVE: 5-28-97

House Bill 1406 adds a new section to the Water Code to authorize water and sewer utilities to collect from customers a voluntary contribution on behalf of a volunteer fire department or emergency medical service. The act sets out specific customer information and utility notification guidelines and requires the utility to provide such written information annually. The act also authorizes the utility to keep from the contributions an amount equal to the lesser of the utility's expenses in administering the program or five percent of the amount collected. Finally, House Bill 1406 validates all acts of the utility to implement a voluntary contribution program prior to passage of this legislation.

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Brown

HOUSE BILL 1668

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Cain

House Bill 1668 amends the Health and Safety Code to require the Public Utility Commission to monitor and review the establishment of rates for certain fees and charges associated with 9-1-1 emergency service. In addition, the act authorizes the state auditor, at the request of the commission, to audit a regional planning commission that receives money from the emergency services fee and the equalization surcharge. It also authorizes the comptroller, in the course of an audit of a service provider, to include an audit of the collections and disbursements of these fees.

HOUSE BILL 1999

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Merritt

SENATE SPONSOR: Bivins

House Bill 1999 adds a subsection to the Natural Resources Code to authorize the Railroad Commission of Texas to dispose of or sell well-site equipment from wells placed in the Texas Experimental Resource and Recovery Activity (TERRA) program.

HOUSE BILL 2128

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Janek et al.

SENATE SPONSOR: Barrientos

House Bill 2128 amends the Public Utility Regulatory Act to prohibit a telephone solicitor from using per-call or per-line blocking to prevent caller identification systems from displaying the solicitor's identity. The act establishes a deadline for solicitors to remove blocking and to ensure that the displayed information includes the solicitor's telephone number if the solicitor leaves a message on an answering machine or uses an automated dial announcing device (ADAD) to play a recorded message. Penalties are established for violations of the act.

In addition, the act shortens the maximum length of an ADAD message used for solicitation from 1 minute to 30 seconds; redirects proceeds from administrative penalties in the general revenue fund to the Public Utility Commission for enforcement of ADAD provisions; and requires the commission to conduct a public education program to inform residential telephone subscribers of their rights with regard to this issue.

HOUSE BILL 2129

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Carter et al.

SENATE SPONSOR: Lucio

House Bill 2129 adds a new section to the Health and Safety Code to revise the administration and financing of 9-1-1 service provided by wireless service providers. The act requires the Advisory Committee on State Emergency Communications to impose a 9-1-1 emergency service access charge of 50 cents on each call made through the use of wireless telecommunications to provide automatic number identification and automatic location identification of wireless 9-1-1 calls.

House Bill 2129 requires wireless service providers to collect the fee and remit it to the advisory committee. Funds are distributed to each regional planning commission and emergency communications district based on population. The act provides that enforcement of the collection of fees is the responsibility of the advisory commission and authorizes the commission to initiate legal proceedings. The act also exempts certain entities from liability and provides for the confidentiality of information required to be furnished to a governmental entity.

HOUSE BILL 2981
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell
SENATE SPONSOR: Fraser

House Bill 2981 amends the Natural Resources Code to provide that, following a change in payor of oil and gas royalties, the new payor must provide written notice to each payee of the change.

HOUSE BILL 3037
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Cook
SENATE SPONSOR: Armbrister

House Bill 3037 amends the Public Utility Regulatory Act to exempt electric cooperatives from having to prepare or make available a cost-of-service study if a rate change is uncontested and the Public Utility Commission determines that a study is not necessary.

HOUSE BILL 3194
EFFECTIVE: 6-16-97

HOUSE AUTHOR: Alexander
SENATE SPONSOR: Cain

House Bill 3194 adds a new article to the law regarding the construction and operation of sour gas pipeline facilities. The act prohibits a person from beginning construction of a sour gas pipeline facility unless a permit has first been issued by the Railroad Commission of Texas. The act sets out notification procedures and criteria for commission approval of a permit application and establishes civil penalties. In addition, the commission is authorized to issue a permit without holding a hearing unless an affected party files a written protest with the commission not later than 30 days after the date the notice was published.

HOUSE BILL 3492
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Holzheuser
SENATE SPONSOR: Brown

House Bill 3492 abolishes the Texas Committee on Energy Policy and modifies the responsibilities, duties, and powers of the Texas Energy Coordination Council. The act designates the council as a state agency and sets out its duties, including advising and assisting the legislature in developing plans, programs, cost benefit analyses, financial models, and legislation regarding energy policy, determining the state's long-range energy needs, and submitting a biennial report to the governor and legislature detailing actions necessary to promote an effective and efficient energy sector. The council is also authorized to enter into memoranda of understanding with certain entities to carry out the duties of this act and to adopt rules for the administration of this act. Finally, the act provides that the council is subject to the Texas Sunset Act and will be abolished on September 1, 2001, unless continued by the legislature.

SENATE BILL 249
EFFECTIVE: 7-1-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: S. Turner

Senate Bill 249 amends the Public Utility Regulatory Act to set forth guidelines for the collection and disbursement of the telecommunications infrastructure fund. The act adjusts the annual assessment imposed on telecommunications utilities and commercial mobile service providers and sets the rate at 1.25 percent of the taxable telecommunications receipts. The total amount collected may not exceed \$1.5 billion. The act also requires the telecommunications infrastructure fund board to develop a five-year master plan, updated annually, for infrastructure development.

SENATE BILL 253

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Danburg et al.

Senate Bill 253 adds new sections to the Public Utility Regulatory Act to make “slamming,” the practice of changing a customer’s long-distance carrier without the customer’s knowledge or consent, illegal. The act sets out the methods of verification for switching carriers and requires a local exchange company to print on the first page of each customer bill the name of the customer’s primary long-distance carrier where the local exchange company provides billing services for the long-distance carrier.

Senate Bill 253 also provides that the telecommunications utility that initiated the unauthorized change shall pay all charges associated with switching the customer back to its original carrier, shall pay the incumbent provider the amount that would have been paid to them by the customer if not for the unauthorized change, and shall return to the customer any amount paid by the customer in excess of the charges that would have been assessed by the incumbent carrier for the same services. The act authorizes the Public Utility Commission to impose administrative penalties or suspend, restrict, or revoke a telecommunications utility’s operating authority in the state for repeated violations. In addition, the commission is required to adopt rules to implement the provisions of the bill by November 1, 1997.

SENATE BILL 636

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Staples

Under current law, an operator who produces not more than 100,000 tons of coal per year is eligible to receive state assistance in the permit application process. Senate Bill 636 amends the Natural Resources Code to raise the total annual production cap for small coal mining operators from 100,000 tons to 300,000 tons. The act also clarifies that land and water are eligible for reclamation or abatement if they meet certain qualifications.

SENATE BILL 638

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: B. Turner

Senate Bill 638 amends the Natural Resources Code to redefine “operator” as it relates to abandoned wells to mean a person who assumes responsibility for the physical operation and control of a well as shown by a form the person files with the Railroad Commission of Texas. The act clarifies that an operator is responsible for the cost of plugging a well unless the operator transfers the well to an entity recognized by the commission as having sufficient financial security.

SENATE BILL 639

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Merritt

Senate Bill 639 amends the Natural Resources Code to prohibit the Railroad Commission of Texas from accepting certain reports or applications for a permit or approving a certificate of compliance if the organization submitting the report, application, or certificate violated a statute or commission rule, order, license, certificate, or permit that relates to safety or the prevention or control of pollution. The act authorizes the commission to revoke a permit or organization report under certain circumstances and provides that a valid and annual organization report is a prerequisite to performing activities within the jurisdiction of the commission.

SENATE BILL 665**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Haywood**HOUSE SPONSOR:** Horn

Senate Bill 665 authorizes the commissioner or a representative of the commissioner of the Texas Department of Agriculture to test any motor fuel sold in the state to determine compliance with octane content standards. The act prohibits a motor fuel dealer, distributor, or supplier from selling, offering to sell, delivering, or transferring motor fuel in the state if the fuel contains an automotive fuel rating that is lower than the rating posted on the pump or on the certification made to the fuel dealer. Senate Bill 665 also establishes record-keeping requirements for dealers, distributors, and suppliers, provides for civil action, and establishes penalties and offenses for violating a provision of the act. The commissioner is also authorized to impose fees to cover the cost of implementing this legislation.

SENATE BILL 667**EFFECTIVE:** 5-20-97**SENATE AUTHOR:** Barrientos et al.**HOUSE SPONSOR:** Naishtat

Senate Bill 667 amends the Public Utility Regulatory Act to require the Public Utility Commission and the Texas Commission for the Deaf and Hard of Hearing to establish a program to provide financial assistance to individuals who are deaf or have an impairment of hearing or speech to enable the individuals to purchase specialized telephone equipment. The equipment is intended to provide telephone access that is functionally equivalent to that enjoyed by individuals without an impairment of hearing or speech. An assessment is imposed on telecommunications utilities to finance the program, and the utilities are allowed to recover the assessment through a surcharge on customers of the utility.

SENATE BILL 925**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Ogden**HOUSE SPONSOR:** Hawley

Senate Bill 925 amends Natural Resources Code provisions relating to the imposition, collection, and administration of liquefied petroleum gas (LPG) delivery fees to conform with the federal Propane Education and Research Act. The act authorizes the railroad commission to enter into an agreement with the national Propane Education and Research Council to collect the national assessment on all LPG odorized in Texas and to receive a rebate on the funds collected. The commission is also authorized to enter into agreements with other states to collect and transfer the state assessment on LPG that is odorized in one state and delivered in another.

SENATE BILL 1487**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Bivins**HOUSE SPONSOR:** Torres

Senate Bill 1487 amends the Natural Resources Code to repeal the requirement for a railroad commission finding that no person or public or private entity in the state requires Texas natural gas in order to meet their energy needs before the gas may be sold outside the state.

SENATE BILL 1512**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Truan et al.**HOUSE SPONSOR:** Rangel

Senate Bill 1512 amends the Local Government Code to authorize utilities to provide service to areas, some within non-platted subdivisions, under certain circumstances. The act sets out that utility service may be provided to areas covered by a municipal development plat or areas first serviced by or connected to a utility prior to 1989.

Energy and Utility Regulation

The act also allows utilities to provide service to land that has been certified by the municipal authority responsible for approving plats as having met certain criteria. The land must be located in an “affected” county as defined in the Local Government Code, must be outside the limits of the municipality, must be located in a subdivision previously serviced by a utility, must have been sold by September 1, 1995, and must have at least a foundation for a residence completed by May 1, 1997. The individual requesting service in such an area cannot be the subdivider or an employee of the subdivider, and provisions of the act do not abrogate any civil or criminal proceeding against a subdivider who violates state or local law.

SENATE BILL 1751
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: McCall

Senate Bill 1751 adopts the Utilities Code, a nonsubstantive recodification of statutes relating to telecommunications, electric, and gas utilities. The new code includes the Public Utility Regulatory Act and the Gas Utility Regulatory Act, among other laws. The act amends the Local Government Code to make nonsubstantive changes relating to municipal utility plants, municipal water systems, and municipal water corporations. It amends the Water Code to make nonsubstantive changes relating to water supply corporations, sewer service corporations, and certain service connections to dwelling units and amends the Natural Resources Code to make nonsubstantive changes relating to wastewater corporations, certain transporters, and underground storage facilities for natural gas.

SENATE BILL 1906
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Eiland

Senate Bill 1906 amends provisions of the Government Code relating to the administration of the Oil Overcharge Restitutionary Act and oil overcharge funds. The act transfers the administration of programs under this chapter from the governor to the energy office of the General Services Commission, authorizes the commission to charge a fee for the cost of administering programs, and transfers the administration of the loanstar revolving loan program to the energy office. The act makes changes to the list of eligible projects under the loan program and requires that at least 85 percent of the loans be awarded to state agencies, schools, and political subdivisions.

Senate Bill 1906 also designates the energy office as the supervising state agency for the energy management program, the alternative fuels program, the housing partnership program, the local government energy management program, and the transportation energy program.

SENATE BILL 1911
EFFECTIVE: 6-18-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Oakley

Senate Bill 1911 authorizes the Railroad Commission of Texas to seek designation from the United States secretary of transportation as an agent to conduct safety inspections of interstate gas pipeline facilities located in the state. The act also requires the commission to adopt rules regarding public education and awareness concerning gas facilities and community liaison for the purpose of responding to a gas pipeline facility emergency.

SENATE BILL 1912

EFFECTIVE: 6-18-97

SENATE AUTHOR: Cain

HOUSE SPONSOR: Oakley

Senate Bill 1912 amends the Natural Resources Code to provide statutory authority to the Railroad Commission of Texas over all pipeline facilities and pipeline transportation of hazardous liquid or carbon dioxide. The act authorizes the commission to seek designation from the United States secretary of transportation as an agent to conduct safety inspections of interstate hazardous liquid or carbon dioxide pipeline facilities located in the state. The act also requires the commission to adopt rules regarding public education and awareness concerning gas facilities and community liaison for the purpose of responding to a pipeline facility emergency.

SENATE BILL 1937

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Carter

Senate Bill 1937 amends the Public Utility Regulatory Act to require the creation of a joint interim committee to investigate, report, and make legislative recommendations regarding the state franchise policy for municipalities with respect to telecommunications services provided wholly within municipalities by telecommunications utilities. The act sets out the membership and charges of the committee and provides for its abolishment on the date the committee issues its report to the legislature.

FAMILY LAW AND JUVENILE JUSTICE

HOUSE BILL 115

EFFECTIVE: 9-1-97

House Bill 115 amends the Family Code to provide for a criminal penalty for a parent, managing conservator, or a guardian who fails to appear personally at a hearing with a child in response to a summons issued by a justice or municipal court.

HOUSE AUTHOR: Tillery et al.

SENATE SPONSOR: Shapiro

HOUSE BILL 308

EFFECTIVE: 9-1-97

House Bill 308 amends the Family Code to add constitutional county courts to the definition of “court” for matters related to protective orders and family violence.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Wentworth

HOUSE BILL 646

EFFECTIVE: 9-1-97

House Bill 646 amends the Family Code by defining the issues on which a party is entitled to a jury verdict in a suit affecting the parent-child relationship and provides that a court may not contradict a decision made by the jury on these issues. The act also clarifies the issues on which a jury verdict is advisory only.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

HOUSE BILL 677

EFFECTIVE: 9-1-97

House Bill 677 amends the Transportation Code and the Family Code to allow a court to order a person younger than 21 years of age to perform eight hours of community service for the first offense of selling, manufacturing, distributing, or possessing a document that is deceptively similar to a driver’s license. This community service is in addition to any other punishment and can only be ordered if the court is located in a municipality or county that has established a community service program.

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Haywood

HOUSE BILL 891

EFFECTIVE: 9-1-97

House Bill 891 amends the Family Code to prohibit a person under 18 years of age from being a party to an informal marriage or executing a declaration of informal marriage. The act also prohibits a county clerk from certifying or recording a declaration of informal marriage if either party to the marriage is under 18 years of age.

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Harris

HOUSE BILL 1091

EFFECTIVE: 9-1-97

House Bill 1091 amends sections of the Family Code relating to the parent-child relationship, including suits affecting that relationship, the establishment of paternity, the termination of the parent-child relationship, and adoption.

The act requires the Bureau of Vital Statistics to establish and administer a paternity registry. A person may register by filing a notice of intent to claim paternity on a form provided by the bureau and made available from hospitals, adoption agencies, county and

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Zaffirini

district clerks, justices of the peace, and at other locations. The notice of intent may be filed before the birth of the child, but may not be filed after 30 days after the birth. The act sets out other provisions relating to the registry including confidentiality provisions, revocation of registry information, and fees.

House Bill 1091 facilitates termination of parental rights by providing that termination is permitted if the pregnancy is the result of certain criminal offenses and that the rights of an alleged biological father may be terminated if he has not registered with the paternity registry and cannot be identified or located. The act limits a grandparent's right to access to a child given up for adoption. The act also amends sections relating to affidavits of voluntary relinquishment of parental rights, including a provision that an affidavit of relinquishment designating the Department of Protective and Regulatory Services or a licensed child placing agency is irrevocable. It provides that if the relinquishment is revocable it must contain a statement concerning the right of the parent to revoke the relinquishment if the revocation is made before the 11th day after the affidavit is executed.

The act requires the court to order an adoptive home screening to evaluate each party who requests the adoption. It allows a stepparent to petition to adopt a child under certain conditions. It requires the court to grant a preferential setting for a final hearing on an adoption and to give precedence to that hearing over all other civil cases. It transfers the responsibility for the voluntary adoption registry from the Department of Protective and Regulatory Services to the Bureau of Vital Statistics.

The act adds a new section providing for confidential intermediaries to be appointed by the court to assist persons in locating an adoptee, adoptive parent, biological parent, or biological sibling and sets out powers, duties, and qualifications for confidential intermediaries.

The act creates a new offense for a person who advertises in the public media that the person will place a child for adoption or will provide or obtain a child for adoption and provides an exemption for a licensed child-placing agency. The first offense under this section is a Class A misdemeanor and any subsequent offense is a felony of the third degree.

HOUSE BILL 1092
EFFECTIVE: 5-7-97

HOUSE AUTHOR: Serna et al.
SENATE SPONSOR: Shapleigh

House Bill 1092 amends the Human Resources Code to expand the definition of "missing child" to include a child who is taken in violation of a court custody order. The act authorizes a law enforcement officer, on determining the location of a missing child, to take possession of the child. The officer is required to arrange for delivery of the child to the appropriate person.

HOUSE BILL 1230
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Place
SENATE SPONSOR: Duncan

House Bill 1230 amends the Family Code to authorize the detention of a child in a secure detention facility until a hearing is held, regardless of whether the facility is a certified juvenile detention facility. The act provides for this type of detention facility if a certified juvenile detention facility is not available in the county and the facility complies with standards adopted by the Texas Juvenile Probation Commission, is separated from sight and sound of an adult facility, and has been designated by the county juvenile board. The act makes conforming amendments to other sections of the Family Code to reflect these changes.

HOUSE BILL 1336

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Wise

SENATE SPONSOR: Zaffirini

House Bill 1336 amends sections of the Family Code relating to the emergency protection of children. The act adds the neglect of a child as justification for requesting permission to take emergency possession of a child. It also adds a provision that authorizes the court to render a temporary protective order for the protection of a child upon a recommendation or request by the Department of Protective and Regulatory Services and provides that a child may be protected by a court order if the court finds that the child needs protection from family violence. The act allows a court discretion in granting a request for legislative continuance in a proceeding that includes an application for a protective order.

HOUSE BILL 1545

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Finnell

SENATE SPONSOR: Haywood

House Bill 1545 amends the Code of Criminal Procedure to specify that a court must issue a summons to compel the adult responsible for a defendant younger than 17 years of age and considered a minor to be present during all proceedings of the case. The act permits the court to proceed against the defendant without the adult present if the adult's appearance cannot be secured; requires the court to take a minor defendant's plea in open court; and permits the defendant, with leave of the court, to enter a plea before a justice in the county of residence if it is different from the county where the alleged offense occurred.

HOUSE BILL 1550

EFFECTIVE: See below

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

House Bill 1550 amends Title 3, Family Code, relating to the juvenile justice system. The act makes a number of clarifying and technical changes to the code to correct problems that have been discovered since the major reform of the juvenile justice system during the 74th Legislature. Listed below are some of the changes.

1. Adds arson, if bodily injury or death results, to the list of determinate sentence offenses.
2. Makes the first offense of DWI by a juvenile delinquent conduct.
3. Applies the same penalties to juveniles that apply to adults for traffic violations in municipal or justice court.
4. Streamlines the statutory warning requirements for the admissibility of written statements.
5. Authorizes the admissibility of recorded oral statements if the statutory warnings and waiver of rights are included in the recording and authorizes a magistrate to give the warnings in this circumstance.
6. Applies the limitation periods established for criminal offenses to juvenile proceedings and establishes a two-year statute of limitations for conduct that is not addressed in the criminal statute of limitation.
7. Requires that an objection be presented to the court stating the reasons for the objection in order to preserve for appellate review the failure of the court to give a youth the pre-adjudication statutory admonishments.
8. Requires the court to inform a youth that the court is not bound to accept an agreed disposition.
9. Repeals the court's authority to place a youth on probation in a TYC operated or contracted intermediate sanction program.

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10. Requires the TYC to accept youth with mental illness and to discharge those who cannot progress in its programs as long as they: (1) are not determinate sentence offenders; and (2) have completed the minimum length of stay applicable to their committing offense.

11. Amends the progressive sanctions guidelines.

12. Amends provisions related to juvenile records.

13. Establishes the center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University.

14. Establishes requirements relating to the location of a correctional or rehabilitation facility.

The act takes effect September 1, 1997, except for certain provisions that apply to persons in the custody of the Texas Youth Commission, which take effect June 19, 1997.

HOUSE BILL 1606

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Harris

House Bill 1606 amends the Family Code to expand the list of special programs that a court may order for a youth who has engaged in truant conduct and to allow county and municipal courts to be used in handling truancy cases.

HOUSE BILL 1751

EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. West

SENATE SPONSOR: Bivins

House Bill 1751 amends the Family Code to add certain individuals to the category of persons or entities who may bring suit to contest the paternity of a child. The individuals may bring suit if they are related within the second degree of consanguinity to the biological mother of the child, and the mother of the child is deceased.

HOUSE BILL 1826

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

The Texas Department of Protective and Regulatory Services is the state agency charged with investigating the abuse and neglect of children. House Bill 1826 amends numerous provisions of the Family Code relating to the protection of children and the roles and responsibilities of the department.

The act adds new grounds for the involuntary termination of parental rights, including causing a child to be born addicted to alcohol or a controlled substance and using a controlled substance in a manner or to an extent that endangers the health or safety of a child. It expands the section defining what constitutes child abuse by adding definitions relating to the use of a controlled substance. House Bill 1826 amends sections relating to the removal of an alleged perpetrator from the home and sets forth circumstances under which a perpetrator can be removed and a child may remain in the home. The act provides that an emergency order sought by the department to obtain possession of a child may be rendered without notice and hearing and permits a temporary order to be rendered without citation for certain missing parents. It requires audiotaping or videotaping of interviews of children alleged to be abused, raises the penalty for making a false report of child abuse, and makes a false report while a suit is pending grounds for restricting a parent's access to the child.

The act authorizes the department to adopt rules that establish criteria and guidelines for the payment of foster care, including medical care, for a child in the department's care. It also provides for guidelines and eligibility criteria relating to the department contracts with children's advocacy centers. The act authorizes the department to use state and federal funds to provide

benefits or services to children without regard to the immigration status of the child or the child's family. It also authorizes a commissioner's court to appropriate funds for the administration of its county child welfare board to support children in need of protection without regard to the immigration status of the child or the child's family.

HOUSE BILL 1880

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: Truan

House Bill 1880 amends the Family Code to allow the attorney general's office, on approval by the governor, to negotiate and enter into agreements with the federal government, other states, and other nations or their political subdivisions to provide for the establishment and enforcement of child support and child custody orders.

HOUSE BILL 1891

EFFECTIVE: 9-1-97

HOUSE AUTHOR: P. Patterson

SENATE SPONSOR: Ratliff

House Bill 1891 amends the Human Resources Code to add the statutory county court at law judge and one member of the commissioner's court to the Lamar County Juvenile Board. The act authorizes the board to elect one of its members as chairman and permits the commissioner's court to set the amount of additional compensation paid to board members. It directs the board to recommend to the commissioner's court proposed salaries for juvenile probation employees and requires the commissioner's court to make the final salary determinations.

HOUSE BILL 1912

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wise

SENATE SPONSOR: Lucio

House Bill 1912 amends provisions of the Human Resources Code relating to missing children and missing persons to require the reporting of certain information to the National Crime Information Center (NCIC) by local law enforcement agencies. A local law enforcement agency is required to inform the person who filed a missing person report that the information was reported to NCIC and other agencies as required, and a local agency that has access to the NCIC database is required to cooperate with other law enforcement agencies in entering or retrieving information.

HOUSE BILL 1917

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: R. West

House Bill 1917 amends provisions of the Human Resources Code relating to the powers and duties of the Texas Juvenile Probation Commission and juvenile boards.

The act clarifies and expands the purposes of the commission, including establishing standards for the community-based juvenile justice system and promotion of delinquency prevention and intervention programs for juveniles. It requires the commission to adopt rules for implementation of progressive sanctions guidelines and, in collaboration with the Texas Education Agency, minimum standards for juvenile justice alternative education programs.

House Bill 1917 changes the funding level that a juvenile board must maintain to receive the full amount of state aid funds. The act makes discretionary the previous requirement that the commission refuse, reduce, or suspend state financial aid to a juvenile board that fails to comply with commission standards. The act also authorizes a juvenile board to contract with another governmental unit or a private vendor for juvenile probation services.

HOUSE BILL 1928

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McClendon

SENATE SPONSOR: R. West

House Bill 1928 amends the Family Code to specify that each judge of a juvenile court must personally inspect the juvenile pre-adjudication and post-adjudication detention and correctional facilities located in the county and operated by the juvenile board. The act requires that all juvenile facilities, except those certified or operated by the Texas Youth Commission, be registered with the Texas Juvenile Probation Commission and meet certain minimum standards.

HOUSE BILL 1929

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McClendon

SENATE SPONSOR: Zaffirini

House Bill 1929 amends the Family Code to add juvenile probation officers and juvenile detention or correctional officers to the list of professionals required to report child abuse or neglect. The act requires that a report of abuse or neglect in a public or private juvenile pre-adjudication or post-adjudication secure facility be filed with a local law enforcement agency and that the local agency immediately notify the Texas Juvenile Probation Commission of any such report.

HOUSE BILL 1979

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Howard

SENATE SPONSOR: Brown

House Bill 1979 amends the Human Resources Code to require the juvenile board of Fort Bend County to annually elect, by majority vote, one of its members as chairman.

HOUSE BILL 2005

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: Duncan

House Bill 2005 amends the Family Code to require the court to order reasonable access to a grandchild by a grandparent if certain criteria are met.

HOUSE BILL 2065

EFFECTIVE: 6-19-97

HOUSE AUTHOR: King

SENATE SPONSOR: Wentworth

House Bill 2065 amends the Family Code to require, in cases where the office of the prosecuting attorney is designated by the juvenile court to conduct certain preliminary investigations, that the referring entity first transfer the case to the juvenile probation department for statistical reporting purposes. The act requires the department to forward the case to the prosecuting attorney within three business days after the statistical record is created.

HOUSE BILL 2069

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Denny

SENATE SPONSOR: Ellis

House Bill 2069 amends the Family Code to add to the application for a marriage license a statement, to be marked as true or false by each applicant, that the applicant is not delinquent in the payment of court-ordered child support. A county clerk is prohibited from denying a license to an applicant on the grounds that the applicant indicated that the statement is false.

HOUSE BILL 2073

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

House Bill 2073 continues the Texas Juvenile Probation Commission until September 1, 2009. The act requires juvenile probation departments to use a standard assessment tool to evaluate and report information on children under the jurisdiction of probation departments

and to report the results to the commission. It changes the composition of the commission and requires the commission to adopt and enforce rules for local probation departments relating to the collection and reporting of information on juvenile offenders, performance measures, and case management standards.

The act requires the commission to establish and use sound performance-based contracting practices for local juvenile probation departments and private provider services and to monitor these contracts for compliance with financial and performance requirements. House Bill 2073 further requires the commission to maximize the use of Medicaid funding for health care costs of youth in the juvenile justice system by identifying areas where federal benefits could be used cost effectively, providing technical assistance to local probation departments in applying for benefits, and monitoring the extent to which counties use Medicaid benefits.

House Bill 2073 specifies the entities other than the state that are authorized to contract for the operation of correctional facilities for out-of-state juvenile inmates and requires those entities to operate in compliance with minimum standards adopted by the commission.

HOUSE BILL 2074

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

House Bill 2074 amends the Human Resources Code to continue the Texas Youth Commission until September 1, 2009. The act requires that the commission establish sound performance-based contracting standards for residential treatment client services and a formal program to monitor these contracts. When cost-effective, the commission is required to apply for benefits under the federal Medicaid program to help reduce health care costs incurred by the commission. In addition to these substantive changes, the act updates sections relating to sunset recommendations that are applied to all agencies.

HOUSE BILL 2082

EFFECTIVE: 6-19-97

HOUSE AUTHOR: Hightower

SENATE SPONSOR: R. West

House Bill 2082 amends the Human Resources Code to authorize the Texas Youth Commission to sell or license the use of a treatment program it has developed. Proceeds are to be deposited in the fund that financed development of the treatment program.

HOUSE BILL 2215

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Staples

SENATE SPONSOR: Madla

House Bill 2215 amends the Family Code to specify that if a court finds at the time of a hearing that the parties have a history of conflict in resolving issues related to conservatorship, possession, and access to a child, the court may order family counseling with a mental health professional meeting certain criteria. If a mental health professional is not available in the county in which the court presides, the court may appoint a person the court believes is qualified to conduct the counseling.

HOUSE BILL 2227

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: Harris

House Bill 2227 amends the Family Code to authorize a court to order additional periods of possession or access to a child to compensate for denial of court-ordered possession or access. The act provides that the additional periods must be equivalent to the periods denied and must occur within one year after a court finds that possession or access has been denied.

HOUSE BILL 2488

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Staples

SENATE SPONSOR: Shapiro

House Bill 2488 amends the Family Code to lower the age at which a child involved in a suit affecting the parent-child relationship must be interviewed by the court at the request of a party to the case, possibly for the record, from 12 years old to 10 years old.

HOUSE BILL 2526

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Williams

SENATE SPONSOR: Ogden

House Bill 2526 amends the Family Code to require an attorney ad litem for a child to conduct appropriate investigations, obtain and review certain records, and interview all parties to the suit. The act permits the attorney to either call, examine, or cross-examine witnesses.

HOUSE BILL 2531

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Ellis

House Bill 2531 amends the Family Code to increase from \$15,000 to \$25,000 the limit on damages caused by a child's wilful and malicious conduct for which parents are liable.

HOUSE BILL 2615

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Mowery

SENATE SPONSOR: Moncrief

House Bill 2615 amends the Family Code to permit the court to include in the final order in a suit affecting the parent-child relationship, a finding on whether a party to the suit who made an allegation of child abuse knew the allegation was false. The act establishes a civil penalty not to exceed \$500 if the party is found to have made a false allegation.

HOUSE BILL 2749

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McClendon

SENATE SPONSOR: R. West

House Bill 2749 amends the Human Resources Code to require the Texas Juvenile Probation Commission (TJPC) to operate a statewide registry for all juvenile pre-adjudication and post-adjudication secure detention and correctional facilities, except facilities operated or certified by the Texas Youth Commission. The act also requires TJPC to adopt minimum standards for the operation of these facilities, to inspect these facilities, and to monitor compliance with commission standards or ensure certification by the American Correctional Association.

HOUSE BILL 2899

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Crabb

SENATE SPONSOR: Whitmire

House Bill 2899 transfers provisions relating to missing children and missing persons from the Human Resources Code to the Code of Criminal Procedure. The act expands the definition of a missing child to include instances in which a child was taken or retained in violation of a court order regarding custody. It also requires a death certificate to be filed with the Missing Persons Clearinghouse whenever an autopsy is performed on an unidentified body.

HOUSE BILL 3012
EFFECTIVE: 9-1-97

HOUSE AUTHOR: McReynolds
SENATE SPONSOR: Harris

House Bill 3012 amends the Family Code to extend the time that a possessory conservator who resides 100 miles or less from the primary residence of the child can elect to possess the child on Wednesdays of each week during the regular school term. The act changes the standard possession order to allow possession of the child from Wednesday at the time school is dismissed until the time school resumes on Thursday. The act specifies that this provision does not apply if the court finds that such a visitation is not in the best interest of the child.

HOUSE BILL 3281
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Harris

House Bill 3281 amends provisions of the Family Code relating to child support enforcement and collection. The act makes numerous changes to the statutes relating to child support liens, including allowing a lien to be placed against real property as well as personal property and extending the duration of the lien until all current and past due child support, including interest, has been paid.

The manager of the Title IV-D agency's child support enforcement duties is required by the act to report directly to the attorney general. The act requires the Title IV-D agency to establish a pilot program to improve the efficiency of court processing of family welfare cases, including child support, medical support, and foster care cases, and sets forth criteria for selecting counties to participate in the program. The act also requires the Title IV-D agency to place child support information on the Internet to assist the public in child support matters. It authorizes the attorney general's office to pay a contingency fee from funds recovered by a private agency or individual under a contract and directs the State Council on Competitive Government to provide for competitive bidding for child support collection and enforcement services. The act further directs the Title IV-D agency to develop a program to enlist the general public in an effort to identify delinquent obligors and authorizes the agency to offer rewards for information.

The act provides that the Department of Public Safety be evaluated on its performance relating to complete and correct social security numbers on driver's licenses. It also requires the department to include in each notice sent to a driver's license holder a statement that the driver's license may be suspended if the driver is delinquent in the payment of child support.

House Bill 3281 places the attorney general's office in matters related to the enforcement of child support under the Texas Sunset Act. It requires the Sunset Advisory Commission to select an independent firm to conduct a comprehensive analysis and to make recommendations concerning the structure, efficiency, and effectiveness of the agency. The analysis is to include whether programs related to the enforcement of child support should remain in the attorney general's office, be privatized, or be transferred to an independent state agency. The commission is directed to report its findings to the 76th Legislature in 1999.

HOUSE BILL 3345
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smith
SENATE SPONSOR: Harris

House Bill 3345 amends the Family Code to require that Texas Department of Protective and Regulatory Services' investigations of reports of child abuse or neglect be conducted without regard to any pending suit affecting the parent-child relationship.

HOUSE BILL 3550

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Fraser

House Bill 3550 amends the Human Resources Code to create the juvenile board of Concho County to be composed of the county judge and the district judges of the county. The act designates the juvenile court judge as the chairman and chief administrative officer of the board, establishes maximum compensation rates for the chairman and other board members, and exempts the board from certain general provisions.

HOUSE BILL 3591

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Ratliff

House Bill 3591 amends the Human Resources Code to permit the Smith County Juvenile Board to accept gifts and grants from any source to maintain and improve the county's juvenile probation services.

SENATE BILL 11

EFFECTIVE: 9-1-97

SENATE AUTHOR: G. Luna

HOUSE SPONSOR: A. Reyna

Senate Bill 11 amends the Family Code to entitle the attorney general to service of citation on the filing of a petition to terminate the parent-child relationship if the attorney general's office has filed certain notice with the court with respect to the support rights of the child.

SENATE BILL 29

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Goodman et al.

Senate Bill 29 amends sections of the Family Code and the Business & Commerce Code to implement mandates in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) relating to the Title IV-D child support enforcement program.

The act includes provisions for an administrative writ of withholding that authorizes the Title IV-D agency to order an employer to withhold income for child support. The act also authorizes the Title IV-D agency to establish and operate a state case registry of child support orders, a state disbursement unit for child support payments, and a state directory of new hires.

Senate Bill 29 also includes provisions relating to the failure of a recipient of public assistance to cooperate in providing paternity information, the perfection of a child support lien on a motor vehicle, and the provision of insurance coverage under a medical support order for a child who lives outside of the insurer's coverage area.

SENATE BILL 34

EFFECTIVE: See below

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: E. Reyna et al.

Senate Bill 34 amends the Family Code to streamline the permanency review process for children under temporary conservatorship of the Texas Department of Protective and Regulatory Services. It requires a court to render a final order or dismiss a suit within one year of granting the department temporary conservatorship of a child and to hold regular placement review hearings regarding a child in the conservatorship of the department. The act authorizes a court to render a final order that appoints the department as conservator without terminating parental rights and requires the department to develop a permanency plan for each child under its conservatorship and to begin locating adoptive parents as soon as a permanency plan is developed that includes termination of the parent-child relationship.

Senate Bill 34 decreases to six months the amount of time the validity of an adoption order is subject to attack. The act also authorizes the department to assume custody of an abandoned child whose identity cannot be determined and requires the department to immediately file suit to terminate the parent-child relationship. The act also requires the department to maintain information relating to the adoption of children placed in the custody of the department. Senate Bill 34 requires the Office of Court Administration of the Texas Judicial System to develop a court information system to track compliance with requirements relating to the final order for a child under the care of the department. The act specifies that an order terminating parental rights is not subject to attack after six months after the order is rendered and limits the issues that certain attacks on an order terminating parental rights may address.

The act takes effect September 1, 1997, except for provisions relating to suits affecting the parent-child relationship which take effect January 1, 1998.

SENATE BILL 35

EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West et al.

HOUSE SPONSOR: Place et al.

Senate Bill 35 amends the Alcoholic Beverage Code, the Family Code, and the Transportation Code to create a separate offense for driving under the influence of alcohol by a minor. The new provisions apply to a person under the age of 21 driving with any detectable amount of alcohol in his or her system. The act increases the penalty for those under the age of 17 for the first and second offense of driving while intoxicated from a conduct indicating a need for supervision offense to delinquent conduct. The act also increases the penalties for other alcohol-related offenses by a minor, including the purchase or attempt to purchase, possession of, and consumption of alcohol, to provide for suspension of a minor's driver's license, increased fines, mandatory community service with alcohol awareness education, confinement in jail, and other penalties.

SENATE BILL 52

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: C. Galloway

Senate Bill 52 amends the Family Code to provide that neither an adoption order nor an order terminating parental rights is subject to attack after six months after the order was signed. The act also limits the issues that certain attacks on an order terminating parental rights may address.

SENATE BILL 170

EFFECTIVE: 9-1-97

SENATE AUTHOR: R. West

HOUSE SPONSOR: Hodge

Senate Bill 170 amends the Family Code to expand the definition of "victim" to include any person who suffers a pecuniary loss or personal injury or harm as a result of the delinquent conduct of a child.

SENATE BILL 181

EFFECTIVE: 1-1-98

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Goodman

Senate Bill 181 amends the Family Code to streamline the permanency review process for children under temporary conservatorship of the Department of Protective and Regulatory Services. It requires a court to render a final order or dismiss a suit within one year of granting the department temporary conservatorship of a child and to hold regular placement review hearings regarding a child in the conservatorship of the department. The act authorizes a court to render a final order that appoints the department as conservator without terminating parental rights and requires the department to develop a permanency plan for each child under its conservatorship.

SENATE BILL 197

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Berlanga

Senate Bill 197 requires the Texas Commission on Alcohol and Drug Abuse to regulate, coordinate, and provide training for alcohol awareness courses that minors convicted of violating certain provisions of the Alcoholic Beverage Code are required to attend. The bill authorizes the commission to charge related fees. These provisions do not apply to a 12-step or similar alcohol dependency recovery program that does not offer an alcohol dependency treatment program, does not charge participants, and in which participants may maintain anonymity.

SENATE BILL 243

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Eiland

Senate Bill 243 amends the Family Code to provide for parental liability of up to \$25,000 plus court costs and attorney's fees for each occurrence of property damage to an inn or hotel caused by the wilful and malicious conduct of a child.

SENATE BILL 298

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Ramsay

Senate Bill 298 amends the Family Code to require each subsequent detention order to extend for not more than 15 working days, rather than 10, in counties without a certified juvenile detention facility.

SENATE BILL 299

EFFECTIVE: Vetoed

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Ramsay et al.

Senate Bill 299 amends the Family Code to require a court to set a date and time for a hearing on an application for a protective order relating to family violence not later than 20 days after the application is filed if requested by the prosecuting attorney in a county in a judicial district that is composed of more than one county.

SENATE BILL 334

EFFECTIVE: 4-17-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 334 is a nonsubstantive recodification of Title 1, Family Code, relating to the marriage relationship.

SENATE BILL 348

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Thompson

Senate Bill 348 amends the Family Code to remove the requirement that the court award costs for suits affecting the parent-child relationship in the same manner as for other civil cases and to remove the requirement that certain payments in cases of inappropriate forum be made to the clerk of the court for remittance to the proper party.

SENATE BILL 426

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 426 amends the Uniform Interstate Family Support Act to add language, revise definitions, and establish technical and procedural changes to comply with federal law.

SENATE BILL 435
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Thompson

Senate Bill 435 amends provisions of the Family Code relating to the terms and conditions of possession orders involving a child. The act requires the possessory conservator to return the child to the managing conservator at the possessory conservator's residence, if, at the time of the original court order or a subsequent modification, both lived in the same county. The act also makes it mandatory, rather than discretionary, that the standard order provide for alternative possession times.

SENATE BILL 497
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: McReynolds

Senate Bill 497 amends the Family Code to require a court that orders a parent to provide for support of a disabled child to designate a parent or guardian to receive the support for the child. The court is authorized to allow a child 18 years of age or older to receive the support directly. The act also extends the right to sue for support of a disabled child to a person having custody or guardianship of the child and to a child who is 18 years of age or older, does not have a mental disability, and is determined to be capable of managing financial affairs.

SENATE BILL 625
EFFECTIVE: 9-1-97

SENATE AUTHOR: Whitmire
HOUSE SPONSOR: Goodman

Senate Bill 625 amends the Family Code to permit the Department of Public Safety to disseminate to the public certain information relating to a juvenile offender who has escaped from the custody of the Texas Youth Commission if necessary to protect the welfare of the community.

SENATE BILL 670
EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro
HOUSE SPONSOR: Staples

Senate Bill 670 amends provisions of the Family Code relating to adoption to require the Department of Protective and Regulatory Services to pay a monetary incentive to a licensed child-placing agency for the completion of the adoption of certain children in the care of the department.

SENATE BILL 712
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Goodman et al.

Senate Bill 712 amends the Family Code to permit a party to a suit for the dissolution of marriage to waive service of process and to require the clerk of the court to mail a copy of the final decree of dissolution of marriage to the party who waived service of process. The act also requires the clerk of a court issuing a protective order to provide additional information to certain police officials; directs the officials to enter the information into the statewide law enforcement information system; and requires the applicant for the protective order or the applicant's attorney to provide the clerk with specific information related to the order.

SENATE BILL 797
EFFECTIVE: 5-5-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Goodman et al.

Senate Bill 797 is a nonsubstantive recodification of Title 4, Family Code, relating to protective orders and family violence.

SENATE BILL 798

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 798 amends the Family Code to add to the statement on alternative dispute resolution filed by a party to a proceeding involving the dissolution of a marriage or certain disputes involving children and families to specify that the attempt to resolve contested issues will be made before final trial.

SENATE BILL 1161

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hill

Senate Bill 1161 amends the Human Resources Code to allow a county commissioners court or a domestic relations office in a county with a population of 1.8 million or more to contract with a private entity to enforce, collect, receive, and disburse child support payments and other amounts and fees, to carry out functions relating to the maintenance of records of child support orders in all types of child support enforcement cases, and to perform other duties or functions of a local registry. The county commissioners court is authorized to charge certain fees to provide or recover the costs of services and to provide for reasonable exemptions from fees. If a local registry agrees to accept child support payments by electronic funds transfer, the bill requires the obligee to provide the necessary bank account information to the local registry.

SENATE BILL 1232

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: McClendon

Senate Bill 1232 amends the Family Code to authorize a court to require psychological counseling sessions and a polygraph examination to evaluate treatment progress as a condition of probation if the offender is a child who is convicted of certain sexual offenses against another child. A court that requires counseling as a condition of probation is also authorized to require the parents of the offender to attend instructional sessions and to participate in monthly treatment groups during the period the child attends counseling. A minimum probation period of two years is required if the offender is convicted of certain felony sexual offenses, and the court is authorized to extend the probation for any additional period necessary to complete the required counseling up to the child's 18th birthday.

Senate Bill 1232 amends the Human Resources Code to authorize the Texas Youth Commission to require psychological counseling and a polygraph test as a condition of release of certain sex offenders. Similar requirements are imposed regarding parental participation. The act also amends the Government Code to require a sex offender correction program to make certain reports to the local juvenile probation department supervising the child.

SENATE BILL 1253

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis

HOUSE SPONSOR: Naishtat et al.

Senate Bill 1253 amends Family Code provisions relating to protective orders for family violence. The act exempts an attorney representing a client from payment of certain fees in connection with filing, serving, or entering a protective order or related service. The act requires the party found to have committed family violence to pay the fee for a protective order and gives the court more latitude in setting a date for payment of a fee or cost.

Senate Bill 1253 clarifies that a prosecuting attorney or a Department of Protective and Regulatory Services attorney represents the interests of the state and not of any other party and requires the attorney to inform an applicant for a protective order that the attorney is not the

applicant's attorney and does not provide legal representation to the applicant. The act makes the requirements relating to filing a protective order while a party to a divorce proceeding also applicable to a suit affecting the parent-child relationship, requires an application for a protective order to include the applicant's mailing address if the applicant is not represented by an attorney, and requires a court to set a hearing not later than 20 days after an application is filed. If a person is found to have committed family violence, the court is authorized to require the person to complete a battering intervention and prevention program and to file an affidavit stating that the person has started and has completed the program or counseling.

Senate Bill 1253 also clarifies the relationship between a protective order and a divorce proceeding or a suit affecting the parent-child relationship. The act provides that a court may not dismiss an application for a protective order when a divorce or suit affecting the parent-child relationship is filed at a later date, establishes proper venue for an application for a protective order, and outlines the procedures for transferring protective orders to the appropriate court.

The act authorizes a person protected by an order to file a change of address or telephone number with the court and requires the court, unless the information is declared confidential, to notify the respondent of the change by registered or certified mail. The act removes the presumption that appointment of parents as joint managing conservators is in the best interest of the child if there is a history of family violence.

Finally, Senate Bill 1253 creates an offense for knowingly obtaining a handgun while under a protective order and establishes requirements relating to a protective order rendered by a court in a jurisdiction outside of the state.

SENATE BILL 1384

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood et al.

HOUSE SPONSOR: Hirschi

Senate Bill 1384 amends the Family Code to require a court that orders counseling in a suit for divorce or a suit affecting the parent-child relationship to include counseling on certain issues that confront children if the parties to the marriage are the parents of a child under the age of 18.

SENATE BILL 1478

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Smithee

Senate Bill 1478 amends the Family Code to remove the requirement that the clerk enter required information on the reverse side of a marriage license.

SENATE BILL 1594

EFFECTIVE: See below

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Hirschi

Senate Bill 1594 amends the Family Code to specify procedures for collecting the domestic relations office operations fee for certain suits affecting the parent-child relationship; to make permissive the previous requirement that a local registry submit child support payments to an obligee by electronic funds transfer; and to permit a capias to be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center. The act adds the requirement that child support and arrearages be paid as a condition of community supervision in cases affecting the parent-child relationship; establishes when interest begins to accrue for certain child support payments; adds requirements for employers remitting withheld child support payments; and allows, rather than requires, a friend of the court to file an action to enforce a court order relating to child support or possession of or access to a child. It permits a domestic relations office to hire or contract for an attorney; requires the attorney

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general's office to distribute child support payments from employers within two working days after receipt; and specifies that issuing a bad check for a child support payment is a Class B misdemeanor. The provisions related to electronic funds transfer of child support payments and the requirements for employers remitting payments take effect January 1, 1998. All other provisions take effect September 1, 1997.

SENATE BILL 1936

EFFECTIVE: 9-1-97

Senate Bill 1936 amends the Human Resources Code to modify the composition of the Rockwall County Juvenile Board.

SENATE AUTHOR: Cain

HOUSE SPONSOR: Denny

SENATE BILL 1938

EFFECTIVE: 9-1-97

Senate Bill 1938 amends the Human Resources Code to modify the composition of the juvenile board of Hays County and to authorize the commissioners court to determine the amount of additional annual compensation paid to the board members.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Rhodes

GOVERNMENT—CITY

HOUSE BILL 110**EFFECTIVE:** 6-17-97**HOUSE AUTHOR:** Giddings et al.**SENATE SPONSOR:** R. West

House Bill 110 amends the Tax Code to allow all municipalities to sell land acquired through a tax lien foreclosure to nonprofit, low-income housing organizations or corporations. The bill relieves municipalities of certain liabilities for property acquired by a lien foreclosure, permits the resale of property by a taxing unit without auction or bid, and permits recovery by a taxing unit of maintenance expenses, including environmental cleanup.

HOUSE BILL 776**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Tillery**SENATE SPONSOR:** Cain

House Bill 776 amends the Local Government Code to exempt land appraised for agricultural use from being assessed a drainage utility fee in a municipality with a population of more than one million. The act also allows the number of water meters on a piece of property to be a factor considered by a governing body in setting the amount of the drainage utility fee.

HOUSE BILL 1012**EFFECTIVE:** 6-17-97**HOUSE AUTHOR:** Counts**SENATE SPONSOR:** Duncan

House Bill 1012 amends the Health and Safety Code to authorize all home-rule municipalities to appoint an environmental health officer to enforce sanitation and health protection measures. Current law authorizes only cities with a population of at least one million to do so.

HOUSE BILL 1029**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hawley**SENATE SPONSOR:** Truan

House Bill 1029 enacts a new Local Government Code chapter applicable to cities with a population under 10,000 that are located in more than two counties, at least one of which borders the Gulf of Mexico. It authorizes the city to call an election to create a municipal development district and authorize a sales and use tax for the district at a rate of up to one-half of one percent. The bill sets forth the powers of a district, including the issuance of bonds and the pursuit of specified development projects. Such projects include a convention or civic center facility, auditorium, associated parking, or any of a variety of cultural and recreational projects as defined in specified provisions of the Development Corporation Act of 1979.

HOUSE BILL 1161**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Clark**SENATE SPONSOR:** Shapiro

House Bill 1161 amends the Local Government Code to remove municipalities from one of two sets of conflicting competitive bidding requirements. The act clarifies that only those voter-approved public works projects that are already in progress are exempted from the competitive bidding requirement and prohibits changing a bid that has been opened to correct an error in the bid price.

HOUSE BILL 1217

EFFECTIVE: 5-31-97

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Lucio

House Bill 1217 authorizes water supply and sewer service corporations to contract with a municipality or volunteer fire department to supply water or fire hydrants to facilitate fire suppression by the municipal or volunteer fire department. The act also provides that a water supply or sewer service corporation that supplies water or equipment under such a contract may not be held liable for damages to an extent greater than the municipality or volunteer fire department may be held liable.

HOUSE BILL 1279

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

House Bill 1279 amends the Local Government Code to authorize the governing body of a municipality to delegate the responsibility of approving minor plats and plat amendments to one or more persons of the municipality or a municipal utility.

HOUSE BILL 1280

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

House Bill 1280 amends the Local Government Code to authorize the governing body of a municipality to delegate the responsibility of issuing plat compliance certificates to one or more persons. A binding decision on plat compliance is appealable to the municipal authority responsible for approving plats.

HOUSE BILL 1424

EFFECTIVE: 5-1-97

HOUSE AUTHOR: Eiland

SENATE SPONSOR: J. Patterson

In 1995, the Texas Legislature added provisions to the Local Government Code to authorize strategic partnership agreements relating to annexation and the provision of government services between a city and a municipal utility district or a water control and improvement district. House Bill 1424 amends that legislation to authorize, in certain cases, a city's imposition of sales and use taxes or hotel occupancy taxes within the boundaries of the partner district. The bill pertains only to a city having territory in a county with a population of 200,000 or more where the county borders the Gulf of Mexico and is adjacent to another county with a population exceeding 2.8 million. Before imposing taxes, the city must have annexed the district for limited purposes or, following at least two public hearings on the subject, must have entered into a written agreement with the district relating to tax imposition.

HOUSE BILL 2141

EFFECTIVE: 5-30-97

HOUSE AUTHOR: Keel

SENATE SPONSOR: Wentworth

House Bill 2141 amends the Local Government Code to authorize a Type A general-law municipality or home-rule municipality to foreclose a lien on property in a judicial proceeding if a building on the property has been demolished, a lien for the cost of demolition has not been paid more than 180 days after being filed, and ad valorem taxes are delinquent.

HOUSE BILL 2203

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Lucio

House Bill 2203 amends the Local Government Code to require a municipality to keep a map of its extraterritorial jurisdiction (ETJ) on file with the secretary or clerk of the municipality and to update the map immediately if the ETJ is expanded or reduced.

HOUSE BILL 2345
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower
SENATE SPONSOR: D. Nixon

House Bill 2345 adds a new section to the Local Government Code authorizing certain general-law municipalities to annex adjacent territory without the consent of the residents, voters, or owners in the area if the municipality has complied with certain procedural rules, has met certain service plan requirements, and has not entered into a non-annexation agreement with the affected landowners.

This section applies only to a general-law municipality with a population between 700 and 1,000, part of whose boundary is part of the shoreline of a lake whose normal surface area is 75,000 acres or greater and which is located completely within Texas.

HOUSE BILL 2666
EFFECTIVE: 6-2-97

HOUSE AUTHOR: Garcia
SENATE SPONSOR: Carona

House Bill 2666 amends the Local Government Code to include municipal ordinances related to building codes or to the condition, use, or appearance of property in the list of ordinances subject to quasi-judicial enforcement. The act also authorizes a municipality to adopt by ordinance a civil adjudication process for violations of ordinances subject to quasi-judicial enforcement and requires that the alternative process contain certain provisions relating to notice, conduct of proceedings, permissible orders, penalties, and judicial review.

HOUSE BILL 2900
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Crabb
SENATE SPONSOR: Gallegos

House Bill 2900 amends the Local Government Code to clarify platting requirements in the extraterritorial jurisdiction (ETJ) of a municipality. Current law requires plats for subdivisions in ETJs to be approved by both the municipality and the county before being filed with the county clerk. This act requires a governmental entity that does not require the filing of certain plats to issue a certificate stating so at the request of the subdivider.

HOUSE BILL 3134
EFFECTIVE: 10-1-97

HOUSE AUTHOR: Naishtat et al.
SENATE SPONSOR: Barrientos

House Bill 3134 permits the governing body of the firefighter's relief and retirement fund in cities with a population of 450,000 to 500,000 to authorize the municipality to contribute a portion of the firefighters' required contribution.

HOUSE BILL 3603
EFFECTIVE: 6-19-97

HOUSE AUTHOR: Craddick et al.
SENATE SPONSOR: Duncan

House Bill 3603 amends Local Government Code provisions related to capital improvements constructed by a municipality with a population of 105,000 or less that constitutes more than three-fourths of the population of the county and which has not adopted an impact fee. The act authorizes the municipality to allow certain landowners to connect to the capital improvement if the landowner agrees to pay a proportional share of the cost of the capital improvement.

SENATE BILL 318
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Thompson

Under current law, a guardianship program operated by a county with a population of more than 2.5 million is exempt from provisions that require the guardian of a person or estate to post a bond. Senate Bill 318 amends the Texas Probate Code to extend this exemption to a

guardianship program operated by any county. The act specifies certain types of bonds that a court is authorized to accept from the guardian of the person of a ward and requires the court to make certain considerations in determining the type and amount of bond required.

In addition, Senate Bill 318 amends the Civil Practice and Remedies Code to make a local government liable for damages awarded against an employee that result from the employee's appointment as guardian.

SENATE BILL 544

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Driver

Senate Bill 544 amends the Local Government Code to authorize a municipality to convey a park that is 1.25 acres or less and no longer usable as a park and that was acquired from the United States Department of Housing and Urban Development or by tax sale or foreclosure. The act requires proceeds from the conveyance to be used to acquire additional park land in the municipality.

SENATE BILL 699

EFFECTIVE: 9-1-97

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Torres

Senate Bill 699 amends Local Government Code provisions relating to a civil service promotional appointment of a police officer in a municipality with a population of 1.5 million or more. The act extends to a police officer the same rights that a firefighter has to seniority and to a lump-sum payment for the difference between the time a position was vacant and the time when the position was filled if the police department failed to fill the vacant position within the prescribed time period. The act also authorizes a police officer to bring an action to recover any unpaid lump-sum payment and seniority rights.

SENATE BILL 721

EFFECTIVE: 5-19-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 721 amends the Local Government Code to allow a municipality to issue certificates of obligation to fund its contractual interests in a water or sewer treatment project that is constructed for the municipality by another governmental entity or political subdivision. The act limits the principal amount of the certificates to the capital costs of the project or to the total cost of the project multiplied by the percentage of the nameplate capacity of the project.

SENATE BILL 823

EFFECTIVE: Vetoed

SENATE AUTHOR: Cain

HOUSE SPONSOR: Naishtat

Senate Bill 823 amends the Local Government Code to require municipalities with a population of more than 50,000 to make payroll deductions for membership dues to an employees' association if the municipality permits deductions for other purposes. Current law allows but does not require cities with a population of more than 10,000 to make payroll deductions for this purpose.

SENATE BILL 1227

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Wohlgemuth

Senate Bill 1227 adds a new chapter to the Local Government Code relating to municipal comprehensive plans. The act authorizes the governing body of a municipality to adopt a comprehensive plan for long-range development that may include provisions regarding land use, transportation, and public facilities and that may be used to coordinate the creation of development regulations. The municipality may officially define the relationship between the comprehensive plan and development regulations.

The act sets out the procedures by which a comprehensive plan may be adopted and amended and requires that a map of the comprehensive plan illustrating future land use contain a disclaimer that the comprehensive plan does not constitute zoning regulations or establish zoning boundaries. In addition, the act repeals provisions of the Local Government Code requiring zoning regulations to be adopted in accordance with a comprehensive plan.

SENATE BILL 1310**EFFECTIVE:** 6-19-97**SENATE AUTHOR:** Ellis et al.**HOUSE SPONSOR:** Janek

Senate Bill 1310 amends the Government Code to authorize a city with a population of more than 1.5 million to designate historic structures. It amends the Local Government Code to authorize cities generally to issue certificates of obligation for the restoration of historic structures.

SENATE BILL 1621**EFFECTIVE:** 5-28-97**SENATE AUTHOR:** Duncan**HOUSE SPONSOR:** Isett

Senate Bill 1621 authorizes the City of Lubbock, after receiving voter approval, to demolish any part of the auditorium-coliseum complex previously conveyed to it by Texas Tech University. The act provides that if the City of Lubbock demolishes only the coliseum, it may continue to use the area formerly occupied by the coliseum for any use that supports the remaining facility. No portion of the auditorium-coliseum complex reverts to Texas Tech University until the entire area is no longer used for auditorium-coliseum purposes.

SENATE BILL 1722**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** R. West**HOUSE SPONSOR:** Giddings

Senate Bill 1722 amends Local Government Code provisions relating to the municipal regulation of dangerous structures to delete a requirement that a municipality determine the identity of a property owner, lienholder, or mortgagee through a search of the county clerk's records. The act provides that the municipality satisfies the requirement to make a reasonable effort to identify the property owner by searching certain other records. The act also provides that a notice of a hearing mailed by a municipality to an owner of a dilapidated or dangerous structure is deemed delivered even if the notice is returned by the postal service as "refused" or "unclaimed" and that a public hearing may be held by a civil municipal court.

SENATE BILL 1736**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Keel

Senate Bill 1736 amends the Local Government Code to allow the members of the governing body of a Type A general-law municipality to act as a board of adjustment and to prohibit a city council member who serves on the board of adjustment from bringing an appeal. The act provides that a court may not apply a different standard of review to a decision made by a board composed of members of the municipality's governing body than is applied to a decision by an appointed board.

SENATE BILL 1805**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** D. Nixon**HOUSE SPONSOR:** Sadler

Senate Bill 1805 affects a city where an invalid tax election has been held after May 1, 1995, and before December 31, 1995, combining into a single proposition the adoption of an economic development sales and use tax and an additional sales and use tax. It authorizes the governing body of the city to ratify the voters' adoption or increase of a sales and use tax in that election, notwithstanding the irregularity. The act provides for notice to the comptroller of such action, if any, by the governing body.

GOVERNMENT—COUNTY

HOUSE BILL 130**EFFECTIVE:** 6-18-97**HOUSE AUTHOR:** Pitts**SENATE SPONSOR:** Cain

House Bill 130 amends the Transportation Code to allow a county commissioners court to lower the speed limit on a county road or highway to not less than 30 miles per hour without an engineering study if the court determines that the speed limit is unreasonable or unsafe. Previous law allowed a commissioners court to only alter a speed limit based on the results of an engineering and traffic investigation.

HOUSE BILL 218**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Brimer**SENATE SPONSOR:** Harris

House Bill 218 adds new sections to the Flood Control and Insurance Act to provide a county that has two or more cities, each with a population of 250,000 or greater, the power to enforce county floodplain regulations through the assessment of fines and injunctive relief. The act does not change the elements of a violation under provisions of the Water Code regarding water development.

HOUSE BILL 463**EFFECTIVE:** 5-26-97**HOUSE AUTHOR:** Zbranek**SENATE SPONSOR:** M. Galloway

State law authorizes counties bordering the Gulf of Mexico to impose a hotel occupancy tax and to use resultant revenue for beach operations and tourism and convention promotion. House Bill 463 amends the Tax Code to allow such a county, if it does not operate a public beach on the Gulf, to use the revenue to create, renovate, promote, and maintain parks adjacent to bays, rivers, and other navigable waterways.

HOUSE BILL 473**EFFECTIVE:** 5-29-97**HOUSE AUTHOR:** Howard et al.**SENATE SPONSOR:** Armbrister

House Bill 473 amends the Health and Safety Code to authorize the commissioners court of a county with a population of less than 375,000 to establish guidelines for hauling waste in unincorporated areas. The act raises the maximum population limit from 100,000 under previous law.

HOUSE BILL 527**EFFECTIVE:** 5-15-97**HOUSE AUTHOR:** Pitts**SENATE SPONSOR:** Nelson

House Bill 527 amends the Local Government Code to authorize a county commissioners court to determine the method of selling, leasing, or otherwise disposing of any superconducting super collider property that was returned or given to a county by the United States Department of Energy. The act exempts the commissioners court from provisions requiring a public auction or a bidding process when disposing of the property.

HOUSE BILL 707**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hamric**SENATE SPONSOR:** M. Galloway

House Bill 707 amends the Local Government Code to remove the requirement that a county employee's request for an insurance premium payroll deduction or a change in the deduction be in writing. The act provides that the request for an insurance deduction remains

in effect until the county officer is notified of a change in insurance premiums, requires the county officer to notify each affected employee of a change, and prohibits an insurance deduction from exceeding the requested amount plus the amount of any change in insurance premiums imposed after the request is made.

HOUSE BILL 799

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Elkins

SENATE SPONSOR: Lindsay

House Bill 799 removes certain restrictions on the eligible public utility projects for which counties with a population of two million or more can issue short-term obligations.

HOUSE BILL 1238

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Duncan

House Bill 1238 amends the Code of Criminal Procedure to allow the Tom Green County Commissioners Court to appoint an attorney to serve as a public defender.

HOUSE BILL 1294

EFFECTIVE: 1-1-98

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Haywood

House Bill 1294 amends the Local Government Code to provide an exemption from the requirement to complete at least 16 classroom hours of continuing education each 12-month period for a county commissioner who has served continuously for at least 12 years in a county with a population of 225,000 or more and who has successfully completed at least three semester credit hours of graduate-level work in a related field in the 12-month period.

HOUSE BILL 1474

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: Lucio

House Bill 1474 amends the Local Government Code to prevent county funds from being disbursed to a person who owes a debt to the state, the county, or a salary fund if a notice of the person's indebtedness has been filed with both the county auditor and the county treasurer in a county with a population of 190,000 or less or with either the county auditor or the county treasurer in a county with a population of more than 190,000.

HOUSE BILL 1475

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: Lucio

Previous law allowed a county treasurer in a county with a population of 190,000 or more to appoint a deputy treasurer to act in the treasurer's absence. House Bill 1475 amends the Local Government Code to extend this authority to all county treasurers who do not have a deputy.

HOUSE BILL 1532

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Woolley

SENATE SPONSOR: Whitmire

House Bill 1532 amends the Transportation Code to authorize a county assessor-collector or the Texas Department of Transportation to refuse to register a motor vehicle if the owner of the vehicle owes the county money for a fine, fee, or tax that is past due. The act authorizes the county to contract with the department to provide information regarding delinquent fines, fees, or taxes; requires the county to notify the department when a person who has been refused registration has discharged the past due amount; and authorizes the county to assess an additional fee on a past due fine, fee, or tax for certain administrative expenses.

HOUSE BILL 1540
EFFECTIVE: 5-31-97**HOUSE AUTHOR:** Yarbrough
SENATE SPONSOR: Whitmire

House Bill 1540 amends the Local Government Code procedure for appointing members to the sheriff's department civil service commission in a county with a population of 2.8 million or more and establishes that a decision by a panel of three of the civil service commissioners in the county on cases involving a felony indictment, a misdemeanor complaint, or an appeal regarding an employee's demotion, suspension, or removal is final.

HOUSE BILL 1585
EFFECTIVE: 9-1-97**HOUSE AUTHOR:** Hirschi
SENATE SPONSOR: Gallegos

House Bill 1585 amends the Government Code to require a county or municipality to insure law enforcement officers against liability to third persons arising out of operation of a county or municipal vehicle at any time the officer is authorized to operate the vehicle. The act requires the liability insurance coverage to comply with the Motor Vehicle Safety Responsibility Act and provides alternate means for a political subdivision to satisfy this requirement.

HOUSE BILL 1741
EFFECTIVE: 9-1-97**HOUSE AUTHOR:** R. Lewis
SENATE SPONSOR: Lucio

House Bill 1741 amends the Local Government Code to require the county depository to provide all canceled checks, warrants, and supporting statements to the county treasurer for the purpose of reconciling them with the account records of the depository. The requirement does not apply to checks and warrants that are payable from funds under the direct authority of an official other than the county treasurer.

HOUSE BILL 2049
EFFECTIVE: 9-1-97**HOUSE AUTHOR:** Hightower
SENATE SPONSOR: Madla

House Bill 2049 amends provisions of the Local Government Code relating to county regulation of aerial fireworks under conditions of drought. It gives the Texas Forest Service official responsibility to determine, on request of a county, whether drought conditions exist in all or part of the county. The service is also responsible for notifying a county when drought conditions disappear. The act eliminates the requirement that a county designate at least one safe area for aerial fireworks, but preserves county discretion to designate one or more such areas. House Bill 2049 does not preempt or take precedence over any provision of Senate Bill 1 (relating to the management of water resources of the state).

HOUSE BILL 2064
EFFECTIVE: 9-1-97**HOUSE AUTHOR:** King
SENATE SPONSOR: Madla

House Bill 2064 amends the Tax Code to authorize county hotel occupancy taxes in a county with a population of 25,000 or less, fitting either of two specifications. One is a county located wholly in the Edwards Aquifer Authority and containing no more than four municipalities. The other is a county with territory less than 750 square miles and containing two incorporated municipalities, each with a population of 800 or less, located on the Frio River.

HOUSE BILL 2071

EFFECTIVE: See below

House Bill 2071 amends the Local Government Code to clarify that an eviction notice may be served by a constable, but only when serving the notice does not conflict with the constable's official duties. A constable is authorized to receive a fee for serving the notice, but is prohibited from wearing the uniform or insignia of a constable or from using a county vehicle or equipment when delivering it. The act also changes the qualifications for constable to require that a person have a high school diploma or its equivalent and be eligible for licensing as a Texas peace officer.

This act takes effect January 1, 1998, but only if the constitutional amendment proposed by the legislature to prescribe the qualifications of constables is approved by the voters.

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Lucio

HOUSE BILL 2083

EFFECTIVE: 5-31-97

House Bill 2083 amends the Local Government Code to remove a population limit of 25,000 and allow the commissioners courts of two or more counties of any size to agree to jointly employ and compensate a county auditor.

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Wentworth

HOUSE BILL 2179

EFFECTIVE: 9-1-97

House Bill 2179 amends the Local Government Code to require that a county comply with the competitive bidding provisions of The Certificate of Obligation Act of 1971 when a contract is to be paid from proceeds of anticipation notes. The act exempts from this requirement any individual work paid for by the day, provided that no person is compensated for more than 20 working days in any three-month period.

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: M. Galloway

HOUSE BILL 2185

EFFECTIVE: 9-1-97

House Bill 2185 amends the Local Government Code to cap the amount of a fee a person attempting to recover an overdue check or warrant issued by a county treasurer may charge at 10 percent of the instrument's face value. The act allows a county treasurer to collect a research fee to determine a claim's validity before allowing the claim to be processed.

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Carona

HOUSE BILL 2286

EFFECTIVE: 9-1-97

House Bill 2286 amends the Local Government Code to change the day the salary grievance committee is selected by the commissioners court to be any day in January. The act requires that a request for a hearing before the salary grievance committee by an elected county or precinct officer be submitted before the approval of the county's annual budget.

HOUSE AUTHOR: Corte

SENATE SPONSOR: Madla

HOUSE BILL 2397

EFFECTIVE: 9-1-97

Previous law authorized a municipality with a population of 15,000 or less to enter into an agreement to transfer partial responsibility for indigent health care services to a county in which the municipality's hospital provides services. House Bill 2397 amends the Indigent Health Care and Treatment Act to authorize a county to revoke or amend a transfer agreement if a hospital district with boundaries that cover all or part of the county is created after the effective date of the agreement.

HOUSE AUTHOR: Finnell

SENATE SPONSOR: Fraser

HOUSE BILL 2492
EFFECTIVE: 5-26-97

HOUSE AUTHOR: McClendon
SENATE SPONSOR: Madla

House Bill 2492 amends the Local Government Code to authorize a county commissioners court in a county that employs a chief personnel officer to designate the chief personnel officer or the county auditor to approve personnel forms.

HOUSE BILL 2692
EFFECTIVE: 6-17-97

HOUSE AUTHOR: Ehrhardt et al.
SENATE SPONSOR: Carona

House Bill 2692 amends the Local Government Code to exempt municipal funds that are derived from a community development grant from competitive bidding requirements if a request-for-proposal process is used to expend the funds. The act requires a municipality using this request-for-proposal process to contact at least two disadvantaged businesses before awarding a contract of more than \$3,000 but less than \$15,000.

HOUSE BILL 2736
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher
SENATE SPONSOR: Armbrister

House Bill 2736 amends the Local Government Code to require that a county government risk management pool provide notice of cancellation or change in the terms of the liability coverage, including a contractual obligation to indemnify a county and its employees for certain acts, to the county judge or presiding officer of the affected political subdivision. The requirement to provide notice does not apply to a cancellation or change made at the request of the county or political subdivision or by mutual agreement between the governing body and the pool. House Bill 2736 also establishes eligibility requirements for the administrator of the pool.

HOUSE BILL 2769
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Goolsby
SENATE SPONSOR: Cain

House Bill 2769 amends the Local Government Code to clarify that a warrant or check issued at any time by a county treasurer is overdue and nonnegotiable if the check is not presented for payment before the 366th day following the date of issuance. The act exempts unclaimed cash bail bonds from being transferred with other unclaimed funds to the state treasury.

HOUSE BILL 2832
EFFECTIVE: 5-28-97

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Madla

House Bill 2832 amends the Tax Code to authorize a county hotel occupancy tax in a county bordering Mexico and containing a national recreational area. The act allocates 75 percent of the tax revenue for tourism and the remaining 25 percent for general revenue purposes or general governmental operations of the county.

HOUSE BILL 2868
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bonnen
SENATE SPONSOR: J. Patterson

House Bill 2868 amends the Local Government Code to authorize the county commissioners court in a county that has a population of 190,000 or more, is adjacent to a county with a population of 2.4 million or more, borders the Gulf of Mexico, and operates a road department system to authorize the commissioners court to require the county road engineer to prepare and coordinate a county master drainage plan. The commissioners court is further authorized to adopt regulations to implement the plan.

HOUSE BILL 2920
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hodge
SENATE SPONSOR: R. West

House Bill 2920 amends the Local Government Code to allow the commissioners court in a county with a population of 1.2 million or more to enter into a contract with a nonprofit organization for the management and operation of a museum, historical site, or historical building in the county. The act requires the commissioners court to set an admission fee, provides that the funds generated by the fees are not required to be deposited in the county treasury, and allows the nonprofit organization to spend funds generated by the fees only for costs associated with the administration, maintenance, security, and staffing necessary to operate the building or site.

HOUSE BILL 2982
EFFECTIVE: 6-18-97

HOUSE AUTHOR: Junell
SENATE SPONSOR: Duncan

House Bill 2982 amends provisions relating to the authority of certain counties to borrow money. The act allows a county with a population of less than 8,600 to borrow money from any source, not to exceed the aggregate principal amount of \$200,000, and authorizes the commissioners court to determine an appropriate rate of interest for county-issued time warrants or obligations on the borrowed money. Under previous law, counties with a population between 8,300 and 8,600 were authorized to borrow up to \$165,000, and the interest rate on warrants could not exceed four percent per annum.

HOUSE BILL 3043
EFFECTIVE: 5-28-97

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Madla

House Bill 3043 amends the Tax Code to authorize a county hotel occupancy tax in a county bordering Mexico and containing a national park of more than 400,000 acres. The tax rate may not exceed three percent, and at least one-third of the tax revenue must be used in unincorporated areas of the county.

HOUSE BILL 3224
EFFECTIVE: 6-19-97

HOUSE AUTHOR: Eiland
SENATE SPONSOR: J. Patterson

House Bill 3224 amends Natural Resources Code provisions to allow a county commissioners court to order an election for the dissolution of a beach park board of trustees in a county bordering the Gulf of Mexico. Upon a majority vote to dissolve the board, the board is required to execute and file a written assignment of all of its property, debts, and assets to the county commissioners court.

HOUSE BILL 3448
EFFECTIVE: 9-1-97

HOUSE AUTHOR: J. Jones et al.
SENATE SPONSOR: Carona

House Bill 3448 amends the Government Code to authorize a county commissioners court to conduct a closed meeting when deliberating personnel actions or complaints regarding a current or prospective member of an advisory body, unless the individual who is the subject of the deliberation requests a public hearing.

HOUSE BILL 3583
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kubiak
SENATE SPONSOR: Ogden

House Bill 3583 adds a new subchapter to the Local Government Code to establish a citizen's lake planning commission to advise the county commissioners courts of Burleson, Milam, Lee, and Washington counties regarding zoning and other issues in the areas around Lake Somerville.

HOUSE JOINT RESOLUTION 83
FOR ELECTION: 11-4-97

HOUSE AUTHOR: Gutierrez
SENATE SPONSOR: Lucio

House Joint Resolution 83 proposes a state constitutional amendment to allow the legislature to prescribe by law the qualifications of constables.

SENATE BILL 10
EFFECTIVE: 6-11-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Denny

Senate Bill 10 amends the Local Government Code to authorize a county commissioners court in a county that is adjacent to a county with a population of over 250,000 to adopt and enforce a fire code.

SENATE BILL 73
EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Hirschi

Senate Bill 73 amends the Local Government Code to allow a county judicial officer or a candidate for a county judicial office to file the required financial statement with the Texas Ethics Commission instead of with the county clerk and requires the officer or candidate to notify the county clerk that they are filing the financial statement with the commission. The act requires, on the request of a county judicial officer or candidate, that the filing entity remove the names of the filer's children before making the statement available to the public.

SENATE BILL 205
EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla
HOUSE SPONSOR: Alexander

Senate Bill 205 amends Transportation Code provisions relating to county commissioner and county auditor reporting requirements and makes conforming changes. The act requires county commissioners serving as road commissioners to submit a road report during the ninth month of the county's fiscal year and modifies the required contents of the report.

The act requires the county auditor or other official having the duties of a county auditor to file a report with the comptroller that states the total amount of expenditures in the preceding fiscal year for county road and bridge construction, maintenance, rehabilitation, right-of-way acquisition, and utility construction and other road expenditures of county funds. The comptroller is authorized to distribute money from the county and road district highway fund to a county only if the most recent road and bridge report has been filed.

The act also authorizes Van Zandt County to operate its road system under the subchapter on county road commissioners instead of a special road law passed in 1913.

SENATE BILL 420
EFFECTIVE: 5-19-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Ramsay

Senate Bill 420 authorizes a county hotel occupancy tax in a county with a population of 29,000 or more that borders or contains a portion of Lake Fork Reservoir.

SENATE BILL 436
EFFECTIVE: Vetoed

SENATE AUTHOR: Lucio
HOUSE SPONSOR: R. Lewis

Senate Bill 436 amends the Local Government Code to establish a temporary fee for preserving and restoring existing county records. The act authorizes a county to impose a records archive fee for filing public documents beginning September 1, 1997, and ending September 1, 2004, and sets forth provisions relating to the collection and use of the fee. The fee would be placed in a separate account and utilized by the county clerk only to preserve and restore public records and archives until the completion of the restoration or the termination of the fee in seven years.

SENATE BILL 489

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Corte

Senate Bill 489 amends the Local Government Code to authorize the county fire marshall in a county with a population of one million or more to regulate the production, distribution, transport, transfer, use, and possession of an explosive in the county and to issue and assess a fee for an explosives permit.

SENATE BILL 655

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Hamric

Senate Bill 655 amends the Local Government Code and the Transportation Code to authorize a county assessor-collector to collect a handling fee for processing the payment of a county or state fee or tax by electronic means, defined as payment by telephone or computer, and to accept evidence of financial responsibility submitted electronically by telephone, facsimile machine, or computer when registering a motor vehicle. The act also grants a county commissioners court the authority to collect and retain a handling fee for processing a payment made by credit card or through electronic means.

SENATE BILL 660

EFFECTIVE: 9-1-97

SENATE AUTHOR: G. Luna

HOUSE SPONSOR: Longoria

Senate Bill 660 amends the Local Government Code to redefine a county employee and to increase the amount of sick leave a county employee is allowed to transfer annually to the county sick leave pool from three days to five days. The act changes the eligibility requirements for use of the sick leave pool to provide that an employee who has exhausted all accrued paid leave and compensatory time due to a catastrophic injury or illness is eligible.

SENATE BILL 804

EFFECTIVE: 5-19-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Jackson

Senate Bill 804 amends the Local Government Code to exempt goods purchased by a municipality for subsequent resale to the public from the competitive bidding process.

SENATE BILL 1179

EFFECTIVE: 5-28-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Shields

Senate Bill 1179 amends the Local Government Code to allow a county commissioners court to require that testimony before the court be given under oath and provides that persons making false statements under oath are subject to prosecution.

SENATE BILL 1211

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ogden

HOUSE SPONSOR: R. Lewis

Senate Bill 1211 amends the Local Government Code to allow all county commissioners courts to hold term meetings with the governing body of a political subdivision in the county at the regular meeting place of that political subdivision. Previous law allowed only a commissioners court in a county with a population of 350,000 or more to do so. The act also authorizes a court to hold a term meeting at another meeting place in the county in a building owned by another political subdivision or by the county under certain conditions.

SENATE BILL 1391
EFFECTIVE: 6-11-97

SENATE AUTHOR: Lindsay
HOUSE SPONSOR: R. Lewis

Senate Bill 1391 amends the Transportation Code to allow a county commissioners court to declare a road to be a public road if it has been in continuous use for over 30 years and maintained by a county for at least 10 of the last 20 years. The act also amends reporting requirements of a county commissioner who serves as road supervisor.

SENATE BILL 1394
EFFECTIVE: 9-1-97

SENATE AUTHOR: Lindsay
HOUSE SPONSOR: Hamric

Senate Bill 1394 adds a new section to the Local Government Code regarding construction and renovation work on county-owned buildings and facilities in a county with a population of 2.8 million or more. The act prohibits a municipality from requiring a county to notify the municipality or obtain a building permit for construction and renovation work performed by county personnel on county-owned buildings or facilities within the limits of the municipality. The act requires county construction and renovation work performed by a private subcontractor to meet certain building requirements and stipulates that the county is not exempt from complying with municipal building code standards.

SENATE BILL 1395
EFFECTIVE: 6-20-97

SENATE AUTHOR: Lindsay
HOUSE SPONSOR: Stiles

Senate Bill 1395 amends Local Government Code provisions relating to the preparation of a county budget to provide all counties with the same ability to amend the budget and spend unanticipated revenues, extending to all counties provisions previously applicable only in certain counties on the basis of population.

The act requires all county commissioners courts to adopt a budget for expenditures from proceeds of bonds or other obligations and to adopt a special budget for spending grant or aid money. The act adds a new requirement for commissioners courts to adopt a special budget for spending revenue from intergovernmental contracts.

Senate Bill 1395 also permits commissioners courts generally to authorize an emergency expenditure as an amendment to the original budget in certain circumstances and to amend the budget to transfer an amount from one item to another without authorizing an emergency expenditure.

The act authorizes the county judge in a county with a population of 225,000 or less to request a commissioners court order directing a county officer to produce the information necessary for the judge to prepare the budget. A county with a population of more than 225,000 is authorized to secure county bonds or other obligations by pledging any authorized security or any county revenue or receipts from the levy of a state tax.

Senate Bill 1395 also requires the commissioners court to determine the amount of funds in the county budget to be spent for the juvenile probation department and transfers the authority to waive the requirement for a county judge's approval of a requisition from the judge to the commissioners court.

SENATE BILL 1455
EFFECTIVE: 5-26-97

SENATE AUTHOR: Lucio
HOUSE SPONSOR: R. Lewis

Senate Bill 1455 amends the Local Government Code to extend to the voters in a county with a population of more than 25,000 the authority to petition the commissioners court for a pay raise referendum for sheriff's department members. Currently, voters in counties with a population of more than 30,000 have this authority. The act also provides that the election be held in conjunction with a county-wide election scheduled for other purposes and requires the inclusion of certain language on the ballot.

SENATE BILL 1601
EFFECTIVE: 9-1-97

SENATE AUTHOR: Lindsay
HOUSE SPONSOR: Bosse

Senate Bill 1601 amends the Local Government Code to authorize the commissioners courts of certain coastal counties to prohibit the connection of land with water, sewer, electricity, and gas utility services if a structure or development on the land is not in compliance with commissioners court rules regarding development in flood-prone areas. A person may not subsequently provide utility services to such land without written certification that the property complies with commissioners court rules.

SENATE BILL 1696
EFFECTIVE: 5-26-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Olivo

Senate Bill 1696 amends the Property Code to apply provisions regarding the enforcement of land use restrictions to counties with a population of 200,000 or more. Under previous law, these provisions were applied to counties with a population of two million or more.

GOVERNMENT—GENERAL

HOUSE BILL 66

EFFECTIVE: 6-16-97

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Zaffirini

House Bill 66 adds a chapter to the Government Code to address unfunded mandates that are imposed by the legislature on political subdivisions. The act creates an unfunded mandates interagency working group and requires the working group to compile, publish, and update lists of newly enacted unfunded mandates. Excluded from the listing are measures for which the legislature by two-thirds votes of both houses expressly dismisses local reimbursement. Also exempted from the listing are unfunded mandates approved by voters, those affecting employee pensions or benefits, or those necessary to comply with the Texas Constitution, federal law, or a court order, or to maximize federal funding in specified subject areas.

HOUSE BILL 242

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

House Bill 242 amends the Government Code to allow a notary to sign the name of an individual who is physically unable to sign or make a mark on a document presented for notarization, if directed to do so by the individual.

HOUSE BILL 273

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Davis

SENATE SPONSOR: Cain

House Bill 273 amends the Government Code to add an exception to public availability, under the open records law, for information that identifies a participant in a neighborhood crime watch organization and relates to the person's home or business address or telephone number.

HOUSE BILL 501

EFFECTIVE: 5-21-97

HOUSE AUTHOR: Woolley

SENATE SPONSOR: Lindsay

House Bill 501 deletes a reference in the Government Code to "local" law and specifies that local governments that are parties to an interlocal service contract may apply the law applicable to a party as agreed by the parties.

HOUSE BILL 587

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Shapleigh

House Bill 587 amends the Health and Safety Code to define a community center as a political subdivision and as a local government to allow the center to make certain group benefits available to its employees. The act subjects a community center to provisions of the Government Code relating to protection for reporting violations of law and authorizes community centers to create or operate a nonprofit corporation for the purpose of accepting at-risk payment arrangements for the provision of health services.

HOUSE BILL 951

EFFECTIVE: 9-1-97

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Wentworth

House Bill 951 amends the open records law to increase from 10 calendar days to 10 business days the period within which a governmental entity must respond to a public information request, establishing an alternative date and hour if the entity cannot produce the information on a timely basis. The act likewise increases from 10 calendar days to 10 business days the period an entity has to seek an open records opinion from the attorney general if the entity

denies a request. It increases from 15 calendar days to 15 business days the period the entity has, in such cases of denial, to submit required documentation to the attorney general. The act clarifies that written requests for information include certain facsimile transmissions and electronic mail.

It provides that certain law enforcement agency or prosecutor information related to criminal matters is exempted from public disclosure only if: (1) release would interfere with law enforcement or prosecution; (2) the information relates only to law enforcement or criminal proceedings that did not result in conviction or deferred adjudication; or (3) the information is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or reflects the mental impressions or legal reasoning of the state's attorney.

Other substantive and clarifying statutory changes relate to procedures and charges for providing copies of public information to requestors.

HOUSE BILL 1782

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts et al.

SENATE SPONSOR: Truan

House Bill 1782 applies to state agencies, political subdivisions, and public utilities. It amends the Professional Services Procurement Act to include real estate appraisal among those services for which providers and contractors must be selected based on demonstrated competence, qualifications, and a fair and reasonable price, rather than competitive bidding.

HOUSE BILL 2295

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oakley et al.

SENATE SPONSOR: Cain

House Bill 2295 creates the Underground Facility Damage Prevention and Safety Act. It sets up a statewide system for identifying underground facilities and notifying their owners of proposed excavations or damage. The act creates a nonprofit corporation, whose board members are representatives of specified types of underground facilities, excavators, and the general public, to operate a statewide 1-800 number and route calls to regional notification centers. Operators of these types of underground facilities are required to supply a map of the facilities to the appropriate notification center. Any entity, with certain exceptions, excavating with a powered excavation device is required to contact the center before excavation. The corporation is funded by an annual fee paid by facility operators and other user fees. A civil penalty is created for an excavator who violates provisions of the act and for a notification center that does not meet the requirements of the act.

HOUSE BILL 2506

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Ellis

House Bill 2506 amends the Government Code to prohibit a political subdivision from requiring a vendor or subcontractor to waive the right to interest on overdue payments as a condition of a contract.

HOUSE BILL 2798

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Carona

House Bill 2798 adjusts the distribution of the state ceiling for private activity bond reservations, increasing the percent allocated for reservation by issuers of qualified mortgage and residential rental project bonds, decreasing the percent allocated for reservation by issuers of state-voted issues and other issues, and adding a reservation allocation for qualified student

loan issues. The act adjusts limits on the amount a bond issuer may reserve for one project, further defines issuer priority to receive bond reservations, and increases the maximum period for closing on a bond reservation. It changes the date applicants may begin filing for bond reservations from January 2 to October 10 of the year preceding the program year, permits housing finance corporations to delegate certain authority to the Texas Department of Housing and Community Affairs, and allows such corporations to establish programs that allow lenders to use bond proceeds to originate certain home mortgages.

HOUSE BILL 3074**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Gray**SENATE SPONSOR:** Armbrister

House Bill 3074 amends the Texas Disaster Act of 1975 to clarify and update terminology and to require a municipality to request assistance from the county program before requests are forwarded to the state. The governor, acting through the Emergency Management Council, is authorized to remove debris or wreckage from public or private property without authorization or indemnification if delay poses a risk to public health or safety.

HOUSE BILL 3157**EFFECTIVE:** 6-20-97**HOUSE AUTHOR:** Hilbert**SENATE SPONSOR:** Wentworth

House Bill 3157 amends the Government Code to provide an exception to the open records law for an internal bill analysis or working paper that is prepared by the governor's office to evaluate proposed legislation.

HOUSE BILL 3334**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Marchant**SENATE SPONSOR:** Duncan

House Bill 3334 amends the Public Funds Collateral Act to add, as eligible security for collateral of public funds, fixed-rate collateralized mortgage obligations with an expected weighted average life of 10 years or less and floating rate collateralized mortgage obligations, as long as the obligations are not high-risk mortgage securities, as defined in the act.

HOUSE BILL 3587**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hirschi et al.**SENATE SPONSOR:** Haywood

House Bill 3587 amends the Health and Safety Code to authorize a joint county-municipal hospital board in a county with a population of more than 100,000 and a city with a population of more than 75,000 to acquire a hospital facility regardless of whether the acquisition might be considered anticompetitive under federal or state antitrust laws.

HOUSE JOINT RESOLUTION 104**FOR ELECTION:** 11-4-97**HOUSE AUTHOR:** Mowery**SENATE SPONSOR:** Ogden

House Joint Resolution 104 proposes a state constitutional amendment to renumber several constitutional provisions and to modify or eliminate certain others that are obsolete. The proposed amendment corrects the minimum voting age from 21 to 18 years in accordance with the Twenty-sixth Amendment to the United States Constitution. It modifies certain other voting rights restrictions and deletes residency requirements for voting that conflict with federal court rulings. The amendment repeals provisions relating to the superconducting super collider, which was never completed, and repeals previously implemented provisions relating to the abolishment of the office of county surveyor in Jackson County and the 1940s construction of a building at Tarleton State University.

SENATE BILL 395

EFFECTIVE: 6-18-97

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Torres

Senate Bill 395 amends the Government Code to allow a local government and a council of governments to agree with another local government, a nonprofit organization with a governmental function, the state, or a state agency to purchase certain goods and any services required to install, operate, or maintain those goods. The act amends the Local Government Code to provide that a local government is authorized to purchase goods and services under federal supply schedules and that such purchases satisfy state competitive bidding requirements. The act also allows a county commissioners court to enter into a contract with a local workforce development board to provide certain services under the Workforce and Economic Competitiveness Act.

SENATE BILL 397

EFFECTIVE: 9-1-97

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Torres

Senate Bill 397 amends the Public Funds Investment Act to specify that an officer or employee of certain regional planning commissions is disqualified from being the commission investment officer if the person is the investment officer for another local government.

SENATE BILL 454

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: D. Jones

Senate Bill 454 relates to the management of public records subject to the Local Government Records Act or the jurisdiction of the Texas State Library and Archives Commission. It amends that act, and the Government Code, to exclude from the definition of such records any documents associated with an alternative dispute resolution procedure in which personnel of the state, a local government, a special district, or a political subdivision participated as parties, facilitated as impartial third parties, or facilitated as administrators of dispute resolution systems or organizations.

SENATE BILL 839

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Danburg

Senate Bill 839 amends the Government Code to allow a governmental body to hold an open or closed meeting by videoconference call, from multiple locations, if a quorum is physically present at one of the locations and sets out requirements concerning such meetings.

SENATE BILL 898

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Wolens

Senate Bill 898 contains nonsubstantive amendments, additions, and corrections to existing codes and statutes, including the codification of various laws to conform to changes enacted by the 74th Legislature in 1995.

SENATE BILL 937

EFFECTIVE: Vetoed

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Goodman

Senate Bill 937 amends the Government Code to create the Texas Advisory Commission on Intergovernmental Relations to strengthen and improve relationships between the state and local governments and to enhance cooperation among local governments.

GOVERNMENT—SPECIAL DISTRICTS AND AUTHORITIES

HOUSE BILL 51

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Madden et al.

SENATE SPONSOR: Shapiro

House Bill 51 amends the Education Code, the Health and Safety Code, and the Water Code to require write-in candidates for membership in the governing body of a junior college district or a hospital district, or for commissioner of a self-liquidating navigation district, to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election. Previous law permitted a political subdivision other than a county to cancel an election if each candidate on the ballot was unopposed and there were no write-in candidates on the list.

HOUSE BILL 338

EFFECTIVE: 4-3-97

HOUSE AUTHOR: Ramsay

SENATE SPONSOR: Ratliff

House Bill 338 modifies the election procedure for the board of directors of the Franklin County Water District by changing the representation of the board from five at-large directors to four single-member precinct directors and one at-large director. The act also changes the election date from April to May of odd-numbered years to make the district's rules consistent with Chapter 49, Water Code.

HOUSE BILL 376

EFFECTIVE: 5-15-97

HOUSE AUTHOR: Rodriguez et al.

SENATE SPONSOR: Wentworth

House Bill 376 exempts the Bexar Metropolitan Water District from the requirement that it receive approval from the Texas Natural Resource Conservation Commission before the issuance or sale of district bonds. The act also requires the district to take all action considered necessary and desirable by the board to conserve and protect the water in the Edwards Aquifer. The act authorizes the district to issue bonds and to acquire, construct, purchase, improve, renovate, or take any other similar action to provide facilities designed to achieve such purposes, including entering into certain agreements determined by the board to be advantageous to the district.

HOUSE BILL 574

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Truan

House Bill 574 authorizes the commissioners of the San Patricio County Navigation District No. 1 to appoint a qualified individual or financial institution to serve as treasurer of the district and confers upon the district treasurer powers and duties of a county treasurer.

HOUSE BILL 706

EFFECTIVE: 5-7-97

HOUSE AUTHOR: Cook

SENATE SPONSOR: Armbrister

House Bill 706 grants the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district.

HOUSE BILL 718

EFFECTIVE: 5-7-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 718 amends the Health and Safety Code to allow an owner of real property in a rural fire prevention district in a county with a population of 450,000 or more that has not established a public health district to be eligible to serve as a fire commissioner. Previous law allowed only residents of the district to serve.

HOUSE BILL 794

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Rodriguez et al.

SENATE SPONSOR: Madla

House Bill 794 amends the Health and Safety Code to expand the contract authority of the board of a hospital district in a county with a population of 190,000 or more, allowing such boards to contract with any other governmental entity or with a private hospital located in or outside the district and deleting a requirement that the commissioners court determine specific findings on the merits of each contract as part of the approval process.

HOUSE BILL 826

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Wentworth

Previous law provided for a maximum property tax rate for the Sutton County Hospital District of 20 cents per \$100 valuation. House Bill 826 allows the district's board of directors to order an election to increase the maximum tax rate to 35 cents per \$100 valuation.

HOUSE BILL 901

EFFECTIVE: 5-15-97

HOUSE AUTHOR: P. Patterson

SENATE SPONSOR: Ratliff

House Bill 901 makes several changes relating to the board of directors of the Hopkins County Hospital District. The act increases the number of directors of the board to seven, extends the term of office to three years, changes the date of the election to the first Saturday in May, and amends a provision requiring a candidate for director to file by petition to require filing by application.

HOUSE BILL 1254

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Jackson

SENATE SPONSOR: J. Patterson

House Bill 1254 validates certain acts, governmental proceedings, appointments, elections, bonds, and obligations of navigation districts and port authorities authorized or taking place before the effective date of the act.

HOUSE BILL 1324

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Carter et al.

SENATE SPONSOR: Cain

House Bill 1324 amends the Health and Safety Code to authorize an advisory commission of an emergency communications district to sell 9-1-1 or poison control public education and training materials. Certain information used by a telephone company or governmental entity in providing computerized 9-1-1 service is made confidential, and the liability of a service provider to a user of a 9-1-1 service is limited. Local authorities are authorized to adopt and enforce state rules, and the act prohibits the recovery of 9-1-1 fees and other charges that are erroneously remitted to a governmental entity by a 9-1-1 service provider, with certain exceptions.

HOUSE BILL 1484

EFFECTIVE: 6-17-97

HOUSE AUTHOR: P. Patterson

SENATE SPONSOR: Cain

House Bill 1484 creates the Gober Municipal Utility District in Fannin County, subject to voter approval at a confirmation election.

HOUSE BILL 1567
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte et al.
SENATE SPONSOR: Madla

House Bill 1567 amends the Health and Safety Code to authorize a hospital district to create a tax-exempt charitable organization to facilitate the management of a district health care program by providing or arranging health care or ancillary support services or developing health care resources. A charitable organization created under the act is subject to the Texas Tort Claims Act.

HOUSE BILL 1878
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum
SENATE SPONSOR: Bivins

House Bill 1878 amends several provisions relating to the operation, administration, and voting procedures of the Castro County and Ochiltree County hospital districts.

The act changes certain eligibility requirements, the candidate filing procedures, and the date of election for the board of directors of both hospital districts. Write-in candidates for the Ochiltree County Hospital District's board of directors are required to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election, and the district's directors are authorized to purchase directors' bonds with district funds.

House Bill 1878 grants the board of the Ochiltree County Hospital District the authority to defend an employee against liability claims and to purchase liability insurance coverage; to issue bonds or to borrow money on the credit of the district for health care purposes; to appoint an administrator, employ staff, and appoint or remove doctors for the district; to spend district funds to recruit staff and provide for health care education for current or prospective employees; and to provide retirement benefits for employees.

House Bill 1878 also requires that the board of the Ochiltree County Hospital District determine the type, number, and location of facilities and equipment needed to maintain an adequate hospital system and authorizes the board to acquire property, equipment, and facilities by lease or purchase; to provide services outside the district; and to lease hospital facilities on behalf of the district. In addition, the board is authorized to enter into a contract with an alternative health care provider or delivery system; to contract with a political subdivision or governmental agency to provide other services related to the medical, hospital, and welfare needs of persons in the district; and to seek reimbursement for treatment of persons who are not residents of the district.

HOUSE BILL 2066
EFFECTIVE: 5-15-97

HOUSE AUTHOR: P. Patterson
SENATE SPONSOR: Ratliff

House Bill 2066 allows the Hopkins County Hospital District to become a member of a nonprofit corporation or enter into an agreement with a nonprofit corporation for the provision of health care services.

HOUSE BILL 2277
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts
SENATE SPONSOR: Haywood

House Bill 2277 amends provisions relating to medical services, administrative functions, and the election of the board of directors of the Fisher County Hospital District. The act expands the medical services the district provides to include furnishing medical care to needy residents and providing a mobile emergency medical service and home health services, long-term care, skilled and intermediate nursing care, assisted living services, hospice care, and other health-related services.

Government—Special Districts and Authorities

House Bill 2277 changes the date and method of electing the district's board of directors, expands the board's authority to contract with other entities for the provision of care and treatment services, and clarifies the board's authority relating to the recruitment and hiring of medical practitioners and support staff. The board is required to use the competitive bidding process for all construction contracts exceeding \$10,000, rather than the \$2,000 previously specified, and is authorized to issue bonds for the purchase and operation of a mobile emergency medical service.

House Bill 2277 brings the appraisal, assessment, and collection of taxes for the district under the Tax Code and authorizes the board to secure a loan if funds are not available to meet the obligations of the district. The act also provides for the dissolution, sale, or transfer of the district on voter approval.

HOUSE BILL 2300

EFFECTIVE: 5-29-97

HOUSE AUTHOR: Serna et al.

SENATE SPONSOR: Shapleigh

House Bill 2300 creates the Paseo del Este Municipal Utility District, composed of a portion of El Paso County, authorizes the district to issue bonds and collect taxes, and provides civil penalties for violating rules of the district.

HOUSE BILL 2328

EFFECTIVE: 9-1-97

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Lindsay

House Bill 2328 amends the Government Code to create an exception to the open meetings law for hospital districts. An open meeting is not required if board members of the district discuss a proposed new service or product line before its public announcement, or if they discuss pricing or financial information relating to a bid or negotiation for the arrangement or provision of services or product lines by the district.

HOUSE BILL 2335

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Smith

SENATE SPONSOR: Harris

House Bill 2335 amends the Crime Control and Prevention District Act to allow a municipality in a county with a population of more than 5,000 to create a crime control district. Under previous law, a municipality in a county with a population of more than one million had this authority. The act includes provisions relating to the appointment of a board of directors and the continuance of a district and allows a crime control district to impose varying sales and use taxes and to decrease a sales and use tax in increments of one-eighth, rather than one-fourth, of one percent. The act authorizes a district created before January 1, 1996, to call an election on decreasing the tax rate and on dedicating a portion of the sales and use tax for the renovation or extension of a convention center facility constructed before 1969.

HOUSE BILL 2348

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Armbrister

House Bill 2348 allows the board of directors of the Jackson County Hospital District to change the board members' terms to staggered three-year or four-year terms, provides for election of board members under the new terms, and requires write-in candidates for the board of directors to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election. The board is authorized to provide health care services outside the district, to borrow money, and to authorize an administrator to employ doctors.

HOUSE BILL 2448

EFFECTIVE: 6-20-97

House Bill 2448 creates the Lake Livingston Special Utility District in Hardin, Liberty, Polk, San Jacinto, Trinity, Tyler, and Walker counties and authorizes the district to issue bonds.

HOUSE AUTHOR: Hightower

SENATE SPONSOR: D. Nixon

HOUSE BILL 2563

EFFECTIVE: 9-1-97

House Bill 2563 repeals each act of the 71st, 72nd, or 73rd Legislature creating underground water conservation districts that have not held an approved confirmation election on or before the second anniversary of the effective date of the act.

HOUSE AUTHOR: Cook

SENATE SPONSOR: Duncan

HOUSE BILL 2649

EFFECTIVE: See below

House Bill 2649 applies to a rural fire prevention district, any part of which is in Harris County. It amends the Health and Safety Code to raise the maximum property tax rate from three cents to five cents per \$100 of value. The levy must be approved by district voters, either in an election creating a new district or in an election to allow a tax rate increase by an existing district. A tax rate increase by an existing district applies to the tax year following the election. The act takes effect, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 96, on the date that amendment becomes effective.

HOUSE AUTHOR: Hamric

SENATE SPONSOR: Lindsay

HOUSE BILL 2688

EFFECTIVE: 9-1-97

House Bill 2688 amends the Water Code to authorize the board of directors of certain water districts to permit by resolution the board's general manager or other employee of the board to execute documents on behalf of the district. The act also makes permissive the provision that the secretary attest the president's signature on all documents.

HOUSE AUTHOR: Cook

SENATE SPONSOR: Lucio

HOUSE BILL 2689

EFFECTIVE: 9-1-97

House Bill 2689 amends the Water Code to allow the boards of certain water districts to change the 12-month period for which they estimate the expenses of maintaining and operating the irrigation systems. The boards may estimate such expenses for a shorter period so as to adjust to a new fixed date and thereafter estimate the expenses for 12-month periods following the adjusted fixed date. The act increases the interest rate on certain assessments, requires that assessments become delinquent on the first day of the month following the date payment is due, and establishes a penalty of 15 percent for delinquent assessments.

HOUSE AUTHOR: Cook

SENATE SPONSOR: Lucio

HOUSE BILL 2696

EFFECTIVE: 9-1-97

House Bill 2696 amends provisions relating to the election of the board of directors of the Val Verde County Hospital District and to the board's authority to execute contracts. The act requires write-in candidates to declare their candidacy and to appear on a list of write-in candidates in order to be counted in an election of directors. The act also increases the maximum amount of a construction contract the district is authorized to award without public bidding.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

HOUSE BILL 2731

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Howard

SENATE SPONSOR: Armbrister

House Bill 2731 creates the First Colony Management District in Fort Bend County. The act names an initial board of directors and provides for additional or replacement directors to be appointed by the mayor and governing body of Sugar Land. The district is empowered to provide certain supplemental governmental services, including landscaping, provision of pedestrian ways, and funding to maintain the area's health and vitality as a community and business center. Subject to approval in an authorization election, the district may impose ad valorem maintenance taxes on property and, within specified restrictions, may impose assessments and impact fees. The district may issue bonds backed by tax, fee, and assessment revenue and other monetary sources. It may create a nonprofit corporation to assist and act on behalf of the district in implementing a project or providing a service. All or any part of the district is eligible to be included in a tax abatement reinvestment zone or tax incremental reinvestment zone.

HOUSE BILL 2850

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Williams

SENATE SPONSOR: M. Galloway

House Bill 2850 amends the Health and Safety Code to establish a procedure for the board of emergency service commissioners or the board of fire commissioners to exclude from an emergency services district or a rural fire prevention district the territory in a planned community of 15,000 acres or more established under the Urban Growth and New Community Development Act that is adjacent to a county with a population of 2.8 million or more and that is subject to restrictive covenants. If a board determines that the entity responsible for collecting the ad valorem-based assessments in the territory is providing or contracting for the same emergency or fire prevention services as provided by an emergency services or rural fire prevention district, the board is required to order an election on the matter or to declare by resolution that the territory is excluded from the district.

HOUSE BILL 2851

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Williams

SENATE SPONSOR: Lindsay

House Bill 2851 amends the Water Code to redefine water supply corporations that are eligible to be converted into special utility districts to include a water supply corporation that provides services to noncontiguous subdivisions in two or more counties, one of which counties has a population of more than two million.

HOUSE BILL 2919

EFFECTIVE: See below

HOUSE AUTHOR: Stiles

SENATE SPONSOR: M. Galloway

House Bill 2919 amends the enabling statute of the Lower Neches Valley Authority to provide that the board of directors of the authority is appointed by the governor, rather than the Texas Water Development Board. The act provides that the authority may not sponsor or participate in an economic development program outside its service area unless the authority enters into an interlocal agreement with the entity participating in the program. The act takes effect September 1, 1997, except for the provision governing the appointment of the board, which is effective June 20, 1997.

HOUSE BILL 3266
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Craddick
SENATE SPONSOR: Bivins

House Bill 3266 authorizes the Midland County Hospital District to provide services outside the district boundaries; to enter into agreements, spend district funds, and take other action to recruit physicians and other personnel; to provide for the operation of mobile emergency services; and to contract with various entities located in or outside the district for various health care services. The act clarifies that the district's responsibility to establish a hospital or hospital system includes the provision of medical and other health facilities. House Bill 3266 authorizes the board to delegate its powers for making purchases and expenditures to the Midland Memorial Foundation or to another entity as part of the management agreement. The act also requires write-in candidates for the district's board of directors to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election.

HOUSE BILL 3314
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower
SENATE SPONSOR: D. Nixon

House Bill 3314 provides for the conversion of the Polk County Fresh Water Supply District No. 2 to a municipal utility district and confirms the boundaries and directors of the district.

HOUSE BILL 3330
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Talton
SENATE SPONSOR: J. Patterson

House Bill 3330 transfers to the Harris County Flood Control District all easements and ownership interests held by other state or local governmental entities in connection with a certain drainage outfall ditch located in Harris County. The flood control district assumes authority, oversight, and maintenance of the drainage outfall ditch.

HOUSE BILL 3456
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum
SENATE SPONSOR: Bivins

House Bill 3456 amends numerous provisions relating to the operation, administration, and voting procedures of the Hansford County Hospital District.

The act requires write-in candidates for the board of directors to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election, and it changes the date of election. It includes ancillary health care as part of the hospital system managed and funded by the board, authorizes the district to provide ancillary health care services for indigent residents, and expands the types of medical care and facilities managed either in or outside the district.

House Bill 3456 authorizes the board to enter into an operating or management contract with a public or private entity with regard to facilities, equipment, or services; to make credit arrangements; to spend district funds and take other action to recruit physicians and other staff; to provide health care education for current or prospective employees; and to provide day-care services for medical staff and district employees. It also authorizes the board to defend an employee against liability claims and to purchase liability insurance coverage.

House Bill 3456 amends the purchasing and expenditure powers of the board to require that a contract for construction worth more than \$10,000 be subject to public bidding and authorizes the board to acquire equipment by purchase, lease, or lease to purchase. It deletes provisions relating to the collection of district taxes by the county tax assessor-collector and authorizes the board to appoint a district tax assessor-collector. The act also authorizes the district to borrow a limited amount of money to pay its operating expenses.

HOUSE BILL 3457

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 3457 amends several provisions relating to the operation, administration, and voting procedures in the Hutchinson County Hospital District. The act requires that the board of directors be composed of four elected members and three appointed members and requires write-in candidates for the board to declare their candidacy and to appear on a list of write-in candidates in order to be counted in a general or special election. It provides that the district administrator is responsible for the overall management of all facilities, employees, contractors, and agents of the district. The act includes ancillary health care as part of the hospital system managed and funded by the board, and it expands the types of medical care and facilities managed.

House Bill 3457 authorizes the board to acquire equipment, property, or facilities by lease, purchase, or lease to purchase. It authorizes the board to enter into operating or management contracts with a public or private entity for facilities and services. The act further authorizes the board to enter into a service contract with any public, charitable, or private entity for mobile emergency medical services or for services relating to the welfare needs or health care of persons served by the entity.

House Bill 3457 authorizes the board to enter into joint ownership with an entity for management or operating services and ownership of real property, facilities, equipment, or supplies. It allows the board to issue general obligation and revenue bonds to purchase equipment and improve ancillary health care facilities and services.

HOUSE BILL 3540

EFFECTIVE DATE: Vetoed

HOUSE AUTHOR: Price

SENATE SPONSOR: M. Galloway

House Bill 3540 modifies election provisions for the commissioners of the Port of Beaumont Navigation District of Jefferson County. The act changes the term served from six years to four years, with the terms of three commissioners expiring every two years, and provides that one commissioner shall be elected from each of the four wards and two commissioners shall be elected at large.

HOUSE BILL 3549

EFFECTIVE: 6-9-97

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: D. Nixon

House Bill 3549 authorizes the creation of the South Newton Special Utility District, composed of Newton and Orange counties.

HOUSE BILL 3566

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Rhodes

SENATE SPONSOR: Armbrister

House Bill 3566 changes the name of the Gonzales County Hospital District to Gonzales Healthcare Systems. In addition, the act requires that a notice of elections be published in a newspaper 45 days before the election and that a candidate for director file a petition with the secretary of the board of directors at least 45 days before the election.

HOUSE BILL 3567

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Raymond

SENATE SPONSOR: Zaffirini

House Bill 3567 provides for the inclusion of part of Jim Wells County in the Duval County Conservation and Reclamation District, modifies the terms served and areas represented by the directors of the district, and establishes disannexation procedures for certain areas within the district.

HOUSE BILL 3574

EFFECTIVE: 9-1-97

House Bill 3574 modifies the election procedure for directors of the Jefferson County Water Control and Improvement District No. 10. The act provides that directors shall be elected on the first Saturday in May of each even-numbered year and shall serve staggered four-year terms commencing on May 16 following their election.

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: M. Galloway

HOUSE BILL 3579

EFFECTIVE: 9-1-97

House Bill 3579 provides for the creation, administration, powers, and authority of the Chambers County-Cedar Bayou Navigation District, composed of territory located in Chambers County.

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: M. Galloway

HOUSE BILL 3586

EFFECTIVE: 6-19-97

House Bill 3586 modifies election procedures for members of the board of supervisors of the Clear Creek Drainage District of Galveston County. The act provides that supervisors shall hold office for staggered four-year terms and that the election shall be held on the first Saturday in May in each even-numbered year to elect the appropriate number of supervisors. The act sets out procedures to be followed if a vacancy occurs.

HOUSE AUTHOR: Eiland

SENATE SPONSOR: J. Patterson

HOUSE BILL 3589

EFFECTIVE: 9-1-97

House Bill 3589 authorizes the Lakeway Municipal Utility District to exclude land from the district and establishes conditions that must be met for such exclusions.

HOUSE AUTHOR: Keel

SENATE SPONSOR: Wentworth

HOUSE BILL 3590

EFFECTIVE: 9-1-97

House Bill 3590 provides for the creation, administration, powers, duties, operation, and financing of the San Patricio Groundwater Conservation District, located in San Patricio County.

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Truan

HOUSE BILL 3592

EFFECTIVE: 6-19-97

House Bill 3592 modifies the election procedures for directors of the Seis Lagos Utility District. The act provides that elections shall be held on the first Saturday in May of each even-numbered year and that directors shall serve staggered four-year terms.

HOUSE AUTHOR: Madden

SENATE SPONSOR: Shapiro

HOUSE BILL 3594

EFFECTIVE: 6-2-97

House Bill 3594 authorizes the Westchase District to grant abatements for taxes or assessments owed to the district under the Property Redevelopment and Tax Abatement Act. The act also validates and confirms governmental acts and proceedings of the district and the district's board of directors that occurred before the effective date of the act.

HOUSE AUTHOR: J. Nixon

SENATE SPONSOR: Lindsay et al.

HOUSE BILL 3597

EFFECTIVE: 6-20-97

House Bill 3597 provides for the creation, administration, powers, duties, operation, and financing of the Parker County Utility District No. 1.

HOUSE AUTHOR: Williamson

SENATE SPONSOR: Sibley

HOUSE BILL 3602

EFFECTIVE: 6-19-97

House Bill 3602 provides for the creation, administration, powers, duties, operation, and financing of the Wintergarden Groundwater Conservation District, composed of Zavala, Dimmit, and La Salle counties.

HOUSE AUTHOR: King et al.

SENATE SPONSOR: Zaffirini

HOUSE BILL 3607

EFFECTIVE: 6-18-97

House Bill 3607 validates certain actions of the Garza County Underground and Fresh Water Conservation District and the district's temporary or initial board of directors taken before the effective date of the act.

HOUSE AUTHOR: Counts

SENATE SPONSOR: Brown

HOUSE BILL 3609

EFFECTIVE: 9-1-97

House Bill 3609 makes changes to the enabling legislation of the Upper Leon River Municipal Water District. The act defines the district's boundaries, provides for staggered three-year terms for the district directors, lists the qualifications of the directors, requires the district to follow provisions of the Water Code in awarding contracts and depositing and investing money, and removes conflicts with the district's enabling legislation and the Interlocal Cooperation Act.

HOUSE AUTHOR: Place

SENATE SPONSOR: Sibley

SENATE BILL 15

EFFECTIVE: 9-1-97

Senate Bill 15 places a cap on the annual tax the Live Oak Underground Water Conservation District may levy to pay for maintenance and operation expenses at a rate not to exceed five cents on each \$100 of assessed valuation.

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Hawley

SENATE BILL 16

EFFECTIVE: 9-1-97

Senate Bill 16 creates the Bee Groundwater Conservation District, composed of all the territory in Bee County, subject to approval at a confirmation election.

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Hawley

SENATE BILL 17

EFFECTIVE: 9-1-97

Senate Bill 17 amends the Health and Safety Code to authorize the board of directors of a county hospital authority to borrow money if funds are not available to meet its obligations and an emergency exists, specifying methods for securing an emergency loan and its minimum maturity if secured by bonds and restricting the expenditure of loan money or bond proceeds to the emergency purpose for which the loan was obtained. The act also allows a board to issue time warrants; to construct, acquire, own, operate, enlarge, improve, furnish, equip, and provide facilities and services to care for the disabled and the elderly; to lease or enter into an operations or management agreement regarding such facilities; to sell, transfer, convey, or close a facility; and to issue revenue bonds, notes, and time warrants to acquire, construct, or improve a facility.

SENATE AUTHOR: Fraser

HOUSE SPONSOR: Place

The act also exempts the sale or closing date of a hospital from provisions authorizing a hospital board to sell property through sealed bids or at public auction.

SENATE BILL 18

EFFECTIVE: 6-17-97

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Danburg

Senate Bill 18 creates the Harris County Improvement District No. 2 for the purpose of promoting and maintaining employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety, and the public welfare in the Richmond Avenue area of Houston. The act provides for the district's boundaries, the terms and powers of the board of directors, and the administration and operation of the district.

SENATE BILL 23

EFFECTIVE: 6-20-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Jackson

Senate Bill 23 clarifies the boundaries of the Clear Creek Watershed Regional Flood Control District, extends by one year the date the initial board of directors must call a confirmation election, and provides that a majority of voters must approve the district's authority to levy and collect an ad valorem tax for maintenance.

SENATE BILL 26

EFFECTIVE: 5-26-97

SENATE AUTHOR: M. Galloway

HOUSE SPONSOR: Williams

Senate Bill 26 authorizes the Town Center Improvement District of Montgomery County to impose a hotel occupancy tax and to issue bonds for improvement projects and services.

SENATE BILL 92

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Gray

Senate Bill 92 authorizes the Bay View Municipal Utility District of Galveston County to install street lighting and assess customers for the cost.

SENATE BILL 199

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Kuempel

Senate Bill 199 amends the Local Government Code to authorize the board of directors of a park and recreation district in a county with frontage on the Guadalupe and Comal rivers to call on a district attorney or criminal district attorney as an alternate source for legal services. It increases from \$10,000 to \$15,000 the amount of a contract the board is authorized to enter into without being subject to public bidding provisions and authorizes the board to bring an enforcement action without posting a bond. The act includes personal watercraft and windsurfers as taxable, water-oriented, recreational equipment and also adds a tax on the initiation and membership fees of any private club or organization that owns and provides water-oriented recreational equipment for its members.

SENATE BILL 209

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Denny

Senate Bill 209 amends the Local Government Code to add new members to the lake planning commissions of Lake Tawakoni and Lake Ray Roberts and to authorize a mayor serving on the planning commission to designate a representative to serve at commission meetings in the mayor's absence.

SENATE BILL 327

EFFECTIVE: 5-19-97

SENATE AUTHOR: M. Galloway

HOUSE SPONSOR: Price

Senate Bill 327 requires the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County to hold meetings at least once a month instead of twice a month.

SENATE BILL 404

EFFECTIVE: 4-17-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Ramsay

Senate Bill 404 reduces the quorum requirement for the board of directors of the Cypress Valley Navigation District from eight members to six members.

SENATE BILL 657

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Siebert

Senate Bill 657 authorizes the creation of an intermunicipal commuter rail district to provide commuter rail service between two municipalities, each of which has a population of more than 450,000, that are located not farther than 100 miles apart. A district is created on passage of a resolution favoring the creation of the district by the governing body of each municipality and by the governing body of each county in which a creating municipality is located. The act allows certain political subdivisions to become part of the district, provides for the creation and membership of a board of directors, establishes the powers and duties of the district, and makes a district a governmental unit subject to review under the Texas Sunset Act. The act also includes provisions relating to bonds and notes, competitive bids, exemption from state and local taxes, transportation infrastructure, and the collection of sales and use taxes.

SENATE BILL 863

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Jackson

Senate Bill 863 amends the Water Code to require any form of precommitment approval to be signed by the executive director of a district or port authority before a purchase is made. The act authorizes the precommitment approval to be in the form of a list of approved routine purchases or contracts signed by the executive director for routine contracts or purchases and requires the list to remain on file in the offices of the district or port authority. The list is required to be approved by the county auditor if any other type of purchase is subject to the approval of a county auditor.

SENATE BILL 899

EFFECTIVE: 6-17-97

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Denny

Senate Bill 899 permits each member or stockholder in water supply or sewer service corporations to have only one vote at the annual membership or stockholders meeting regardless of the number of stock or membership certificates held.

SENATE BILL 921

EFFECTIVE: 6-20-97

SENATE AUTHOR: M. Galloway

HOUSE SPONSOR: Rabuck

Senate Bill 921 authorizes the creation of the East Montgomery County Improvement District and provides that the district may impose a sales and use tax if it is approved by a majority of qualified voters of the district.

SENATE BILL 992

EFFECTIVE: 9-1-97

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Hightower

Senate Bill 992 amends numerous provisions relating to the administration and operation of the Tyler County Hospital District. The act changes the eligibility requirements for members of the board of hospital managers, requires the board to elect a president and vice president and appoint a secretary, and requires the commissioners court to fill a vacancy on the board by

appointment. The board is authorized, rather than required, to appoint an administrator, an assistant administrator, and an attorney and is further authorized to appoint or remove physicians from the staff and to delegate the authority to hire employees to the administrator.

Senate Bill 992 authorizes the district to provide services and facilities to rural health care clinics, outpatient clinics, nursing homes, home health care agencies, extended care facilities, assisted living or personal care facilities, and other types of facilities. The district is authorized to issue revenue bonds and to use bonds to acquire and operate a mobile emergency medical service. The board is also authorized to spend district funds to recruit physicians and other medical personnel, to contract with medical students and health occupations students to serve as employees, and to provide retirement benefits to district employees.

Senate Bill 992 authorizes the board to acquire facilities and equipment by purchase or lease, to use property, facilities, and equipment as security for payment of the purchase price, and to enter into construction, operating, or management contracts relating to hospital facilities. The board may lease hospital facilities and may sell or dispose of property, facilities, and equipment to various entities.

The act authorizes the board to borrow a limited amount of money if funds are not available to meet the obligations of the district and to make investments with district funds. The board is required to seek reimbursement from a county, municipality, or public hospital located outside the district for the treatment of a person to whom those entities have an obligation to provide care, including a person who is confined in a county jail.

The act deletes provisions relating to the collection of district taxes by the county tax assessor-collector and authorizes the board to appoint a district tax assessor-collector or contract for those services. The act also provides for the dissolution of the hospital district by a majority of voters in an election and for the transfer or sale of property, assets, and obligations if the district is dissolved.

SENATE BILL 1137

EFFECTIVE: 6-20-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hilderbran et al.

Senate Bill 1137 adds a new section to the Water Code authorizing the board of a municipal utility district (MUD) located in the extraterritorial jurisdictions (ETJs) of more than one municipality to choose which municipality will exercise authority over the entire MUD. The board must make the selection by a resolution containing an effective date on which the MUD will be contained wholly within the selected ETJ and must file the resolution with each affected municipality and with each county in which the district is located. The act also stipulates that no action or approval is required by a municipality not selected.

Senate Bill 1137 does not apply to MUDs located in the ETJ of a municipality with territory in three or more counties.

SENATE BILL 1175

EFFECTIVE: 6-11-97

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Bosse

Senate Bill 1175 amends the Water Code to establish recall election procedures to remove a member of the board of directors of a municipal utility district.

SENATE BILL 1277
EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio
HOUSE SPONSOR: Bosse

Senate Bill 1277 amends the Health and Safety Code to require a municipality that annexes a portion of an emergency services district to compensate the district for the annexed territory's pro rata share of the district's indebtedness at the time the territory is annexed. Previous law authorized the district to continue to levy taxes on the territory until the area's share of the district's debt was paid. In addition, upon request by the district, the municipality is required to purchase any real or personal property used by the district in the annexed territory.

Senate Bill 1277 establishes procedures for competitive bids for certain items and services, requires the district to file an annual report with the secretary of state, authorizes the district to charge a reasonable fee for performing an emergency service, and provides for the compensation of the commissioner. Senate Bill 1277 also changes the date that an emergency services or rural fire prevention district is required to file an annual audit report with the commissioners court.

SENATE BILL 1316
EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: Krusee

Senate Bill 1316 adds a new section to the Water Code to authorize a water district director to elect to receive a per diem of \$100 for each day the director actually spends performing the duties of a director. The act limits the total of per diems received to \$6,000, except for certain special water authority directors, and requires that a director file with the district a general description of the duties performed for each day of services in order to receive the per diem.

SENATE BILL 1425
EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Horn

The County Development District Act authorizes counties with a population of 400,000 or less to create county development districts, supported by sales and use taxes, to diversify the economy through the attraction of tourists and visitors. Creation is initiated by petition, requires a feasibility finding by the county commissioners court, and is contingent on a confirmation election.

Senate Bill 1425 amends that act to make the calling of an election discretionary. The new law also provides for payment of costs by a petitioner and for submission to the attorney general of election proceedings in elections with low turnout.

SENATE BILL 1450
EFFECTIVE: 6-20-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Allen

Senate Bill 1450 permits the Dallas County Flood Control District No. 1 to exempt certain property from taxation for up to 30 years and permits the district to enter into a tax abatement agreement containing terms that are different from other tax abatement agreements covering the same property.

SENATE BILL 1582
EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Kuempel

Senate Bill 1582 creates the Guadalupe County Groundwater Conservation District, composed of all the territory in Guadalupe County, subject to approval at a confirmation election.

SENATE BILL 1622

EFFECTIVE: 6-17-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett et al.

Senate Bill 1622 provides for the creation of the Lubbock Reese Development Authority, on affirmative vote of the governing body of the City of Lubbock and the commissioners court of Lubbock County. The authority succeeds the Lubbock Reese Redevelopment Authority Corporation and has power to accept title to certain properties situated in Reese Air Force Base. The bill establishes the powers and duties of the authority, including the exercise of various property management functions and certain economic development functions.

SENATE BILL 1623

EFFECTIVE: 6-11-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 1623 allows the board of managers of the Lubbock County Hospital District to provide office space, equipment, supplies, and services for the use of the county medical examiner's office for medical, hospital, and other purposes not related to criminal investigation.

SENATE BILL 1656

EFFECTIVE: 5-31-97

SENATE AUTHOR: Truan

HOUSE SPONSOR: Rangel

Senate Bill 1656 authorizes the dissolution of the Sebastian Municipal Utility District and the transfer of certain of its assets and its obligations.

SENATE BILL 1674

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Keel et al.

Senate Bill 1674 applies to a county with a population of more than 100,000. It authorizes the creation of a library district, limited in territory to not more than one county, serving areas outside cities with municipal libraries. A library district is funded by a sales and use tax of one-eighth, one-fourth, three-eighths, or one-half of one percent, as approved by voters in the district's confirmation election. However, a district's tax rate may not cause local sales and use taxes anywhere in the district to exceed a total of two percent. The act authorizes a district to impose necessary fees or charges for the provision of services. It requires a new election for any district expansion.

SENATE BILL 1750

EFFECTIVE: 5-26-97

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Danburg et al.

Senate Bill 1750 creates the Upper Kirby Management District in Houston. The act names an initial board of directors and provides for subsequent appointment of directors in the same manner as for municipal management districts. The district has as its purpose to provide supplemental governmental services, including promotion of public transportation and pedestrian facilities, provision of public art and landscaping, encouragement of commercial development and commercial areas, and funding to maintain the area's vitality as a community and business center. It has specified contracting and project management powers and the powers of a municipal management district and housing finance corporation. Subject to approval at an authorization election, the district may impose ad valorem maintenance taxes on property. It may also impose assessment and impact fees and issue bonds, notes, or other debt obligations. The district may create a nonprofit corporation toward the implementation of a project or the provision of a service. All or any part of the district is eligible to be included in a tax incremental reinvestment zone.

SENATE BILL 1793

EFFECTIVE: 6-18-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hilderbran

Senate Bill 1793 authorizes the Upper Guadalupe River Authority to borrow money for any corporate purpose and the board of directors to borrow money without election on negotiable notes of the authority to be paid only from specified revenues. The act limits the amount of a note issued to \$1 million and specifies the maximum maturity period and interest rate.

SENATE BILL 1824

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Haggerty

Senate Bill 1824 amends the Health and Safety Code to authorize the El Paso County Hospital District and a medical school to establish and operate an integrated health care system to provide or arrange for comprehensive health care services. Subject to the requirements and limitations of the local health care market, the system is required to make reasonable efforts to include in its provider group community providers other than the medical school and a hospital of the El Paso County Hospital District.

SENATE BILL 1829

EFFECTIVE: 5-26-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett

Senate Bill 1829 authorizes the dissolution of the San Elizario Grant Municipal Utility District and transfers its territory, assets, and liabilities to the Lower Valley Water District.

SENATE BILL 1830

EFFECTIVE: 5-26-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett

Senate Bill 1830 authorizes the inclusion of the territory of the town of Clint in the Lower Valley Water District.

SENATE BILL 1865

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: R. Lewis

Senate Bill 1865 amends the Water Code to make technical corrections and clarifications to provisions relating to the administration, management, operation, and authority of water districts.

SENATE BILL 1878

EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Krusee

Senate Bill 1878 amends the Water Code to authorize certain municipal utility districts to repair and maintain streets and to issue bonds for that purpose.

SENATE BILL 1879

EFFECTIVE: 5-20-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Krusee

Senate Bill 1879 allows the Lower Colorado River Authority to provide water services in Williamson County and establishes limitations on the areas in the county and in the watershed of the Brazos River that the authority may serve.

SENATE BILL 1888

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Jackson

Senate Bill 1888 repeals certain sections of the Local Government Code pertaining to the dissolution and termination of special districts and adds a provision to establish a mechanism for the dissolution of a special district located in more than one municipality.

SENATE BILL 1899

EFFECTIVE: 9-1-97

Senate Bill 1899 provides for the creation, administration, powers, duties, operation, and financing of the Pine Island Bayou Stormwater Control District, composed of territory in Jefferson, Hardin, and Liberty counties. The act also authorizes the district to issue bonds, levy taxes, and execute the power of eminent domain.

SENATE AUTHOR: M. Galloway

HOUSE SPONSOR: Zbranek

SENATE BILL 1942

EFFECTIVE: 6-19-97

Senate Bill 1942 provides for the creation, administration, powers, duties, operation, and financing of the Culberson County Groundwater Conservation District.

SENATE AUTHOR: Madla

HOUSE SPONSOR: Gallego

SENATE BILL 1943

EFFECTIVE: 9-1-97

Senate Bill 1943 validates the creation and certain actions of the Comal County Fresh Water Supply District No. 1.

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Kuempel

SENATE BILL 1949

EFFECTIVE: 6-20-97

Senate Bill 1949 establishes guidelines regarding the powers, duties, administration, financing, and operation of the Falcon's Lair Utility and Reclamation District, located in the city of Mesquite. The act also authorizes the district to issue bonds for improvement projects or services.

SENATE AUTHOR: Carona

HOUSE SPONSOR: E. Reyna

GOVERNMENT—STATE

HOUSE BILL 99

EFFECTIVE: Vetoed

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Armbrister

House Bill 99 amends the Government Code to replace the disaster contingency fund with the disaster management fund, a trust fund to be administered by the Texas Treasury Safekeeping Trust Company. The act transfers unencumbered money from the abolished disaster contingency fund to the newly designated disaster management fund. The act imposes a temporary annual assessment of one-thirtieth of one percent of gross receipts on each public utility and municipally owned electric utility serving the ultimate consumer, with the assessment to be collected by the comptroller and deposited in the disaster management fund. The assessment ends September 1, 2000.

The act exempts from the assessment investor-owned electric utilities that have been reorganized through federal bankruptcy court. The fund provides money for the cost of disaster relief programs that exceed the amounts appropriated by state and local agencies and may be used only for that purpose. However, the governor is authorized to allocate portions of the fund to assist in paying for certain administrative expenses, emergency management training, and statewide notification services.

House Bill 99 authorizes the governor to assist localities and political subdivisions by requesting federal assistance, making grants to individuals and families in an undeclared disaster or in a declared disaster when no disaster relief is provided for such purposes, and allocating disaster management funds for post-disaster infrastructure repair, hazard mitigation, and general cleanup.

HOUSE BILL 101

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Armbrister

House Bill 101 adopts the Emergency Management Assistance Compact, providing for interstate mutual assistance in managing emergencies or disasters declared by the governor of a party state. Applicable emergencies include those arising from natural disaster, technological hazard, man-made disaster, civil emergency, aspects of resources shortages, community disorders, insurgency, or enemy attack. The compact includes a provision for the deployment to other states of National Guard troops through mutual agreement or a separate compact. However, it does not authorize the use of military force by National Guard troops outside the donating state, except for situations in which the president may call the militia into federal service or those in which use of the army and air force is legally allowable. A donating state may reserve to itself whatever resources are necessary to remain behind to provide reasonable internal protection.

HOUSE BILL 160

EFFECTIVE: Vetoed

HOUSE AUTHOR: Rodriguez et al.

SENATE SPONSOR: Madla

House Bill 160 creates the apprenticeship and training advisory committee with 15 members, representing industry, labor, and educators, appointed by the executive director of the Texas Workforce Commission and removes from the Texas Council on Workforce and Economic Competitiveness the responsibilities formerly exercised by an apprenticeship and training advisory committee that was abolished by the 74th Legislature. The act requires the committee to meet twice a year to recommend and evaluate a statewide plan to develop a comprehensive apprenticeship program.

HOUSE BILL 212

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Brown

Under current law, the Texas Radiation Advisory Board advises the Texas Department of Health on matters relating to development, use, and regulation of sources of radiation. House Bill 212 amends the Health and Safety Code to add the Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies to the list of agencies the board is required to advise. A state agency receiving recommendations or advice from the board is required to consider the advice and provide a written response to the board.

HOUSE BILL 213

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Brown

Under current law, the Texas Radiation Advisory Board is required to provide technical advice to the Texas Department of Health and review department rules and guidelines relating to the development, use, and regulation of sources of radiation. House Bill 213 requires the board to provide such assistance to any agency that is involved in the regulation of sources of radiation. In addition, the act changes the composition of the board to include three, rather than two, public members and to require certain credentials of specific board members. It also amends the procedures through which the board may call special meetings.

HOUSE BILL 629

EFFECTIVE: 6-19-97

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Cain

House Bill 629 repeals a recruitment provision for the Texas Alcoholic Beverage Commission contained in the Alcoholic Beverage Code. The repealed provision required that all positions at the commission be open to applicants both within and outside the commission.

HOUSE BILL 726

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Carona

House Bill 726 amends the Government Code to authorize the Texas Historical Commission to accept funds or services from a volunteer or volunteer group to promote its work. The bill also authorizes the commission to participate in an affiliated nonprofit organization whose purpose is to raise funds or provide services or benefits to the commission.

HOUSE BILL 733

EFFECTIVE: Vetoed

HOUSE AUTHOR: Raymond

SENATE SPONSOR: Shapleigh

House Bill 733 amends State Purchasing and General Services Act provisions relating to leasing space in state-owned buildings to private tenants and certain governmental entities. The act requires the General Services Commission to include in its master facilities plan an inventory of all state-owned space available for private lease, determine the feasibility of leasing to private tenants, and examine the extent to which leasing maximizes building use. The commission may not include contract provisions in a private lease that diminishes the value of lease space of neighboring private property.

House Bill 733 authorizes state agencies with charge and control of state buildings to enter into lease agreements with federal entities, state entities, and political subdivisions of the state. The act removes some limitations on the amount, location, and use of leased space and extends to state agencies with management control of state buildings authority to determine the amount of lease space available and the types of tenant activities allowed. The act also provides

immunity from liability for the commission in relation to a private tenant lease, establishes provisions for short-term leases, and provides for half of the money from short-term leases to be deposited in the general revenue fund.

In addition, House Bill 733 establishes a pilot program for leasing state-owned parking facilities in the city of Austin in the area around the 4th Street entertainment district. The commission is required to contract with a private parking vendor to manage the commercial use of state-owned parking facilities, pilot program proceeds go to the general revenue fund, and state employees who work other than regular office hours retain their parking privileges. The pilot program is exempt from the 15 percent cap placed on private lease space in state-owned facilities.

HOUSE BILL 996**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hunter et al.**SENATE SPONSOR:** Shapiro

House Bill 996 amends the Government Code to direct that the records of an abolished municipality or special district, other than a school district, go to the General Services Commission rather than the Texas State Library and Archives Commission. Costs of the transfer are to be paid from remaining funds of the local government, if any, or otherwise from the funds of the General Services Commission. The act provides for the transfer of existing records of this nature from the Texas State Library and Archives Commission to the General Services Commission.

HOUSE BILL 1062**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hunter et al.**SENATE SPONSOR:** Shapiro

House Bill 1062 amends the Government Code to allow the Texas State Library and Archives Commission to obtain from the Department of Public Safety criminal history record information relating to an employee, or an applicant for employment, in a security-sensitive position with the commission. Once obtained, such information may not be disclosed except by court order or the consent of the individual to whom it pertains. The commission must destroy the information after using it to make an employment decision or take a personnel action.

HOUSE BILL 1077**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Telford**SENATE SPONSOR:** Armbrister

House Bill 1077 amends the Texas Public Finance Authority Act to continue the Texas Public Finance Authority until September 1, 2009. The act places bond-issuing authority for the Texas Low-Level Radioactive Waste Disposal Authority, Midwestern State University, Stephen F. Austin State University, and Texas Southern University under the Texas Public Finance Authority and directs the authority to develop an orientation to the obligations issuance process for its client agencies.

HOUSE BILL 1107**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Telford**SENATE SPONSOR:** Moncrief

House Bill 1107 reauthorizes the State Preservation Board with a new sunset date of 2007. The act authorizes the board to develop and construct a state history museum to be located in the Capitol Complex. House Bill 1 approves related bond issuance by the Texas Public Finance Authority and makes an appropriation for initial debt service payments for FY1998 and FY1999.

The act authorizes the governor, lieutenant governor, and speaker of the house to designate representatives to act and vote on their behalf during board meetings. It exempts the board from certain purchasing laws and authorizes the executive director to approve certain purchases and leases for costs not in excess of \$15,000. The act grants the board additional discretion in spending revenue derived from food service vendors, souvenir shop operators, and news media representatives located on the Capitol grounds. The appointment of a Capitol architect becomes discretionary, as well.

The act requires the state auditor to review annually the executive director's report on the Capitol fund. The auditor may conduct economy and efficiency audits and effectiveness audits and may audit the transactions, funds, and programs of the board. A temporary provision directs the state auditor to perform a comprehensive audit of such transactions, funds, and programs and to report findings to the board and the Legislative Audit Committee by December 1, 1998.

HOUSE BILL 1133

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Lindsay

House Bill 1133 amends the Water Code and the Health and Safety Code to consolidate certain Texas Natural Resource Conservation Commission reporting requirements for regulatory actions into the agency's biennial report. The act also sets forth guidelines regarding enforcement action reports and removes certain reporting requirements relating to solid and hazardous waste and releases and corrective actions for underground storage tanks.

HOUSE BILL 1209

EFFECTIVE: See below

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Ellis

House Bill 1209 amends the Government Code to authorize the comptroller to combine multiple invoices into a single warrant. The comptroller may allow or require scheduling or advance scheduling of payments by agencies. Those provisions take effect September 1, 1997.

Effective September 1, 1998, the act eliminates discretion and exceptions and requires the comptroller to use electronic funds transfers for all payments to vendors doing business with the state.

Effective September 1, 1999, the act directs the comptroller to compute and pay the interest owed by an agency on overdue amounts at the time of making payment on the principal or of the net amount due. The act eliminates requirements that a vendor petition or present claims for payment of interest.

HOUSE BILL 1216

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Edwards et al.

SENATE SPONSOR: J. Patterson

House Bill 1216 establishes the Texas Emancipation Juneteenth Cultural and Historical Commission to establish a Juneteenth memorial monument in commemoration of the June 19, 1865, reading of the proclamation that freed Texas slaves. The commission is charged also with coordinating state and local activities relating to the celebration of Juneteenth. Members include six appointees of the governor, two senators, two representatives, and the executive director of the Texas Historical Commission. The act provides for a sunset date of 2001.

HOUSE BILL 1428

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Stiles et al.

SENATE SPONSOR: M. Galloway

House Bill 1428 creates the Spindletop Centennial Celebration Commission to encourage and advertise activities relating to the celebration of the 100th anniversary of the discovery of the Spindletop Oil Field. The commission is abolished effective March 31, 2002, after completion of its work and the filing of a final report with the secretary of state.

HOUSE BILL 1445
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray
SENATE SPONSOR: Armbrister

House Bill 1445 amends the Texas Racing Act to continue the Texas Racing Commission until 2005. The act transfers the responsibility for promoting horse and greyhound racing from the commission to the Texas Department of Commerce and expands the duties of the racing commission with regard to the oversight and enforcement of rules governing pari-mutuel racing.

House Bill 1445 revises criminal offenses and penalties under the Texas Racing Act and provides that licensees and persons entering track facilities consent to be searched for prohibited devices, substances, and contraband. The act requires the commission to revoke, or otherwise discontinue, a license for a violation of the act or a commission rule and requires the adoption of rules prohibiting activities that unlawfully influence the outcome of a race. The commission is granted rulemaking authority to remedy inappropriate or unsafe conditions at a racetrack or greyhound farm or facility through increased inspection and enforcement activities relating to construction, renovation, and maintenance of a racing facility. The commission is also to restrict the use of automatic teller machines at racetracks by placing a \$200 limit on the amount of money that can be withdrawn from an individual's checking account. The act changes the number of Class 1 racetracks from 4 to 3.

The act revises the commission's structure to no longer require separate greyhound and horse racing sections for rulemaking. Stewards and judges are required to be employees of the commission for the purpose of greater accountability. The percentage of the simulcast pari-mutuel pool originally distributed to the Texas Commission on Alcohol and Drug Abuse is set aside to reimburse the general revenue fund for the racing commission's debt. The commission is required to charge licensees for the cost of a criminal history check.

The act eliminates the prohibition on cross-species simulcasting, establishes procedures for simulcast agreements between horse and greyhound racetracks, and specifies the amount of money set aside for purses and other disbursements from pari-mutuel and cross-species simulcast pools. The act also authorizes commissioners of county courts to order an election to approve pari-mutuel wagering on simulcast horse and greyhound racing. In addition, it authorizes the lieutenant governor to create a senate interim committee to study the overall performance and growth of horse racing in the state.

HOUSE BILL 1520
EFFECTIVE: 5-19-97

HOUSE AUTHOR: Berlanga
SENATE SPONSOR: Harris

House Bill 1520 amends the Health and Safety Code to authorize the Texas Department of Health to secure patents, copyrights, trademarks, and other protections of intellectual property developed by the department and to market and secure appropriate compensation for such property. The act establishes that it is not a violation of state law for an employee of the department who develops intellectual property to profit from the exploitation of the property, subject to the approval of the commissioner of health, and the commissioner is required to institute intellectual property policies for the department.

HOUSE BILL 1556
EFFECTIVE: 5-31-97

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Armbrister

House Bill 1556 amends the Information Resources Management Act to require each state agency in the executive and judicial branches of government, including university systems and institutions of higher education, to establish an Internet electronic mail address. An agency may publish the address and use electronic mail to communicate with the public.

HOUSE BILL 1653

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wise

SENATE SPONSOR: Gallegos

House Bill 1653 amends the Government Code to require that a state agency publication clearly and conspicuously reflect, at or near the beginning of the publication, the date it is produced or initially distributed.

HOUSE BILL 1673

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Hunter et al.

SENATE SPONSOR: Shapiro

House Bill 1673 amends the Government Code to authorize members of the Texas State Library and Archives Commission to receive a per diem, as provided by the General Appropriations Act, for attendance at commission meetings.

HOUSE BILL 1805

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Armbrister

House Bill 1805 requires the Department of Information Resources, in cooperation with the comptroller and General Services Commission, to provide training to state agency personnel in negotiating contracts for the purchase of information resource technologies. The act directs the department to evaluate methods by which the California Franchise Tax Board purchases and structures contracts for such technologies.

Other provisions direct the General Services Commission to phase in, on the World Wide Web or a successor system, the electronic public availability of catalogue information on goods and services of qualified information system vendors. The commission is responsible for supporting databases and indexing functions and must require each such vendor to maintain a home page on the web or an analogous feature on any successor system. The act directs the comptroller, in cooperation with other appropriate state agencies, to evaluate the merits of catalogue procurement for additional types of goods and services beyond automated information systems.

HOUSE BILL 1811

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter et al.

SENATE SPONSOR: Shapiro

House Bill 1811 adds a subchapter to the Government Code to establish the Texas Historical Records Advisory Board. The board serves as the central advisory body for historical records planning and projects that are funded by the National Historical Publications and Records Commission and implemented in Texas.

HOUSE BILL 1812

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter et al.

SENATE SPONSOR: Shapiro

House Bill 1812 consolidates, clarifies, and updates laws relating to state records and archives. It expands the scope of such laws to include certain public corporations created by the legislature. Other new provisions define archival state records as records of enduring value to be preserved on a continuing basis by the Texas State Library and Archives Commission or another state agency. Archival records held by other agencies are to be maintained in accordance with rules of the commission, and the act prohibits the transfer of such records between agencies, except with the consent of the director and librarian of the commission. It authorizes the commission to restrict access to an original archival state record if access would compromise the continued survival of the record. The act allows the governor, in consultation with the commission, to designate an institution of higher education or an alternate archival institution as a repository for that governor's executive office records. Such an arrangement must be recorded with the commission through a memorandum of understanding, deposit agreement, or other appropriate documentation.

HOUSE BILL 2018
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey
SENATE SPONSOR: Ellis

House Bill 2018 adds a new section to the Government Code regarding space allocation plans and transition plans for colocation of state agency administrative offices. The act provides certain requirements for the General Services Commission regarding evaluation of state agency administrative space needs, review of agency plans for colocation possibilities, and development of transition plans for the colocation of administrative facilities. In addition, House Bill 2018 establishes various reporting requirements for the commission and state agencies regarding space allocation and use.

HOUSE BILL 2119
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bosse
SENATE SPONSOR: Madla

House Bill 2119 amends the Health and Safety Code to provide for the continuation of the Texas Commission on Alcohol and Drug Abuse until 2009. It requires the commission to develop a statewide plan for services; to include local public participation in regional funding decisions; and to establish a funding system to maximize the range of services, provide reasonable geographic access to services, and award contracts to providers who offer the highest quality of service at the lowest cost. House Bill 2119 requires the commission to clearly define certain elements in each contract for services, to use a risk-assessment methodology to monitor compliance with contract requirements, and to provide clear and consistent technical assistance to service providers. The act directs the commission to study the use of a unit rate reimbursement method for the procurement of services and to adopt such a method if it is shown to be the most cost-effective means for providing the highest quality of services.

House Bill 2119 provides for the assessment of an administrative penalty for a violation of requirements for licensure as a chemical dependency counselor and extends the term of commission members from two to six years, providing for staggered terms. The act directs the Texas Sunset Commission, in conjunction with its review of health and human services agencies for presentation to the 76th Legislature, to study whether the commission's treatment programs should be transferred to the Texas Department of Mental Health and Mental Retardation and to consider the results of the study in developing its recommendations. It also updates sections relating to sunset recommendations that are applied to all agencies.

HOUSE BILL 2126
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey
SENATE SPONSOR: Shapleigh

Under previous law, the Texas Department of Human Services employed at the discretion of the commissioner an evaluation team to conduct research on the department's programs. House Bill 2126 amends the Human Resources Code to require the department to conduct such research and evaluation on an ongoing basis. The department is authorized to contract with a private entity for assistance.

HOUSE BILL 2380
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Siebert
SENATE SPONSOR: Carona

House Bill 2380 abolishes the State Depository Board and transfers its responsibilities to the comptroller. It abolishes also the Uniform Statewide Accounting Project Advisory Committee, the Electronic Data Base Advisory Committee, the Energy Advisory Committee, the Egg Marketing Advisory Board, the Runnels County Water Authority, the Rio Grande

Valley Municipal Water Authority, and the Rio Grande Valley Pollution Control Authority. Other provisions relate to the disposition of records, property, and assets and the treatment of any continuing obligations or indebtedness.

HOUSE BILL 2424

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Puente

SENATE SPONSOR: Wentworth

House Bill 2424 adds a section to the State Lottery Act providing for the deduction of child support payments from lottery winnings that are to be paid in periodic installments. If the executive director of the Texas Lottery Commission has a certified copy of a court order, writ, or notice of child support lien, the commission is required to deduct the amount owed and pay the balance of the award, if any, to the winner. The court order must direct that child support payments be paid in the same manner as the periodic installment prize. The executive director must transfer the money deducted to the court that ordered the child support payment, and the commission is required to adopt certain rules relating to carrying out these provisions.

House Bill 2424 provides for the deduction of delinquent taxes, child support payments, or payment of student loans in default from compensation paid to a lottery ticket sales agent. The act also requires the executive director to deduct from a person's winnings delinquent taxes owed to the Texas Workforce Commission.

HOUSE BILL 2491

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Ratliff

The 73rd Legislature established a program to allow contributions to charitable organizations by state employees through a payroll deduction plan. House Bill 2491 amends the Government Code to allow an exemption for public junior colleges whose governing boards decide against participation in the state program.

An employee of a public junior college that elects not to participate in the state employee charitable contribution program may authorize a payroll deduction for a charitable contribution as provided by governing board policy.

HOUSE BILL 2493

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Shapleigh

House Bill 2493 requires the Texas Department of Licensing and Regulation to inspect, before state occupancy, buildings leased by the state for compliance with certain regulations regarding access by persons with mobility impairments and directs the General Services Commission to cancel a lease unless a building is brought into compliance with applicable standards. The act also subjects a facility or building occupied by the Texas Rehabilitation Commission to standards that apply to a building occupied by a state agency that extends direct services to persons with mobility impairments.

HOUSE BILL 2512

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Shapiro

House Bill 2512 amends the Government Code to authorize the Texas State Library and Archives Commission to participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds or provide services or benefits to the commission.

HOUSE BILL 2577
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hill et al.
SENATE SPONSOR: Lucio

House Bill 2577 amends Government Code provisions relating to the powers, functions, and duties of the Texas Department of Housing and Community Affairs and the renamed Texas State Affordable Housing Corporation. The act expands the purposes of the department to include preservation of subsidized housing occupied by very low and extremely low income families, adds a community development division to the department, and requires the department to administer federal funds to benefit the homeless. The annual report is renamed the annual low income housing report and is required to address housing activities and low income housing tax credits and to include recommendations regarding the Neighborhood Partnership Program. The department must meet certain requirements in preparing and adopting the annual plan and report and is required to make certain information available on the Internet.

The act requires the department's housing finance division to administer all federal housing funds and makes changes to the duties of the department related to housing finance division programs. The act adds counties and for-profit corporations to the list of entities and organizations the housing finance division is required to work with, requires disclosure of fees and other information relating to loan, grant, or assistance applications, adds investment and other income to the housing trust fund, and adds requirements regarding the amounts of housing trust funds to be distributed among nonprofit, for-profit, and other entities.

House Bill 2577 adds other obligations, including contracts for deeds, to those instruments the department is authorized to purchase, provides the department limited authority to reconstruct and manage real property, adds requirements for allocating bonding authority among types of projects and between rural and metropolitan areas, and establishes other requirements for qualified Section 501(c)(3) organizations regarding housing projects. The act requires the department to develop and implement a statewide homebuyer education program and a tenant services program.

The act renames the Texas Housing Corporation the Texas State Affordable Housing Corporation, redefines its purposes, and establishes membership of the board of directors. The act specifies the corporation's powers, which include engaging in mortgage and lending transactions and holding property, and requires an annual audit. The board is required to provide the public with an opportunity to appear and speak on an issue, and the corporation is exempted from taxation.

The act moves the temporary emergency relief program from the Human Resources Code to the Government Code. House Bill 2577 requires the department to administer a low income housing tax credit program and establishes program requirements. Finally, the act authorizes a municipality to issue notes and other obligations to further approved community development programs.

HOUSE BILL 2600
EFFECTIVE: 9-1-97

HOUSE AUTHOR: King
SENATE SPONSOR: Lucio

House Bill 2600 amends the Government Code to authorize the comptroller to secure the collection of delinquent obligations that are not collected through normal collection procedures and do not meet the guidelines for collection by the attorney general. A proposed contract must be reviewed by the attorney general and may include a collection fee computed on the amounts collected. The act directs the comptroller and the attorney general, with participation by representatives of state agencies that are owed significant amounts, to identify the best procedures for collecting delinquent obligations, to examine means to reduce the time and cost of collection, and to evaluate the benefits and drawbacks of centralized collection.

HOUSE BILL 2768
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goolsby
SENATE SPONSOR: Carona

House Bill 2768 amends the Bingo Enabling Act and the Government Code, including the State Lottery Act, to clarify that records of the Texas Lottery Commission are subject to open inspection except as otherwise provided by law.

HOUSE BILL 2779
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell
SENATE SPONSOR: Shapiro

House Bill 2779 amends the Government Code to require the attorney general to defend a local community supervision and corrections department in a suit for injunctive, declaratory, or monetary relief brought against it for any action not covered by an indemnification policy, unless the action is brought by the state or another political subdivision. The attorney general is prohibited from defending a department or its employees in cases in which a person under supervision challenges the fact or duration of the supervision.

HOUSE BILL 2841
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Stiles et al.
SENATE SPONSOR: Sibley

House Bill 2841 amends various statutes to make conforming changes reflecting the abolishment of the state treasurer's office and transfer of the treasurer's duties to the comptroller.

HOUSE BILL 2848
EFFECTIVE: 6-17-97

HOUSE AUTHOR: Berlanga et al.
SENATE SPONSOR: Truan

House Bill 2848 amends the Antiquities Code of Texas to authorize the Texas Historical Commission to contract with a qualified institution to serve as a repository of artifacts in the custody of the commission. The bill designates the Corpus Christi Museum of Science and History as the repository for marine artifacts, but provides for the museum's loan of such artifacts to other qualified institutions, clarifies that the museum does not own the marine artifacts it holds as a repository, and allows the commission to contract with additional institutions to serve as repositories of marine artifacts. The commission may also authorize an archeological repository to loan artifacts and curated items to a qualified institution for public display.

HOUSE BILL 2877
EFFECTIVE: 6-2-97

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Barrientos

House Bill 2877 amends the Texas Public Finance Authority Act to add to the list of special projects approved for financing the facilities associated with the relocation of the State Aircraft Pooling Board and the acquisition and development of acreage at Robert Mueller Municipal Airport for a state complex and sets a maximum cost for the new projects.

HOUSE BILL 2906
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wolens
SENATE SPONSOR: Ratliff

House Bill 2906 relieves the state auditor of various review and reporting requirements in the fields of education, transportation, insurance, economic development, and agriculture or makes their performance discretionary. Among other changes, the act deletes a requirement that the Texas Department of Commerce prepare and submit to the auditor a biennial cost-benefit analysis of the enterprise zone program. It likewise eliminates the auditor's review of the cost-benefit report of the Texas Agricultural Finance Authority and replaces that report with the use of the General Appropriations Act or other performance measures by which to evaluate the authority's loan programs.

The act entitles the auditor to obtain criminal history information of the Department of Public Safety for certain purposes and clarifies and revises penalty provisions relating to interference with an audit or investigation. It makes state agency administrators responsible for reporting to the auditor perceived illegal conduct or misuse of state money. Audited agencies and entities must report on how they have addressed recommendations of the auditor's office and may employ private auditors only if procured competitively and authorized by law or by a delegation of authority from the auditor. Those that do not implement recommendations of the auditor must file with the governor, the lieutenant governor, the speaker of the house, and others reports explaining why. The act eliminates the auditor's execution of a bond as a qualification for office and exempts certain draft audit reports from the open records law. Additional provisions limit the applicability of the Texas Internal Auditing Act to the executive branch and make other modifications to internal auditing requirements.

HOUSE BILL 3231**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Swinford**SENATE SPONSOR:** Brown

House Bill 3231 amends the Water Code and the Health and Safety Code to provide for administrative and procedural changes to consolidate the Texas Natural Resource Conservation Commission's accounting structure and method of finance. The act consolidates various fee revenues received by the commission into one major account for the three program areas of air quality, water resources, and waste management. The act also consolidates certain fees into a dedicated account for occupational licensing and professional certification.

HOUSE BILL 3250**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hartnett**SENATE SPONSOR:** Wentworth

House Bill 3250 amends the Health and Safety Code to create a Texas Department of Health "animal friendly" account to provide grants to eligible organizations providing free or low-cost animal sterilization to the public. The account is to be composed of gifts, grants, donations, legislative appropriations, and fees from the sale of specially designed license plates. The act requires the commissioner of public health to appoint an animal friendly advisory committee. House Bill 3250 also amends the Transportation Code to require the Texas Department of Transportation to issue "animal friendly" license plates for passenger cars and light trucks.

HOUSE BILL 3279**EFFECTIVE:** 6-20-97**HOUSE AUTHOR:** Counts**SENATE SPONSOR:** Duncan

House Bill 3279 grants the Texas Workers' Compensation Commission the authority to charge a reasonable fee for making available for inspection information that contains confidential information that must be redacted before its release.

HOUSE BILL 3367**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Junell**SENATE SPONSOR:** Lindsay

House Bill 3367 repeals a section of the Government Code that limits the General Services Commission's authority to hold title to state buildings and property located only in Austin. The change allows the commission to hold title to state buildings and property located outside Austin.

In addition, the act amends the Government Code to stipulate that existing provisions for the naming of state buildings apply only to facilities that will be used by a state agency as a state or regional headquarters and establishes procedures for the naming of a state building that will be used by a state agency as a local headquarters.

HOUSE BILL 3368

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Shapiro

House Bill 3368 amends the Government Code to authorize the General Services Commission to consider construction of a new building as an alternative to acquiring an existing building to meet the space needs of one or more state agencies in a county in which the state leases 50,000 square feet or more of space. The act also allows the commission to acquire space other than office space.

HOUSE BILL 3380

EFFECTIVE: Vetoed

HOUSE AUTHOR: Counts

SENATE SPONSOR: Lucio

House Bill 3380 adopts the National Guard Mutual Assistance Counter-drug Activities Compact for purposes of interstate cooperation to curtail the supply of illegal drugs, prevent drug abuse, and reduce the demand for illegal drugs. The compact gives a governor discretionary authority to respond to requests from a governor of another party state, if the National Guard is not already called into federal service, by sending all or part of guard forces outside the state and placing them under the temporary operational control of the military authorities of the requesting state. The compact and legislation provide for related agreements with other law enforcement agencies operating inside Texas, including federal agencies, and with the national guards of other states. The attorney general must approve any such agreements. Other provisions of the compact deal with issues of immunity, liability, reimbursement, compensation, benefits, and constitutional severability, as well as additional matters.

HOUSE BILL 3576

EFFECTIVE: See below

HOUSE AUTHOR: Stiles

SENATE SPONSOR: Armbrister

House Bill 3576, anticipating new postal rates and regulations, amends the Government Code to override certain statutory restrictions relating to state agency mail services. Notwithstanding other law, it allows an agency to use any address change update service approved by the United States Postal Service for purposes of obtaining postal discount rates, and to use any form of mailing service available from the postal service if costs can be lowered while maintaining acceptable levels of accountability, timeliness, security, and service quality. The act directs the General Services Commission to provide information and assistance to state agencies regarding mailing service options. The address change provision takes effect June 19, 1997, and the mailing service provision takes effect July 1, 1997. The General Services Commission directive takes effect September 1, 1997.

SENATE BILL 67

EFFECTIVE: 5-27-97

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: Gallego

Senate Bill 67 amends the Government Code to eliminate the provision authorizing the Texas Department of Criminal Justice to bypass purchasing procedures developed under the State Purchasing and General Services Act and directly purchase certain items for agricultural or industrial production.

SENATE BILL 84**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Moncrief et al.**HOUSE SPONSOR:** Junell et al.

Senate Bill 84 amends the Health and Safety Code to abolish the Texas Board of Nursing Facility Administrators and transfer the functions, property, and unexpended funds of the board to the Texas Department of Human Services (department). All property, employees, and unexpended funds of the Texas Department of Health formerly employed in the licensing and regulation of nursing facility administrators also are transferred to the department, and the department is established as the licensing agency for the healing arts for purposes of federal law. A Nursing Facility Administrators Advisory Committee is created to advise the Texas Board of Human Services on licensing issues related to nursing facility administrators. A person is prohibited from disciplining or discriminating against an administrator if the administrator refuses to violate a regulatory provision and has notified the person that this is the reason for refusal. A violation of this prohibition is established as an unlawful employment practice, and an administrator is authorized to bring a civil action against a person for the violation.

Senate Bill 84 further provides that if the federal government issues a ruling that these provisions do not comply with federal regulations, the Texas Board of Nursing Facility Administrators is reestablished in the Texas Department of Health. The composition of the board, if reestablished, would be revised, and the prohibition against disciplining or discriminating against an administrator who refuses to violate a regulation is retained. In addition, the department, rather than the board, is required to administer licensing activities and funding. The department is required to establish criteria to determine whether deficiencies from a facility's survey warrant action against an administrator, and the department is authorized to impose an administrative penalty.

SENATE BILL 145**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** D. Nixon**HOUSE SPONSOR:** Christian et al.

Senate Bill 145 adds a Government Code chapter applicable to state agencies in the executive and judicial branches. It allows an agency with a governing board to accept a gift with a value of \$500 or more only if the agency has authority to accept a gift and a board majority approves acceptance in an open meeting. The donor's name, a description of the gift, and a statement of the purpose of the gift must be recorded in the board's minutes. Agencies without governing boards must record gifts in other appropriate records. The act prohibits gift acceptance from a party to a contested case before an agency until the 30th day after the date the decision in the case becomes final. It amends other code provisions to authorize the governor's solicitation of gifts, grants, or donations.

SENATE BILL 211**EFFECTIVE:** Vetoed**SENATE AUTHOR:** Ellis et al.**HOUSE SPONSOR:** Naishtat et al.

Senate Bill 211 amends the Labor Code to create the Texas child care fund as an account in the general revenue fund consisting of donations and state appropriations. The act requires that money in the fund be used to provide child care in a manner that maximizes federal child-care matching funds and ensures that any local government contributions will go toward child care in the area served by the contributing government. It requires the Texas Workforce Commission to administer and promote the fund, to appoint a permanent advisory board with specified membership to assist and monitor the commission, and to conduct a biennial child-care market survey to be used as the basis for calculating child-care provider compensation under commission programs. In addition, the commission or local workforce development board

must contract with organizations meeting specified criteria to administer the child-care programs through the existing uniform statewide brokered system, and the comptroller must develop a child-care guide to assist consumers in making informed choices.

SENATE BILL 323

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Gray

Senate Bill 323 amends the Government Code to require the State Office of Administrative Hearings to provide new administrative law judges that have less than three years of presiding experience at least 30 hours of continuing legal education and judicial training. The act requires the training to be provided during the first year of employment.

SENATE BILL 330

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: McCall

Senate Bill 330 amends the Government Code to provide for sunset review of the State Office of Administrative Hearings beginning with the 2003 sunset cycle. The office is subject to review, not abolishment.

SENATE BILL 331

EFFECTIVE: See below

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: McCall

Existing law authorizes an administrative law judge of the State Office of Hearing Examiners (SOAH) to impose sanctions in contested cases heard on behalf of the Texas Natural Resource Conservation Commission (TNRCC) or the Public Utility Commission of Texas. Sanctions may be imposed against a party or a party's representative for filing a motion or pleading that is groundless and is brought in bad faith, for the purpose of harassment, or for other improper purposes. Sanctions may also be imposed for abuse of the discovery process or failure to obey an order of the judge or agency. Senate Bill 331 grants the same authority to SOAH administrative law judges or temporary administrative law judges who hear contested cases on behalf of other client agencies. The types of sanctions available are the same as those that apply in the case of the TNRCC. The act removes an agency's authority to review a judge's hearing or prehearing orders, including orders imposing sanctions. Those provisions take effect September 1, 1997.

Effective January 1, 1998, the act directs the chief administrative law judge to adopt rules of procedure, including discovery procedures, to be used in SOAH hearings. Notwithstanding other law, procedural rules of client agencies govern SOAH hearing procedures only to the extent that the rules of the chief administrative law judge adopt the agency rules by reference.

SENATE BILL 332

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Gray

Senate Bill 332 amends the Administrative Procedure Act to provide that a state agency may authorize an administrative law judge at the State Office of Administrative Hearings (SOAH) to render the final decision in cases concerning occupational licensing when no disposition by stipulation, agreed settlement, or consent order has been made. The act specifies that an agency may modify an administrative law judge's orders or findings only if the agency determines that the application of law, rules, policies, or a prior administrative decision was not proper or that a technical error in a finding of fact should be changed. The act also provides for time frames for decisions to become final, proof of jurisdiction by the ruling judge, the filing of a motion of rehearing, notification of the final decision by the SOAH, and rights to judicial review.

SENATE BILL 352**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Hightower

Senate Bill 352 amends the Government Code to change the name of the Texas National Guard Armory Board to the Texas Military Facilities Commission and to establish a new sunset date of 2009. The act changes the panel's composition, replacing the two Army National Guard and one Air National Guard officers with a single National Guard officer appointed by the governor. Public membership increases from three to five, and the legislation provides that at least two public members must have expertise in architecture, civil engineering, or construction management. The act clarifies the commission's powers with respect to the management of National Guard armories, including the authority to exchange property and to dispose of surplus property in certain circumstances.

SENATE BILL 353**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Hightower

Senate Bill 353 renews the adjutant general's department with a sunset date of 2009. The act eliminates mandatory retirement at age 64 for Texas National Guard officers and gives the governor discretion, within certain limits, to set the rank of an assistant or deputy assistant adjutant general. It makes minor clarifying changes to court martial appeal procedures. It also includes standard sunset provisions that are applied to all agencies.

SENATE BILL 359**EFFECTIVE:** See below**SENATE AUTHOR:** Brown**HOUSE SPONSOR:** Gray et al.

Senate Bill 359 continues the Department of Protective and Regulatory Services until 2009. The act requires the department to separate when feasible the service delivery and investigatory functions of its employees and to include in a contract for program-related services clearly defined goals and measurable outcomes as well as clearly defined sanctions and penalties for noncompliance. The act also requires the department to implement a uniform statewide process and a centralized tracking system for receiving and resolving complaints against the department.

Senate Bill 359 authorizes the department to prioritize investigations, including those at mental health and mental retardation facilities. It requires the department and the Texas Department of Mental Health and Mental Retardation (MHMR) to establish procedures to resolve disagreements over findings of department investigations in MHMR facilities and to jointly use a single system to track investigations. The act requires the Board of Protective and Regulatory Services to adopt rules to further the policy of family preservation and to establish a flexible response system in which the department would investigate serious cases of child abuse or neglect and provide assessment and family preservation services in less serious cases. The act also requires the department to delete certain records relating to an investigation in which a person has been cleared of charges of child abuse or neglect. The act establishes pilot programs in which the department is required to enter into agreements in which local law enforcement agencies conduct investigations of reports of abuse. It requires an interview with a child alleged to be a victim of abuse to be audiotaped or videotaped unless good cause exists for not taping the interview.

Senate Bill 359 directs the department to assure the availability of community education programs designed to improve public participation in preventing, identifying, and treating cases of child abuse or neglect and to establish multidisciplinary teams to provide services relating to a report of child abuse or neglect.

Senate Bill 359 requires an applicant for employment with the department or with a licensed child-care facility or registered family home in a position that involves or could involve direct interactions with children to execute an affidavit that states that the applicant has not been convicted of certain offenses or that lists incidents in which the applicant was involved. The department is required to prescribe minimum training standards for an employee of a regulated child-care facility.

Senate Bill 359 requires an applicant for a license to operate or expand the capacity of a 24-hour care foster group or foster family home in a county with a population of less than 300,000 to conduct a public hearing on the application and requires the department to consider certain elements before issuing the license, including the impact of the proposed services on the local school district. It also requires the department to consider similar community factors when contracting for substitute care services.

In addition, the act establishes an offense for operating a family home without required registration and authorizes the department to deny or revoke a day-care license or registration based on a background and criminal history check. The act requires the department to search the central registry of reported cases of child abuse or neglect before issuing or renewing a license registration or certification to operate a child-care center. The department is authorized to assess an administrative penalty, and the State Office of Administrative Hearings is required to conduct contested case hearings for the department.

Senate Bill 359 provides that an inquest to determine whether the death of a child younger than six years of age is unexpected or the result of abuse or neglect is not required if the child's death is expected and is due to a congenital or neoplastic disease. The act also establishes a caseload standards advisory committee in the department and in the Texas Department of Human Services to review caseload standards and recommend to the commissioner of health and human services minimum and maximum caseloads for each category of caseworker. The commissioner is authorized to establish caseload standards for the agencies.

Senate Bill 359 streamlines the permanency review process for children under temporary conservatorship of the department and requires a court to render a final order or dismiss a suit within one year of granting the department temporary conservatorship of a child. The act authorizes a court to render a final order that appoints the department as managing conservator without terminating parental rights and requires a court to hold regular placement review hearings regarding a child in the conservatorship of the department. The act also clarifies the responsibility of a county, district, or criminal district attorney and the attorney general to represent the department in family cases. The act requires the department to place a child with the child's noncustodial parent, or with a relative if placement with the noncustodial parent is inappropriate, unless such placement is not in the best interest of the child. The department is required to begin locating adoptive parents as soon as a permanency plan is developed that includes termination of the parent-child relationship. The act allows for termination of a parent-child relationship if the parent fails to comply with a court order that establishes terms for the child's return to the parent.

The act is effective September 1, 1997, except for sections relating to the placement of children who are under Department of Protective and Regulatory Services conservatorship, which are effective January 1, 1998.

SENATE BILL 360
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Stiles

Senate Bill 360 reschedules sunset dates for various state agencies, moving forward some and postponing others. Moved forward from 2003 to 1999 is the Texas Board of Private Investigators and Private Security Agencies. That review by the Sunset Advisory Commission is to be conducted in coordination with the state auditor's office. Moved forward from 2005 to 1999 is the Department of Public Safety, whose sunset review costs are to be paid by that agency. Postponed from 1999 to 2001 are the Coastal Coordination Council, Texas Department of Housing and Community Affairs, and Texas Interagency Council for the Homeless. Postponed from 1999 to 2003 are the Texas Veterans Commission, Veterans' Land Board, Texas Workforce Commission, Council on Workforce and Economic Competitiveness, workforce development legislative oversight committee, Texas Council on Purchasing from People with Disabilities, and Governor's Advisory Committee on Immigration and Refugees. The Veterans' Land Board, as under previous law, is only reviewed and is not abolished. Postponed from 2001 to 2003 is the General Services Commission, and moved forward from 2004 to 2003 is the board of directors of the official cotton growers' boll weevil eradication foundation. Postponed from 2001 to 2005 is the Equine Research Account Advisory Committee, and moved forward from 2006 to 2005 is the Telecommunications Infrastructure Fund Board. The act provides for sunset review of the State Office of Administrative Hearings beginning with the 2003 sunset cycle, but that office is only reviewed and is not abolished. New sunset dates of 1999 and 2001 apply to the Correctional Managed Health Care Advisory Committee and the Texas Housing Corporation, respectively. The act repeals the scheduled 1999 sunset review of the state's budget execution law.

SENATE BILL 365
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Bosse

Senate Bill 365 amends the Government Code to renew the Department of Information Resources with a sunset date of 2009. The act revises the membership of the department's governing board, providing for six voting members appointed by the governor and six nonvoting, ex officio members from specified state agencies. It sets requirements for the training and continuing education of information resources managers at state agencies and requires that they be part of an agency's executive management and report directly to the agency's executive director or deputy executive director. The act removes statutory deadlines relating to the preparation of an agency's strategic plan for information resources. Instead, it gives the department discretion to set key planning dates by rule, so as to align information resources planning with the overall strategic planning cycle that agencies follow. The act requires certain agencies to establish Internet electronic mail addresses and authorizes them to publish those addresses and to use electronic mail to communicate with the public.

Each agency must develop and implement internal quality assurance procedures to ensure that information resources projects are completed on a timely basis and function effectively. The act directs the department to develop model guidelines for quality assurance procedures and to aid agencies in the implementation of those procedures. The department is charged also to assist the Legislative Budget Board in reviewing cost-benefit determinations made by agencies that install major information resources projects. Cost-benefit analyses must address the comparative benefits of internal versus contractual design and the comparative costs of leasing and purchasing the information technology. The act consolidates, recodifies, and revises statutes relating to the telecommunications planning group, consisting of the department director, the executive director of the General Services Commission, and the comptroller. The

panel is bestowed that name statutorily for the first time and is charged to collect and manage configuration information relating to state-government telecommunications networks, in addition to existing planning and policymaking duties. The act requires a biennial report by the group to the legislature and provides for advisory input to the group from the Texas State Library and Archives Commission, the Telecommunications Infrastructure Fund Board, the Texas Education Agency, the Texas Higher Education Coordinating Board, The University of Texas System, and The Texas A&M University System.

SENATE BILL 371

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Telford

Senate Bill 371 continues the Texas Commission on Fire Protection, sets September 1, 2009, as the commission's next sunset review date, and implements the Sunset Advisory Commission's standard, across-the-board recommendations.

Senate Bill 371 revises the membership of the commission to include three public members and requires the commission to consult with an advisory body before adopting or changing certain rules. The act requires that the rules adopted to administer the fire department emergency program include criteria for evaluating grant and loan applications and prohibits the use of scholarship, grant, and loan funds for administrative expenses. A local government that provides fire protection services for its citizens is prohibited from contracting with a private for-profit entity for fire protection services without voter approval.

Senate Bill 371 directs the commission and the Texas Department of Insurance to adopt a memorandum of understanding relating to the department's fire suppression ratings schedule (formerly the key rate schedule) and deletes requirements for annual review and update of the memoranda of understanding with the fireman's training school and the Texas Forest Service.

The act consolidates the fire protection personnel and volunteer fire fighter advisory committees into a single fire fighter advisory committee and establishes one certification program for both paid and volunteer firefighters and fire departments. Senate Bill 371 grants the commission or the state fire marshal access to and use of an applicant's criminal history record for issuing or renewing a license, permit, certificate, or other similar authorization.

Senate Bill 371 amends Insurance Code provisions relating to fire extinguishers, fire alarm and detection devices, fire protection sprinkler systems, and fireworks. The act transfers the authority to appoint members to the fire extinguisher advisory council and the fire protection advisory council from the State Board of Insurance to the commission. The act sets the registration renewal fee at \$250 and amends requirements for a person or firm that conducts business relating to single-station fire alarm devices. A licensing program for training schools and instructors relating to fire alarms and fire detection devices is created, and the commission is required to adopt rules for the licensing and regulation of fire alarms and fire detection devices or systems. Powers and duties for regulating fire alarms and detection devices are transferred from the board of insurance to the commission.

Senate Bill 371 conforms the definitions of Class B and Class C fireworks to federal law. The act changes licensing requirements for certain classes of fireworks, including those used in pyrotechnic displays, and requires a person who assembles, conducts, and supervises pyrotechnic displays to have a pyrotechnic special effects operator's license. The minimum liability insurance required for a public display permit is increased from \$300,000 to \$500,000, and the commission is required to adopt rules relating to the issuance, suspension, revocation, and renewal of licenses and permits for fireworks. Finally, the act requires the division of emergency management and the commission to develop a statewide mutual aid program for fire emergencies.

SENATE BILL 394
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Naishtat

Senate Bill 394 creates an interagency committee charged with recommending a common application process for state loan programs and directs the chief executive officer of each state agency with loan and loan guaranty programs not related to higher education to appoint an employee to serve on the committee.

SENATE BILL 452
EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Cuellar

Senate Bill 452 amends the Government Code to change the eligibility requirements for appointment as chief administrative law judge for the State Office of Administrative Hearings. An appointee is required to have five years of combined experience in practicing administrative law and conducting administrative hearings, rather than be board certified in administrative law and have five years' experience conducting hearings.

SENATE BILL 461
EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief et al.
HOUSE SPONSOR: Maxey

Senate Bill 461 amends the Tax Code to allow the comptroller, through competitive bidding, to contract for the development of an advanced database system to enhance tax collections and for the performance of out-of-state audits in areas not served by the comptroller's field offices. The act sets out requirements relating to such contracts.

SENATE BILL 478
EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro
HOUSE SPONSOR: McCall

Senate Bill 478 amends the Government Code to authorize the General Services Commission to lease space for a state agency from a children's advocacy center.

SENATE BILL 515
EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: Carter

Senate Bill 515 amends the Library Systems Act to require that the Texas State Library and Archives Commission provide by rule for a cash reserve requirement for regional library systems. To enable reserve accumulation for cash management purposes, it allows a regional library system to retain up to five percent of its annual system operation grant until the reserve requirement is satisfied.

SENATE BILL 581
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Junell

Senate Bill 581 amends the Government Code to reduce the maximum allowable costs for lottery operation and administration from 15 percent to 12 percent of gross revenue from lottery ticket sales.

SENATE BILL 626
EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Counts

Senate Bill 626, applicable to state and local-government entities, including publicly owned utilities, amends the Professional Services Procurement Act to establish the same procedures for selecting and contracting for land surveying services as apply currently to the procurement of architectural and engineering services.

SENATE BILL 637
EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown
HOUSE SPONSOR: Brimer

Senate Bill 637 amends the Government Code to provide for an additional condition on which a decision in a contested case rendered by a state agency is final. The act establishes that a decision is final on the date specified in the order for a case in which all parties agree to the specified date in writing or on the record, if the specified date is not before the date the order is signed or later than the 20th day after the date the order was rendered.

SENATE BILL 645
EFFECTIVE: See below

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Ramsay

Senate Bill 645 revises numerous laws relating to state employees, state agency spending, and state government recordkeeping. It authorizes liability insurance for agency board members and executive management staff and provides for additional increments of longevity pay for state employees. The act prohibits an agency from using appropriations to attempt to influence the passage or defeat of legislation. It directs agencies to develop procedures to achieve management-to-staff ratios of 1 to 11. The act abolishes the Project Advisory Committee relating to the implementation of the uniform statewide accounting system. It creates a Human Resource Task Force with duties relating to the coordination of information dissemination and personnel policies, the development of a personnel manual, and the sharing and coordination of human resource training activities.

The act includes other provisions providing for reports and analyses by the comptroller and Legislative Budget Board on the incidence of certain taxes and tax changes, including their impact on different income classes, and the effect of certain tax exemptions, discounts, and exclusions. Portions of the act take effect June 19, 1997. Those portions include, among other items, the longevity pay and liability insurance changes, the provisions relating to management-to-staff ratios, the prohibition on agency influence of legislation, the creation of the task force, and the provisions relating to tax incidence and other tax reporting and analysis. Various other portions take effect September 1, 1997.

SENATE BILL 694
EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown
HOUSE SPONSOR: Greenberg

Senate Bill 694 adds a new chapter to the Government Code, the Governmental Dispute Resolution Act, applicable to the attorney general, the State Office of Administrative Hearings, public institutions of higher education, and executive branch agencies that make rules or determine contested cases. The new act allows them to develop and use alternative dispute resolution procedures, excluding binding arbitration, but does not waive the state's sovereign immunity.

SENATE BILL 701
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Telford

Senate Bill 701 permits the comptroller to invest in foreign currency for the purpose of facilitating investments in foreign securities by authorized state agencies, transfers authority over investment policy for the Texas workers' compensation insurance facility and the Texas Workers' Compensation Insurance Fund to the commissioner of insurance, and permits the Texas Treasury Safekeeping Trust Company to enter into contracts or agreements with a depository trust company. The act provides the boards of regents of The University of Texas

System and The Texas A&M University System the option to appoint one or more entities to serve as custodian of the securities in the permanent university fund and the special mineral investment fund. In addition, it allows certain state agencies to reinvest money realized from transactions within one business day or deposit it with the state treasury.

SENATE BILL 703**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Nelson**HOUSE SPONSOR:** Cuellar

Senate Bill 703 amends the Government Code to consolidate the Texas Department of Criminal Justice audit and program review functions under an internal audit division under the control of the Texas Board of Criminal Justice. The act requires the state auditor to provide the internal audit division with ongoing training and technical assistance. In addition, the act requires that all money collected or received by the department be deposited into the state's general revenue fund, in trust with the comptroller, or in a local bank account.

SENATE BILL 771**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Moncrief**HOUSE SPONSOR:** Junell

Senate Bill 771 amends the Government Code to authorize the Texas Commission on the Arts to license to a private vendor, for a fee, the use of its name, logo, or other artwork or graphics. The use of the licensed property must be consistent with the mission of the commission. The act also allows the commission to purchase and resell items for the promotion of the arts, provided that its inventory does not exceed \$50,000 at the end of any fiscal year.

SENATE BILL 820**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** R. West et al.**HOUSE SPONSOR:** S. Turner

Senate Bill 820 amends the Government Code to direct the General Services Commission to establish and manage an electronic procurement marketplace and an electronic commerce network. The marketplace may contain information on products, vendors, state procurement specifications, historical purchasing data, and surplus property availability. The network allows purchasing transactions by electronic means. A state agency must post information on the network for each procurement contract whose value exceeds the agency's delegated purchasing amount. The commission may make the marketplace and network available to political subdivisions, and the network available to other public entities and to private businesses, for a fee. Other provisions amend the code to provide for the use of electronic bids and proposals in state agency procurement.

SENATE BILL 833**EFFECTIVE:** 5-19-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Wolens

Senate Bill 833 amends the Government Code to remove specific requirements relating to the General Services Commission deputy and division directors. It makes statutes relating to the disposition of surplus and salvage property inapplicable to certain recyclable materials and allows the commission to delegate to state agencies its responsibilities relating to the recycling of paper. The act raises from \$1,000 to \$5,000 the threshold for required newspaper advertising of competitively bid properties.

SENATE BILL 882

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Greenberg et al.

Senate Bill 882 adopts the Negotiated Rulemaking Act, providing for the appointment of a negotiated rulemaking committee by a state agency to assist in the drafting of a proposed rule. The act establishes procedures for such rulemaking, including appointment of a convener to confer with persons likely to be affected by the proposed rule, publication of notice of intent in the Texas Register, confidentiality requirements, and reports.

SENATE BILL 884

EFFECTIVE: 5-23-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Wolens

Senate Bill 884 amends statutory construction provisions of the Government Code to clarify the legal meaning of statutory terms such as “may,” “shall,” “may not” and “shall not,” “must,” “is entitled to,” “is not entitled to,” and “is not required to.” The act also sets procedures for determining which of two or more irreconcilable statutes is considered to have been enacted last, so as to determine which prevails legally.

SENATE BILL 897

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Alvarado et al.

Senate Bill 897 directs the Records Management Interagency Coordinating Council to categorize state agency programs and telephone numbers by subject matter and requires the General Services Commission to list state telephone numbers alphabetically by subject, as well as by agency, in directories that it publishes. The commission may authorize a yellow pages advertising section for its directories to recover directory costs. The legislation amends the Public Utility Regulatory Act of 1995 to mandate that the Public Utility Commission of Texas extend the same requirement of alphabetical state agency and subject listings, using the interagency council’s categorization, to the state government pages of telephone books.

Other provisions direct the interagency council to form a research group to study various aspects of the use and archiving of records in electronic format. The directive includes investigation of means to develop a searchable electronic database of state agency documents.

SENATE BILL 996

EFFECTIVE: 5-26-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goolsby

Senate Bill 996 amends the Government Code to provide for legislative agency disposal of surplus and salvage property under a self-established system that transfers the property, in order of priority, to a public school, another public governmental agency, or an assistance organization.

SENATE BILL 1036

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: S. Turner

The Government Code provides for the selection, as state or local campaign manager for purposes of state employee charitable contributions, of a federated community campaign organization. Senate Bill 1036 allows alternatively, if no such organization applies, for the selection of a capable charitable organization. The act provides also for representation by the attorney general in legal matters relating to such contributions.

SENATE BILL 1057
EFFECTIVE: 5-31-97

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Berlanga

Senate Bill 1057 amends the Health and Safety Code to revise the composition of the Texas Department of Mental Health and Mental Retardation to include community services operated by the department. The act also includes in the composition of the department the Vernon-Wichita Falls State Hospital, the Dallas Mental Health Connections, the El Paso Psychiatric Hospital, and the Lubbock Psychiatric Hospital. The act deletes from the composition of the department the Vernon State Hospital, the Wichita Falls State Hospital, the Fort Worth State School, the Travis State School, and the Leander Rehabilitation Center. In addition, Senate Bill 1057 expands the definition of “state mental hospital” to include a department inpatient mental health facility.

SENATE BILL 1060
EFFECTIVE: 5-9-97

SENATE AUTHOR: J. Patterson et al.
HOUSE SPONSOR: Counts et al.

Senate Bill 1060 amends the Natural Resources Code to allow money from the veterans’ land fund, the veterans’ financial assistance program, and the veterans’ housing assistance program to be deposited in commercial banks, depository trust companies, or other qualifying entities. The act also permits the depository entity to serve as the custodian of the funds, lend fund securities with board approval, and hold collateral for the loaned securities.

Senate Bill 1060 authorizes the veterans’ financial assistance program to establish one or more veterans homes for aging veterans, grants the Veterans’ Land Board rulemaking authority in conjunction with the homes, and provides more flexibility to the board regarding bond enhancement agreements under the program. Assets and receipts of the veterans’ land fund, the veterans’ housing fund, or the veterans’ housing assistance fund II are restricted for use only as security for bonds to purchase and sell land to veterans and for home mortgage loans for veterans.

SENATE BILL 1066
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Delisi

Senate Bill 1066 amends the Government Code to provide a new procurement methodology for the Health and Human Services Commission, health and human services agencies, certain other state agencies, local units of government, and local MHMR authorities. Those entities are delegated authority to procure goods and services by any method approved by the Health and Human Services Commission that provides the best value to the agency. The agency is required to document that it considered certain factors in making the acquisition and is required to notify the state auditor and consult with and receive approval from the Health and Human Services Commission regarding certain purchases. The state auditor is authorized to audit acquisitions before or after a warrant is issued. The commission is required to coordinate procurement practices of all health and human services agencies and is authorized to transfer this function to another appropriate state agency. Similar provisions are made to govern disproportionate share hospitals, and a state or local governmental entity is authorized to allow a public or private hospital to purchase goods or services by participating in contracts undertaken by the entity or through a group purchasing program. A similar provision is made for a state agency, local unit of government, private entity, or MHMR authority that expends funds received by the Texas Department of Health to purchase goods or services through participation in a department contract or a group purchasing program.

SENATE BILL 1177
EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Hochberg

Senate Bill 1177 amends the Government Code to provide for publication of the Texas Register no less than 52 times a calendar year, as compared to a minimum of 100 times a year under previous law.

SENATE BILL 1240
EFFECTIVE: Vetoed

SENATE AUTHOR: R. West
HOUSE SPONSOR: Maxey

Senate Bill 1240 directs the Health and Human Services Commission to adopt rules to govern the purchasing by state agencies of services for their clients, including agencies that are not health and human services agencies. It establishes a working group to research related purchasing laws and directs the comptroller and commission to study the costs and benefits of a statewide contract management information system for managing such purchases.

SENATE BILL 1334
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Hunter

Senate Bill 1334 amends the Government Code to require that reports of contributions to governor for a day and speaker's reunion day ceremonies be filed with the Texas Ethics Commission rather than the secretary of state. It directs the secretary of state to transfer certain previous reports to the commission.

SENATE BILL 1385
EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Clark

Senate Bill 1385 amends the Government Code to authorize the office of the attorney general, on approval from the appropriate authority, to use videoconferencing technology as a substitute for personal appearances in civil and criminal proceedings and for any proceeding, conference, or training involving victims' rights under the Code of Criminal Procedure and the Family Code.

SENATE BILL 1386
EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Hunter

Under the Library Systems Act, libraries may receive grants from appropriated state funds through the Texas State Library and Archives Commission. Title to library materials and equipment purchased with state funds is retained by the state, if the per-unit cost is \$300 or more, while title resides with the library if the per-unit cost is less than \$300. Senate Bill 1386 eliminates these title provisions and the \$300 threshold. It provides instead that commission rules regarding the purchase of library materials and equipment ensure compliance with standard financial management conditions under the state's Uniform Grant and Contract Management Act.

SENATE BILL 1412
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Danburg

Senate Bill 1412 amends the Government Code to clarify that communications subject to lobbyist regulation laws include communications by facsimile, electronic mail, or other electronic means.

SENATE BILL 1453**EFFECTIVE:** 6-20-97

Senate Bill 1453 repeals an obsolete provision of the Government Code requiring the comptroller to obtain approval of payment vouchers from the secretary of state before sending them to the state treasurer.

SENATE AUTHOR: Ratliff**HOUSE SPONSOR:** Ramsay**SENATE BILL 1469****EFFECTIVE:** 9-1-97

Senate Bill 1469 amends Government Code provisions relating to state building construction projects. Under previous law, the General Services Commission was required to advertise for bids or proposals in two or more newspapers of general circulation. The act changes that requirement to one newspaper and the Texas Register. It defines small construction projects to include those that have an estimated value of less than \$25,000 and that require advance preparation of working plans or drawings. For such projects, the act reduces the bidding response period, and the preinterview preparation period for a private design professional, from 30 to 14 days.

SENATE AUTHOR: Ellis**HOUSE SPONSOR:** S. Turner**SENATE BILL 1519****EFFECTIVE:** 9-1-97

Senate Bill 1519 amends the Labor Code to allow the Texas Workforce Commission to receive donations from any person or organization other than for-profit entities that have contracts with the commission for, or have submitted bids for, goods and services of \$50,000 or more. This provision does not apply to child-care service providers. For-profit entities may make a donation to the commission after the first anniversary of submitting a bid or entering into a contract valued at \$50,000 or more. The act also prohibits donations from a person who is a party to a lawsuit to which the commission is a party and a person who is party to a pending administrative proceeding at the commission until 30 days after the commission issues a final order.

SENATE AUTHOR: Ellis**HOUSE SPONSOR:** Oliveira et al.**SENATE BILL 1661****EFFECTIVE:** 5-31-97

Senate Bill 1661 amends the Government Code to allow the executive director of the Texas Department of Transportation to waive the requirement to recover certain indirect costs from another state agency or a local governmental entity.

SENATE AUTHOR: Shapiro**HOUSE SPONSOR:** Bosse**SENATE BILL 1702****EFFECTIVE:** See below

Senate Bill 1702 amends the Government Code to authorize a governor, in consultation with the Texas State Library and Archives Commission, to designate an institution of higher education or other Texas archival institution as the repository for the governor's official records. The terms of any such alternative arrangement are to be recorded by the commission through a memorandum of understanding, deposit agreement, or other appropriate documentation. House Bill 1812, however, prevails over Senate Bill 1702. It repeals the provision that Senate Bill 1702 amends, and instead places identical gubernatorial authority elsewhere in the code.

SENATE AUTHOR: Ogden**HOUSE SPONSOR:** Hunter

SENATE BILL 1715

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Jackson

Senate Bill 1715 amends the Administrative Procedure Act to require that notices of proposed state agency rules published in the Texas Register indicate by underlining any rule language that is being added and indicate by bracketing and strike-through any language from an existing rule that is being deleted. The notice must show the text of the entire part of the rule being amended. Rules not meeting such requirements are null and void.

SENATE BILL 1752

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Wolens

Senate Bill 1752 revises state procurement laws relating to the authority of the General Services Commission and other agencies to use competitive sealed proposals. It establishes a best value standard for purchases of goods and services, lists factors relevant to assessing best value, and describes how those factors are to be applied in competitive bidding and competitive sealed proposals. The act contains provisions on state-government electric rates and allows the state to intervene in certain utility deregulation proceedings. Other provisions relate to the use of product standards, pretesting, and technology access clauses in contracts. The commission may bar vendors from participation in state contracts for substandard performance, material misrepresentations, fraud, or breach of contract.

The act increases from \$5,000 to \$15,000 the threshold below which purchasing is delegated to state agencies and above which the commission optionally may delegate purchasing. The commission must monitor the purchasing it delegates and report any misuse of the statutory delegation to specified state officials. The act charges the state auditor to conduct compliance audits of delegated and exempt purchasing. The commission may provide open market purchasing services, at a fee, for delegated and exempt agencies. The act eliminates the exception process for proprietary purchases from a single vendor.

The commission may appoint a Vendor Advisory Committee and an Advisory Committee on Procurement to obtain input from the vendor community and governmental purchasers, respectively. The commission and state agencies must adopt procedural rules for resolving vendor protests. The act directs the auditor and Advisory Committee on Procurement to study the classification of state agency purchasing personnel. The commission must offer training, continuing education, and certification to such personnel and may offer the same to local-government purchasers.

SENATE BILL 1755

EFFECTIVE: 5-9-97

SENATE AUTHOR: Fraser

HOUSE SPONSOR: E. Reyna

Senate Bill 1755 amends the Public Funds Investment Act to transfer responsibility for the provision of training required under the act for members and investment officers of state agency governing boards from the governor's office to the Texas Higher Education Coordinating Board.

SENATE BILL 1810

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Dukes

Senate Bill 1810 amends the Government Code to create the Texas Youthworks Program in the Texas Department of Housing and Community Affairs with the dual goals of promoting economic self-sufficiency of disadvantaged or at-risk youth and of creating opportunities for communities to build energy-efficient affordable housing and to enhance and restore community facilities, parks, and other properties in low-income areas. A project funded under the program

is required to integrate practical, hands-on work experience and academic training, assisting participants to attain both permanent employment and a high school diploma or its equivalent, and to offer counseling and other support services.

The act requires each qualifying organization that receives funding through the program to establish a project advisory board as well as a participant council and to provide at least 25 percent of the total project funding. A temporary work group composed of representatives of certain state agencies is created to support the department in implementing and promoting the program.

SENATE BILL 1838
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Brimer

Senate Bill 1838 amends the Government Code to revise fees charged by the secretary of state for handling records relating to the service of process, notice, or demand and to establish a fee for preparing a certificate of existence or authorization that reflects all filings effecting changes to the organizational documents of a business. It also raises the fee for a search of secretary of state records.

SENATE BILL 1852
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Hill

Senate Bill 1852 amends the Government Code to create the Texas Affordable Housing Task Force. The bill prescribes the composition of the task force, requires the Texas Department of Housing and Community Affairs to provide staff support, and abolishes the task force on December 31, 1998. The task force is directed to evaluate regulations and policies to identify those that unnecessarily increase the cost of housing, create barriers for low-income Texans, or otherwise adversely affect the availability of affordable housing and to make recommendations to the governor, legislative leadership, the department's board of directors, and appropriate state agencies by December 31, 1998.

SENATE BILL 1903
EFFECTIVE: 5-27-97

SENATE AUTHOR: Truan
HOUSE SPONSOR: Hunter

Senate Bill 1903 amends the Government Code to authorize the secretary of state to accept or solicit gifts, grants, and donations for any lawful public purpose related to the office or the duties of the office. The secretary of state has discretion to decline an offering if it cannot be reasonably or economically used for the designated purpose.

SENATE BILL 1904
EFFECTIVE: 5-26-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Dunnam

Senate Bill 1904 amends the Government Code to authorize the State Aircraft Pooling Board to transfer aircraft to a public technical institute or other public postsecondary educational institution for use in a flight training program. The recipient entity accepts full responsibility for maintenance. The board may reassume custody and control if the aircraft is not being properly maintained or is used for a purpose other than flight training, or if the flight training is discontinued.

SENATE BILL 1914
EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: S. Turner

Under the Government Code, the General Services Commission must purchase automated information systems through the state's catalogue process unless the best value is obtainable through another purchase method. Senate Bill 1914 expands the definition of such systems, for purchasing by the commission, to include services of a telecommunications provider.

HEALTH

HOUSE BILL 3

EFFECTIVE: See below

HOUSE AUTHOR: Berlanga et al.

SENATE SPONSOR: Sibley

House Bill 3 creates the Texas Healthy Kids Corporation and directs the corporation to establish a program to provide affordable health care benefits to children who do not have adequate health insurance coverage. The act does not establish the corporation as an insurer, but rather bases the program on the participation of insurance carriers and other health benefit providers. It authorizes the corporation to negotiate premiums and contract with health benefit providers and to establish participation requirements for providers. It exempts providers from certain taxes on money received from the program and provides that, under the program, a provider is not required to offer services or benefits that are otherwise required by law. In addition, the act authorizes the corporation to determine eligibility criteria for coverage by the program, to develop a premium structure based on ability to pay, and to require a reasonable enrollment fee. The parent or guardian of a covered child is held responsible for any required premiums, deductibles, or other payments.

House Bill 3 establishes the powers and duties of the board of directors of the corporation and subjects the corporation to the Texas Non-Profit Corporation Act. The corporation is subject to the open meetings and open records laws, to certain reporting requirements, and to audits by the state auditor during a period in which the corporation receives state money or in which a person appointed by the governor is serving as a member of the board. The act exempts the corporation from the franchise tax and gives the corporation and its employees and volunteers immunity from liability extended to charitable organizations.

House Bill 3 authorizes the Texas Department of Health to purchase coverage from the corporation to cover children who receive benefits from programs administered by the department, other than the Medicaid program, if it would be cost effective to do so. It also amends the Tax Code to allow a nonprofit hospital to satisfy up to 10 percent of required charity care and community benefits through a donation to the corporation if the donation is used to purchase health benefits for children with a family income of less than 200 percent of the federal poverty level and who reside in the area in which the hospital or hospital system operates.

The act establishes the Texas Healthy Kids Fund, and a premium stabilization revolving account within the fund, consisting of appropriations and contributions to the account. The account is to be used by the corporation to pay premiums for covered children whose parents or guardians have not paid the required premiums. Parents and guardians of children for whom premiums are paid by the corporation are responsible for reimbursing the account. The act requires the corporation to charge a premium stabilization account fee of up to five dollars for each covered child. The fund is to be abolished and the balance of the fund transferred to a depository of the corporation after the first fiscal year in which the fund does not receive a direct state appropriation.

House Bill 3 amends the Family Code to require a court to order a parent under a court order to pay child support to: (1) apply for coverage for the child through the corporation if other health insurance options are unavailable; or (2) pay a reasonable amount each month for the medical support of the child if coverage is not available through the corporation. The act provides that \$38 is a reasonable amount for monthly medical support but authorizes courts to establish a different amount when appropriate.

Health

House Bill 3 amends the Insurance Code to authorize an insurer to offer a children's health benefit plan approved by the commissioner of insurance. An approved children's health benefit plan is not subject to a law that requires coverage of a health care service or benefit, and money received for providing coverage through a children's health benefit plan is not subject to the premium tax.

House Bill 3 is effective June 2, 1997, except that the provision that allows a nonprofit hospital to satisfy charity care and community benefits requirements through a donation to the Texas Healthy Kids Corporation is effective January 1, 1998.

HOUSE BILL 39

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

House Bill 39 prohibits the discriminatory use of genetic information by an employer, a labor organization, an employment agency, a licensing authority, or a group health benefit plan issuer and prohibits a group health benefit plan issuer from requiring in utero genetic testing of a child or compelling a woman to have an induced abortion based on genetic information. The act establishes the right to know test results for a person undergoing genetic testing, as well as confidentiality of genetic information. Disclosure of genetic information is permitted without the authorization of the person tested only by court order for criminal proceedings, to establish paternity, for medical diagnosis of blood relatives, to identify a decedent, or for research or actuarial studies that do not identify particular individuals. Samples of genetic material may only be retained under court order or for specified research-related circumstances. The act establishes an administrative penalty for violations by group health plan issuers.

HOUSE BILL 119

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hirschi et al.

SENATE SPONSOR: Zaffirini

House Bill 119 relates to cigarettes, cigars, smoking tobacco, chewing tobacco, and other tobacco products. It amends the Health and Safety Code to require a manufacturer of a tobacco product distributed in Texas to file annually with the Texas Department of Health a report on its ingredients. The report must list ingredients other than tobacco or water in descending order by weight, measure, or numerical count. The act does not require the disclosure of the specific amount, however, if an ingredient has been approved by the U.S. Food and Drug Administration as safe when burned and inhaled. The annual report must contain also a nicotine yield rating in accordance with standards set by the department. Information in a report remains confidential if it is excepted from public disclosure under state or federal law or if the department finds no scientific basis to conclude that availability of the information could reduce risks to public health. No report information may be disclosed until the attorney general has advised the department, and if the attorney general finds that disclosure of particular information would be an unconstitutional taking of property, that information, too, remains confidential. The act gives the department discretion to establish when the annual reports are to be filed but does not require any reporting before 1998. It provides for injunctive relief if a manufacturer fails to file the report.

HOUSE BILL 120**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hirschi et al.**SENATE SPONSOR:** Moncrief

Under previous law, a physician did not have the authority to administer dangerous drugs or controlled substances to a person who used drugs for recreational or nontherapeutic purposes. House Bill 120 authorizes a physician to treat such a patient with a dangerous drug or controlled substance to relieve an acute or chronic painful medical condition. The act requires the physician to take steps to ensure that the dangerous drug is not being diverted to another use and clarifies that this provision is not intended to allow for the prescription of any illegal substance to a person in violation of federal law.

HOUSE BILL 358**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Zaffirini

Under previous law, the Texas Department of Health was authorized to detain or embargo any misbranded or adulterated drugs or medical devices, but the law did not specifically prohibit the use of such articles. House Bill 358 prohibits the use of a detained or embargoed article and provides that a restricted device sold in the state is deemed misbranded if it is sold, distributed, or used in violation of regulations prescribed in federal law.

HOUSE BILL 561**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hochberg**SENATE SPONSOR:** Zaffirini

House Bill 561 amends the Government Code to require a health care regulatory agency to forward information found during the course of an investigation to another health care regulatory agency if the information relates to a possible violation of the other agency's rules or statutes. The act requires each health care regulatory agency to establish written procedures to implement this requirement.

HOUSE BILL 607**EFFECTIVE:** 5-19-97**HOUSE AUTHOR:** Maxey et al.**SENATE SPONSOR:** Madla

House Bill 607 amends the Human Resources Code to require the Texas Rehabilitation Commission to facilitate the reuse of durable medical equipment and assistive technology by establishing a listing and maintaining a toll-free telephone line to list items that are available for donation. The commission is also required to make the listing publicly available through the Internet. The act provides for the identification of durable medical equipment and assistive technology items and authorizes the department to contract with local organizations and other state agencies to facilitate the reuse of these items. House Bill 607 requires the commission to ensure that any donation of state-owned durable medical equipment or assistive technology be made only to certain nonprofit organizations for distribution to indigent persons.

HOUSE BILL 708**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hamric**SENATE SPONSOR:** Lindsay

House Bill 708 amends the Health and Safety Code to authorize a county with a population of 2.8 million or more or a public health district at least partly in that county to charge a fee for issuing or renewing a permit or inspecting a food service establishment, retail food store, mobile food unit, or roadside vendor. A county or public health district that charges a fee must set the fee in an amount that would allow recovery of at least 50 percent of the annual expenditures related to inspecting and permitting activities but would not exceed the lesser of \$300 or the highest fee charged by a municipality in the county or district.

HOUSE BILL 723

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dukes et al.

SENATE SPONSOR: Wentworth

House Bill 723 amends the Medical Liability and Insurance Improvement Act of Texas to require a physician to obtain informed consent before performing a hysterectomy, except in a life-threatening situation in which obtaining such consent is not reasonably possible. It requires the Texas Medical Disclosure Panel to develop written materials, in consultation with the Texas State Board of Medical Examiners, to inform a patient of the risks and hazards of a hysterectomy. The act specifies certain items that must be included in the materials, including a written statement to be signed by the patient indicating that the materials have been explained and that the patient understands the consequences and nature of a hysterectomy.

HOUSE BILL 729

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Truan

House Bill 729 requires inspections, testing, removal, and other activities involving lead-based paint in a child-occupied facility built before 1978 to be performed by a person who is certified by the Texas Department of Health. The act authorizes the department to adopt rules, consistent with federal regulations, that would require certification of a person involved in lead-based paint activities that create a public health hazard.

HOUSE BILL 812

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Janek et al.

SENATE SPONSOR: Sibley

House Bill 812 amends the Texas Health Maintenance Organization Act and Health and Safety Code to prohibit a health maintenance organization or a hospital from disallowing certain communications between a physician, dentist, or provider and patient. The act voids a contract provision that violates this prohibition and was entered into on or after the act's effective date.

HOUSE BILL 880

EFFECTIVE: 1-1-98

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: G. Luna

House Bill 880 amends the Health and Safety Code to standardize the different witness qualifications in living wills to follow those currently in the directive to physicians. The act also adds prohibitions for a person designated by the patient to make a treatment decision or an employee of the health care facility from serving as a witness to an advanced directive and for a person who has a claim against the patient's estate after the patient's death from serving as a witness to a nonwritten directive.

If the patient does not have a written directive and is incapable of communication, and a decision is made by the physician and family members to withhold or withdraw life-sustaining procedures, the act requires that the treatment decision be documented in the patient's medical record. The act eliminates the requirement that the decision be made in the presence of two qualified witnesses. If the patient does not have a legal guardian and a family member is not available, the decision must be witnessed by another physician who is not involved in the treatment of the patient.

HOUSE BILL 889

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Bivins

House Bill 889 amends the Health and Safety Code to add a member of the clergy specifically designated by a patient to the list of persons to whom information about the patient's health may be disclosed without the patient's authorization.

HOUSE BILL 911
EFFECTIVE: 5-23-97

HOUSE AUTHOR: Hirschi
SENATE SPONSOR: Moncrief

House Bill 911 amends various provisions of the Health and Safety Code relating to the management of a person with a communicable disease. It requires the attorney general, at the request of the Texas Department of Health, to file an application for court-ordered management, request that a court modify an order to provide for outpatient care, or file an application for temporary detention. It also requires a municipal, county, or district attorney to do so at the request of a local health authority. The act eliminates certain requirements relating to the application process if the application is for outpatient treatment and clarifies that a county that initiates an application for a court order or to which such an application is transferred is responsible for court costs but is entitled to reimbursement by the patient or other party responsible for the patient.

HOUSE BILL 1534
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hamric et al.
SENATE SPONSOR: Zaffirini

House Bill 1534 amends the Health and Safety Code to require the Texas Department of Health to become an accreditation body and carry out federal program requirements in the state. The Texas Board of Health is authorized to revoke a certification if the required fees are not paid in a timely manner. In addition, the act requires a facility that fails to meet certain certification standards to notify patients of the failure, recommend that the patient have another mammogram performed, and list the three facilities closest to the original testing facility that have a certified mammography system.

HOUSE BILL 1596
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg
SENATE SPONSOR: Moncrief

House Bill 1596 amends the Health and Safety Code to require the Texas Department of Human Services to establish procedures to issue a six-month provisional license to an existing facility with residents that is in compliance with resident care standards but needs more time to comply with life safety code and physical plant standards. The department is prohibited from issuing a license at the end of the period if the additional standards are not met and is authorized to obtain a temporary restraining order, if necessary, to inspect a facility that may be operating without a license. A civil penalty is created for operating a personal care facility without a license, and the commissioner of human services must approve any settlement agreement to a suit brought under this provision.

In addition, House Bill 1596 authorizes a municipality to prohibit a person from operating an unlicensed personal care facility within the municipality and to establish a procedure for emergency closure of an unlicensed facility that creates a threat to the health and safety of a resident of the facility.

HOUSE BILL 1716
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey et al.
SENATE SPONSOR: Zaffirini

House Bill 1716 amends the Health and Safety Code to revise the composition and selection of the Statewide Health Coordinating Council and to authorize the council to form advisory boards and committees composed of health care experts. The council is required to work with appropriate health professional licensing agencies to develop uniform standards for data collection that will enable the council to maintain a comprehensive health professional database. The council is further required to monitor long-term health needs and develop recommendations relating to health education, regulation, and workforce goals for health professionals. The

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council also is charged to improve coordination of statewide health planning, with the assistance of appropriate agencies. Governance of the health professions resource center is shifted from the Texas Department of Health to the council and provision is made for continued staff support for the council.

HOUSE BILL 1798
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wise
SENATE SPONSOR: Lucio

House Bill 1798 amends the Health and Safety Code to require the Texas Department of Health to recommend hospital security procedures to reduce the likelihood of infant patient abduction and to help identify missing infants. In making recommendations, the department is required to consider hospital size and location and the number of births at a hospital, and each licensed hospital is required to consider implementing the recommended procedures.

HOUSE BILL 1914
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wise
SENATE SPONSOR: Lucio

House Bill 1914 amends the Human Resources Code to require the Children's Trust Fund of Texas Council to provide grants for voluntary, community-based early parenting skills programs in at least three areas of the state, subject to availability of funds. To be eligible, a program must serve expectant parents and families with one or more children three years of age or younger. The council is required to review the programs periodically to ensure that the instruction and materials are not racially, culturally, or sexually biased and to report to the governor and legislative leaders regarding the extent to which training on child abuse and neglect is provided in the state.

HOUSE BILL 2078
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat
SENATE SPONSOR: Barrientos

Under previous law, a person was authorized to provide written instructions for the disposition of the person's remains. House Bill 2078 amends the Health and Safety Code to specify that the instructions may include directions for cremation.

HOUSE BILL 2192
EFFECTIVE: 6-11-97

HOUSE AUTHOR: Rangel
SENATE SPONSOR: Zaffirini

House Bill 2192 amends the Health and Safety Code to require the Center for Rural Health Initiatives to establish the Texas Health Service Corps Program to assist communities in recruiting and retaining physicians to practice in medically underserved areas. The center is authorized to award a yearly stipend of not more than \$15,000 to a physician to provide services in a medically underserved area. The act further requires that a physician who enters into a contract but does not provide the required services is personally liable to the state for the amount of the stipend plus interest and reasonable expenses incurred in obtaining payment.

HOUSE BILL 2311
EFFECTIVE: 5-23-97

HOUSE AUTHOR: Van de Putte
SENATE SPONSOR: Truan

House Bill 2311 amends the Health and Safety Code to require a health professional to report a reportable occupational condition to the Texas Department of Health. The act redefines elevated blood levels, asbestos levels, and certain other conditions that occur due to occupational exposure as "occupational conditions," rather than "occupational diseases," and deletes a provision requiring the Texas Department of Health to obtain consent from the attending physician before contacting a person who has or is suspected of having an occupational condition.

HOUSE BILL 2384
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Fraser

Under previous law, a nonprofit hospital was required to develop a community benefits plan that included a community-wide needs assessment. House Bill 2384 amends the Health and Safety Code to require a nonprofit hospital to consider consulting and meeting with representatives of designated entities or organizations located in the community when making the community-wide needs assessment.

HOUSE BILL 2389
EFFECTIVE: 6-11-97

HOUSE AUTHOR: Maxey
SENATE SPONSOR: Zaffirini

House Bill 2389 amends the Health and Safety Code to authorize the Texas Department of Health to enter into contracts to sell or provide laboratory services to governmental entities and nonprofit public health clinics. The act authorizes the department to establish charges for the sale of laboratory services.

HOUSE BILL 2472
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey
SENATE SPONSOR: Moncrief

House Bill 2472 amends the Health and Safety Code to expand the list of injuries reportable to the Texas Department of Health to include traumatic brain injuries. The department is required to enter into memoranda of understanding with the Texas Rehabilitation Commission and with the Texas Traumatic Brain Injury Advisory Council to exchange relevant injury data, maintain confidentiality of injury data, and cooperate in investigations of injuries.

HOUSE BILL 2481
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Swinford et al.
SENATE SPONSOR: Sibley

House Bill 2481 amends the Health and Safety Code to authorize a chemical dependency treatment program conducted by a religious organization to register for an exemption from regulation by the Texas Commission on Alcohol and Drug Abuse if the program is exclusively religious in nature and does not treat minors. The act prohibits an exempted program from providing medical services and from admitting a person without obtaining a written statement that the person understands the nature of the program and that the program is not licensed or regulated. The act requires an exempted program to include certain notice in all advertising and literature and authorizes the commission to revoke an exemption in certain circumstances.

In addition, House Bill 2481 prohibits a state agency from denying state or federal social benefits on the basis that an individual is participating in a faith-based chemical dependency treatment program. The act prohibits an exempted program from competing against a licensed treatment program for direct federal or state treatment funding.

The act also directs the Texas Department of Human Services to provide an individual's food stamp allotment to a residential chemical dependency treatment program in which the individual resides if the individual authorizes the transfer.

HOUSE BILL 2509
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilderbran
SENATE SPONSOR: Zaffirini

House Bill 2509 directs the Texas Department of Human Services to implement a pilot program for the treatment of individuals diagnosed with Alzheimer's. The act requires that the pilot program be operated in an urban county and in a rural county contiguous to the urban county and that it provide comprehensive case management for Alzheimer's patients and support services for the caregivers and families of Alzheimer's patients.

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HOUSE BILL 2510

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Zaffirini

House Bill 2510 amends the Health and Safety Code to require the Texas Board of Human Services to set minimum standards and establish a classification and license for a facility that provides personal care services to residents who have Alzheimer's disease or other related disorders.

HOUSE BILL 2556

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

House Bill 2556 amends the Health and Safety Code to establish that a county that provides care through a hospital established by a board of managers jointly appointed by the county and a municipality is eligible for state assistance, subject to certain spending and other requirements.

HOUSE BILL 2596

EFFECTIVE: 9-1-97

HOUSE AUTHOR: King et al.

SENATE SPONSOR: Zaffirini

House Bill 2596 amends the Government Code to establish that the Texas Information and Referral Network at the Health and Human Services Commission is the program responsible for the development and implementation of a statewide information and referral network that integrates existing community-based structures with state and local agencies. A health and human services agency is required to provide information updated quarterly for inclusion in the network.

HOUSE BILL 2673

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Janek

SENATE SPONSOR: Zaffirini

House Bill 2673 amends provisions of the Health and Safety Code that grant confidentiality and immunity to a medical committee to expand the definition of "medical committee" to include a committee of one or more health care systems.

HOUSE BILL 2856

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hupp et al.

SENATE SPONSOR: Gallegos

House Bill 2856 amends the Health and Safety Code to require the Texas Department of Health to make publicly available certain information pertaining to abortion facilities. Such information includes the license status of a facility, the date and results of its last inspection including any identified health risks and related corrective measures, and any administrative or civil penalties, professional disciplinary actions, or criminal convictions incurred by the facility or an affiliated physician. The act directs the Texas State Board of Medical Examiners to provide to the department any of its information that the department does not have but is required to make available. The department must maintain a toll-free telephone number for information on an abortion facility, and each facility must provide to a woman at initial consultation a written statement giving the toll-free number. The act establishes the language of the statement and provides that it be made available in both English and Spanish. The department must inspect each abortion facility before renewing the facility's annual license. The act provides for the assignment to each facility of a unique license number to be included in certain communications that advertise the facility's services.

HOUSE BILL 2866
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chavez
SENATE SPONSOR: Harris

House Bill 2866 amends the Health and Safety Code to establish new procedures for obtaining information for purposes of filing a death certificate, and it provides guidelines for the delayed registration of deaths that occur more than 10 days but less than one year before the date of application for registration.

HOUSE BILL 2984
EFFECTIVE: See below

HOUSE AUTHOR: Hunter et al.
SENATE SPONSOR: Zaffirini

House Bill 2984 amends the Health and Safety Code to establish a state policy regarding care of medically fragile children and to require the Texas Board of Health to establish a pilot program to study and research the unique needs of medically fragile children and their families.

The act takes effect September 1, 1997, but is contingent upon an appropriation to fund the pilot program.

HOUSE BILL 3054
EFFECTIVE: See below

HOUSE AUTHOR: Berlanga
SENATE SPONSOR: Zaffirini

House Bill 3054 amends the Health and Safety Code to require the Texas Department of Health to establish and maintain a childhood immunization registry that can be used to provide notices to a parent or guardian regarding immunizations that are overdue. Insurance companies, health maintenance organizations, and health care providers who administer an immunization are required to provide an immunization history to the department unless parental consent has not been obtained or is withdrawn. An offense is created for negligently disclosing registry information or using the information to solicit new patients or for other purposes that are not associated with immunization.

The bill would take effect September 1, 1997, except for the provisions requiring insurance companies to provide immunization histories to the health department, which take effect September 1, 1999.

HOUSE BILL 3075
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga
SENATE SPONSOR: Zaffirini

House Bill 3075 amends the Health and Safety Code to authorize a home and community support services agency and a registered nurse or licensed vocational nurse employed by the agency to possess, for the purpose of administering to home health or hospice patients, the hepatitis B vaccine, the influenza vaccine, a tuberculin, or certain dangerous drugs.

HOUSE BILL 3233
EFFECTIVE: 6-17-97

HOUSE AUTHOR: Allen
SENATE SPONSOR: R. West

House Bill 3233 authorizes a designee of the Texas Department of Health to conduct the examination required as part of the registration process for code enforcement officers.

HOUSE BILL 3234
EFFECTIVE: Vetoed

HOUSE AUTHOR: Hinojosa
SENATE SPONSOR: Lucio

House Bill 3234 amends the Health and Safety Code to require a hospital authority to transfer assets or proceeds from the sale of a hospital or part of a hospital to the municipality or county that created the authority to fund or support health-related projects. The authority and the governing body are prohibited from transferring the assets of the authority without due compensation except to the municipality or county that created the authority to fund health-related projects.

SENATE BILL 55

EFFECTIVE: See below

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Berlanga et al.

Senate Bill 55 amends the Health and Safety Code and the Tax Code to add provisions concerning the prevention of smoking and use of tobacco by minors. Under the act, a minor who possesses, purchases, consumes, or accepts cigarettes, cigars, smoking tobacco, chewing tobacco, or other tobacco products may be fined up to \$250. Exceptions apply if the minor possesses such a product in the presence of a parent, guardian, or spouse or in connection with certain employment duties or law enforcement activities. Violators receive a suspended sentence but must attend a tobacco awareness program or perform community service if no such program is available locally. A court may also require attendance of the tobacco awareness program by the minor's parent. On program or service completion, the fine may be reduced by up to 50 percent, the charge dismissed, or the violation expunged from the minor's record depending on certain circumstances. Failure to satisfy the conditions of the suspended sentence result in a driver's license suspension lasting up to 180 days.

The act prohibits vending machine sales of cigarettes and other tobacco products, or direct customer access to such products, except in establishments that are limited to adults or humidors where cigars are stored. Dispensing of free samples, or of coupons tradeable for free or discounted samples, is prohibited. Also prohibited is the sale of cigarettes in packages of less than 20. The act increases from 500 to 1,000 feet the minimum distance between signs advertising cigarettes or other tobacco products and a church or school. It places a fee of 10 percent on the gross sales price of outdoor advertising for such products.

Fees for bonded agent's, distributor's, and wholesaler's permits are tripled or quadrupled. The act establishes a new fee for retailer's permits. Retailers and others face new product distribution restrictions including the vending machine, direct access, free sample, and coupon prohibitions. A sale to a person younger than 27 requires a check of the person's identification. Retailers must notify their employees of relevant state laws, and the language of posted warning signs changes. The act provides for retailer fines, or suspension or revocation of a retailer's permit, for certain violations.

The comptroller assumes certain enforcement duties, in conjunction with local law enforcement officials and the commissioner of health. The comptroller is responsible for the approval of seller training programs directed at the employees of retailers. The commissioner of health is responsible for the establishment of the tobacco awareness programs attended by minors who violate the law and for the development and implementation of a public awareness campaign designed to reduce tobacco use by minors. The act establishes an associated grant program for youth groups. Retailer permit revenue goes to a combination of administration, enforcement, the public awareness campaign, and youth group grants. Fees for outdoor advertising go to a new tobacco education and enforcement education fund, to be used for similar purposes.

Implementation of the act is contingent on the availability of funds from advertising fees and retailer permit fees, as determined by the comptroller. Prohibitions relating to vending machines, direct customer access, and illegal acquisition or possession by minors take effect January 1, 1998, as do the requirements for retailer notification of employees and identification checks on purchasers under age 27. Other provisions take effect September 1, 1997, but advertising signs located too close to a church or school are grandfathered if situated legally before that date. The act does not preempt compatible or more stringent local regulations relating to product distribution. If provisions relating to product distribution or advertising are found to be federally preempted before taking effect, the comptroller may seek an exemption

from federal preemption and delay implementation. The act requires the Texas Department of Health to report biennially to the governor, lieutenant governor, and speaker of the house on the status of smoking and the use of tobacco products in Texas.

SENATE BILL 102**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Zaffirini et al.**HOUSE SPONSOR:** Kamel

Senate Bill 102 amends the Health and Safety Code to create the emergency medical services and trauma care system fund, composed of money appropriated to the credit of the fund, including 9-1-1 emergency service fee revenue. From the fund, the legislature may appropriate money to the Texas Department of Health for specified purposes, except that the commissioner of health must maintain a reserve of \$250,000 for emergencies. Of the remainder after reserve subtraction, at least 70 percent is used to fund supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services. That portion is allocated on a county basis based on relative geographic size, population, and trauma care traffic. Up to 25 percent is used to fund the state's 22 trauma support areas, based on the same allocation factors. At least 2 percent goes toward uncompensated trauma care at designated state trauma facilities, and not more than 3 percent goes to fund certain administrative costs. Local disbursement authorizations are by the county judge or, in counties of population 291,000 or more, by the county judge in conjunction with the mayor of the largest city. If money is spent in violation of allowable uses, a county, city, or local recipient loses funding eligibility for one to three years. The act directs the department to report by December 1, 2000, on the use of the fund and any legislative recommendations.

SENATE BILL 162**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Barrientos et al.**HOUSE SPONSOR:** Raymond

Senate Bill 162 requires the Health and Human Services Commission to develop a Texas Diabetes Care Pilot Program to provide continuous care, including preventive services, to Medicaid recipients who have diabetes-related conditions. The act also amends the Insurance Code to require the commissioner of insurance, in consultation with the Texas Diabetes Council, to adopt minimum standards for benefits that certain health insurance plans must provide to enrollees with diabetes.

Senate Bill 162 amends the Health and Safety Code to abolish the Texas Diabetes Council and require the governor and certain state agencies to accomplish a revised membership plan for a newly created council as prescribed in the act. The governor or a state agency is not prohibited from reappointing a person who is currently serving on the council. The act requires the council to provide public awareness information about diabetes through businesses, civic organizations, and public schools. The act also requires the State Board of Education, in consultation with the Texas Department of Health and the council, to develop a diabetes education program that a school district may use in its health curriculum.

SENATE BILL 208**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Haywood**HOUSE SPONSOR:** Hirschi

Senate Bill 208 amends the Health and Safety Code to remove a provision that authorizes a treating physician to disclose certain information regarding a patient in a mental health facility to a law enforcement officer or to the patient's legally authorized representative.

SENATE BILL 305

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Berlanga

Senate Bill 305 changes the structure of the Interagency Council on Early Childhood Intervention by creating a governing board for the council. It sets forth the composition, terms, powers, and duties of the governing board and the powers and duties of the council and establishes the council as the lead agency for the administration, supervision, and monitoring of a comprehensive statewide system of early intervention services. Senate Bill 305 authorizes the council to obtain criminal history records of certain employees, applicants for employment, or applicants for volunteer positions and makes provision for the confidentiality of criminal history records obtained for this purpose. It subjects the council to sunset review by September 1999 and to open records, open meetings, and administrative procedure laws.

The act amends eligibility requirements to provide that, to be eligible for early intervention services, a child must be documented as having developmental delay or have a medically diagnosed condition that is likely to result in developmental delay. It repeals the council's authority to charge a fee for early childhood intervention services and deletes the requirement that a child considered at risk of developmental delay be referred to services only if the risk is due to biological or environmental factors. It also repeals sections specifying council requirements concerning parent counseling and case management, monitoring, and intervention services policies; new program strategy; program approval, standards, and monitoring; and reports.

SENATE BILL 388

EFFECTIVE: 9-1-97

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Van de Putte

Senate Bill 388 authorizes the Texas Department of Health and the Advisory Commission on State Emergency Communications to jointly adopt rules permitting a poison control center to provide services for a health and human services region served by another poison control center. On approval by and in coordination with the governor, the agencies are further authorized to enter into a contract and charge a fee to provide poison control services to individuals in another state or country, provided that the contract would not result in a diminution of services provided within the region served by a poison control center.

SENATE BILL 407

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Van de Putte et al.

Senate Bill 407 amends the Texas Abortion Facility Reporting and Licensing Act relating to the license suspension and revocation powers of the Texas Department of Health. The legislation authorizes immediate suspension or revocation when the health and safety of persons are threatened. It authorizes administrative penalties for violations of the licensing act, or rules adopted under the licensing act, in amounts up to \$1,000 per day of violation. Other provisions establish procedures for such penalties, including the right to a hearing and judicial review, and provide for cost recovery by the department if a license is denied, suspended, or revoked or, if administrative penalties are assessed, as a result of an administrative hearing. The legislation also revises the minimum standards applicable to an abortion facility.

SENATE BILL 414

EFFECTIVE: Vetoed

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Coleman et al.

Under previous law, advance directives or out-of-hospital orders to withhold or withdraw life-sustaining procedures in the event of a terminal condition were governed by three separate chapters within two different codes. Senate Bill 414 amends the Health and Safety Code to consolidate these provisions in a single chapter. In addition, a health care provider is required

to maintain written policies regarding the implementation of advance directives, including a statement of any procedure the provider is unwilling or unable to withhold in accordance with an advance directive. The provider is further required to provide written notice of the policies to an affected individual or to another person responsible for the individual's health care decisions, and an administrative penalty is created for a hospital, institution, or facility that violates this requirement. An exemption from this requirement is provided for outpatient hospital services, including emergency services. The act establishes that a properly executed advance directive does not need to be notarized and prohibits a health care facility or professional from requiring that a directive be notarized or that a person use a form provided by the facility or professional.

SENATE BILL 422**EFFECTIVE:** 5-7-97**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** Driver

Senate Bill 422 amends the Health and Safety Code to authorize the licensing of a hospital with multiple premises under a single license. A comprehensive medical rehabilitation hospital or a pediatric and adolescent hospital is required to have an emergency treatment room but is not required to have an emergency department.

SENATE BILL 444**EFFECTIVE:** 4-25-97**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Berlanga

Senate Bill 444 amends the Health and Safety Code to authorize a local registrar to destroy paper copies of vital statistics records after one year of storage if the registrar has access to electronic records maintained by the bureau of vital statistics and certifies to the state registrar before destroying the records that each record is accounted for in the electronic database or otherwise.

SENATE BILL 502**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Van de Putte

Senate Bill 502 amends the Family Code to remove the requirement that an inquest be held to determine whether the death of a child under six years of age is unexpected if the child's death is expected and due to a congenital or neoplastic disease. The act provides that a death caused by an infectious disease may be considered as an expected death if the disease was not the result of trauma or poisoning, the infectious organism is identified using standard medical procedures, and the death is not reportable under the Communicable Disease Prevention and Control Act.

In addition, Senate Bill 502 amends the Code of Criminal Procedure to remove the requirement that an autopsy be performed on a child under six years of age if the child's death is determined to be expected.

SENATE BILL 534**EFFECTIVE:** 6-19-97**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Maxey

Under previous law, when a state agency paid for medical services for a patient who later received money from the settlement of a related lawsuit, the agency had a right to recover its costs from what the patient received in the settlement. Senate Bill 534 amends the Government Code to require the Health and Human Services Commission to contract for services to recover such amounts owed to the commission or a health and human services agency and to compensate the contractor based on a percentage of the amount recovered. The contractor is authorized to

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represent the commission or agency in court to recover such funds and the commission is authorized to allow other agencies to be a party to the contract. If the commission cannot find a willing contractor, it is required to develop and implement alternative policies to ensure these amounts are collected.

SENATE BILL 600

EFFECTIVE: 5-27-97

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Janek

Senate Bill 600 amends the Health and Safety Code to establish that data furnished to a hospital cancer registry may be shared with other cancer registries.

SENATE BILL 802

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Maxey

Senate Bill 802 amends the Health and Safety Code to make numerous revisions to the functions and duties of the Texas Health Care Information Council. The act establishes that the “public use data” compiled and released by the council is to be patient-level data relating to individual hospitalizations, that identifies patients and physicians only by uniform identifiers, and that is severity and risk adjusted and verified for accuracy. The act establishes that the basis for assigning a patient identification code is confidential, and the council is prohibited from releasing data elements in a manner that will reveal the identity of a physician or patient. An offense is created for releasing data in violation of these provisions. Tax-exempt hospitals that do not receive reimbursement for services are authorized but not required to provide data to the council. The act also provides a new definition of rural provider and establishes that rural providers are not required to submit data to the council. The council is made subject to the open records law and is required to adopt rules allowing a provider to submit written comments regarding data to be released concerning the provider. The council is further required to make the comments available to the public.

The Texas Department of Human Services is required to enter into a memorandum of understanding with the council to implement the department’s duty to collect data and assist the council, and the attorney general is required to furnish the council with advice and legal assistance.

SENATE BILL 908

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Chavez

Senate Bill 908 amends the Health and Safety Code to authorize the Texas Department of Health to inspect a hospital that is currently exempt from annual inspection requirements before renewing the hospital’s license if the hospital has not been inspected by the Medicare certification or accreditation body in the past three years and is not scheduled for such an inspection within 60 days.

SENATE BILL 913

EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Berlanga

Senate Bill 913 amends provisions of the Health and Safety Code to transfer responsibility for the medically underserved community-state matching incentive program from the Texas Board of Health to the Center for Rural Health Initiatives. The act deletes the requirements that a primary care physician sponsored by a medically underserved area have completed a residency within seven years of applying for sponsorship and that the physician practice in the community on a full-time basis.

SENATE BILL 952
EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: Delisi

Senate Bill 952 amends the Transportation Code to provide that a person who wishes to be an eye, tissue, or organ donor may sign and carry a donor card provided to the Department of Public Safety by a qualified organ procurement organization, and the card will be given the same effect as a designation on a driver's license. The department is required to distribute cards in each driver's license office and to develop a statewide database of donors in cooperation with other appropriate state agencies. The act further provides that after September 1, 1997, a statement of gift on a driver's license is no longer valid unless the statement was executed before that date.

SENATE BILL 975
EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla
HOUSE SPONSOR: Van de Putte

Senate Bill 975 amends the Health and Safety Code to expand the list of exceptions to provisions that require written authorization from a patient for disclosure of the patient's health care information. Unless the patient has instructed a hospital not to disclose the information, the act authorizes the disclosure of the patient's health care information without the required authorization if the information discloses the presence of the patient, the nature of the patient's injury, the patient's municipality of residence, sex, age, and general health status. The act also authorizes disclosure without written authorization if the information is disclosed for specified purposes to a transporting emergency medical services provider, a member of the clergy specifically designated by the patient, a qualified organ or tissue procurement organization, a prospective health care provider, a person authorized to consent to medical treatment, the American Red Cross, a regional poison control center, or a health care utilization review agent. Written authorization is also not required to comply with a court order or a subpoena.

In addition, Senate Bill 975 authorizes a hospital or its agent to charge a reasonable fee for the execution of an affidavit or certification of a document and written responses to a written set of questions. The act prohibits a hospital from charging a fee for certain information.

SENATE BILL 1284
EFFECTIVE: 9-1-97

SENATE AUTHOR: Gallegos
HOUSE SPONSOR: Chavez

Senate Bill 1284 amends the Health and Safety Code to authorize the Texas Department of Health to adopt rules relating to material used in new or renovated bedding, including rules to require the use of burn resistant materials and prohibiting or restricting the use of secondhand or recycled material. The Texas Board of Health is authorized to appoint an advisory commission composed of representatives of consumers and the bedding industry to assist in implementing the act. The department may authorize or require the use of a language in addition to English on labeling and may adopt rules that require certain labels to state conformity with burn resistant material requirements, specify the appearance of labels, and exempt certain businesses from permit requirements. The board is required to adopt rules to implement the act, including requirements governing permits, and the department is authorized to require an applicant for a permit to submit a product sample or the results of tests conducted on the product.

The act provides for imposition of an administrative penalty and recovery of the department's expenses and costs and creates an offense for a violation of these provisions. The commissioner of health or an authorized agent may detain or embargo bedding if there is a finding or a probable cause to believe that the article violates these provisions, and the commissioner is authorized to order bedding to be recalled from commerce. An action for the condemnation of

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bedding may be brought before a court for a violation of the act, and the court is required to order the destruction of the bedding or its return to the maker if the violation can be corrected by proper labeling or processing.

SENATE BILL 1313

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hirschi

Senate Bill 1313 amends the Chronically Ill and Disabled Children's Services Act to add licensed dietitians to the list of providers that must be approved by the Texas Board of Health to participate in the Chronically Ill and Disabled Children's Services program.

SENATE BILL 1517

EFFECTIVE: 9-1-97

SENATE AUTHOR: Truan

HOUSE SPONSOR: Davila

Senate Bill 1517 amends the Health and Safety Code to repeal the interagency council established under the Office of Texas-Mexico Health and Environmental Issues, the advisory committees established under the Texas Primary Health Care Services Act, the Interagency Committee on Special Senses and Communication Disorders, the technical advisory committee established under the Texas Oral Health Improvement Act, the scientific advisory committee established to advise the Texas Department of Health in implementing an effective birth defects registry, the Hospital Licensing Advisory Council, the Hospital Data Advisory Council, the advisory committee established to advise the Texas Board of Health in developing standards and procedures relating to the licensing of wholesale drug distributors, the advisory committee established under the Hazard Communication Act, the Emergency Medical Services Advisory Council, the technical advisory committee established to advise the bureau of emergency management, the Pediatric Emergency Medical Services Advisory Committee, the technical advisory committee established under the Texas Asbestos Health Protection Act, the code enforcement advisory committee, the Advisory Council on Massage Therapy, the Medical Radiologic Technologist Advisory Board, the Respiratory Care Practitioners Advisory Board, and the Advisory Council of the Opticians' Registry.

SENATE BILL 1782

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Elkins

Senate Bill 1782 amends the Health and Safety Code to allow a county, city, or the Texas Department of Transportation to bury the carcass of an animal killed on a county or city road or state highway, respectively, on property owned by the local government or on state highway right-of-way, as applicable. A permit is not required, but the disposal must be in a manner consistent with public health.

HUMAN SERVICES/MENTAL HEALTH AND MENTAL RETARDATION

HOUSE BILL 155

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Madla

House Bill 155 amends the Human Resources Code to require a family home to be listed with the Department of Protective and Regulatory Services if it is compensated for providing regular care to fewer than four children who are not related to the caretaker. The act requires an applicant for listing as a family home to pay an application fee and an annual administrative fee and to submit to background and criminal history checks. A licensed child-care facility and a registered family home are also required to submit to background and criminal history checks and are required to pay an administrative fee to cover the cost of a background and criminal history check. The act authorizes the department to deny or revoke the licensure of a child-care facility or the listing or registration of a family home based on the results of a background or criminal history check.

In addition, House Bill 155 authorizes the department to inspect registered family homes and requires the department to investigate a listed family home upon receipt of a complaint of abuse or neglect. The act provides for the suspension or closure of a listed or registered family home and establishes a civil penalty and certain criminal offenses.

The act also includes provisions relating to public advertising of family homes.

HOUSE BILL 446

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 446 amends the Human Resources Code to authorize an area agency on aging to establish a trust account, as authorized by federal law, for the benefit of a Medicaid recipient who would become ineligible for benefits without the establishment of the trust. The Texas Department of Human Services is directed to allocate available state funds to the area agencies for use in establishing the trusts.

HOUSE BILL 460

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Moncrief

House Bill 460 requires the commissioner of health and human services to study and report to the legislature on the feasibility and advisability of replacing all or several of the current Medicaid waivers relating to long-term care services with a single waiver.

HOUSE BILL 540

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Serna

SENATE SPONSOR: Shapleigh

House Bill 540 amends the Government Code to add to the list of eligible activities of the Texas Department of Housing and Community Affairs' colonia self-help centers the provision of monthly programs to educate individuals and families on their rights and responsibilities as property owners.

HOUSE BILL 606

EFFECTIVE: 6-2-97

HOUSE AUTHOR: Zbranek et al.

SENATE SPONSOR: Moncrief

Under previous law, the Texas Department of Human Services was authorized to contract for additional Medicaid nursing home beds in a county only if there was a sufficiently high occupancy rate in existing homes. House Bill 606 amends the Health and Safety Code to

authorize the department to contract for up to 120 additional nursing home beds per county per year and up to 500 additional beds statewide each year upon request of the commissioners court of a county having not more than two certified nursing facilities.

HOUSE BILL 663

EFFECTIVE: 5-28-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Moncrief

House Bill 663 requires the Health and Human Services Commission to develop a pilot program to study the feasibility of using a process to assess the needs of long-term care recipients that is based on functional need, rather than age or diagnosis. The act requires the commission to consult with certain interested parties in the development of the program and to solicit funding for the program from various sources.

HOUSE BILL 885

EFFECTIVE: 5-23-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Zaffirini

House Bill 885 amends the Government Code to require the Health and Human Services Commission and each health and human services agency to develop procedures to ensure that a plan to facilitate a permanent living arrangement is developed for each child who resides in a state institution or for whom institutional care is sought. The act requires the commission to develop in at least four local sites an implementation system for coordinating permanency planning and establishes reporting requirements for the implementation sites.

HOUSE BILL 1039

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 1039 amends the Health and Safety Code to clarify standards for temporary and extended court-ordered inpatient mental health services and to establish guidelines for temporary and extended court-ordered outpatient mental health services. The act requires a county or district attorney to inform a person for whom court-ordered mental health services are sought whether the attorney is requesting commitment to inpatient services or to outpatient services and allows for this requirement to be waived upon agreement of all parties.

House Bill 1039 requires a facility or provider that recommends outpatient treatment for a proposed patient to file a statement as to whether the proposed mental health services are available through the local mental health authority or through another mental health services provider. The act also establishes certain reporting requirements for court clerks and the Office of Court Administration of the Texas Judicial System.

HOUSE BILL 1085

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 1085 amends the Health and Safety Code to require nursing facilities to submit on a quarterly basis the electronic forms required for reimbursement under the Medicaid program.

HOUSE BILL 1312

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

Under previous law, a court was required to set a hearing on a motion to modify an order for outpatient mental health services within 72 hours of the filed motion. House Bill 1312 amends the Health and Safety Code to extend the time allowed to seven days after the motion is filed and to authorize a court to grant continuances of the hearing or to postpone a hearing in

case of hazardous weather or disaster. The act authorizes the temporary detention of a patient to extend beyond 72 hours only if a hearing is held and the court, magistrate, or a designated master finds probable cause that the patient requires court-ordered temporary mental health services and detention is necessary to determine the appropriate setting for the patient's court-ordered services. The act provides that a person may not be detained in a nonmedical facility used to detain persons charged with or convicted of a crime.

HOUSE BILL 1439

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Duncan

House Bill 1439 amends the Human Resources Code to restrict a family's use of financial assistance under the Temporary Assistance for Needy Families (TANF) program to items that are considered essential for the family's welfare and directs the Texas Department of Human Services to adopt rules to define these essential items. The bill requires a recipient of financial assistance to make cash withdrawals from an electronic benefits transfer (EBT) account only from a provider's customer service department. House Bill 1439 also requires the department to conduct a pilot project in which utility companies, housing agencies, and other retailers accept payment from TANF recipients through the EBT system and, if the project is successful, to promote statewide use of the EBT system for such purposes.

HOUSE BILL 1555

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Shapiro

House Bill 1555 amends the Human Resources Code to direct the Department of Protective and Regulatory Services (DPRS) to eliminate duplicate inspections of child-care facilities by coordinating inspections conducted by the department, the Texas Department of Human Services (TDHS), and the Texas Workforce Commission (TWC). The act requires DPRS to use available information systems, if feasible, to establish a computerized database containing relevant inspection information on child-care facilities and to make this data available to other agencies that conduct these inspections. It also requires DPRS to provide immediate feedback to a child-care facility after an inspection and to form an interagency task force with TDHS and TWC to develop a coordinated inspection protocol.

HOUSE BILL 1637

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Alvarado

SENATE SPONSOR: Carona

House Bill 1637 amends the Human Resources Code to increase the financial penalties for Medicaid-related fraud if the fraud results in injury to an elderly person, a disabled person, or a child. The act prohibits a provider found liable for such fraud from participating in the Medicaid program for 10 years and authorizes the Texas Department of Human Services to adopt rules to extend this required period of ineligibility. In addition, the act permanently bars a provider from participating in the Medicaid program if the provider is convicted of criminal charges associated with Medicaid-related fraud that results in injury to an elderly person, a disabled person, or a child. A person who operates a nursing facility is not subject to certain of these provisions.

House Bill 1637 is ineffective according to its provisions because of the enactment of Senate Bill 30.

HOUSE BILL 1734

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi

SENATE SPONSOR: Moncrief

House Bill 1734 amends the Health and Safety Code to require the Texas Board of Mental Health and Mental Retardation to have a plan developed that identifies the optimal number of local MHMR authorities, the scope of responsibilities of a local authority, and criteria by which authorities are to be selected. Subject to the approval of the Health and Human Services Commission, the Texas Department of Mental Health and Mental Retardation is required to prescribe a procedure for financial audits of a community center that incorporates into a single audit the requirements of each agency that contracts with the center. The department also is required to prescribe procedures based on risk assessment for coordinated program audits of a center, subject to the approval of the commission. The department is required to develop protocols for additional audits by an agency, and an agency or department is required to comply with the procedures and is prohibited from conducting additional financial audits of a community center without the approval of the commission. However, an agency or entity providing funding to a community center is not prohibited from investigating a complaint or performing additional contract monitoring of a center.

HOUSE BILL 1909

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Truan et al.

House Bill 1909 amends the Human Resources Code to authorize the Texas Department of Human Services to extend the period of supported employment for recipients of financial assistance by using a method of grant calculation that gradually lowers the benefit amount by disregarding a portion of the earnings of family members who obtain employment while receiving financial assistance (fill-the-gap budgeting). To fund the supported employment program, the department is authorized to limit or gradually reduce the percentage of earnings disregarded or impose time limits on the earnings disregarded. The act also authorizes the funding of the program through the use of savings associated with certain sanctions, savings resulting from caseload declines below specified projections, and Temporary Assistance for Needy Families block grant funds.

HOUSE BILL 2017

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Shapleigh

House Bill 2017 amends the Government Code to require the Health and Human Services Commission to develop and implement a system for reimbursement of Medicaid services performed using telemedicine and to encourage certain providers to participate as providers of telemedicine. The commission is prohibited from requiring that a service be provided through telemedicine when the service can reasonably be provided through a face-to-face consultation in the community in which the patient resides or works.

The act amends the Medical Practice Act to authorize the Texas State Board of Medical Examiners, in consultation with the Health and Human Services Commission and the commissioner of insurance, to adopt rules to ensure that appropriate care is provided to Medicare and Medicaid patients who receive telemedicine services and to prevent abuse and fraud in the use of telemedicine services for Medicare and Medicaid patients.

House Bill 2017 also directs Texas Tech University Health Sciences Center, in cooperation with the Health and Human Services Commission, to pursue a waiver from the Health Care Financing Administration to receive reimbursement under the federal research and demonstration project for telemedicine services provided under the Medicare program.

HOUSE BILL 2084
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilderbran et al.
SENATE SPONSOR: Nelson

House Bill 2084 amends the Human Resources Code to require the Texas Department of Human Services to develop and ensure the implementation of a pilot project in which vouchers are used as a payment option for long-term care, personal assistance, and respite services. The pilot project is to be designed so that the consumer controls the selection, management, and dismissal of an individual providing services, while a private or local governmental entity acts as the consumer's agent for tax purposes. A work group is created to assist the department in developing, implementing, and evaluating the project. The department is required to implement the project statewide as part of its client-managed attendant services program and in conjunction with the personal attendant services program of the Texas Rehabilitation Commission. The project is to be established by January 1998, and the department is required to report to the legislature by March 1999 on the feasibility of expanding the project statewide to Medicaid-funded community-based service programs.

HOUSE BILL 2123
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Maxey et al.
SENATE SPONSOR: Moncrief

House Bill 2123 amends the Human Resources Code to require the Texas Department of Human Services to take certain actions to prevent and detect fraud in its programs. The act requires the department to implement policies and set annual goals to reduce the amount of returned mail it receives under the programs that use the electronic benefits transfer card to provide benefits, to use a computerized matching system to compare information on food stamp transactions with information from other state agencies, and to coordinate with the comptroller efforts to cross-train agency staff who are responsible for fraud prevention and detection. In addition, the act requires an EBT system operator and installer to report to the department and to the United States Department of Agriculture suspicious activity relating to a retailer's participation in the food stamp program.

HOUSE BILL 2385
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Zaffirini

House Bill 2385 directs the Sunset Advisory Commission, in its scheduled review of health and human services agencies, to study the need for objective research and analysis of health and human services needs and programs and options for objective development of a long-range strategic plan for health and human services in Texas. The commission's study must also address whether existing legislative resources include safeguards to maintain the quality of research and promote greater accountability to state leadership, and address the best means of providing to the legislature the research information necessary to manage Texas health and human services in the future.

HOUSE BILL 2386
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Duncan

House Bill 2386 amends the Government Code to provide for Medicaid reimbursement for a telemedical consultation between a physician who practices in a rural nonprofit health facility, an accredited medical school, or a teaching hospital and a physician who has a private rural health practice or who practices in a rural nonprofit health facility. Reimbursement for a telemedical consultation is required to be at the same rate as for a comparable in-person consultation, and a request for reimbursement may not be denied solely because an in-person

consultation did not occur. A health facility that receives reimbursement for such consultations is required to establish quality of care protocols and patient confidentiality guidelines. The commission is prohibited from requiring a telemedical consultation if an in-person consultation is reasonably available, and the Texas State Board of Medical Examiners, in consultation with the commission, is authorized to adopt rules to ensure that appropriate care is provided through a telemedical consultation and to prevent abuse and fraud.

HOUSE BILL 2451

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Hirschi

SENATE SPONSOR: D. Nixon

House Bill 2451 amends the Government Code to authorize the Texas Department of Protective and Regulatory Services to obtain criminal history information about an employee, volunteer, or applicant of a nonprofit organization that provides services that involve the care of or access to children, the elderly, or persons with a disability.

HOUSE BILL 2482

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee et al.

SENATE SPONSOR: Sibley

House Bill 2482 amends the Human Resources Code to require the Department of Protective and Regulatory Services to establish a procedure by which a child-care facility or child-placing agency can operate without a license issued if the facility or agency is accredited by a private organization approved by the department. To be approved, an accreditation organization must promulgate and require compliance with standards that meet or exceed the state's minimum licensing requirements with exceptions for internal self-governance and curriculum. An organization is prohibited from having any person serve as a member of the governing body who has a financial interest in an accredited facility or child-placing agency.

Accreditation organizations must check to see whether child care facility employees are listed with the department as a person who abused or neglected a child, and both the organizations and the department are given authority to institute criminal history checks. The department is authorized to inspect an accredited facility in response to certain complaints and is required to suspend a certificate and, if appropriate, place the children at the facility elsewhere if the facility has violated accreditation standards and the violation creates an immediate threat to the health or safety of children at the facility. The act also clarifies the prerogatives of a faith-based facility that chooses to be licensed by the state rather than certified by a private organization. The provisions of the act are abolished unless reenacted by the legislature within four years from the date of enactment.

HOUSE BILL 2525

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 2525 amends the Human Resources Code to update provisions and terminology relating to rights and responsibilities of persons with disabilities. The act specifies that prohibited discrimination against a person with a disability includes failure to comply with accessibility standards, failure to make reasonable accommodations, and failure to provide auxiliary services when necessary. The act also requires private entities offering certain courses or examinations to provide for accessibility for persons with disabilities.

HOUSE BILL 2685
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte
SENATE SPONSOR: Nelson

House Bill 2685 amends the Human Resources Code to clarify that offenses established for illegal use of food stamp benefits received through the electronic benefit card apply when cash or exchange value is unlawfully obtained.

HOUSE BILL 2777
EFFECTIVE: 6-19-97

HOUSE AUTHOR: Junell et al.
SENATE SPONSOR: Ratliff

House Bill 2777 requires the Health and Human Services Commission, in consultation with the newly established Texas Integrated Enrollment Services Legislative Oversight Committee, and with approval of the governor and the Legislative Budget Board, to develop and implement a plan for the integration of eligibility determination and service delivery by health and human services agencies and the Texas Workforce Commission. The commission must give priority to the development of computer systems and the integrated system must achieve increased quality of and access to services. The act authorizes the commission, upon approval by the federal government, the governor, and the Legislative Budget Board, to contract for implementation of all or part of the plan for integration if certain criteria are met. The commission is required to conduct and make publicly available a detailed cost-benefit analysis before awarding a contract. House Bill 2777 authorizes the issuance of bonds or other obligations under the Texas Public Finance Authority Act to finance the design, development, and operation of an automated data processing system to support the plan for integration. The act deletes provisions that require the commission to consult with the State Council on Competitive Government to implement the integrated eligibility determination and service delivery system.

House Bill 2777 establishes the Texas Integrated Enrollment Services Legislative Oversight Committee and directs the committee to hold public hearings concerning the development of the plan for integration, to advise the Health and Human Services Commission in the development of the plan, and to monitor the implementation and efficiency of the plan.

HOUSE BILL 2913
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga et al.
SENATE SPONSOR: Zaffirini

House Bill 2913 amends the Government Code to assign responsibility for the administration, evaluation, and operation of the Medicaid managed care program to the Health and Human Services Commission. The act establishes specific goals for the Medicaid managed care program, such as ensuring that each recipient receives high quality, comprehensive health care services in the recipient's local community, encouraging the training of and access to primary care providers, and maximizing cooperation with existing public health entities.

House Bill 2913 requires the commission, in awarding managed care contracts, to give preference to organizations that have significant participation from each health care provider in the region who has traditionally provided care to Medicaid and charity care patients, to give extra consideration to organizations that agree to assure continuity of care for at least three months beyond a recipient's period of eligibility, and to consider the need to use different managed care plans to meet the needs of different populations. In providing Medicaid managed care services in a service region, the commission is required to contract with at least one health maintenance organization that is wholly owned and operated by a hospital district in the region, is created by a nonprofit corporation that has an agreement with a hospital district or municipality in the region to provide health care to indigent patients, or is created by a

nonprofit organization that has an agreement with a hospital district in the region to arrange for services under the Medicaid expansion for children. The commission is required to make a mandatory contract with a managed care organization that is affiliated with a hospital district or municipality contingent on the district or municipality entering into a matching funds agreement to expand Medicaid for children.

The act establishes requirements relating to the content of a contract between a managed care organization and the commission, to the provider networks of a Medicaid managed care organization, and to an implementation plan by a Medicaid managed care organization. The commission is directed to encourage recipient enrollment, to establish marketing guidelines, to ensure the development of special disease management programs, to develop special protocols, and to provide certain public notice. The act also requires the commission to appoint a Medicaid managed care advisory committee for each region in which it plans to provide managed care services to Medicaid recipients.

House Bill 2913 also includes a provision, effective September 1, 1997, that assigns responsibility for rate setting for the Medicaid program to the Health and Human Services Commission.

HOUSE BILL 3100

EFFECTIVE: 9-1-97

HOUSE AUTHOR: J. Jones et al.

SENATE SPONSOR: Truan

House Bill 3100 amends the Health and Safety Code to update and revise provisions describing the rights of the elderly and establishes that a violation of these rights is grounds for suspension or revocation of the license, registration, or certification of a person providing services to an elderly person. The act also expands the definition of "alternate care" to include personal care services, attendant care, residential repair, or emergency response services.

HOUSE BILL 3428

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Moncrief

House Bill 3428 amends the Human Resources Code to require the Texas Department of Human Services, the Texas Workforce Commission, and the Title IV-D agency charged with child support enforcement to adopt procedures whereby requirements for receiving public assistance may be waived or modified for an individual who is a victim of family violence. The procedure would be required if application of the standard requirements would adversely affect the individual's ability to attain financial independence, make it more difficult for the individual to escape family violence, or place the individual at greater risk for additional family violence. The agencies are prohibited from denying services because an individual is a victim of family violence, and the department is required to coordinate the development and implementation of the procedures in collaboration with the commission, the Title IV-D agency, and at least one statewide advocacy group for victims of family violence. The department is required to conduct a study to develop a process or instrument to be used by the agencies in identifying pertinent characteristics of individuals who are victims of family violence and to identify services that provide the greatest assistance to such individuals.

SENATE BILL 30

EFFECTIVE: See below

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Maxey

Senate Bill 30 amends various provisions relating to public welfare programs, especially Medicaid, primarily concerning fraud and recovery of erroneously paid benefits. The act requires the Health and Human Services Commission, in consultation with the Texas Department

of Human Services, to set an annual minimum goal of the amount of erroneously paid food stamp and AFDC benefits that the department must recover and provides for reduction of the department's appropriation if the department falls short of the goal. The act requires the department to take various actions to combat fraud, including instituting a telephone collection program, using private collection agents, and determining payment errors promptly. The act also creates an investigations and enforcement office in the commission to coordinate the investigation of fraud in public welfare programs, and imposes various fraud prevention and prosecution duties on the commission, including implementing new fraud detection computer technologies, providing training on fraud prevention and detection, and coordinating fraud detection and prosecution with health and human services agencies and the attorney general's office. The act requires the transfer of staff and resources from the department and the Texas Department of Health to the commission to enable the commission to perform its fraud-related functions.

The act also includes provisions to increase accountability of health care providers under the Medicaid program, including authorizing the department to obtain criminal history records of a provider and to require a provider to post a surety bond in certain circumstances. The act requires the Texas Department of Health to identify improper practices by service providers and requires the commission to develop a new provider contract with strengthened anti-fraud provisions. The act also requires managed care organizations providing Medicaid services to develop fraud prevention plans and report information necessary to detect fraud and ensure quality of care. The act provides for periodic auditing of each managed care organization that serves Medicaid beneficiaries.

Senate Bill 30 also provides for increased sanctions against persons who commit Medicaid fraud, including increased administrative and civil penalties and higher penalties for persons whose fraud results in harm to a disabled or elderly person or to a child, new liability for managed care organizations that fail to provide required services or information or that engage in specified fraudulent activities, exclusion of providers who commit fraud from participating in the Medicaid program, deduction of erroneously paid food stamp and AFDC benefits from lottery prizes, suspension of driver's licenses of persons who fail to repay erroneously paid food stamp and AFDC benefits, creation of a criminal offense related to Medicaid fraud, and suspension of certain occupational licenses for persons convicted of the criminal offense. An enhanced criminal offense is created for a theft in which the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship. The act also authorizes private citizens to bring lawsuits on behalf of the state against persons who commit Medicaid fraud and allows the citizen to receive a portion of the settlement or judgment.

Finally, the act creates a broad civil cause of action, not limited to welfare programs, for presenting a false claim for payment to a state or local governmental entity. A private citizen is authorized to bring suit on behalf of the state and to share in the recovery. The act takes effect on September 1, 1997, although separate effective dates are specified for numerous provisions.

SENATE BILL 57

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Hilderbran, Naishtat

Senate Bill 57 amends the Human Resources Code to specify that the six months of transitional benefits provided to a recipient of financial assistance who volunteers to participate in the Job Opportunities and Basic Skills program applies only if the recipient actually participates in the program.

SENATE BILL 58

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Hilderbran et al.

Senate Bill 58 amends the Human Resources Code to require the Texas Department of Human Services to allow a person who is participating in the Job Opportunities and Basic Skills Program to complete their work or employment activities if the person becomes ineligible for the program because of additional amounts received in child support. The department is further required to provide necessary child care services until the person completes the program.

SENATE BILL 60

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Hilderbran et al.

Under previous law, the Texas Department of Human Services required a caretaker relative or parent who was receiving assistance on behalf of a dependent child to attend all class components of a parenting skills training program. Senate Bill 60 amends the Human Resources Code to provide that a caretaker or parent is required to attend one or more components of the program that the department determines will be useful.

SENATE BILL 85

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 85 amends the Persons with Mental Retardation Act to include a nurse in the list of individuals qualified to serve on a surrogate consent committee established to make treatment decisions for a client of an Intermediate Care Facility for the Mentally Retarded (ICF/MR) who lacks the capacity to make decisions and for whom no other surrogate decision-maker is available. The act requires that the application of an ICF/MR for a treatment decision for an incapacitated client include a description of generally accepted alternatives to the proposed treatment and the reasons the alternatives were rejected.

In addition, the act requires the Texas Department of Mental Health and Mental Retardation, rather than a surrogate consent committee, to designate the chair of a surrogate consent committee and to provide consultation with a health care professional to assist the committee in determining the best interest of the client.

SENATE BILL 115

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Maxey

Senate Bill 115 amends the Human Resources Code to authorize the Department of Protective and Regulatory Services to assign priorities to its investigations of abuse, neglect, or exploitation in Texas Department of Mental Health and Mental Retardation facilities and in community centers, using as the primary criterion the risk that a delay in the investigation will impede the collection of evidence.

SENATE BILL 118

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Naishtat

Senate Bill 118 amends the Health and Safety Code to require a state agency that requests the placement of a child with a developmental disability in an institution to notify the community resource coordination group in the county of residence of a parent or guardian of the child within three days. If the person or organization requesting placement is not a state agency, the institution is required to notify the Texas Department of Human Services and the department is required to notify the community resource coordination group, the local school district, or the local early intervention program, as appropriate. Each entity receiving notice is authorized to contact the person making the placement to ensure that family members are aware of available services, placement options, and opportunities for permanency planning. The commission and each appropriate health and human services agency is required to develop procedures to ensure that permanency planning is provided for each child residing in an institution or for whom institutional care is sought.

SENATE BILL 190

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Naishtat et al.

Senate Bill 190 amends the Health and Safety Code and the Human Resources Code relating to requirements and enforcement of requirements for nursing facilities. The act requires the Texas Department of Human Services to adopt rules and minimum standards that are at least as stringent as those required by federal Medicaid law and authorizes the department to adopt rules and standards that are more stringent. It directs the department to consider in determining licensure of a nursing facility relevant background information from those who own, operate, and control the facility.

Senate Bill 190 increases nursing facility licensing fees and broadens the duties of the Texas Board of Human Services relating to nursing facility regulation. It establishes an administrative penalty, increases the allowed civil penalties, gives a facility the right to correct certain violations without paying an administrative penalty, and clarifies provisions relating to arbitration. The act increases to a third-degree felony the penalty for unlawful disclosure of information relating to an unannounced inspection and authorizes the state to seek satisfaction from any owner, controlling person, or affiliate of a person who is found liable for and fails to pay a civil penalty.

Senate Bill 190 expands the list of offenses for which a person may be barred from employment with a facility in a position that involves direct contact with the facility's clients. The act requires, rather than authorizes, the department to include in its contracts for nursing home services monetary penalties for violations and requires the department to provide for an informal dispute resolution process. In addition, the department is required to establish procedures that take occupancy rates into account for controlling the number of Medicaid beds in nursing facilities, decertification of unused Medicaid beds in nursing facilities, and reallocation of unused Medicaid beds in nursing facilities.

The act establishes requirements for nursing facilities relating to quality of care, quality of life, and rights of residents and requires the department to adopt certain related minimum standards. It also includes requirements relating to the investigation of a complaint of abuse or neglect in a nursing facility.

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Senate Bill 190 also establishes a long-term care legislative oversight committee and directs the committee to review specific recommendations for legislation proposed by the department or the attorney general relating to nursing facility rules and regulations and other long-term care issues.

SENATE BILL 213

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Coleman et al.

Senate Bill 213 amends the Labor Code to direct the Texas Workforce Commission to establish four pilot programs, with at least one site in an urban area and one in a rural area, in which the commission shall certify licensed day-care facilities as training centers to teach the child-care profession to qualifying welfare recipients with a high school diploma or its equivalent and a long-term interest in early childhood education. The act establishes standards for a facility to qualify as a training center, establishes obligations of the facility to the trainee, and specifies the duration of the training, supplemental training, and other activities that the commission may fund.

SENATE BILL 264

EFFECTIVE: 5-27-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Berlanga

Under previous law, the Texas Board of Mental Health and Mental Retardation was required to appoint an advisory committee to review treatment methods for persons with mental illness. Senate Bill 264 amends the Health and Safety Code to abolish the advisory committee and authorize the board to adopt procedures for an advisory committee to review treatment methods.

SENATE BILL 273

EFFECTIVE: Vetoed

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Cuellar et al.

Senate Bill 273 amends the Government Code to require the comptroller to develop and update an annual statewide consumer guide for senior citizens designed to assist senior citizens and their families in making informed choices regarding available senior services. The act requires an area agency on aging to submit to the comptroller annual information containing current information on local service providers and resources for senior citizens for inclusion in the senior citizen consumer guide. An interagency work group is established to assist the comptroller in developing the guide and is directed to consult with consumer and provider groups involved in the delivery of long-term care services, to develop a list of senior services that are not readily available, to submit recommendations for improving coordinated delivery of a continuum of care for senior citizens, and to submit recommendations relating to a comprehensive bill of rights for senior citizens. The act also requires the comptroller to coordinate a joint study of planning and financial strategies for long-term health care for the elderly and persons with disabilities.

Senate Bill 273 requires the Texas Department on Aging to lead a group of state agencies formed to identify and address all major public policy issues relating to the aging of Texans and to form a broad-based public and private coalition to develop material and conduct public information campaigns to assist Texans in preparing for retirement and aging from a holistic perspective.

SENATE BILL 290
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.
HOUSE SPONSOR: Maxey

Senate Bill 290 amends the Government Code to require human services agencies, in conjunction with the Department of Information Resources, to use their existing Internet sites to provide technical assistance for human services providers. The assistance must include information on the impact of welfare reform changes on human services providers but may not include confidential information regarding a client of a human services provider. The Health and Human Services Commission is required to take the lead and ensure involvement of agencies with the greatest potential for cost savings, and the commission and affected agencies are required to report to the governor and legislative leaders regarding the cost-effectiveness of the project.

SENATE BILL 403
EFFECTIVE: 5-28-97

SENATE AUTHOR: Zaffirini et al.
HOUSE SPONSOR: Berlanga

Senate Bill 403 repeals a provision that places an assessment on certain hospitals and hospital districts to fund programs that serve a disproportionate share of indigent patients.

SENATE BILL 412
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.
HOUSE SPONSOR: Maxey

Senate Bill 412 amends the Health and Safety Code to require the Texas Department of Protective and Regulatory Services to work with the Health and Human Services Commission to develop methods to maximize the amount of federal matching funds for administering certain foster care programs.

SENATE BILL 434
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Berlanga

Senate Bill 434 amends the Government Code to require the Health and Human Services Commission to require the Texas Department of Health and the Texas Department of Mental Health and Mental Retardation to coordinate the development and enforcement of policies relating to mental health services that are provided in a private mental hospital licensed by the Texas Department of Health or in an identifiable part of a general hospital in which diagnosis, treatment, and care for persons with mental illness is provided and that is licensed by the Texas Department of Health.

The act also amends the Health and Safety Code to require the Texas Board of Mental Health and Mental Retardation to appoint an advisory committee on inpatient mental health services. The committee is to advise the board on the coordination and consistency of the policies described above and on the training for inpatient mental health facility surveyors or investigators.

SENATE BILL 487
EFFECTIVE: 1-1-98

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Naishtat

Senate Bill 487 amends the Human Resources Code to require the Texas Rehabilitation Commission to base payment under a contract for vocational rehabilitation services on outcome-based performance standards defined in the contract.

SENATE BILL 514

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Maxey

Under previous law, a number of state agencies were involved in implementing the Medicaid program, and each agency had its own hearings process for beneficiaries whose claims for services had been denied, reduced, terminated, or not acted upon promptly. Senate Bill 514 amends the Government Code to require the Health and Human Services Commission to promulgate uniform fair hearing rules for all Medicaid-funded services.

SENATE BILL 586

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 586 amends the Government Code to require the Health and Human Services Commission to adopt minimum standards for the provision of certain guardianship services for mentally incapacitated adults. The commission also is required to develop and implement a plan, subject to appropriations, to ensure that such assistance is provided to each individual who needs it. The plan also must promote the growth of local guardianship programs, and the commission is authorized to award grants to establish such programs. The Guardianship Advisory Board is created to advise the commission in adopting standards and developing the service plan. Board members are to represent each health and human services region and are to be appointed by judges of the statutory probate courts in the region.

SENATE BILL 614

EFFECTIVE: 5-23-97

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Berlanga

Senate Bill 614 amends the Human Resources Code to conform state law to federal law regarding the assignment of payments owed to providers for services to Medicaid recipients.

SENATE BILL 725

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Puente

Senate Bill 725 amends the Community Homes for Disabled Persons Location Act to provide that a licensed personal care facility with an exterior structure that retains compatibility with the surrounding residential dwellings qualifies as a community home.

SENATE BILL 788

EFFECTIVE: 1-1-98

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Maxey

Under previous law, nonprofit hospitals were required to file a community benefits plan with the Texas Department of Health within 120 days after the end of the hospital's fiscal year. Senate Bill 788 amends the Health and Safety Code to require that the report be filed by April 30 of each year, and a hospital is required to report additional information regarding its total operating expenses and ratio of cost to charge for the fiscal year. The department is required to submit a report to the comptroller and attorney general listing each nonprofit hospital that did not meet the required level of charity care and to make the report available to the public and issue a press release concerning the availability of the report. A Medicaid disproportionate share hospital and a public hospital owned by a political subdivision are brought within the reporting requirement unless the hospital is located in certain designated Health Professionals Shortage Areas.

SENATE BILL 909
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Maxey

Senate Bill 909 amends the Human Resources Code to require the Texas Department of Human Services to close an electronic benefits transfer account through which financial assistance under the Temporary Assistance for Needy Families has been provided if the account has not been used by the account holder for the preceding 12 months. The act requires the comptroller to withdraw any unused benefits remaining in such an account and to disburse the benefits as authorized by federal and state law.

SENATE BILL 910
EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.
HOUSE SPONSOR: Maxey

Senate Bill 910 amends the Government Code to require the interagency task force on electronic benefits transfers to advise and assist the Health and Human Services Commission in adding new programs to the statewide electronic benefits transfer (EBT) system. The task force also is required to evaluate the feasibility of adding the Medicaid program to the state's EBT system, develop a plan to assist beneficiaries of public programs to obtain back accounts, and review each agency that makes recurring payments to determine the feasibility of using EBT or direct deposit to make the payments. An agency is required to implement EBT or direct deposit if the task force determines that it is feasible.

The attorney general, the Texas Department of Health, and the Texas Workforce Commission are required to analyze the cost-effectiveness of using EBT in conjunction with direct deposit to distribute child support payments, benefits under the federal special supplemental food program for women, infants, and children, and unemployment benefits. Each agency is authorized to work with the interagency task force and each agency that provides benefits by way of EBT is required to evaluate the cost-effectiveness of using automated teller machines.

The act requires, rather than permits, the Health and Human Services Commission to implement a data matching project to detect and prevent fraud and provides that the costs of developing and administering the project are to be paid entirely from amounts recovered by agencies participating in the project. The Texas Department of Health is required to implement a data matching project to locate individuals who qualify to participate in the federal special supplemental food program for women, infants, and children and is required to notify eligible persons and encourage them to apply for the program.

SENATE BILL 938
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Coleman

Under previous law, an organization that contracted with the Special Supplemental Nutrition Program for Women, Infants, and Children was required to provide services during the evening hours or on Saturdays. Senate Bill 938 amends the Health and Safety Code to require such organizations to provide services each month during extended hours as defined by the Texas Department of Health. The department is required to adopt guidelines for extended hours and is prohibited from granting a waiver for longer than two years. Each organization is required to include certain information relating to expanded hours in its annual plan but is not required to offer extended hours at each of its service sites.

SENATE BILL 1113

EFFECTIVE: See below

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Raymond

Senate Bill 1113 designates the Texas Workforce Commission as the lead agency responsible for promoting awareness of the federal work opportunity tax credit and state tax refund programs for employing welfare recipients. The act transfers responsibility for issuing vouchers for the state tax refund program from the Texas Department of Human Services to the commission. It directs the department to provide the commission with necessary information to determine employee eligibility and broadens the type of health benefits an employee must receive from an employer to qualify for a state tax refund. The provision related to health benefits takes effect January 1, 1998. All other provisions take effect September 1, 1997.

SENATE BILL 1114

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Coleman

Senate Bill 1114 directs the Texas Workforce Commission to develop a “wheels for work” pilot program to provide donated cars at a low cost to welfare recipients who need a car to maintain employment. The program, to be based on a Maryland initiative, shall be implemented in four sites, with at least one site located in a rural area and one in an urban area, and expires in 2001. The act directs the Texas Department of Human Services to provide the commission with information to implement the pilot program and requires the commission to request a federal waiver for implementation, if needed, and to establish a timetable for the program.

SENATE BILL 1163

EFFECTIVE: 6-11-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Berlanga

Senate Bill 1163 amends the Human Resources Code to require the Texas Department of Health, subject to the availability of funds, to develop a comprehensive plan to provide information and training about the requirements of a managed care plan to recipients and providers of medical assistance, local health and human services agencies, and other interested parties in each service area in which a Medicaid managed care program is to be implemented.

SENATE BILL 1164

EFFECTIVE: 6-17-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Berlanga

Senate Bill 1164 amends the Human Resources Code to require the Texas Department of Health to review each managed care organization that has contracted to provide care to Medicaid beneficiaries to determine whether the organization is prepared to meet its contractual obligations. An organization is required to submit an implementation plan and periodic status reports to the department. A compliance and readiness review is to be conducted by the department at specified times and is to include an on-site inspection and test of any process or system required by the contract. The department is authorized to delay enrollment of beneficiaries in a managed care plan if the review reveals that the organization is not prepared to meet its contractual obligations. The act requires the Health and Human Services Commission to evaluate the STAR+PLUS managed care long-term care pilot project and report to the governor and legislative leaders by January 1, 1999.

SENATE BILL 1165

EFFECTIVE: 5-31-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Berlanga

Senate Bill 1165 requires the Health and Human Services Commission, in cooperation with the Texas Department of Health, to monitor and assess Medicaid services provided to children with special health care needs, to adopt specific quality of care standards for managed care

services provided to children with special health care needs, and to undertake initiatives to implement optimal methods for delivery of managed care to children with special health care needs. The commission is authorized to require children with special health care needs to enroll in a managed care plan or primary care case management program if certain criteria are met, including the determination that the enrollment will improve the availability of care. The act prohibits the commission from requiring a child with special health care needs who receives supplemental security income to enroll in a managed care plan to receive state Medicaid program services.

SENATE BILL 1246

EFFECTIVE: See below

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Berlanga et al.

Senate Bill 1246 amends the Insurance Code to establish a statewide rural health care system to arrange for or provide health care services on a prepaid basis to enrollees who reside in rural areas. The commissioner of insurance is required to designate as the system one organization that meets the requirements imposed by the Texas Health Maintenance Organization Act, and the system is required to be a nonprofit corporation composed of a combination of two or more rural hospital providers. The system is required to arrange for local health care provider networks that are composed of not more than 19 counties to deliver services to enrollees residing in the rural areas served by the system participants. If local providers are unable to provide services, the system is authorized to contract with health care practitioners who are not local providers. To the extent consistent with federal law, the state is required to award to the system at least one Medicaid managed care contract to provide services to beneficiaries in the rural areas served by the providers participating in the system. The system is required to meet established standards for providing care to Medicaid beneficiaries and the Medicaid contracting agency is required to reimburse the system at the state-defined capitation rate for each service area in which the system operates.

The act takes effect September 1, 1997, except that the insurance commissioner is required to adopt rules to implement the program by January 1, 1998, and the statewide rural health care system is required to begin offering services by March 1, 1998, unless the system determines that it is not prepared to fulfill its obligations by that date.

SENATE BILL 1247

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Berlanga

Senate Bill 1247 amends the Health and Safety Code to require an agency applying for a license to provide home and community support services to submit to the Texas Department of Health identifying information to enable the department to conduct criminal background checks on the agency's owner, administrator, and chief financial officer. The act requires the department to consider all information collected during the application process. In addition, the act increases the minimum license fee for home and community support services agencies and authorizes the department to assess administrative penalties for violations of licensure requirements. Senate Bill 1247 authorizes the attorney general to recover reasonable expenses and costs resulting from an action brought against a person if an injunction is granted against the person or if the person is found liable for a civil or administrative penalty. The act also authorizes a person under the delegated authority of a physician to administer medication to a client of a home and community support services agency.

Human Services/Mental Health and Mental Retardation

Senate Bill 1247 requires the department to find that certain community support services agencies that are monitored by other state agencies have satisfied the requirements for licensure. These community support services agencies are not subject to licensing surveys or administrative penalties.

SENATE BILL 1248

EFFECTIVE: See below

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Coleman

Under previous law, regulation of the intermediate care facilities and mental retardation (ICF/MR) program was codified in Chapter 242 of the Health and Safety Code, relating to convalescent and nursing homes and related institutions. Senate Bill 1248 amends the Health and Safety Code to create a new Chapter 252 containing regulations for ICF/MRs. Among other changes made in the recodification, the Texas Department of Human Services is authorized to delegate to local public health officials of a municipality or county the power to inspect and make recommendations concerning an ICF/MR facility. A license or renewal fee is established as an allowable cost for reimbursement under the state Medicaid program, and an increase in the amount of a fee is required to be reflected in prospective reimbursement rates. The list of minimum standards that the board may adopt is expanded to include the reporting and investigation of injuries, procedures to ensure resident safety, and standards relating to behavior management and quality of life. The department is authorized, rather than required, to invite a citizen advocate to participate in a facility inspection and the department is required to adopt rules relating to the administration of medication in ICF/MR facilities.

Senate Bill 1248 reduces the maximum amount of an administrative penalty from \$10,000 to \$5,000, and guidelines governing the assessment of penalties are set forth. The attorney general is required to bring and conduct a suit to collect a civil penalty. The act also deletes requirements relating to dental examinations and quality improvement in a facility and removes ICF/MRs from provisions relating to protective services for the elderly and disabled.

The act takes effect September 1, 1997, except for a provision removing certain residential facilities from the definition of an institution, which takes effect January 1, 1998.

SENATE BILL 1309

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Thompson

Senate Bill 1309 amends the Health and Safety Code to require a hospital, facility, or physician, before beginning a series of electroconvulsive therapy treatment on a patient 65 years of age or older, to ensure that two physicians have signed a form stating that the treatment is medically necessary, to make the form available to the patient or the patient's guardian, and to inform the patient or the patient's guardian of any known medical condition that may increase the possibility of injury or death as a result of the treatment. In addition, the act requires that the written consent form required before the use of electroconvulsive therapy explicitly state the possibility of death rather than the remote possibility of death.

SENATE BILL 1403

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 1403 amends the Human Resources Code to require the Texas Commission for the Blind, subject to the availability of funds, to develop a blindness education, screening, and treatment program. To fund the program, the act provides for a voluntary fee to be collected by the Department of Public Safety at the time a person applies for or renews a driver's license or a personal identification card.

SENATE BILL 1539

EFFECTIVE: 9-1-97

SENATE AUTHOR: West

HOUSE SPONSOR: Swinford et al.

Senate Bill 1539 amends the Human Resources Code to clarify that provisions relating to the regulation of child-care facilities apply to facilities that are licensed, certified, or registered by the Department of Protective and Regulatory Services to provide certain child-care services. The act requires the department to establish minimum standards that apply to registered family homes, expands the list of required minimum standards to include standards that prevent the breakdown of foster care and adoptive placement, and clarifies that provisions relating to inspections apply to registered family homes.

Senate Bill 1539 requires a family home to be listed with the department if it is compensated for providing regular care to fewer than four children who are not related to the caretaker. The act establishes an application fee and an annual administrative fee for a listed family home. The department is required to inspect a listed family home upon receipt of a complaint of abuse or neglect.

Senate Bill 1539 requires DPRS to conduct background and criminal history checks on licensed child-care facilities and registered or listed family homes and authorizes DPRS to deny or revoke a license, registration, or listing based on the results of a background or criminal history check. The act requires DPRS to collect an administrative fee from a licensed child-care facility and a registered family home to cover the cost of conducting a background and criminal history check. It also establishes criminal penalties for operating a family home without a registration or listing and for placing a public advertisement for an unregistered or unlisted family home. The act extends to family homes the civil penalties to which licensed facilities are subject. The act also provides for the denial, suspension, or revocation of the registration or listing of a family home.

Senate Bill 1539 specifies that licensure required of child-care facilities does not apply to an after-school program operated by an accredited educational facility or by another entity under contract with the educational facility if the curriculum of the after-school program has been approved by the Texas Education Agency or the Southern Association of Colleges and Schools. The act also includes a day-care center in the definition of "school" in provisions that establish drug-free zones.

SENATE BILL 1574

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Van de Putte

Under previous law, the provider network of a Medicaid managed care pilot project was required to include traditional providers for not less than three years. Senate Bill 1574 clarifies that a provider who has provided care to Medicaid and charity care patients at a significant level during the 12 months preceding the date of implementation of managed care is to be included for three years after the date of implementation of managed care in a service area.

INSURANCE

HOUSE BILL 102

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Shapiro

House Bill 102 amends the Insurance Code by adding the Lee Alexandria Hanley Act, relating to insurance coverage for post-delivery care following the birth of a child. The act requires health benefit plans that provide maternity benefits to include coverage for inpatient care for a mother and her newborn. Coverage is to provide a minimum 48 hours in a health care facility following an uncomplicated vaginal delivery and 96 hours following an uncomplicated caesarean section delivery. Health benefit plans are prohibited from modifying the plan below the minimum requirements, offering incentives to decrease coverage, refusing a doctor's request for inpatient care, reducing payments or reimbursements for inpatient care, and penalizing doctors for recommending inpatient care. The act also provides that post-delivery care can be provided at the mother's home or other health care facility.

HOUSE BILL 163

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Gallegos

House Bill 163 amends the Texas Employees Uniform Group Insurance Benefits Act to direct the board of trustees of the Employees Retirement System of Texas (ERS) to adopt rules requiring a group life insurance program to allow state employees to receive accelerated benefits in the event of terminal illness or injury, or to designate an irrevocable beneficiary on receipt of a viatical settlement. The benefit rules adopted by the trustees also apply to ERS retirees and dependents.

HOUSE BILL 239

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Puente

SENATE SPONSOR: Gallegos

House Bill 239 amends the Texas Public School Employees Group Insurance Act to require health benefit plans under the program to cover testing for prostate cancer for certain male enrollees.

HOUSE BILL 349

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hamric et al.

SENATE SPONSOR: Shapiro

House Bill 349 amends the Insurance Code to require certain health benefit plans that provide benefits for the treatment of breast cancer to include coverage for inpatient care for a minimum of 48 hours following a mastectomy and 24 hours following a lymph node dissection for the treatment of breast cancer. If a shorter inpatient stay is determined appropriate by both the insured and the attending physician, then the minimum stay is not required. The act establishes eligibility and enrollment protection for the insured and shields the physician from being penalized by the health benefit plan issuer for performing within the scope of the act.

HOUSE BILL 423

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Farrar et al.

SENATE SPONSOR: Cain

House Bill 423 amends the Insurance Code to require insurance companies to provide notice of information relating to the rights of the insured regarding repair of motor vehicles. The act provides that it is unacceptable for insurers to receive compensation for a repair referral, to specify, whether on a preferred list or not, who will make the repairs, and to restrict a consumer's right of choice by requiring unreasonable travel to repair damage. The contracts

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between insurers and repair persons or repair facilities cannot result in a reduction in coverage under the insured's auto insurance policy. The act provides that any person, including a repair person or facility, can complain to the Texas Department of Insurance on behalf of a claimant. Persons who violate the act are subject to disciplinary action by the department.

HOUSE BILL 627

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Flores et al.

SENATE SPONSOR: Truan

House Bill 627 amends the Texas Motor Vehicle Safety Responsibility Act to require motorists involved in an accident and driving without liability insurance to file proof of liability coverage, paid in full for six months, to avoid suspension of their driving privileges. The act establishes exceptions that allow for the required liability coverage to be canceled. The changes in the bill apply to certificates of liability insurance filed with the department on or after January 1, 1998.

HOUSE BILL 710

EFFECTIVE: 7-1-97

HOUSE AUTHOR: Averitt et al.

SENATE SPONSOR: Sibley

House Bill 710 revises provisions of the Insurance Code governing the Texas Health Insurance Risk Pool in order to meet the requirements of the federal Health Insurance Portability and Accountability Act. The act revises the composition of the pool's governing board and provides the pool with the authority to issue optional health insurance coverages that comply with federal regulations, employ cost containment strategies, arrange for the delivery of care, and take any legal actions necessary to recover assessments due the pool. The pool is to determine the standard risk rate by reasonable actuarial techniques, with initial rates set at no less than 125 percent and no greater than 150 percent of standard rates. Subsequent rates are prohibited from exceeding 200 percent. The act outlines criteria for pool eligibility, dependent coverage, limitations and exceptions, and reasons for termination of coverage and requires the board to establish minimum benefits consistent with major medical coverages. Benefits for preexisting conditions are generally available after 12 months of pool coverage. The act establishes the right of eligible individuals to renew or continue certain individual health insurance policies subject to some restrictions, regulations for HMOs that provide an individual health care plan, and provisions relating to continuation of coverage.

HOUSE BILL 839

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: Cain

House Bill 839 amends the Insurance Code to make it an unfair and deceptive practice for a provider of life or health insurance to deny, cancel, refuse to renew, or change the coverage or premium on a policy because an individual is a victim of family violence. An insurer who provides coverage to an individual who is a victim of family violence is released from liability for an injury or death to the individual associated with family violence and is restricted from disclosing confidential information relating to a victim of family violence except under specified circumstances.

HOUSE BILL 864

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McCall

SENATE SPONSOR: J. Patterson

House Bill 864 amends the Insurance Code to require a health benefit plan to provide coverage through the academic term to a dependent 21 years of age or older whose coverage is based on the dependent's status as a full-time student even if that status changes to part-time. The act allows a health benefit plan to terminate its coverage of such a dependent if the dependent fails to return to full-time status by the 10th day of the next academic term.

HOUSE BILL 906**EFFECTIVE:** 9-1-97

House Bill 906 requires a lienholder to endorse a check or draft for an insurance claim payment relating to personal property, or to provide a written statement with reasons for denial of endorsement, within 14 business days after receipt of the request for endorsement. A civil penalty is provided.

HOUSE AUTHOR: McCall et al.**SENATE SPONSOR:** Duncan**HOUSE BILL 909****EFFECTIVE:** 9-1-97

House Bill 909 amends the Insurance Code to list specific criteria that an insurer's written investment plan must meet, define new investment possibilities, and broaden the investment options for certain life, health, accident, and property and casualty insurance companies.

The act requires investment plans to diversify to reduce the risk of large losses, balance the safety of the investment with its yield and growth, seek a reasonable relationship of assets and liabilities to length and type of investments, and ensure appropriate investments based on the capital and surplus and the business conducted by the insurer. The act provides that insurers may, subject to certain conditions, acquire investments in investment pools, equity interests, mutual funds, and securities and may invest in foreign countries if the investments are substantially similar to investments in the United States or Canada that are otherwise authorized. The act authorizes the use of derivative instruments with certain restrictions. Greater authority is given to insurers to invest in Canadian stocks, bonds, debentures, bills of exchange, or any other commercial notes of any solvent dividend-paying corporation created under the laws of Canada. In addition, House Bill 909 restricts the percentage of a company's assets that may be used for certain investments and expands the list of permissible investments for title insurers.

HOUSE AUTHOR: Dutton et al.**SENATE SPONSOR:** Sibley**HOUSE BILL 922****EFFECTIVE:** 9-1-97

House Bill 922 amends the Insurance Code to require that three board members of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association be appointed from employees and officials of the 50 largest member companies, rather than from the 10 largest member companies. The act specifies that a director of the association, rather than the companies or entities, is prohibited from having any direct or indirect pecuniary interest in certain association activities.

HOUSE AUTHOR: Driver et al.**SENATE SPONSOR:** Duncan**HOUSE BILL 976****EFFECTIVE:** See below

House Bill 976 provides for the conversion of the Texas workers' compensation insurance facility into a stock property and casualty insurance company subject to the approval of the commissioner of insurance. The act specifies that the converted facility is considered a continuation of the facility with the same rights, debts, and standing in legal proceedings and that the rights and claims of the facility's policyholders and creditors must be preserved and unimpaired. It allows the converted facility to conduct audits of certain service companies, specifies that claims are covered by the Texas Property and Casualty Insurance Guaranty Act, and prohibits the converted facility from amending its bylaws in a way that adversely affects policyholders, insureds, beneficiaries, and employees, without the commissioner's prior consent. The act provides certain exemptions and options to the converted facility if it does not issue policies and authorizes the facility to make a final assessment on insurance carriers in the amount necessary to consummate the transactions contemplated by the conversion agreement.

HOUSE AUTHOR: Brimer et al.**SENATE SPONSOR:** Armbrister

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The act provides for the transfer of the facility to the Texas Property and Casualty Insurance Guaranty Association in the event the facility conversion does not take place by August 31, 1997. It establishes a system for allocating facility deficits or surpluses, authorizes the guaranty association to privatize the facility, and requires the association to submit a facility operation plan to the insurance commissioner. The act specifies that the facility rejected risk fund is not liable for a deficit incurred on a policy before January 1992. It addresses the immunity and liability in legal proceedings of entities involved in the facility transfer, provides that certain sections of the bill control over conflicting law, and includes a severability clause. In addition, the act requires the facility to deliver any evidence of possible criminal wrongdoing or fraud to the Travis County district attorney within 30 days after the facility's conversion or transfer. The provisions governing facility conversion take effect on the closing date of conversion. Provisions governing transfer of the facility to the guaranty association take effect September 1, 1997, and only if the facility conversion does not take effect.

HOUSE BILL 1170

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Shapiro

House Bill 1170 amends the Insurance Code to add a "not-for-profit nursing home" to the list of entities for which the commissioner of insurance may approve an endorsement form that provides insurance coverage for punitive damages on a policy of medical liability insurance.

HOUSE BILL 1173

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Coleman et al.

SENATE SPONSOR: Ellis et al.

House Bill 1173 amends the Insurance Code to add pervasive developmental disorders, obsessive-compulsive disorders, and depression in childhood and adolescence to the definition of "serious mental illness" and to specify that coverage for serious mental illnesses provided by certain group health benefit plans include 45 days of inpatient treatment and 60 days of outpatient treatment a year. Lifetime limits on the number of days for inpatient and outpatient treatment are prohibited. The act further specifies that it does not require a plan to provide coverage for treatment of addiction to a controlled substance or marijuana.

HOUSE BILL 1212

EFFECTIVE: 7-1-97

HOUSE AUTHOR: Averitt et al.

SENATE SPONSOR: Sibley

House Bill 1212 amends the Small Employer Health Insurance Availability Act to comply with federal health insurance laws and redesignates it as the Health Insurance Portability and Availability Act. The act provides for insurance availability and portability through small and large employer benefit plans and multiple employer welfare arrangements. House Bill 1212 establishes the application, certification, renewal, cancellation, and health insurance coverage requirements for the employer plans and includes consumer protection guarantees for policy renewal, policy denial notification, criteria for preexisting condition coverage, and disclosure of reasonable health plan information. The act also allows school districts to be considered small employers for the purpose of obtaining health insurance.

HOUSE BILL 1287

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Counts

SENATE SPONSOR: Duncan

House Bill 1287 amends the Texas Title Insurance Guaranty Act to clarify the procedure for distributing excess title and administrative account funds to the guaranty fee account.

HOUSE BILL 1356**EFFECTIVE:** 6-18-97**HOUSE AUTHOR:** Counts**SENATE SPONSOR:** Haywood

House Bill 1356 amends the Insurance Code to allow a life insurance agent who writes only life insurance policies and fixed annuity contracts for delivery of services and merchandise under prepaid funeral contracts to be issued a limited purpose license for writing funeral prearrangement life insurance policies. The agent must complete a course of study and an examination and is subject to certain restrictions.

HOUSE BILL 1476**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Bonnen**SENATE SPONSOR:** Sibley

House Bill 1476 amends Insurance Code provisions relating to the priority of claims against an insurance company in receivership. The act changes employee wage claims to Class 1 priority in the event an insurance company becomes insolvent. The act also provides for regulation and exceptions for reinsurers and makes certain receivership records exempt from the open records law.

HOUSE BILL 1498**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Wise et al.**SENATE SPONSOR:** Lucio

House Bill 1498 amends the Insurance Code to authorize a motor vehicle premium discount for youth group members, including adults, who are licensed drivers in Texas, who have held a driver's license for at least three years, and who have not had any specified violations for the preceding three years. Applicants with certain convictions or those receiving a discount for academic achievement are ineligible. To qualify, the youth group the member belongs to must meet certain specified criteria.

HOUSE BILL 1632**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Flores et al.**SENATE SPONSOR:** J. Patterson

House Bill 1632 amends the Insurance Code to change the name of the Texas Catastrophe Property Insurance Association to the Texas Windstorm Insurance Association.

HOUSE BILL 1662**EFFECTIVE:** Vetoed**HOUSE AUTHOR:** Counts**SENATE SPONSOR:** Sibley

House Bill 1662 amends the Insurance Code to prohibit certain county mutual insurance companies from using a policy rate on automobiles that is lower than the highest rate allowed under the flexibility band. This prohibition applies only to a county mutual insurance company that is controlled by a holding company that also controls another insurance company that writes automobile insurance policies.

HOUSE BILL 1708**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** G. Lewis**SENATE SPONSOR:** Lucio

House Bill 1708 amends the Texas Property and Casualty Insurance Guaranty Act to allow an insurer to assign its right to a premium tax credit to another insurer in the event of a merger, acquisition, or total assumption of reinsurance or by order of the commissioner of the Texas Department of Insurance.

HOUSE BILL 1789

EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: Moncrief

Previous law required an insurer to submit a plan for orderly withdrawal and receive approval from the commissioner of insurance before withdrawing from writing a line of insurance in the state or reducing its annual statewide premium volume by 75 percent or more. House Bill 1789 amends the Insurance Code to additionally require an insurer to submit a withdrawal plan before reducing its annual premium volume of motor vehicle comprehensive or residential property insurance by 50 percent or more in a rating territory. Insurers are also required to file a plan in order to restrict writing new business in these lines if the restriction is in response to a recent natural disaster. The plan does not require approval and an insurer may initiate the plan 15 days after filing.

In addition, the act authorizes the commissioner to impose a moratorium of up to two years on the implementation of restriction plans or approval of withdrawal plans if, as a result of a catastrophic event, the relevant line of insurance is not expected to be available to a substantial number of policyholders.

HOUSE BILL 1853

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Eiland et al.

SENATE SPONSOR: J. Patterson

House Bill 1853 amends the Texas Catastrophe Property Insurance Pool Act to increase the maximum liability limits for insurable property under a windstorm and hail insurance policy. Liability limits increase to a maximum of not less than \$350,000 for dwellings and contents, \$1.5 million for apartments and commercial buildings and contents, \$2,192,000 for government buildings and contents, and \$125,000 for contents in apartments or condominiums.

The act requires the Texas Catastrophe Property Insurance Association to propose adjustments to liability limits for inflation, rounded to the nearest \$1,000, and allows the association to propose additional liability limit adjustments subject to the approval of the commissioner of insurance. The act removes a requirement that the adjustments be proposed at annual rate hearings.

With the approval of the department of insurance, the association may establish a reinsurance program that operates in addition to, or in concert with, the catastrophe reserve trust fund. Losses in excess of \$100 million in a defined catastrophe area must be paid through the reserve fund and the reinsurance program.

The act authorizes the association to issue policies in excess of the maximum limits of liability if the association obtains reinsurance for the full amount of exposure above the maximum limits.

HOUSE BILL 1865

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Shapleigh

House Bill 1865 amends the Insurance Code to authorize the payment of accelerated death benefits under individual, in addition to group term, life insurance policies to individuals diagnosed with a "long-term care illness," a "specified disease," or a "terminal illness" as defined by the act. The act removes a previous restriction requiring receipt by the insurance company of a medical diagnosis that the insured is not expected to live more than 12 months due to terminal illness or injury and removes the statutory cap on the amount of accelerated benefit authorized.

HOUSE BILL 1901
EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. Lewis
SENATE SPONSOR: Shapleigh

House Bill 1901 expands the authority of the commissioner of the Texas Department of Insurance to order any combination of one or more sanctions in conjunction with an order for revocation of a license, certificate, permit, or other authorization of an agent.

HOUSE BILL 1902
EFFECTIVE: 9-1-97

HOUSE AUTHOR: G. Lewis
SENATE SPONSOR: Shapleigh

House Bill 1902 amends the Insurance Code to replace the 15-day period for filing an appeal through a motion for rehearing in a contested case before the department of insurance or commissioner of insurance with the 20-day period for filing an appeal established by the Administrative Procedure Act.

HOUSE BILL 1975
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee
SENATE SPONSOR: Sibley

House Bill 1975 subjects the following insurance entities to Articles 1.15 and 1.16 of the Insurance Code: title insurers, domestic fraternal societies, foreign fraternal societies, statewide mutual assessment companies and associations, county mutual insurance companies, group hospital service corporations, the Texas Catastrophe Property Insurance Association, and the Texas Medical Liability Insurance Underwriting Association. Articles 1.15 and 1.16 pertain to examinations of insurance companies for financial solvency and compliance with state law and to assessment of examination expenses by the commissioner of the Texas Department of Insurance.

HOUSE BILL 1976
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee
SENATE SPONSOR: Sibley

House Bill 1976 amends the Insurance Code relating to financial solvency requirements for property and casualty insurers. It narrows the application of minimum free surplus and guaranty fund requirements for insurers not required to have capital stock to those that write business only in Texas.

HOUSE BILL 1977
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee
SENATE SPONSOR: Sibley

House Bill 1977 amends the Insurance Code to clarify that all property and casualty insurance companies authorized to do business in this state are subject to the "10 percent risk limitation" standard.

HOUSE BILL 2015
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Burnam
SENATE SPONSOR: Haywood

House Bill 2015 makes a technical correction to the Insurance Code by renumbering the three articles codified as Article 21.79E.

HOUSE BILL 2033
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gray
SENATE SPONSOR: Sibley

House Bill 2033 amends the Insurance Code to prohibit certain health benefit plans from excluding a medical service solely because the service is provided through telemedicine. Telemedicine services may be subject to deductible, copayment, or coinsurance requirements not to exceed requirements for the same face-to-face services. Telemedicine providers are

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required to obtain patient consent before telemedicine services are initiated and to ensure confidentiality of medical information. The act also authorizes the Texas State Board of Medical Examiners to adopt rules to ensure appropriate care and prevent abuse and fraud relating to telemedicine claims and records.

HOUSE BILL 2062

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Harris

House Bill 2062 amends the Insurance Code by removing the restrictions on department of insurance staff participating in rate-setting proceedings. The department is also required to provide evidence at proceedings that promote access to full insurance coverage at fair and reasonable rates for underserved areas.

HOUSE BILL 2063

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Cain

House Bill 2063 amends the Insurance Code to clarify language requiring health benefit plans that provide coverage for the treatment of skeletal joints to include coverage for conditions affecting the jaw or temporomandibular joint.

The act further provides that health benefit plans covering dental services may not exclude individuals from coverage who are unable to undergo treatment in an office setting under local anesthesia due to a documented physical, mental, or medical reason.

HOUSE BILL 2133

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Jackson et al.

SENATE SPONSOR: Ratliff

House Bill 2133 amends the Texas Workers' Compensation Act to create a new agency, the State Office of Risk Management, charged with administering workers' compensation insurance and risk management programs for state employees. The act abolishes the division of workers' compensation in the office of the attorney general and the risk management division of the Texas Workers' Compensation Commission and sets a deadline of December 31, 1997, for the transfer of certain employees and funding and all equipment and records of those divisions to the new agency. The act requires the office of the attorney general to provide facilities for the office of risk management but specifies that the office is independent of the attorney general's direction. The office is governed by a six-member board appointed by the governor. Board members must possess demonstrated experience in the field of workers' compensation and risk management administration. The board is required to hire the director of the office who serves as the state risk manager.

The office is required to establish an allocation program for the payment of state workers' compensation claims costs incurred by state agencies. Agencies determined responsible by the office for 90 percent of the state's workers' compensation claims costs during the preceding biennium are required to participate in the allocation program.

HOUSE BILL 2180

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Duncan

Under previous law, all legislation mandating health benefits or proposing a change to mandated health benefits were reviewed by the Mandated Benefit Review Panel. House Bill 2180 repeals this law and abolishes the review panel.

HOUSE BILL 2193
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wise
SENATE SPONSOR: Cain

House Bill 2193 amends the Insurance Code to increase the minimum trust fund amount required to be held in the United States by alien surplus line insurers doing business in Texas from \$1.5 million to \$5.4 million.

HOUSE BILL 2221
EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner
SENATE SPONSOR: Ratliff

House Bill 2221 amends the Insurance Code to increase to \$10,000 the limit of life insurance on any one life that an individual licensee is authorized to write without meeting certain requirements. The act permits agents who are licensed under the Texas Agents Qualification and License Law for Agents of Legal Reserve Life Insurance Companies to write life insurance for stipulated premium companies, establishes conditions under which a stipulated premium company is allowed to assume liability on a life insurance risk in an amount over \$10,000, and requires a stipulated premium company with a surplus between \$50,000 and \$200,000 to reinsure the insurance amount over \$10,000 on any one life.

HOUSE BILL 2274
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Shields
SENATE SPONSOR: Brown

House Bill 2274 amends the Insurance Code to specify that the exemption of personal property from creditors' claims, as provided by Chapter 42 of the Property Code, is in addition to the exemptions and protection from seizure for money or benefits paid to an insured or beneficiary under an insurance policy or annuity contract issued by a life, health, or accident insurance company. The act applies to an insurance policy or annuity contract regardless of the date issued or entered into.

HOUSE BILL 2373
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Olivo
SENATE SPONSOR: Haywood

House Bill 2373 amends the Insurance Code to reduce the newspaper notice requirement from four consecutive weeks to five consecutive days for casualty companies planning to increase or decrease their capital stock.

HOUSE BILL 2437
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bonnen
SENATE SPONSOR: Sibley

House Bill 2437 revises the Texas Property and Casualty Insurance Guaranty Act to increase individual covered claim limits to \$300,000 and to create a ceiling of \$25,000 for refunds on unearned premiums.

HOUSE BILL 2438
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum
SENATE SPONSOR: Bivins

House Bill 2438 amends the Insurance Code to require the commissioner of insurance, when adopting fire insurance rates or assigning or evaluating suppression ratings for a municipality at or near the border of another state or Mexico, to consider the existence and capabilities of fire departments that serve nearby municipalities in the other state or Mexico.

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HOUSE BILL 2671

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Burnam et al.

SENATE SPONSOR: Harris

House Bill 2671 amends the Insurance Code to expand the provision that requires a lender to accept an insurance binder meeting certain criteria as evidence of required insurance to cover commercial, in addition to residential, real estate loans.

HOUSE BILL 2795

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Duncan

House Bill 2795 revises several provisions of the Small Employer Health Insurance Availability Act. The act redefines the Texas Health Benefits Purchasing Cooperative as a nonprofit corporation and exempts from liability the cooperative, board members, and employees for any independent action of a small employer insurance carrier or person who provides health care services under a health care plan. In addition, the act specifies that the cooperative is considered an employer, for the purpose of benefit elections only, and may offer supplemental products and services that might normally be offered in a health benefit plan. Licensed agents working for the cooperative need not be appointed by each participating small employer carrier to market cooperative-sponsored goods and services.

HOUSE BILL 2873

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Ellis

House Bill 2873 amends the Insurance Code to expand the definition of "large risk" as it relates to the exemption from policy form requirements for general liability and commercial property insurers by reducing the minimum property value, amount of total gross revenue, and total premium amount that qualify an insured as a "large risk."

HOUSE BILL 2887

EFFECTIVE: Vetoed

HOUSE AUTHOR: Dutton

SENATE SPONSOR: Whitmire

House Bill 2887 amends the Texas Title Insurance Act to exclude expenses for educational and promotional activities from consideration when title insurance premium rates are calculated. The act specifies that educational and promotional activities are not considered a prohibited rebate or discount.

HOUSE BILL 3027

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Cain

House Bill 3027 amends the Insurance Code to allow insurers that have issued premium discounts to health care professionals who provide charity services to elect to receive a tax credit on their annual premium tax in lieu of indemnification by the state for certain malpractice claims. The election must be made by March 1, 1999. An insurer may credit the total amount of the discount less any reimbursement for claims received before January 1, 1999.

HOUSE BILL 3031

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Eiland et al.

SENATE SPONSOR: J. Patterson

House Bill 3031 amends the Insurance Code to permit the Texas Catastrophe Property Insurance Association to make recommendations to the commissioner of insurance that result in a reduction in coverage, or increase in deductibles, as long as they are accompanied by proposed rate credits. The act authorizes the commissioner, after notice and hearing, to accept, modify, or reject the recommendations and exempts an action taken from state law that requires a hearing held by the State Office of Administrative Hearings.

HOUSE BILL 3158**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Hilbert et al.**SENATE SPONSOR:** Madla

House Bill 3158 requires that a surety company be authorized to write surety bonds in Texas in order to execute a bond that indemnifies or pays claims against a mechanic's, contractor's, or materialman's lien or to execute public works performance and payment bonds. In order to execute a bond in excess of \$100,000, a surety company is required to hold a certificate of authority from the U. S. secretary of the treasury and obtain certain reinsurance.

In government contracts, the act requires insurance companies that arrange for replacement of loss to furnish performance and payment bonds as appropriate for the benefit of the government entity and the subcontractors and suppliers. If a payment bond is not issued, then the government entity is liable for payment.

HOUSE BILL 3197**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Janek et al.**SENATE SPONSOR:** Moncrief

House Bill 3197 amends the Insurance Code to give the commissioner of insurance certain regulatory authority over agents who conduct utilization review of health care services provided to persons eligible for workers' compensation benefits. The act specifies that in any conflict between the provisions of the act and Title 5 of the Labor Code, governing workers' compensation, Title 5 prevails.

HOUSE BILL 3202**EFFECTIVE:** 6-17-97**HOUSE AUTHOR:** Counts et al.**SENATE SPONSOR:** Duncan

House Bill 3202 amends provisions of the Insurance Code relating to rate administration of workers' compensation insurance policies to correct outdated references and to eliminate conflicts in the statute.

HOUSE BILL 3269**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Berlanga**SENATE SPONSOR:** Sibley

House Bill 3269 amends the Texas Health Maintenance Organization Act to require health maintenance organizations to allow referral to a non-network provider, to fully reimburse the non-network provider if medically necessary services are not available through network providers, and to provide for review by an appropriate specialist before denying a referral. The act permits an enrollee with a chronic or severe illness to apply to use a nonprimary care specialist as a primary care provider and prohibits retroactive application if there is a new primary provider designation.

HOUSE BILL 3354**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Dukes et al.**SENATE SPONSOR:** Armbrister

House Bill 3354 amends the Insurance Code to revise several provisions governing the Texas workers' compensation fund. The act specifies that the fund shall serve as a competitive force in the marketplace, guarantee the availability of workers' compensation insurance, and serve as the insurer of last resort. It requires fund board members whose terms have expired to continue serving until a replacement is appointed, and it changes the required frequency of board meetings from monthly to quarterly. The act removes a restriction on the board's authority to determine the annual interest rate charged for premium financing. The board is authorized to apply certain surplus revenue to retire bond debt on the fund's start-up costs.

HOUSE BILL 3383

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Eiland et al.

SENATE SPONSOR: J. Patterson

House Bill 3383 amends the Texas Catastrophe Property Insurance Pool Act to direct the insurance commissioner to set reduced insurance rates for Texas windstorm and hail insurance coverage written by the Texas catastrophe insurance pool association for new residential construction built to new building code standards. Failure to establish reduced insurance rates will result in a 6 percent across-the-board reduction.

HOUSE BILL 3391

EFFECTIVE: See below

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Sibley

House Bill 3391 amends the Insurance Code to add banks as entities that may obtain a license to sell insurance. The act provides that banks selling insurance must be located and do business in places with a population of 5,000 or less, have at least one officer individually licensed by the Texas Department of Insurance, meet the bonding requirements for claims against it by a customer, and must abide by certain provisions relating to licensing of banks and their subsidiaries. In addition, the act provides for certain consumer protections relating to the separation of banking and insurance services, disclosure, and customer privacy and authorizes the insurance commissioner to adopt rules that comply with federal insurance law. The act also establishes requirements, rights, and limitations for nonresident agent license holders. Provisions of this act relating to nonresident agent licensing go into effect on July 1, 1997. The remaining provisions are effective September 1, 1997.

HOUSE BILL 3522

EFFECTIVE: See below

HOUSE AUTHOR: Rhodes et al.

SENATE SPONSOR: Ratliff

House Bill 3522 amends the Texas Workers' Compensation Act to specify the activities for which members of the workers' compensation commission are entitled to reimbursement, to provide that the annual maintenance tax on insurance carriers be used to support the prosecution of workers' compensation insurance fraud, to provide that a breach of a settlement agreement that establishes a compliance plan is a Class A administrative penalty, and to lower the experience requirement for ombudsman.

The act authorizes the commission to extend the 104-week deadline for reaching maximum medical improvement (MMI) for spinal surgery patients and provides that an extension may be disputed. In addition, the act redefines "an injury to the skull" as "a physically traumatic injury to the brain" for the purposes of payment of lifetime income benefits to an employee. The act takes effect September 1, 1997, except for the provision relating to MMI, which takes effect January 1, 1998.

HOUSE BILL 3563

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Cain

House Bill 3563 amends the Insurance Code to authorize the commissioner of insurance to issue a limited license to a rental car company for the purpose of extending insurance coverage related to excess liability, accident and health, personal effects loss, and any other coverage deemed appropriate by the commissioner. The act prohibits issuing insurance for car rentals for longer than 30 consecutive days from rental locations that do not prominently display and make available written materials about extended coverage and without providing evidence of purchased coverage. The act allows salaried and trained employees of a licensee to issue extended rental car coverage under supervision.

SENATE BILL 54**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Shapiro et al.**HOUSE SPONSOR:** Gray et al.

Senate Bill 54 amends the Insurance Code to require certain health benefit plans to permit women to select an obstetrician or gynecologist (OB/GYN), in addition to their primary care physician, to provide obstetrical and gynecological health services without referral of the primary care physician. Health benefit plans are required to provide a sufficient number of OB/GYNs to ensure proper access to these services. The act provides for certain restrictions, conditions, and administrative penalties.

SENATE BILL 79**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Ellis et al.**HOUSE SPONSOR:** McClendon

Senate Bill 79 amends the Insurance Code to prohibit an insurer writing insurance for a church from canceling or declining to renew a policy solely because of an occurrence or threat of arson against the church if the church has taken proper action to alert and cooperate with the appropriate authorities. The act subjects an insurer that violates these provisions to the penalties established for unfair practices in the business of insurance.

SENATE BILL 163**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Zaffirini et al.**HOUSE SPONSOR:** Berlanga

Senate Bill 163 amends the Insurance Code to require certain health benefit plans that cover the treatment of diabetes to also provide coverage for specified diabetes equipment, supplies, and certain self-management supplies that are subsequently approved by the United States Food and Drug Administration if a health care practitioner determines that the supplies are medically necessary. A plan is authorized to require a beneficiary to pay a deductible, copayment, or coinsurance premium that does not exceed similar payments for analogous medical conditions. The act only applies to a health benefit plan issued or renewed on or after January 1, 1998.

SENATE BILL 172**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Zaffirini et al.**HOUSE SPONSOR:** Stiles et al.

Senate Bill 172 amends the Insurance Code to require that certain health benefit plans provide childhood immunization coverage for certain diseases for each child in the enrollee's family who is six years of age or younger and exempts these benefits from a deductible, copayment, or coinsurance requirement.

SENATE BILL 206**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Eiland et al.

Senate Bill 206 amends the Insurance Code to require any full-time home office salaried employee of a licensed insurance carrier who solicits or receives an application for the sale of insurance to register with the commissioner of insurance and receive not less than 15 hours of continuing education per year. The commissioner is required to conduct an interim study on the current agent and agents' licenses statutes to determine whether any changes are needed and to appoint an advisory committee to assist in the evaluation.

SENATE BILL 217

EFFECTIVE: 9-1-97

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Van de Putte

Senate Bill 217 amends the Insurance Code to require a health benefit plan that covers a mastectomy to provide coverage for breast reconstruction needed as a result of a mastectomy. The act specifies that breast reconstruction includes surgical reconstruction of a breast on which a mastectomy has not been performed. It permits the same deductible or copayment charged for a mastectomy to be charged for the reconstructive surgery and prohibits the health benefit plan from offering financial incentives to forego the breast reconstruction or waive coverage.

SENATE BILL 258

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: McCall

Senate Bill 258 amends the Insurance Code to require certain health benefit plans to provide coverage for each male enrollee to receive an annual diagnostic examination for the detection of prostate cancer. The act also specifies that a physical exam and a prostate-specific antigen test is the minimum requirement for coverage for enrollees who are 50 years old and asymptomatic or 40 years old and who have a family history of prostate cancer.

SENATE BILL 333

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Thompson

Senate Bill 333 amends the Insurance Code to extend to the possessory conservator of a child the same rights in seeking group health insurance reimbursement as the managing conservator. The act allows the possessory conservator to seek reimbursement directly from the managing conservator's insurer or group hospital plan without being a member of the insurance plan. The act provides that requirements imposed on a possessory conservator do not apply in the case of any unpaid medical bills for which a valid assignment of benefits has been exercised.

SENATE BILL 382

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Smithee et al.

Senate Bill 382 amends the Texas Health Maintenance Organization Act to create a limited health care service plan provided by certain HMOs and regulated by the commissioner of the Texas Department of Insurance. Applications for a certificate of authority to become a limited health care service provider must include a specific description of the health care services the provider will offer. The act also provides that a certificate of authority serves as an agreement that the HMO is not subject to or eligible to proceed under the United States Bankruptcy Code, authorizes the insurance commissioner to bring suit against an insolvent HMO, raises minimum surplus requirements, and allows the commissioner to allocate contracts of an insolvent provider to other HMOs in the provider's service area.

SENATE BILL 383

EFFECTIVE: 6-19-97

SENATE AUTHOR: Cain et al.

HOUSE SPONSOR: Smithee et al.

Senate Bill 383 amends the Insurance Code to establish contracting requirements for preferred provider benefit plans. The act requires that the plans offer a reasonable opportunity for a physician to become a preferred provider, notification to physicians in the geographic area where a preferred provider plan will be established, and recourse for denial of provider status. In addition, the plan must ensure that all medical and health care services offered provide adequate staffing, facilities, and specialty care.

Senate Bill 383 also makes provisions for complaint resolution, physician contract termination criteria and review procedures, discounted fees, preferred provider networks, and prompt payment requirements. Insurers are required to provide reimbursement for emergency care services not received from a preferred provider and to establish procedures for continuity of care in the event of provider termination. The act also grants each enrollee the right to access all treatment and diagnostic techniques used by a physician that are included in the benefit plan.

In addition, the act establishes mandatory disclosure requirements, creates prohibitions against retaliatory insurance practices and actions that discourage communication between patients and doctors, and requires that providers and services offered by an insurer are reasonably available or reimbursed if an enrollee chooses services outside of the coverage area.

SENATE BILL 384

EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Smithee et al.

Senate Bill 384 amends provisions of the Insurance Code relating to the regulation of utilization review agents. The act requires that utilization review oversight use screening criteria that is objective, clinically valid, compatible with established principles of providing health care, and flexible for use on a case-by-case basis. Screening criteria may only be used to determine whether to approve treatment, and determinations of medical necessity are to be provided by qualified health care providers.

The act makes changes relating to the appeal of adverse determinations by requiring the timely notification of appeal procedures and results, allows the option to use an oral appeal, and provides procedures for appeal of cases involving life-threatening conditions.

Senate Bill 384 provides that utilization review agents and employers that obtain information regarding a patient's medical condition, diagnosis, and treatment must be qualified to provide service to the patient and entitles patients to access information about themselves maintained by the utilization review agent. The act also requires that utilization review agents are responsible for authority delegated to qualified personnel.

The act makes additional provisions for disclosure of information to a third party or the commissioner by requiring written authorization from the patient and establishes regulations for specialty utilization review agents relating to training, oversight, adverse determinations, and appeal decisions. It also clarifies the application of utilization review provisions to HMOs and life insurance companies.

SENATE BILL 385

EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Smithee et al.

Senate Bill 385 amends the Texas Health Maintenance Organization Act to establish additional requirements for HMOs to receive a certificate of authority, require an evidence of coverage to permit referrals to non-network physicians, allow a chronically or severely ill patient the option to use a specialist as a primary care physician, prohibit the denial of medically necessary rehabilitation services, and permit an HMO or health care provider to deny a service because of religious convictions. The act requires prompt payment to providers and enrollees, requires that certain information be accessible to the disabled and non-English speaking populations, and sets disclosure provisions for plans offered to Medicare recipients. The act requires the office of public insurance counsel (OPIC) to develop and implement an objective evaluation system that compares and annually issues consumer report cards on the quality of care provided by health maintenance organizations and raises the assessment on certain insurers for the support of OPIC.

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Senate Bill 385 imposes detailed requirements governing the HMO complaint and appeal system and, in addition to other restrictions, provides that an HMO may not prohibit a physician from communicating health care information to a patient and may not use financial incentives to encourage providers to limit medically necessary services. The act also imposes specific requirements on contracts between HMOs and physicians relating to contract termination, capitation rates, and disclosure, prohibits contracts from indemnifying HMOs for tort liability, and requires HMOs to maintain a quality assurance program and a physician review panel to review medical guidelines and prescription drugs covered by the plan. In addition, it transfers quality of care regulation to the Texas Department of Insurance and clarifies the authority of the insurance commissioner to impose sanctions and penalties and to establish minimum doctor/patient ratios, appointment waiting periods, and maximum travel time. Single service HMOs must offer a dental point-of-service option to certain group arrangements.

SENATE BILL 445

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Brimer

Senate Bill 445 amends the Texas Workers' Compensation Act to specify that persons who provide service for an oil and gas well operator as independent contractors are not entitled to coverage under the general contractor's workers' compensation insurance except on specific agreement.

SENATE BILL 682

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Eiland

Senate Bill 682 amends the Insurance Code to authorize advertisements for certain health benefit plans to include rate information without including information about all benefit exclusions and inclusions if the advertisement includes certain prominent disclaimers. The act also requires that any rates mentioned in the advertisement include the age, gender, and geographic location on which the rates are based.

SENATE BILL 1106

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Averitt

Under state law, insurers are required to bring an action to recover an automobile insurance deductible payment from a third party. Senate Bill 1106 amends the Insurance Code to broaden the interpretation of the phrase "bring an action" to include with lawsuits any reasonable and diligent collection efforts, mediation, and arbitration. The act also changes the length of time, after a claim is paid, that an insurer has to bring an action against a third party from 6 to 12 months and specifies that the application of this act is to private passenger automobile insurance rather than motor vehicle insurance.

SENATE BILL 1111

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Van de Putte

Senate Bill 1111 amends the Insurance Code to allow property and casualty insurers to acquire investments in and participate in a qualified investment pool. The act outlines requirements for a qualified investment pool, specifies permitted investments, and limits the percentage of admitted assets that can be invested in any one pool, in an investment pool other than a short-term pool, and in all pools combined. It requires each pool to have a written agreement and qualified pool manager with specified record-keeping and distribution duties. In addition, the act provides that a pool must be a business entity, transactions between an

investment pool and participants are not subject to the insurance holding company system regulatory act, with some exceptions, and all investment pool records must be available for inspection by the insurance commissioner.

SENATE BILL 1291**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** Dutton

Senate Bill 1291 amends the Insurance Code to permit fire and allied lines insurers to pay commercial policyholders dividends covering more than one class or line of commercial business. The act establishes related requirements and specifies permitted limitation of the payment of such dividends to a group of commercial policyholders.

SENATE BILL 1387**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** J. Patterson**HOUSE SPONSOR:** Eiland

Senate Bill 1387 amends the Texas Catastrophe Property Insurance Pool Act to allow the insurance commissioner to authorize the Texas Catastrophe Property Insurance Association to provide actual cash value coverage instead of replacement cost coverage on the roof of a building insured by the association. The act also authorizes the commissioner to determine the criteria for providing actual cash value coverage, appropriate premium reductions, and disclosure of coverage to policyholders.

SENATE BILL 1388**EFFECTIVE:** 5-27-97**SENATE AUTHOR:** J. Patterson**HOUSE SPONSOR:** Smithee

Senate Bill 1388 amends the Texas Title Insurance Act to replace the current formula for calculating the amount a domestic title insurer must set aside for premium reserves, with a separate formula for 1997 and for 1998 and after. The act requires insurers to compute a total statutory premium reserve balance for all policy years combined as of 1996 to determine whether the insurer should make a transitional charge or reduction to statutory reserves. Beginning in 1997, insurers must compute the total statutory premium reserve balance for all policy years before 1997 combined to determine the runoff balance for reduction of premium reserve. In addition, the act requires insurers to obtain actuarial certification of reserves and to establish a supplemental reserve with excess reserves.

SENATE BILL 1447**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Brimer

Senate Bill 1447 amends the Insurance Code to authorize the conversion of mutual insurance companies, other than life insurance companies, into stock insurance companies and establishes requirements governing the conversion process and the subscription and sale of stock. The act also authorizes an alternative conversion plan that provides for mergers, formation of a mutual holding company, or the issuing of consideration other than stock subscriptions rights. In order to convert, an insurance company must submit a conversion plan to the insurance commissioner for approval, adopt the plan by at least a two-thirds majority vote of policyholders, and adopt amended articles of incorporation. The act establishes a deadline for commissioner approval and allows the commissioner to retain a qualified expert to review the plan. The act sets forth provisions governing holding companies, conversion of insolvent companies, rights of policyholders regarding conversion, notice of conversion, conflict of interest, and the transfer of assets and liabilities to the new entity. Actions taken against a conversion plan must be commenced within 30 days of the plan's effective date.

Insurance

SENATE BILL 1498**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Eiland

Senate Bill 1498 amends the Insurance Code to authorize certain property and casualty insurers who have filed for a new benchmark rate to continue to use previously filed rates, or make additional rate filings based on the previous benchmark rate, for new policies or policies renewing prior to the effective date of the new rate.

SENATE BILL 1499**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Dutton

Senate Bill 1499 amends the Insurance Code to authorize the commissioner of insurance to adopt for lines of insurance, other than general liability of commercial property, policy forms and endorsements of national insurers or policy forms and endorsements adopted by a national organization of insurance companies. The act authorizes the commissioner of insurance to disapprove or withdraw previous approval of a form or endorsement that violates rules or a statute or that is misleading. Previous law authorized the board to withdraw approval of a policy form or endorsement at any time after notice and hearing. In addition, the act includes regulation of insurance policies and rates for farm and ranch owners under provisions that regulate commercial property and general liability insurance coverage.

SENATE BILL 1651**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** Smithee

Senate Bill 1651 amends the Insurance Code to permit a person covered by a health insurance policy to select a physical or occupational therapist to provide specified services and to prohibit insurers from denying or discriminating in payment because a service was performed by a physical or occupational therapist.

SENATE BILL 1913**EFFECTIVE:** Vetoed**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Smithee

Senate Bill 1913 amends the Insurance Code to exclude transactions involving service contracts sold by a manufacturer or seller from the definition of the business of insurance. Third-party carriers of a service contract are exempt only if they are insured by an insurer licensed in this state and they have a written agreement with the manufacturer or seller.

LABOR AND EMPLOYMENT

HOUSE BILL 220

EFFECTIVE: 9-1-97

House Bill 220 amends provisions of the Labor Code relating to employment discrimination to remove explicit mention of the acquired immune deficiency syndrome or infection with the human immunodeficiency virus from the list of ailments excluded from the definition of “disability” and to define a currently communicable disease based on current law.

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Gallegos

HOUSE BILL 425

EFFECTIVE: 9-1-97

House Bill 425 amends the Labor Code to specify that one member of the Work and Family Policies Advisory Committee be a representative of the Child Care Development Board. The act permits the Work and Family Policies Clearinghouse to assign an employee to work as a work-family facilitator to assist state agencies in developing family-friendly workplace policies and prohibits state agencies from taking any action that violates the right and duty of parents to direct the upbringing of their children.

HOUSE AUTHOR: Raymond et al.

SENATE SPONSOR: Ellis

HOUSE BILL 564

EFFECTIVE: 9-1-97

House Bill 564 amends the Labor Code to extend the Texas Workforce Commission’s exemption from the Administrative Procedure Act for unemployment compensation proceedings to other program areas.

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Ellis

HOUSE BILL 565

EFFECTIVE: 9-1-97

House Bill 565 amends the Texas Unemployment Compensation Act relating to the prohibition against receiving unemployment benefits on an individual who is unemployed because of the sale of a business in which the individual was an officer, partner, or sole proprietor and was involved in the sale. The act specifies conditions under which such a disqualification ceases. The act requires individuals filing a new unemployment benefit claim to disclose any uncollected overissuances of food stamps. The Texas Workforce Commission must deduct the overissuance from any unemployment benefits and transfer the amount of the overissuance to the Texas Department of Human Services.

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Ellis

HOUSE BILL 566

EFFECTIVE: 9-1-97

House Bill 566 amends the State Lottery Act to include the Texas Workforce Commission in the list of state agencies required to report to the Texas Lottery Commission persons determined to be delinquent in payments. The act also directs the executive director of the lottery commission to deduct the amount of court-ordered delinquent child support payments from prize money over \$600.

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Ellis

HOUSE BILL 567

EFFECTIVE: 9-1-97

House Bill 567 amends the Texas Unemployment Compensation Act to permit money in the special administration fund to be used to pay persons who contract to collect delinquent unemployment taxes, penalties, or interest owed and to provide employers 14 days, rather than 12 days, in which to respond to an unemployment insurance claim. The act permits examiners to correct clerical or machine errors related to claims at any time during the benefit year, specifies proceedings that suspend the running of the three year statute of limitations for beginning civil action in court or making an assessment to collect money, and requires the Texas Workforce Commission to pay the cost of filing an abstract of an assessment and to add the filing fee paid for an abstract of judgment or an abstract of assessment to the amount due under the assessment or judgment.

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Ellis

HOUSE BILL 768

EFFECTIVE: Vetoed

The Texas Workers' Compensation Act provides that the burden of proof is on the employee in a proceeding that alleges discrimination by an employer against an employee who has filed or otherwise participated in a workers' compensation claim. House Bill 768 specifies that the burden of proof is on the employee to establish that the employee's action with regards to the claim was a substantial cause of the discrimination.

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Duncan

HOUSE BILL 1453

EFFECTIVE: Vetoed

House Bill 1453 amends the Labor Code to clarify the relationship between the Commission on Human Rights and the attorney general in the enforcement of employment discrimination laws and to set time limits for action by the attorney general.

HOUSE AUTHOR: S. Turner et al.

SENATE SPONSOR: Barrientos

HOUSE BILL 1576

EFFECTIVE: 9-1-97

House Bill 1576 transfers provisions of the Human Resources Code relating to criminal checks of employees of residential dwelling projects to the Health and Safety Code. The act also provides that employers operating residential dwelling units may access an employee's DWI conviction history if the position of employment requires a substantial amount of driving.

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. Patterson

HOUSE BILL 1720

EFFECTIVE: 9-1-97

House Bill 1720 amends the Labor Code to exclude from the definition of "partially unemployed" for the purpose of unemployment benefits an individual whose working hours are reduced because of misconduct in the workplace. This exclusion is effective for a maximum of four weeks from the initial date of the reduced hours.

HOUSE AUTHOR: Siebert et al.

SENATE SPONSOR: Carona

HOUSE BILL 1761

EFFECTIVE: 9-1-97

House Bill 1761 amends the Labor Code to prohibit temporary employment services from denying an individual's application for employment based solely on the lack of a high school diploma or graduate equivalency diploma if the position or client does not require a high school education. The act does not create a private cause of action.

HOUSE AUTHOR: Chavez et al.

SENATE SPONSOR: Shapleigh

HOUSE BILL 2915
EFFECTIVE: Vetoed

HOUSE AUTHOR: Oliveira et al.
SENATE SPONSOR: Ellis

House Bill 2915 amends the Government Code to offer special retirement options to employees of the Texas Workforce Commission who are displaced as a result of local workforce development boards privatizing the services of career development centers. The act also requires that a contract between a local workforce development board and a private entity to operate a career development center include employee compensation and benefits comparable to those of the state.

HOUSE BILL 3048
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hodge
SENATE SPONSOR: Cain

House Bill 3048 amends the Labor Code to make a conforming and corrective change relating to employment discrimination laws and the attainment of workforce diversity.

HOUSE BILL 3116
EFFECTIVE: Vetoed

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Ellis

House Bill 3116 amends the Workforce and Economic Competitiveness Act to prohibit employers from hiring welfare recipients under a work supplementation program if the hiring will result in the displacement of an employee or of certain vacant positions or is the result of a strike. It describes the rights and benefits of program participants and makes implementation of the act's provisions subject to federal approval if necessary.

HOUSE BILL 3137
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Solomons et al.
SENATE SPONSOR: Armbrister

House Bill 3137 amends the Texas Workers' Compensation Act to impose new restrictions on judgments entered by a court on judicial review of an appeals panel decision in a workers' compensation case. In addition to other restrictions, House Bill 3137 specifies that a judgment may not order reimbursement from the subsequent injury fund and that a judgment based on default or on an agreement of the parties does not constitute a modification or reversal of an appeals panel decision awarding benefits for the purposes of final decisions of appeals panels and reimbursement for overpayment. House Bill 3137 requires the workers' compensation commission to review proposed judgments and settlements and authorizes the commission to intervene in proceedings if it determines that a proposal does not comply with the law. The act provides that a judgment or settlement that is not in compliance is void.

HOUSE BILL 3161
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer
SENATE SPONSOR: Duncan

House Bill 3161 amends the Texas Workers' Compensation Act to authorize the workers' compensation commission to adopt rules requiring an employee to submit to not more than three medical examinations in a 180-day period, under specified circumstances. The commission is required to adopt a system for monitoring requests for additional medical examinations made by insurance carriers to ensure that good cause exists for the additional examination. The act establishes an administrative penalty for insurance carriers who make an unreasonable request for an examination.

Labor and Employment

SENATE BILL 167

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Smith

Senate Bill 167 amends the Labor Code to apply the penalty for failure to pay wages to an employer who intends to avoid payment of wages, intends to continue to employ the employee, and fails after demand to pay the wages. The act designates a transgression in each pay period as a separate offense.

SENATE BILL 396

EFFECTIVE: 5-28-97

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Yarbrough

Senate Bill 396 amends the Local Government Code to clarify that a written agreement between a public employer and a fire fighters association in a municipality with a population of 1.5 million or more that has not adopted The Fire and Police Employee Relations Act requires approval by a majority of the votes received in a referendum of the members of the fire fighters association rather than by a majority vote of its members.

SENATE BILL 417

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Naishtat

Senate Bill 417 amends the Labor Code to require the Texas Workforce Commission to prepare a report on state efforts to integrate the delivery of job training and employment services that focuses on the “one-stop for service” program, problems in integrating the delivery of services, and a proposed date for integrating local services into the network of full-service career development centers.

SENATE BILL 459

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: G. Lewis et al.

Senate Bill 459 amends the Workforce and Economic Competitiveness Act to require that at least one private sector member of the local workforce development board have expertise in early childhood education or child care. The act permits boards created before September 1, 1997, to meet the requirement as vacancies occur or current members’ terms expire.

SENATE BILL 483

EFFECTIVE: 9-1-97

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Hartnett

Senate Bill 483 amends the Government Code to specify that a court reporter is entitled to receive a regular salary for no more than 30 days each year when performing other official work that temporarily prevents the court reporter from assuming normal duties. The act also requires that the salary for a court reporter for absences due to illness or disability be determined in accordance with the Labor Code and with the compensation and leave policies of the county responsible for paying the court reporter.

SENATE BILL 527

EFFECTIVE: 6-20-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Talton

Senate Bill 527 amends the Government Code to create a new subchapter relating to polygraph examinations for peace officers. The act prohibits, with exceptions, a peace officer from being suspended, discharged, or subjected to any other form of employment discrimination by the officer’s employer because the officer refuses to take a polygraph examination as part of an internal investigation.

SENATE BILL 616**EFFECTIVE:** 4-25-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Stiles

Senate Bill 616 amends the Education Code to eliminate the requirement that a departing employee of a nonprofit corporation designated to invest money of the permanent university fund of The University of Texas wait two years before working for an entity that conducts business with the corporation. The act adds provisions that prohibit departing directors from communicating with the intent to influence business transactions on behalf of another with the corporation for a two-year period and that prohibit departing employees or officers from representing an individual on a matter in which the officer or employee participated while employed with the corporation. It establishes a Class A misdemeanor for violations.

SENATE BILL 706**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** J. Patterson**HOUSE SPONSOR:** Brimer

Senate Bill 706 amends the Texas Unemployment Compensation Act to permit experience-rated employers, defined as employers whose account has been chargeable with benefits throughout four or more consecutive calendar quarters, to make a voluntary contribution to the Texas Workforce Commission to cover all or a portion of the chargebacks on their account. The commission must recompute the employer's experience rate based on the lower chargeback amount.

SENATE BILL 781**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Ellis et al.**HOUSE SPONSOR:** Raymond

Senate Bill 781 amends the Labor Code to create the Texans Work program, subject to federal approval, for certain persons who receive food stamps, financial assistance for families with dependent children, and are eligible to participate in the job opportunities and basic skills (JOBS) training program. The act provides employers the option to elect to participate in the on-site job training program with the approval of the local workforce development board or the Texas Workforce Commission, as appropriate. It establishes requirements and approval criteria for the employer-designed training courses and for program participation by trainees, ensures that current employees, collective bargaining agreements, or vacant positions will not be affected by the program, and limits the number of trainees in the employer's work force. Under the act, trainees have the same rights as other employees with regard to employment discrimination and labor organizations and must work the required number of hours prescribed by federal welfare reform provisions. The act establishes that the training program must be related to a job description available in the local community, authorizes the commission to develop incentives for the employer to hire trainees, and sets the employer payment obligation and trainee compensation rates. It establishes the Texas employment and training account in the general revenue fund for employer payments, state matching grants, and trainee compensation, disqualifies trainee compensation from earned income calculations, and establishes a pilot program for individual development accounts for certain participants in a subsidized employment program.

SENATE BILL 928**EFFECTIVE:** 5-28-97**SENATE AUTHOR:** Gallegos**HOUSE SPONSOR:** Bosse

Previous law prohibited a firefighter, firefighter emergency medical personnel, or fire alarm dispatcher in a municipality with a population of more than 1.5 million from working more than an average of 46.7 hours a week during a calendar year. Senate Bill 928 amends the Local Government Code to prohibit requiring the person from working more than an average of 46.7 hours during a 72-day work cycle designated by the department head.

SENATE BILL 1262
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Naishtat

Senate Bill 1262 permits the division of workforce development of the Texas Workforce Commission to provide ongoing employment related assistance to recipients of public assistance who have participated in job training programs and to permit the commission to develop a formula for allocating certain funds to local workforce development areas to ensure compliance with federal requirements. The act includes job retention assistance under the support services that the department of human services is required to provide for certain recipients of public assistance and requires the department to emphasize sustainable wage jobs, promote nontraditional work opportunities, and offer micro-enterprise development and self-employment assistance in areas where jobs are scarce.

SENATE BILL 1263
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Naishtat

Senate Bill 1263 permits the Texas Workforce Commission to provide information on the federal earned income tax credit for working families to participants in workforce development programs and others who use commission services. Working with the Internal Revenue Service, the commission may designate certain offices as volunteer income tax assistance sites during tax season or provide similar tax assistance and, in conjunction with the comptroller's office, may distribute certain information about the earned income tax credit.

SENATE BILL 1286
EFFECTIVE: 9-1-97

SENATE AUTHOR: Gallegos
HOUSE SPONSOR: Talton

Senate Bill 1286 amends the Local Government Code to require a city with a population of 1.5 million or more to classify positions in a specialized police division the same as positions outside the division, and it makes police officers eligible for promotions or lateral moves from one division to another, except that in departments subject to a collective bargaining or meet-and-confer agreement, the reclassification and interdivisional promotion or crossover provisions must be approved by the appropriate representative of the department's officers.

Senate Bill 1286 also requires such cities to establish and maintain a legislative leave account for each firefighter or police officer employee organization and prescribes rules for the authorization and revocation of the donated leave time and for the use of the leave time.

The act grants police officers in a city with a population of 1.5 million or more that has not adopted The Fire and Police Employee Relations Act the right to bargain collectively on certain employment conditions through a recognized majority bargaining agent and provides for the selection of a majority bargaining agent by the police employee groups that represent the city's police officers or, if a bargaining agent is not selected by unanimous consensus, for the election of an agent and for the creation of a bargaining team to advise the bargaining agent.

The act allows the city's voters to reject an agreement between the city and the police officers' bargaining agent by petitioning for an election on its repeal.

SENATE BILL 1490
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Coleman et al.

Senate Bill 1490 requires the workforce development division of the Texas Workforce Commission to include in the required training for members of local workforce development boards information that encourages members to be advocates for quality child care in their community and information regarding determining client eligibility, early childhood education, vendor management, and managing multiple state and federal child-care funding sources. The division must ensure that a local board receives the required training before it begins managing the delivery of child-care services. The act also transfers authority to appoint members of the State Advisory Committee on Child-Care Programs from the Texas Board of Human Services to the commission.

LAW ENFORCEMENT AND PUBLIC SAFETY

HOUSE BILL 253

EFFECTIVE: 6-17-97

House Bill 253 amends the Code of Criminal Procedure to add marshals and deputy marshals of the United States Marshals Service, special agents of the United States Immigration and Naturalization Service, and special agents of the United States Department of State, Bureau of Diplomatic Security, to the list of federal officials who have the powers of arrest, search, and seizure for state felony offenses. The act also removes a provision that excludes border patrolmen and custom inspectors from the list.

HOUSE AUTHOR: Denny

SENATE SPONSOR: Wentworth

HOUSE BILL 399

EFFECTIVE: Vetoed

House Bill 399 amends the Transportation Code to restrict the release of information by the Department of Public Safety or another governmental entity relating to motor vehicle accidents. The act clarifies that this information, including any information about the date of the accident, the name of any person involved, and the specific location of the accident, is for the confidential use of the department and other state, federal, or local governmental entities. The act authorizes the accident information to be released, upon written request and payment of any required fee, to certain persons or governmental entities, including an individual who provides the department with the name of any person involved in an accident and either the date of the accident or the specific address of the accident.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Ratliff

HOUSE BILL 870

EFFECTIVE: 5-26-97

House Bill 870 amends the Code of Criminal Procedure to authorize United States custom inspectors, border patrolmen, and immigration officers, while on the premises of a port facility designated as a port of entry from Mexico into Texas, to detain a person pending transfer to a peace officer for offenses relating to driving while intoxicated.

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: R. West

HOUSE BILL 991

EFFECTIVE: 9-1-97

House Bill 991 amends the Health and Safety Code to authorize the seizure and destruction of a dog that causes serious bodily injury to a person. The bill also expands and clarifies county and municipal authority to regulate dangerous dogs and provides exceptions for when a court may not order a dog to be destroyed for causing serious bodily injury. The owner of a dangerous dog is required to provide proof of liability insurance or financial responsibility and to comply with local regulations on dangerous dogs. An offense is a Class B misdemeanor if it is shown at trial that a person has previously been convicted for failure to comply with regulations concerning dangerous dogs.

HOUSE AUTHOR: Wohlgemuth et al.

SENATE SPONSOR: Lindsay

HOUSE BILL 1176

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Allen et al.

SENATE SPONSOR: Brown

House Bill 1176 amends the Government Code to require the Department of Public Safety to create a system to respond to electronic and other inquiries for public information on persons registered in the sexual offender registration program and individuals who have been convicted of a criminal offense or granted deferred adjudication on a felony offense. The act also adds “public information” to the items for which a processing fee may be charged.

HOUSE BILL 1192

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Rhodes

SENATE SPONSOR: Armbrister

House Bill 1192 amends provisions of the Family Code relating to court ordered law enforcement assistance under temporary and final protective orders to include constables as law enforcement officers.

HOUSE BILL 1553

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Whitmire

House Bill 1553 amends the Code of Criminal Procedure to increase court costs for a person convicted of a moving violation in a school crossing zone or passing a school bus in a municipality with a population of 400,000 or more. The act also imposes court costs on a child convicted of truancy.

HOUSE BILL 1856

EFFECTIVE: 8-29-97

HOUSE AUTHOR: Telford

SENATE SPONSOR: Armbrister

House Bill 1856 amends the Government Code to provide for the continuation of the Commission on Law Enforcement Officer Standards and Education until 2009. House Bill 1856 requires the commission to develop a risk assessment method to judge the relative performance of peace officer training academies and to base its schedule for inspections on the results of the assessment. The act requires that the risk assessment method consider scores on the peace officer exam, past inspection records, self-assessments by the schools, and a random element to ensure that each school is periodically inspected. The commission is authorized to waive certain requirements relating to weapons proficiency, and requirements for a basic proficiency certificate are established. The act also staggers the terms of commission members by specialty and updates sections relating to sunset recommendations that are applied to all agencies.

HOUSE BILL 1881

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oakley

SENATE SPONSOR: Madla

House Bill 1881 amends the Education Code to require the Bill Blackwood Law Enforcement Management Institute of Texas to establish a program of initial training and continuing education courses for police chiefs relating to law enforcement management issues. It provides that training curriculum must be approved by the Texas Commission on Law Enforcement Officer Standards and Education. House Bill 1881 requires the chief of a municipal police department to be licensed as a peace officer, and it directs the commission to establish requirements for the licensing, revocation, suspension, cancellation, or denial of peace officer licenses for police chiefs. The act also establishes training requirements for police chiefs and provides for waivers of the training requirements.

HOUSE BILL 2213
EFFECTIVE: 9-1-97

House Bill 2213 amends the Local Government Code to prohibit local governing bodies and law enforcement entities from adopting policies under which the local entity would not fully enforce laws relating to illegal drugs.

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Armbrister

HOUSE BILL 2909
EFFECTIVE: 9-1-97

House Bill 2909 amends provisions relating to concealed handgun licensing to make conforming changes and technical corrections. The act adds a comprehensive description of mental soundness, deletes a provision requiring presentation of a concealed handgun license regardless of whether the license holder is carrying a handgun, and establishes the offense of trespass by a holder of a concealed handgun license. Time limits are imposed for the completion of a record check or investigation of an applicant, and the applicant must be notified if a license cannot be issued or denied within the time allowed. House Bill 2909 revises warning sign requirements and adds brewpubs to the list of businesses that must display a sign stating that it is unlawful to carry a handgun on the premises. It also provides for the licensing of certain peace officers and nonresidents. The act includes certain supervision officers and judges among those to whom the licensing requirements do not apply. The Commission on Law Enforcement Officer Standards and Education and the Texas Department of Criminal Justice are required to adopt a memorandum of understanding that establishes their respective responsibilities in the use of firearms by community supervision and corrections department officers and parole officers.

HOUSE AUTHOR: Carter et al.
SENATE SPONSOR: J. Patterson

HOUSE BILL 3278
EFFECTIVE: 6-17-97

House Bill 3278 amends the Government Code to authorize the Texas National Guard, when it assists federal authorities in the enforcement of drug laws, to participate in the sharing of property seized or forfeited under federal law.

HOUSE AUTHOR: Counts
SENATE SPONSOR: J. Patterson

HOUSE BILL 3441
EFFECTIVE: 6-19-97

House Bill 3441 amends the Alcoholic Beverage Code to authorize a minor to purchase and possess alcoholic beverages under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of the code.

HOUSE AUTHOR: Kubiak
SENATE SPONSOR: Cain

SENATE BILL 12
EFFECTIVE: 9-1-97

Senate Bill 12 amends the Government Code to remove municipal police and add peace officers to the list of law enforcement officers that the Texas Commission on Law Enforcement Officer Standards and Education is authorized to certify as special officers for mental health assignment.

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: A. Reyna

SENATE BILL 187

EFFECTIVE: 6-18-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Stiles

Senate Bill 187 amends provisions of the Government Code relating to the allocation of money from the law enforcement officer standards and education account for continuing education to require each law enforcement agency to report the number of positions in the agency to the comptroller on an annual basis. The act deletes the requirement that a county or municipality conduct an annual audit of the law enforcement agency over which it has jurisdiction.

SENATE BILL 329

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: McReynolds et al.

Senate Bill 329 amends the Penal Code to expand the offense of making a false report to a peace officer to include any employee of a law enforcement agency.

SENATE BILL 881

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Oakley

Senate Bill 881 adds certain traffic-related offenses to the list of offenses that result in the denial of an application for renewal of a driver's license if the offender fails to appear to pay a fine.

SENATE BILL 1120

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Van de Putte

Senate Bill 1120 amends provisions of the Code of Criminal Procedure and Penal Code relating to interception and use of wire, oral, and electronic communication to authorize certain judges to act on an application for authorization to intercept wire, oral, or electronic communication. The act defines the conditions under which a person is subject to suit for recovery of certain civil damages due to the interception, disclosure, or use of wire, oral, or electronic communication. The act amends provisions related to the installation and utilization of a pen register or trap and trace device and modifies the terms for an affirmative defense to prosecution to exclude the interception of cordless telephone communication.

SENATE BILL 1546

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ogden

HOUSE SPONSOR: E. Reyna et al.

Senate Bill 1546 amends the Local Government Code and the Government Code to establish procedures for the disposition of funds held by a crimestoppers organization.

SENATE BILL 1676

EFFECTIVE: Vetoed

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Stiles

Senate Bill 1676 amends the Government Code to increase the membership of the Crime Stoppers Advisory Council from five members to seven and to provide for staggered terms of four years that expire on February 1 of each odd-numbered year.

NATURAL RESOURCES AND ENVIRONMENTAL REGULATION

HOUSE BILL 717

EFFECTIVE: 5-26-97

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Whitmire

House Bill 717 amends the Texas Litter Abatement Act to redefine “approved solid waste site” and to clarify that illegal dumping provisions do not apply to the temporary storage for future disposal of litter or other solid waste by a person on land owned by that person or by the person’s agent. The act requires the Texas Natural Resource Conservation Commission to regulate by rule such temporary storage.

In addition, the act establishes that illegal dumping provisions do not apply to an individual’s disposal of litter or other solid waste if the litter or waste is generated on land the individual owns, is not generated as a result of an activity related to a commercial purpose, occurs on land owned by the individual, and is not done for commercial purposes.

HOUSE BILL 956

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Carona

House Bill 956 amends the Health and Safety Code to clarify that medical waste does not include artificial, nonhuman materials removed from and requested by a patient, including but not limited to orthopedic devices and breast implants. The act exempts such materials from medical waste disposal requirements and allows hospitals to release the materials to patients requesting them for litigation purposes or personal reasons.

HOUSE BILL 1016

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Puente

SENATE SPONSOR: Madla

House Bill 1016 amends provisions of the Water Code governing fees imposed for processing water quality control plans for the Edwards Aquifer. The act increases the cap on fees from \$2,000 to \$5,000 and provides that fees collected shall be deposited to the credit of the water quality fund and used only for Edwards Aquifer programs.

HOUSE BILL 1128

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kamel et al.

SENATE SPONSOR: Ogden et al.

House Bill 1128 amends the Natural Resources Code by adding a subchapter relating to the unauthorized harvesting of timber. The act provides that a person who harvests timber without the permission of the owner is liable to the owner for triple the market price of the timber. House Bill 1128 also adds a subchapter relating to payment for timber purchased. The act provides that money collected for harvested timber is trust money, the purchaser of the standing timber for harvest is trustee of the money, and the seller is the beneficiary. It further provides that action by a trustee designed to deprive a beneficiary of trust money is a state jail felony offense.

HOUSE BILL 1144

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner et al.

SENATE SPONSOR: Brown

House Bill 1144 amends the Agriculture Code to consolidate the regulatory authority of the Texas Department of Agriculture over pesticides, to eliminate conflicts in existing state regulatory requirements, and to conform state regulations to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the federal worker protection standard.

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The act repeals Chapter 75 of the Agriculture Code, relating to the regulation of herbicides, and consolidates herbicide provisions under Chapter 76, Pesticide Regulation. House Bill 1144 requires previously exempt noncommercial governmental agency pesticide applicators to pay a licensing fee, changes the time frame for pesticide dealer license renewal, and stipulates the applicability of FIFRA rules and regulations to the registration, labeling, distribution, and use of pesticides and herbicides. Licensed veterinarians are not required to obtain a license under this chapter if using a restricted-use or state-limited-use pesticide or a regulated herbicide as a drug or medication during the course of their normal practice.

The act provides for interagency cooperation regarding groundwater protection, changes the meeting requirements of the Agricultural Resources Protection Authority, and requires that information regarding the type and location of certain pesticides be provided to the fire chief. The department is required to adopt state worker protection standards for pesticides if no federal worker protection standards exist and is authorized to adopt other rules for the protection of the health, safety, and welfare of farm workers and pesticide handlers.

In addition, House Bill 1144 amends the Texas Structural Pest Control Act to require that owners of certain buildings obtain pest control services from a person licensed to perform such a service rather than only from a business that has a “structural pest control business license,” as was previously required. The act also adds a person who performs pest control on growing plants to the list of persons not subject to the Texas Structural Pest Control Act.

HOUSE BILL 1154
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower
SENATE SPONSOR: D. Nixon

House Bill 1154 adds a section to the Water Code to require political subdivisions to certify to the Texas Water Development Board that an application for financial assistance filed with the board was approved in an open meeting.

HOUSE BILL 1190
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts et al.
SENATE SPONSOR: Armbrister

House Bill 1190 substantially revises the Texas clean rivers act as passed by the legislature in 1991 and amends provisions of the Water Code regarding water quality monitoring and assessments. The act restores funding for the clean rivers program, which was scheduled to terminate August 31, 1998, and directs the Texas Natural Resource Conservation Commission to adopt rules to ensure that program funds are equitably apportioned among basins.

The act sets out participation requirements for basin-wide steering committees and establishes a definition for “quality assured data.” It requires the commission to promulgate rules to develop a monitoring program, establish a water quality database using quality assured data, identify water quality problems and pollution sources, develop a process for public participation and review, and recommend water quality strategies for correcting identified water quality problems and pollution sources. The commission is also authorized to consolidate any fee assessed against a wastewater permit holder with the assessment of a wastewater inspection fee.

The act also changes the mandate for all cities having a population of 5,000 or more to establish a water pollution control and abatement program to cover only those cities having a population of 10,000 or more where pollution impacts have been identified through clean rivers program or commission assessments. Cities are authorized to contract with a river authority or another political subdivision to perform any or all services and functions that are part of a water pollution control and abatement program and the commission may assist cities in identifying and obtaining funds and technical assistance to carry out the program.

HOUSE BILL 1206
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel
SENATE SPONSOR: Fraser

House Bill 1206 amends the Health and Safety Code to change the composition of the Municipal Solid Waste Management and Resource Recovery Advisory Council.

HOUSE BILL 1228
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Jackson et al.
SENATE SPONSOR: Brown

House Bill 1228 adds a new subchapter to the Water Code to provide for consolidation of the permit process for plants, facilities, and sites required to have multiple permits from the Texas Natural Resource Conservation Commission. The act requires the commission to consolidate the review of separate permits at the request of the applicant and to issue a consolidated permit upon application approval. Consolidation of federal operating permits required under the Clean Air Act for facilities emitting toxic air pollutants is prohibited. The act allows the commission to exempt solid waste management facilities in existence prior to September 1987, or any expansion of those facilities, from air impact review.

House Bill 1228 sets the same fee structure as for separate processing, but authorizes the commission to lower fees if consolidated processing results in savings to the agency.

HOUSE BILL 1239
EFFECTIVE: See below

HOUSE AUTHOR: Jackson
SENATE SPONSOR: Brown

House Bill 1239 amends the Solid Waste Disposal Act relating to the voluntary cleanup program for the remediation of sites contaminated by solid or hazardous waste. The act clarifies the definition of "responsible party," includes federal funds received for federal brownfield initiatives in the hazardous and solid waste remediation fund (Superfund), and amends the period allowed for resubmission of an application to participate in the voluntary cleanup program. House Bill 1239 also allows the Texas Natural Resource Conservation Commission to transfer a site or a portion of a site that is subject to a permit or order into the voluntary cleanup program on dismissal of the permit or order, but stipulates that the administrative penalties paid under the permit or order are nonrefundable.

The act adds a new section to establish the eligibility of certain persons for release from liability to the state for cleanup of contamination. In addition, the act adds a new section to the Property Redevelopment and Tax Abatement Act to authorize the governing body of an eligible municipality to enter into certain tax abatement agreements.

The act takes effect September 1, 1997, except for provisions regarding inclusion of certain sites in the voluntary cleanup program and the release from liability provisions, which take effect either on September 1, 1997, or on the date the commission enters into a memorandum of agreement with the United States Environmental Protection Agency authorizing release from liability for certain potentially responsible parties under the voluntary cleanup program.

HOUSE BILL 1298
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel
SENATE SPONSOR: Brown

House Bill 1298 amends the Water Code to authorize the Texas Natural Resource Conservation Commission to remove some decisions of the executive director from commission review and render those decisions final and appealable to district court. The act also clarifies that the executive director may delegate to his or her staff any authority or duty assigned to the executive director, unless proscribed by rule or statute.

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HOUSE BILL 1367

EFFECTIVE: 5-26-97

HOUSE AUTHOR: Hirschi et al.

SENATE SPONSOR: Barrientos

House Bill 1367 amends the Water Code to require the Texas Natural Resource Conservation Commission to prepare a comprehensive annual report regarding agency environmental enforcement actions. The act also requires the attorney general to provide fiscal year-end information to the commission regarding enforcement actions referred by the commission to the attorney general that were resolved during the preceding fiscal year or remain pending.

HOUSE BILL 1542

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Counts

SENATE SPONSOR: Wentworth

House Bill 1542 amends the Water Code to authorize the Texas Natural Resource Conservation Commission to replace the current permit-by-rule system for wastewater discharges with a general permit. The act sets out the criteria under which the commission may replace a permit-by-rule with a general permit and allows a discharger not covered by an individual permit to obtain authorization to discharge under a general permit. The act sets out public notice, hearing, and comment provisions, sets the term of the permit at five years, and provides for the extension of the permit. House Bill 1542 also authorizes the commission to delete or add requirements or limitations to the permit, set a fee for the permit, and adopt rules necessary to implement and administer this section.

HOUSE BILL 1960

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Howard

SENATE SPONSOR: Brown

House Bill 1960 amends the Health and Safety Code to abolish the Pollution Prevention Council.

HOUSE BILL 2096

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. Patterson

House Bill 2096 amends the Water Code to require the Texas Natural Resource Conservation Commission to select a depository for navigation districts and port authorities in the same manner that a municipality selects a municipal depository. In selecting the depository, the commission is required to act in the same capacity and perform the same duties as the governing body of a municipality.

HOUSE BILL 2170

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kubiak

SENATE SPONSOR: Armbrister

House Bill 2170 amends the Texas Radiation Control Act to establish a new minimum fee for late renewal of a radioactive materials license. The act changes the minimum late fee from \$100 to 20 percent of the amount of the annual license and registration fee.

HOUSE BILL 2705

EFFECTIVE: See below

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Brown

House Bill 2705 amends the Solid Waste Disposal Act to change the site eligibility criteria used by the Texas Natural Resource Conservation Commission to participate in the voluntary cleanup program for the remediation of contaminated property. Under current law, a site or a portion of a site that is subject to a commission permit or order is not eligible for participation in the voluntary cleanup program. The act authorizes such sites to be included in the voluntary program upon dismissal of a permit or order, but stipulates that the administrative penalties paid under the permit or order are nonrefundable.

House Bill 2705 also adds a new section to establish the eligibility of certain persons for release from liability to the state for cleanup of contamination. An individual who purchased contaminated property before September 1, 1995, is released from liability, upon issuance of a certificate of completion of cleanup, for any contamination that occurred before the purchase date if they were not a responsible party before the purchase date and if another person that is the responsible party performs a voluntary cleanup of the site. The responsible party for prior contamination remains liable for the contamination occurring before the certificate of completion is issued, but is not liable for any contamination occurring afterwards unless they contribute to or cause the release of contamination or change the land use specified in the certificate of completion to a use that may result in increased risks to human health or the environment.

The act takes effect either on September 1, 1997, or on the date the commission enters into a memorandum of agreement with the United States Environmental Protection Agency authorizing release from liability for certain potentially responsible parties under the voluntary cleanup program.

HOUSE BILL 2776
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Jackson
SENATE SPONSOR: Brown

House Bill 2776 revises the Solid Waste Disposal Act regarding operation of the state's voluntary cleanup program for solid waste facilities and the hazardous and solid waste remediation fund (Superfund). The bill adds two new subchapters to establish specific thresholds of liability for fiduciaries and lenders.

House Bill 2776 adds a new subchapter to provide immunity from liability for owners or operators in charge of property contaminated by hazardous waste migration from an outside source. The act authorizes the Texas Natural Resource Conservation Commission to consider a voluntary cleanup offer as an alternative to adding a site to the Superfund list and clarifies the liability of parties who do and do not enter into settlement agreements with the agency for cleanup costs.

The act revises the authority of the commission to use Superfund money in certain situations, grants authority to the agency's executive director regarding determinations of future land use and remediation requirements for contaminated sites, and expands the range of settlement agreements that the commission may enter into for arranging cleanup costs. The act also requires the commission to file cost recovery actions for Superfund expenditures in certain situations, delegates authority for Superfund purchases to the commission, and exempts the Superfund program from state construction and public works contract requirements.

HOUSE BILL 3019
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Allen
SENATE SPONSOR: Brown

House Bill 3019 amends the Texas Clean Air Act to authorize the Texas Natural Resource Conservation Commission to grant exemptions from preconstruction permit requirements for changes to any emissions facility. The act also requires the commission to develop a voluntary emissions reduction plan for the permitting of existing significant sources by December 1, 1998.

HOUSE BILL 3059

EFFECTIVE: 9-1-97

HOUSE AUTHOR: King

SENATE SPONSOR: Wentworth

House Bill 3059 amends Health and Safety Code provisions relating to the regulation of on-site sewage disposal facilities. The act requires an electric utility to submit to the county judge of each county a weekly list of the new hookups it has performed in the unincorporated areas of the county. The county judge is required to forward the list to an authorized agent, who may then use the information for implementing and enforcing on-site sewage disposal system rules. The act strengthens notification and enforcement provisions regarding required repairs to malfunctioning systems and amends the definition of “on-site sewage disposal system” to include cluster systems.

House Bill 3059 also provides that an authorized agent or the Texas Natural Resource Conservation Commission may condition approval of a permit for an on-site sewage disposal system on the system’s owner contracting for maintenance of the system. The act requires certain maintenance contractors to obtain a performance bond, but provides exemptions to these provisions under certain circumstances. The act also requires the owner of an on-site system to submit a copy of any new or revised maintenance contracts to the permitting authority and authorizes the permitting authority to assess and collect a reasonable fee to cover the cost of administering the performance bond program.

HOUSE BILL 3459

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Brown

House Bill 3459 amends the Texas Environmental, Health, and Safety Audit Privilege Act, which was established by the 74th Legislature to provide incentives for companies to conduct voluntary compliance audits. The act eliminates a provision that grants audit privilege for information that is discovered during a voluntary audit relevant to a criminal proceeding, clarifies that such information cannot be suppressed in a criminal trial, but stipulates that audit privilege for such information is not waived or eliminated for a civil or administrative proceeding. A public entity, public employee, or public official who discloses certain confidential information is subject to penalties under the open records law.

The act removes immunity from criminal penalties for voluntary disclosure of violations, modifies terms under which audit privilege is waived, changes the definition of voluntary disclosure, and removes civil and administrative immunity if a violation results in a substantial economic benefit to the violator if the person has repeated significant violations. The act requires that a person claiming immunity be notified if the information they intend to disclose is required to be made public under state or federal law and establishes that a person is subject to a fine of up to \$10,000 if they intentionally or knowingly claim an audit privilege for unprotected information.

HOUSE BILL 3490

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Holzheuser

SENATE SPONSOR: Bivins

House Bill 3490 amends Natural Resources Code provisions relating to the Texas Experimental Research and Recovery Activity (TERRA) to remove the requirement that the railroad commission notify the comptroller on January 1 of each year of the amount of money to be transferred to the TERRA fund. The act allows notification to occur on or after January 1 of each year. The act authorizes the commission to use TERRA funds for general purposes if the fund balance exceeds a certain level and allows wells to be added to TERRA without a TERRA agreement if the wells being transferred are scheduled to be plugged with state money.

While a well is in the TERRA program, the commission is required to assume all well plugging duties and pollution prevention and control responsibilities and to conduct annual inspections and appropriate tests to ensure the continued integrity of the wellbore.

SENATE BILL 1

SENATE AUTHOR: Brown et al.

EFFECTIVE: See below

HOUSE SPONSOR: R. Lewis

Senate Bill 1 amends the Water Code to implement a comprehensive drought and water conservation, development, and management plan for Texas. The act authorizes the Texas Water Development Board to designate regional water planning areas and requires the development of state, regional, and local water management plans. The act authorizes the Texas Natural Resource Conservation Commission to impose restrictions on the use of groundwater to maintain instream uses and freshwater inflows to bays and estuaries. Senate Bill 1 also establishes new procedures for creating groundwater districts, establishes the Texas Water Trust within the water bank to hold water rights dedicated to environmental needs, and requires the board, the commission, and the Texas Parks and Wildlife Department to adopt rules to govern the process for holding and transferring water rights.

The act prohibits interbasin water transfers unless a water right or amendment to a permit, certified filing, or certificate of adjudication has first been issued by the commission and stipulates that any proposed water transfer is junior in priority to water rights granted before the time the application for transfer is accepted for filing. The act also establishes the Texas Water Development Fund II, contingent on the passage of constitutional amendment Senate Joint Resolution 17, and requires that all water financial assistance bond proceeds be deposited to the fund. It also establishes a 10-member Interim Committee on Water Resources Development and Management to study the state's water supply and wastewater infrastructure needs, creates a drought response and management committee, and merges the Texas Natural Resources Information System and the Texas Geographic Information Systems Planning Council to form a new Texas Geographic Information Council.

Senate Bill 1 takes effect September 1, 1997, except for Sections 2.03, 2.08, 2.09, 2.17, and 3.03, which take effect immediately, Sections 5.03 and 5.05-5.08 regarding consolidation of existing bond authorization, which take effect upon voter approval of Senate Joint Resolution 17, and Section 5.11 regarding property tax exemptions for water conservation initiatives, which takes effect upon voter approval of Senate Joint Resolution 45.

SENATE BILL 633

SENATE AUTHOR: Brown

EFFECTIVE: 9-1-97

HOUSE SPONSOR: Uher

Senate Bill 633 adds a new section to the Administrative Procedure Act to require state agencies to perform regulatory analyses before adopting certain major environmental rules. The act applies to a major environmental rule that exceeds federal or state law, exceeds a requirement of a delegation agreement or contract between the state and the federal government to implement an environmental program, or is adopted under the general powers of the agency instead of under a specific state law.

The regulatory analyses of a proposed rule shall identify the problem the rule is intended to address, determine whether the rule is necessary, and consider the benefits and costs of the proposed rule to state agencies, local governments, the public, the regulated community, and the environment. Provisions of the new section do not apply to state agency rules proposed or adopted on an emergency basis to protect the environment or to reduce risks to human health from environmental exposure.

SENATE BILL 634

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Moffat

Senate Bill 634 amends the Natural Resources Code to establish a new licensing classification for liquefied petroleum gas (LPG) exchange dealerships. The act defines “portable cylinder exchange” as an operation where the sale of LPG is within a portable cylinder with a capacity not to exceed 21 pounds, the cylinders are not filled on site, and no other LPG activity requiring a license is conducted. The act also authorizes the Railroad Commission of Texas to set license and renewal fees and to adopt rules to provide for self-insurance and standards for self-insurance.

SENATE BILL 635

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Holzhauser

Senate Bill 635 amends the Natural Resources Code to authorize the Railroad Commission of Texas to use money in the oil-field cleanup fund to conduct site investigations and environmental assessments of contaminated areas. The act also authorizes the commission to recover from the responsible party funds it expended for site investigations and assessments.

SENATE BILL 681

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Stiles

Senate Bill 681 amends the Texas Clean Air Act and the Transportation Code to modify requirements for public and private fleet vehicles under the Texas Alternative Fuels Program. The act clarifies that the Texas Natural Resource Conservation Commission is required to establish clean fuel programs for public and private fleets in municipal statistical areas with a population of 350,000 or more that have been determined by the EPA to be serious, severe, or extreme nonattainment areas.

Senate Bill 681 revises the definition of fleet vehicle to exclude school buses, all-terrain vehicles, urban buses, certain vehicles used for individual transport, certain maintenance vehicles that are required to use diesel fuel, and law enforcement and emergency vehicles. The act changes the percentage of fleet vehicles that must be capable of using alternative fuels, establishes that percentage requirements may be met through purchase, lease, or other acquisition of program compliance credits or mobile emissions reduction credits, and changes the timelines for vehicle conversion. The act exempts fleets from program requirements if no alternative fuels or appropriate vehicles are available in the area. Senate Bill 681 also expands the list of actions resulting in program compliance credits to include counting alternative fuel fleet vehicles converted, purchased, leased, or acquired prior to September 1, 1995, toward percentage requirements and deletes a provision under the Texas Mobile Emissions Reduction Credit Program requiring rules adopted to comply with EPA minimum requirements.

SENATE BILL 757

EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: R. Lewis et al.

Senate Bill 757 amends the Water Code to provide that if a municipality’s action results in part of a water quality protection zone being located outside the municipality’s extraterritorial jurisdiction (ETJ), the entire zone is removed from the municipality’s ETJ. The act prohibits a zone that has been removed from a municipality’s ETJ from being brought back into the municipality’s ETJ before the 20th anniversary of the date on which the zone was designated. The act also directs the Texas Natural Resource Conservation Commission to adopt and assess reasonable and necessary fees to recover the commission’s cost in monitoring water quality in water quality protection zones.

SENATE BILL 843

EFFECTIVE: 9-1-97

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Cuellar

Senate Bill 843 requires the Texas Natural Resource Conservation Commission to conduct a study of the cost and effectiveness of using an electronic tracking system to track the quantity of hazardous waste required to be returned to the United States under the terms of the La Paz Agreement. The commission is required to submit a report containing the results of the study to the governor, lieutenant governor, speaker of the house, and both houses of the legislature by January 15, 1999.

SENATE BILL 1150

EFFECTIVE: 9-1-97

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Walker

Senate Bill 1150 amends the Texas Used Oil Collection, Management, and Recycling Act to change the registration and reporting requirements for used oil handlers. In addition, the act stipulates that the liability insurance and financial responsibility requirements do not apply to a used oil handler who has certain affiliations with owners or operators where the used oil is generated.

SENATE BILL 1406

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Gallego

Senate Bill 1406 amends the Water Code to create the watermaster advisory committee and establish membership criteria and duties. The act specifies limitations on the duties of the watermaster, limits necessary expenses for the watermaster, and establishes procedures related to the watermaster operations budget. It creates the watermaster fund to pay for watermaster compensation and operation expenditures and directs the executive director of the Texas Natural Resource Conservation Commission to deposit into the fund assessments from holders of water rights for each water division.

SENATE BILL 1591

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Talton

Senate Bill 1591 adds a new section to the Water Code to authorize the Texas Natural Resource Conservation Commission to exempt an applicant from pollution control and abatement regulations if the applicant proposes to use an alternative method or standard that is at least as protective of the environment and public health as the commission prescribes and that is not inconsistent with federal law. The act stipulates that this section does not authorize exemptions to statutes or regulations for storing, handling, processing, or disposing of low-level radioactive materials.

SENATE BILL 1596

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Berlanga

The Texas Natural Resource Conservation Commission operates a voluntary cleanup program that targets locations contaminated by pollutant wastes, other than those listed as federal or state Superfund sites. Senate Bill 1596 applies to property that is the subject of a voluntary cleanup agreement with the commission, is situated in a reinvestment zone but not in an improvement project financed by tax increment bonds, and is devalued because of the contamination. The act amends the Tax Code to authorize a city to grant a property tax abatement of up to four years on the property, subject to a sliding scale. A city may cancel or modify an abatement if the land use changes from that specified in the certificate and the new

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use presents an increased risk to human health or the environment. A school district may not participate in a voluntary cleanup program abatement, and such an abatement cannot be combined with a separate city tax abatement on the property.

SENATE BILL 1600

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Bosse

Senate Bill 1600 amends the Water Code to authorize a political subdivision to adopt rules and regulations regarding coastal erosion control and coastal flood control that are more stringent than those adopted by the land commissioner provided that the stricter provisions are intended to ensure compliance with the rules, regulations, and policies of the National Flood Insurance Program.

SENATE BILL 1856

EFFECTIVE: 6-19-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Chisum

Senate Bill 1856 amends the Transportation Code and adds new sections to the Texas Clean Air Act to modify the motor vehicle emissions inspection and maintenance program. The act authorizes the Texas Department of Transportation, the Texas Natural Resource and Conservation Commission (TNRCC), the Public Safety Commission, and the Department of Public Safety (DPS) to establish and administer a vehicle emissions testing program that may be performed in conjunction with safety inspections for certain vehicles primarily operated in Dallas, Tarrant, El Paso, or Harris County. The act defines the types and ages of vehicles to be tested, provides inspection exemptions based on income level and economic feasibility of compliance, and sets criminal penalties for excessive motor vehicle emissions, noncompliance with emissions inspection requirements, and violations regarding the issuance and display of inspection certificates.

Senate Bill 1856 also authorizes TNRCC to adopt standards for emissions inspection equipment, procedures for reporting, and emissions levels required to pass inspection. The act directs DPS to adopt appropriate inspection and testing procedures, as well as procedures for issuing or denying emissions inspection certificates. DPS is authorized to establish requirements for certifying inspection stations and procedures for denying, revoking, or suspending such certifications, to contract with private entities to administer emissions testing, and to set fees for testing. The act also directs TNRCC and DPS to jointly develop and enforce a remote sensing component of the vehicle emissions program and to collect certain inspection and maintenance data. TNRCC is required to report this data to the United States Environmental Protection Agency and to analyze the inspection results in comparison with registration information for enforcement purposes.

SENATE BILL 1857

EFFECTIVE: 6-20-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Chisum

Senate Bill 1857 amends the Texas Radiation Control Act to transfer the duties and responsibilities for recovery, processing, and storage of radioactive by-product materials from the Texas Natural Resource Conservation Commission to the Texas Department of Health. The act transfers to the department the balance of appropriations made to the program and requires the department to give program employees at the commission the opportunity to request a transfer to the department.

Senate Bill 1857 stipulates that the commission retains jurisdiction over the Texas Low-Level Radioactive Waste Disposal Authority and clarifies that the United States Department of Transportation retains jurisdiction regarding the shipment of uranium and related materials.

SENATE BILL 1876
EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins
HOUSE SPONSOR: Chisum

Senate Bill 1876 adds a new subchapter to the Water Code regarding emergency and temporary orders issued by the Texas Natural Resource Conservation Commission and adds a new chapter to the code regarding the commission's enforcement provisions and activities.

The act consolidates into the new subchapter existing provisions of the Health and Safety Code and the Water Code regarding emergency and temporary orders and permits issued by the commission under the Texas Clean Air Act, the Solid Waste Disposal Act, the Texas Radiation Control Act, and sections of the Water Code regulating water and wastewater facilities, discharge of wastes and pollutants, discharge into bays and estuaries, injection wells, and storage tank facilities. Senate Bill 1876 also establishes uniform provisions and guidelines regarding applications for emergency or temporary orders, hearings, and the terms of such orders and permits.

In addition, the act adds a new chapter to the Water Code that consolidates existing provisions of the Water Code and Health and Safety Code regarding the enforcement authority of the commission. The new chapter outlines administrative violations and penalties, civil violations and penalties, and defenses for certain violations, clarifies how enforcement actions by the commission interact with civil and criminal procedures, and sets out procedures for license and permit suspension and revocation. The act also enhances and increases certain penalties and creates new penalties in certain areas.

SENATE BILL 1910
EFFECTIVE: 3-1-98

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Glaze

Senate Bill 1910 adds a new chapter to the Water Code to provide regulations relating to the disposal and handling of poultry carcasses, poultry litter, and other poultry waste. The act requires the Texas Natural Resource Conservation Commission to adopt requirements for the safe and adequate handling, storage, transportation, and disposal of poultry carcasses.

SENATE BILL 1922
EFFECTIVE: 5-28-97

SENATE AUTHOR: M. Galloway
HOUSE SPONSOR: Zbranek

Senate Bill 1922 amends the Coastal Coordination Act to exclude the portion of the Trinity River located in Liberty County from the definition of "coastal wetlands."

SENATE BILL 1929
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Kuempel

Senate Bill 1929 adds a new section to the Solid Waste Disposal Act to require the Texas Natural Resource Conservation Commission to grant a permit modification to the owner or operator of a commercial hazardous waste disposal well facility originally permitted after June 7, 1991, if certain conditions are met. The permit modification authorizes the construction and operation of an on-site or adjoining landfill for the disposal of hazardous and nonhazardous solid waste generated by the operation of the facility if the proposed landfill meets all applicable state and federal design requirements and if the commission follows public notice and comment procedures consistent with federal regulations for permit modifications.

The act also adds new sections to the Solid Waste Disposal Act and Injection Well Act to provide that commercial hazardous waste disposal well facilities originally permitted after June 7, 1991, that have not received United States Environmental Protection Agency approval are not subject to permit cancellation, amendment, modification, revocation, or denial of

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renewal because the permit holder has failed to begin construction or operation by a certain date. In addition, Senate Bill 1929 establishes that the terms for each permit and other authorization issued to the facility commence on the date physical construction of the authorized waste management facility begins.

SENATE JOINT RESOLUTION 17
FOR ELECTION: 11-4-97

SENATE AUTHOR: Brown
HOUSE SPONSOR: R. Lewis

Senate Joint Resolution 17 proposes a constitutional amendment to create the Texas Water Development Fund II, authorizes the Texas Water Development Board to administer the fund and issue general obligation bonds for the purposes of the fund, and provides certain conditions for the flow of funds for repayment of Texas agricultural water conservation bonds.

OCCUPATIONAL REGULATION

HOUSE BILL 196

EFFECTIVE: See below

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: R. West et al.

House Bill 196, the Texas Contact Lens Prescription Act, provides for the mandatory release of a contact lens prescription to the patient, with certain exceptions, and requires the Texas Board of Health to provide information regarding the release of contact lens prescriptions to the public and appropriate state agencies. The act imposes regulations on persons filling contact lens prescriptions, and requires that an optician obtain a contact lens dispensing permit from the Texas Board of Health and pay an annual permit fee prior to dispensing contact lenses. Employees of a person holding a permit are exempted from licensing requirements, and the act clarifies that a physician is not prevented from delegating treatment activities to others under the physician's supervision. Provision is made for an administrative penalty, misdemeanor offense, and civil penalty for a violation of the bill's provisions. A prescription may not contain, and certain service providers may not require a patient to sign, a waiver of liability for the accuracy of an eye examination or contact lens prescription. The act establishes that a physician, optometrist, or therapeutic optometrist is not liable for subsequent use of a contact lens prescription if certain conditions are met.

House Bill 196 takes effect on June 20, 1997, except for provisions relating to mandatory release of contact lens prescriptions, regulation of persons filling a prescription, dispensing permits, and penalties, which take effect January 1, 1998.

HOUSE BILL 219

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer et al.

SENATE SPONSOR: J. Patterson

House Bill 219 amends the Insurance Code to broaden the definition of insurance agent to include agents of HMOs. The act integrates the requirements for licensing HMO agents into the existing law related to the licensing of Class I insurance agents. House Bill 219 delineates HMO agents from nonagents by job description and compensation.

HOUSE BILL 328

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Kamel

SENATE SPONSOR: Brown

House Bill 328 amends the Water Code to exempt members of a property owners' association from holding an irrigators license in order to perform irrigation or yard sprinkler work on certain property owned by the association.

HOUSE BILL 699

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Barrientos

House Bill 699 amends the Licensed Professional Counselor Act to increase to 36 months or 3,000 hours the amount of supervised work experience in a counseling setting a person must have to be licensed as a professional counselor. The act also excludes from licensing requirements persons who are certified by the Commission on Rehabilitation Counselor Certification or by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists.

Occupational Regulation

HOUSE BILL 814

EFFECTIVE: 9-1-97

House Bill 814 makes nonsubstantive revisions to The Real Estate License Act to remove gender specific language.

HOUSE AUTHOR: Danburg

SENATE SPONSOR: Ellis

HOUSE BILL 930

EFFECTIVE: 9-1-97

House Bill 930 amends the Air Conditioning and Refrigeration Contractor License Law to change the frequency of license examinations from a quarterly to a monthly basis. The act grants the commissioner of the department of licensing and regulation the authority to increase the number of examinations as needed, determine the location of examinations within the state, and authorize examinations by computer at specified locations in Texas.

HOUSE AUTHOR: Pickett

SENATE SPONSOR: Carona

HOUSE BILL 1135

EFFECTIVE: 9-1-97

House Bill 1135 amends the Public Accountancy Act of 1991 to exempt certain state and federal government employees from certain fees required of Certified Public Accountants.

HOUSE AUTHOR: Kubiak

SENATE SPONSOR: D. Nixon

HOUSE BILL 1149

EFFECTIVE: 5-20-97

House Bill 1149 amends the Texas Professional Association Act to allow joint ownership of professional associations by licensed podiatrists and licensed medical and osteopathic doctors.

The act limits the authority of each practitioner in such an association to the scope of practice for which that practitioner is specifically licensed and prohibits a practitioner from exercising control over the other's licensed clinical authority. The act also specifies that, in such an arrangement, the Texas State Board of Medical Examiners and the Texas State Board of Podiatric Medical Examiners retain control over the practitioners' licenses.

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Barrientos

HOUSE BILL 1401

EFFECTIVE: 9-1-97

House Bill 1401 amends the Transportation Code to establish that a violation of state screening or location requirements for automotive wrecking salvage yards or a violation of county regulations governing automotive wrecking salvage yards and junkyards is a misdemeanor offense punishable by a fine of between \$100 and \$500. The act also allows certain county commissioners courts to impose a fee of not more than \$150 for the issuance or renewal of a license for an automotive wrecking salvage yard or junkyard.

HOUSE AUTHOR: Palmer

SENATE SPONSOR: Harris

HOUSE BILL 1407

EFFECTIVE: 9-1-97

House Bill 1407 amends the Emergency Medical Services Act to establish a "licensed paramedic" as a new level of emergency services personnel. The act provides for certification as a licensed paramedic and establishes qualifications for certification.

In addition, House Bill 1407 increases the administrative penalty for violation of certification requirements for emergency services personnel. The Texas Board of Health is required to adopt gradations of penalties based on the relative seriousness of the violation. The act extends confidentiality provisions to an organized committee of emergency services trauma systems and includes a level V trauma center as a level of trauma care by which a trauma facility may be designated.

HOUSE AUTHOR: Glaze et al.

SENATE SPONSOR: Cain

HOUSE BILL 1465

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: J. Patterson

House Bill 1465 amends the Labor Code to revise procedures for regulating staff leasing services. The act mandates that the Texas Department of Licensing and Regulation require that information be submitted to determine if an applicant meets licensing requirements and if individuals affiliated with the applicant are qualified to serve as a controlling person of the staff leasing company. Under current law, the department is only authorized to require this information. It specifies that background checks are conducted for an original license only and that the department shall provide written notice of a license application denial. The term and maximum fee for a license is doubled from one to two years and from \$3,000 to \$6,000, respectively. The act provides for issuing or reinstating a license after a denial or revocation and authorizes the department to impose administrative penalties of not less than \$1,000 or more than \$50,000.

Additionally, House Bill 1465 adds bonds to the list of acceptable methods for meeting net worth standards, provides for the use of trademarks and brand names in advertising, and revises requirements for qualifying for unemployment compensation.

The act also changes provisions concerning limited licenses and provides that businesses licensed by other states qualify for this type of license if they employ fewer than 50, rather than 20, employees in Texas.

HOUSE BILL 1487

EFFECTIVE: See below

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Truan

House Bill 1487 requires a transportation service provider or freight forwarder to register with the Texas Department of Licensing and Regulation and to maintain a record of each property shipment for periodic examination by the department. The act establishes exceptions to these requirements and provides for criminal and civil penalties for a violation of these provisions.

Provisions relating to registration requirements and criminal penalties take effect on January 1, 1998. Otherwise, the act takes effect on September 1, 1997.

HOUSE BILL 1719

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Coleman

SENATE SPONSOR: M. Galloway

House Bill 1719 changes the Psychologists' Certification and Licensing Act to the Psychologists' Licensing Act and provides for provisional licensure, rather than certification, of a person who has a doctoral degree in psychology and has passed the initial examination for licensure but does not have the two years of experience required for full licensure as a psychologist.

HOUSE BILL 1724

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi

SENATE SPONSOR: Madla

House Bill 1724 amends the Texas Pharmacy Act to require the Texas State Board of Pharmacy to adopt minimum standards for the administration or enforcement of a peer assistance program.

Occupational Regulation

HOUSE BILL 1759

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hirschi et al.

SENATE SPONSOR: Brown

House Bill 1759 amends the Agriculture Code to authorize the governing body of the Texas Department of Health (TDH) to set licensing fees for pesticide applicators and to set other fees necessary to administer the department's pesticide applicator certification program. The act also removes the noncommercial applicator licensing fee exemption for government applicants and clarifies what types of pesticides are authorized for use by holders of a noncommercial applicator license issued by either the Texas Department of Agriculture or TDH.

HOUSE BILL 1825

EFFECTIVE: 5-29-97

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Duncan

House Bill 1825 amends the Government Code to entitle the general counsel of the State Bar of Texas to obtain criminal history record information from the Department of Public Safety pertaining to licensed state bar members who are the subject of certain investigations, witnesses in disciplinary proceedings, and applicants for reinstatement to the bar. The act establishes requirements relating to the confidentiality of information.

HOUSE BILL 1836

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Carona

House Bill 1836 amends the Health and Safety Code to extend the allowable interval between internal inspections to 48 months for power boilers and 84 months for other unfired steam boilers and requires an expanded inspection if the extended intervals are used.

HOUSE BILL 1868

EFFECTIVE: 6-20-97

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Zaffirini

Under previous law, students of a dental hygiene school were listed among those who were not considered to be practicing dentistry without a license. House Bill 1868 specifies that the dental hygiene school be accredited by the Commission on Dental Accreditation of the American Dental Association and that students work under the supervision of a dentist and under the supervision of a faculty member of that program in a clinic operated solely for the benefit of the program's institution or in a public or nonprofit clinic that serves underserved populations.

HOUSE BILL 1955

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: J. Patterson

House Bill 1955 adds a new chapter to the Health and Safety Code to regulate the operation of ice skating centers. The act sets out the duties of rink operators, ice skaters, spectators, and children to ensure the health and safety of the patrons using the facility. The act requires a rink operator to maintain liability insurance of at least \$500,000 combined single limits for personal injury, death, or property damage and clarifies that except for actions against an operator for gross negligence, malice, or intentional conduct, the operator is not liable for negligence unless there is a breach of duties as outlined by the act.

HOUSE BILL 2025

EFFECTIVE: See below

HOUSE AUTHOR: Pickett

SENATE SPONSOR: Carona

House Bill 2025 amends the Air Conditioning and Refrigeration Contractor License Law to provide that a person may purchase certain refrigerants or equipment containing a refrigerant in this state only if that person holds a valid license or certificate of registration. The act requires a purchaser of refrigerants to provide the seller with evidence of compliance with

registration and licensing requirements. The act authorizes a representative of the commission of licensing and regulation or a municipal air conditioning or refrigeration inspector to issue a citation to a person who violates the act. An offense is a Class B misdemeanor. In addition, the act restricts the use and sale of flammable refrigerants and requires the department of licensing and regulation to regulate refrigerants in a manner consistent with federal law.

Provisions of the act relating to purchasing take effect January 1, 1998. The rest of the act takes effect September 1, 1997.

HOUSE BILL 2080
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Madla

Under previous law, a person who knew or suspected that a professional was impaired by chemical dependency or by mental illness may report the professional's name and any relevant information to an approved peer assistance program. House Bill 2080 amends the Health and Safety Code to require the program to notify the person making the report and the appropriate licensing or disciplinary authority if the professional fails to participate in the required program, and the impaired professional is required to authorize the program to disclose to the licensing authority a failure to successfully complete the program.

HOUSE BILL 2088
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Cuellar
SENATE SPONSOR: Zaffirini

House Bill 2088 amends the Texas Midwifery Act to require the midwifery board to adopt rules prescribing standards for the practice of midwifery, including standards for finding that a patient may not be assisted by a midwife, standards for administration of oxygen, disciplinary procedures, and rules to establish reciprocity for documentation as a midwife. The act sets forth guidelines for disciplinary procedures and grounds for disciplinary action. With the approval of the Texas Board of Health, the midwifery board is required to adopt a comprehensive midwifery examination, and the procedure for removing a member of the midwifery board is revised.

The act requires a midwife who attends a birth to administer a specific medication approved by the Texas Board of Health and adds a documented midwife to the list of persons authorized to possess oxygen or the specific medication a midwife is required to administer. The act prohibits a midwife from providing care in violation of midwifery board rules, except in an emergency situation, and from using false or misleading advertising. Provision is made for imposing an administrative penalty for a violation of the act.

HOUSE BILL 2255
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga
SENATE SPONSOR: Zaffirini

House Bill 2255 amends the Dental Practice Act to clarify that the authority of the State Board of Dental Examiners to grant a license to a dentist or dental hygienist who has not graduated from an accredited school applies only to licensure of a graduate of an equivalent program in a foreign school. The act requires the Dental Hygiene Advisory Committee to assist the board in determining educational equivalency of foreign programs and exempts a member of the advisory committee from civil liability for a good faith act performed in executing the member's duties.

HOUSE BILL 2573

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga

SENATE SPONSOR: Armbrister

Under previous law, the Advisory Board of Athletic Trainers was authorized to set and collect license and examination fees, with specified maximum amounts. House Bill 2573 requires the advisory board to collect fees in an amount necessary to cover administrative costs. The act subjects financial transactions under these provisions to state audits and establishes an annual reporting requirement for the Texas Department of Health relating to funds received and disbursed by the advisory board.

HOUSE BILL 2601

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Wohlgemuth et al.

SENATE SPONSOR: Carona

House Bill 2601 amends the Personal Care Facility Licensing Act to establish a civil penalty of \$1,000 to \$10,000 for operating a personal care facility without a license. The act authorizes the Texas Department of Human Services to petition a district court for a temporary restraining order if a personal care facility is operating without a license and requires a personal care facility to use its license number in all advertising.

In addition, House Bill 2601 prohibits the collection or assessment of investigation fees or attorney's fees against a personal care facility unless a penalty has been assessed and collected.

HOUSE BILL 2618

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 2618 amends the Human Resources Code to authorize the Texas State Board of Social Worker Examiners to suspend a license or order of recognition on an emergency basis. The act establishes that an emergency suspension takes effect immediately, but the board is required to provide an opportunity for a hearing within 20 days after the suspension. The board is authorized to investigate a complaint regardless of the status of the license or order of recognition, and a person found to have violated a licensing provision is made subject to a sanction by the board even if the person's license is expired. The board is further authorized to deny a subsequent application if the applicant is found to have violated a licensing provision.

HOUSE BILL 2633

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Harris

House Bill 2633 amends the Government Code to prohibit an attorney, before the conclusion of a criminal matter, from entering an agreement with a current, prospective, or former client to receive literary or media rights to an account based substantially on the representation. The act establishes a criminal offense for an attorney to receive, as compensation in a criminal matter, the right to publish an account of the client's crime or associated event, and provides for civil and cumulative remedies.

HOUSE BILL 2846

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga et al.

SENATE SPONSOR: Madla

House Bill 2846 amends the Medical Practice Act to add public school clinics to the list of practice sites where an advanced practice nurse or physician's assistant is authorized to prescribe medicines under the direction of a physician and subject to appropriate consent for treatment. A health maintenance organization or a preferred provider benefit plan is prohibited from refusing to list on its provider panel a nurse or assistant in a collaborative practice if their collaborating physician is listed and the nurse or assistant meets the organization's preestablished

quality of care standards. These organizations are also prohibited from refusing to contract with, reimburse, or otherwise discriminate against an advanced practice nurse or physician's assistant because they are not included among the providers listed in the Insurance Code from whom a beneficiary may choose treatment. The act also changes the requirement that supervisory physicians visit sites serving medically underserved populations from once a week to once every 10 business days.

HOUSE BILL 2875**EFFECTIVE:** 6-19-97**HOUSE AUTHOR:** Greenberg et al.**SENATE SPONSOR:** Shapiro

House Bill 2875 amends the Human Resources Code to require the Texas Department of Protective and Regulatory Services to adopt rules to prescribe minimum training standards for employees of regulated child-care facilities.

HOUSE BILL 2880**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Carter**SENATE SPONSOR:** Fraser

House Bill 2880 amends the Private Investigators and Private Security Agencies Act to allow an alarm or monitoring company to continue monitoring existing contracts for up to 30 days after its license has been suspended.

HOUSE BILL 3106**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Craddick**SENATE SPONSOR:** Brown

House Bill 3106 authorizes the Texas Board of Physical Therapy Examiners to temporarily suspend a license on an emergency basis if the board determines that continued practice by the license holder constitutes a threat to the public health or welfare. In addition, the act authorizes the board to impose an administrative penalty against a person or facility for a violation of regulatory provisions and authorizes board members to receive reimbursement for meals, lodging, and transportation expenses while engaged in the business of the board.

SENATE BILL 262**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Counts et al.

Senate Bill 262 amends the Health and Safety Code to expand the list of mandatory disqualifying convictions that apply to employees of, and applicants for employment with, facilities serving the aged and disabled.

SENATE BILL 291**EFFECTIVE:** See below**SENATE AUTHOR:** J. Patterson**HOUSE SPONSOR:** Haggerty

Senate Bill 291 creates the Orthotics and Prosthetics Act to provide for the regulation of orthotists and prosthetists. The act establishes the Texas Board of Orthotics and Prosthetics as part of the Texas Department of Health, sets forth the membership of the board, and subjects the board to the Texas Sunset Act. It requires the board to review applications for licensure as a prosthetist or orthotist and to approve any examination required for licensure. In addition, the act authorizes the board to collect administrative fees and to set the fees unless otherwise specified by the General Appropriations Act, to investigate complaints, and to issue, suspend, deny, and revoke licenses.

Occupational Regulation

Senate Bill 291 prohibits practicing or assisting in the practice of orthotics or prosthetics without a license, sets forth specific requirements for licensure, and establishes a civil penalty for violation of requirements. The act includes provisions relating to exemptions from licensure requirements, accreditation of orthotic or prosthetic facilities, and provisional and temporary licenses.

The bill takes effect September 1, 1997, except the sections that prohibit these practices without a license and establish a civil penalty, which take effect October 1, 1998.

SENATE BILL 361

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Gray

Senate Bill 361 amends the Medical Practice Act to continue the Texas State Board of Acupuncture Examiners until September 1, 2005. The act expands the list of offenses for which a license to practice acupuncture may be denied or revoked and authorizes the acupuncture board to take certain additional disciplinary actions for the offenses. The acupuncture board is also authorized to impose a nondisciplinary rehabilitation order on a licensee or applicant for substance abuse or for a mental or physical condition that limits the person's ability to safely practice acupuncture. Senate Bill 361 increases to a third degree felony the offense for practicing acupuncture without a license and authorizes the acupuncture board to issue subpoenas.

In addition, Senate Bill 361 requires a person licensed to practice acupuncture to file current address information with the Texas State Board of Medical Examiners and authorizes the acupuncture board to issue a temporary license to an applicant who meets certain qualifications. It also updates sections relating to sunset recommendations that are applied to all agencies.

SENATE BILL 476

EFFECTIVE: 4-25-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Allen

Senate Bill 476 amends the Government Code to establish that the Texas Commission on Alcohol and Drug Abuse is entitled to obtain criminal history record information from the Department of Public Safety relating to a person who is an applicant or holder of a chemical dependency counselor's license. The commission is further authorized to consider such information in determining an individual's licensure status and to charge a fee to cover the cost of obtaining the information.

SENATE BILL 577

EFFECTIVE: 9-1-97

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Holzheuser

Senate Bill 577 amends The Real Estate License Act to require a person who is not a licensed real estate broker or salesman and who is compensated to sell, buy, lease, or transfer for another an easement or right-of-way for use in connection with certain services to register with the Texas Real Estate Commission. The act establishes registration requirements and fees and exempts registrants and certain partnerships and limited liability partnerships from real estate licensing requirements. Failure to obtain the required registration is a misdemeanor offense.

SENATE BILL 609

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 609 amends various provisions of the Texas Pharmacy Act. The act requires, rather than authorizes, the Texas State Board of Pharmacy to establish certain rules relating to pharmacy technicians and authorizes the board to issue standards for recognition and approval of training programs for pharmacy technicians and to maintain a list of programs that meet the standards. It prohibits a person from operating a pharmacy, advertising as a pharmacy, or providing pharmacy services without a license. Senate Bill 609 establishes a civil penalty for

unlawfully engaging in the practice of pharmacy or unlawfully operating a pharmacy and authorizes the board to require an offender on probation to pay a probation fee. The act also authorizes the board to discipline a license holder for fraud, deceit, or misrepresentation in operating a pharmacy.

In addition, Senate Bill 609 authorizes the Texas State Board of Pharmacy to restrict a pharmacist-intern registration for violation of registration requirements and deletes a provision that exempts a pharmacist-intern from regulation. The act requires that a pharmacist-intern or pharmacist-intern applicant submit to a mental or physical examination or to show cause for not submitting to an examination if the board finds probable cause that the pharmacist-intern or applicant has developed an incapacity of a nature that prevents the performance of duties with reasonable skill, competence, and safety to the public. Pharmacists are subject to these provisions under current law.

The act requires the Texas State Board of Pharmacy, in consultation with the Texas State Board of Medical Examiners, to establish a list of narrow therapeutic index drugs that may not be substituted with a generic equivalent. A pharmacist is prohibited from using a substitute to refill a prescription for a drug on the list unless the prescribing physician agrees to the substitution or unless the pharmacist does not have in stock the product that was last dispensed under the prescription and provides certain notice to the patient and to the prescribing practitioner.

Senate Bill 609 amends the Health and Safety Code to exempt from labeling requirements a dangerous drug prescribed or dispensed for administration to an institutionalized patient and to delete an exemption from labeling requirements for a dangerous drug dispensed for administration to food production animals. In addition, the act repeals a provision of the Texas Pharmacy Act relating to suspension or revocation of a pharmacy license for a felony drug conviction.

SENATE BILL 617

EFFECTIVE: See below

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Maxey

Senate Bill 617 amends the Nursing Practice Act to authorize the Board of Nurse Examiners to develop pilot programs to evaluate the effectiveness of a variety of mechanisms, including the use of proactive nursing peer review and targeted continuing nursing education, for assuring maintenance of clinical competency by registered nurses and for assuring that registered nurses understand the laws and regulations governing the practice of professional nursing. The act authorizes the board to make expenditures to develop or fund pilot programs and to contract with or make grants to certain entities to implement the pilot programs. Senate Bill 617 establishes the Competency Advisory Committee and the Laws and Regulations Advisory Committee and requires the board to consult with the committees in the development, administration, approval, and funding of pilot programs.

In addition, Senate Bill 617 changes the composition of the Board of Nurse Examiners to include a nurse faculty member in a graduate school of nursing preparing advance practice nurses, rather than a nurse faculty member in a school of nursing pursuing the diploma program. The board is authorized to collect information that would allow it to determine whether a student preparing for licensure as a nurse is aware of any conditions that would disqualify the student from licensure. The act also establishes certain conditions under which a person is not entitled to a hearing on a refusal to renew a license.

Senate Bill 617 takes effect September 1, 1997, except the provision that changes the composition of the Board of Nurse Examiners, which takes effect January 31, 1999.

SENATE BILL 623

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff et al.

HOUSE SPONSOR: Uher

Senate Bill 623 revises several provisions of The Texas Engineering Practice Act and changes the name of the State Board of Registration for Professional Engineers to the Texas Board of Professional Engineers. The board is given expanded authority to regulate the engineering profession by waiving examination requirements, issuing temporary licenses, investigating complaints, imposing and enforcing administrative penalties, and revoking licenses. The act provides for licensure, rather than registration, of professional engineers, and exempts from licensing requirements licensed architects, landscape architects, and interior designers and contractors working in accordance with plans and specifications that bear the seal of a licensed engineer. The act provides a detailed list of services that are classified as the practice of engineering, including design coordination and engineering surveys.

SENATE BILL 646

EFFECTIVE: 9-1-97

SENATE AUTHOR: Brown

HOUSE SPONSOR: Dutton

Senate Bill 646 amends the Government Code to require a court reporting firm to register with the Court Reporters Certification Board. The act applies to a court reporting firm rules that are applicable to court reporters and authorizes the board to assess a fee against a court reporting firm for the enforcement of rules.

SENATE BILL 702

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Hirschi

Senate Bill 702 establishes uniform procedures for the imposition and collection of monetary administrative penalties that may be imposed on massage therapists, medical radiological technologists, respiratory therapists, and opticians.

SENATE BILL 770

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Seaman

Senate Bill 770 amends the Health and Safety Code to increase the amount that a licensing or disciplinary board may add as a surcharge to its license or license renewal fee to fund a peer assistance program.

SENATE BILL 786

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 786 amends the Texas Pharmacy Act to authorize a pharmacist to administer immunizations and vaccinations when ordered by a physician and to require the Texas State Board of Pharmacy to establish minimum education and continuing education standards for pharmacists who administer immunizations and vaccinations. The act prohibits a managed care organization from limiting benefits to cover only immunizations administered by a pharmacist, and the organization may not require or induce a physician to delegate immunizations to a pharmacist.

SENATE BILL 874

EFFECTIVE: 5-31-97

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Coleman

Senate Bill 874 amends the Licensed Marriage and Family Therapist Act to entitle members of the Texas State Board of Examiners of Marriage and Family Therapists to reimbursement for expenses as provided by the General Appropriations Act.

SENATE BILL 877
EFFECTIVE: 9-1-97

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Berlanga

Senate Bill 877 amends various provisions of the Dental Practice Act. The act authorizes a dentist to delegate the authority to administer anesthetics or sedatives to a person who is properly licensed and requires that a dental assistant to whom a dentist may delegate certain dental acts be under the direct supervision of the dentist at the time the delegated act is performed. In addition, the act increases the civil penalty for violations, authorizes the State Board of Dental Examiners to impose a fine for violations, and adds to the list of causes for which the board is authorized to take certain actions failure to treat a patient according to the standard of care in the practice of dentistry or dental hygiene.

Senate Bill 877 makes a person or organization practicing dentistry with one or more dentists responsible for all professional acts done under the name of the person or organization, regardless of whether the dentist has an ownership interest or an employment or contractual relationship. Senate Bill 877 also authorizes a licensed dentist to be employed by or contract with a governmental entity providing dental services under federal or state law, an approved nonprofit organization that provides dental services to underserved populations, or a clinic that provides dental services primarily to individuals who have AIDS or the human immunodeficiency virus.

Senate Bill 877 also amends the Health and Safety Code to increase the surcharge the State Board of Dental Examiners or other licensing or disciplinary authority is authorized to collect to fund an approved peer assistance program. The act also contains provisions relating to qualifications for licensure, retired-status licensees, the use of trade names, confidentiality of investigative files, and regulation of dental laboratories and technicians.

SENATE BILL 1081
EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: Maxey

Senate Bill 1081 amends the Nursing Practice Act to authorize a registered nurse to request a finding by a nursing peer review committee if the nurse has been asked by an employer to engage in conduct that the nurse believes violates the nurse's duty to a patient. The act authorizes a nurse who has requested peer review to engage in the conduct in question without being subject to discipline by the Board of Nurse Examiners. The act requires that the peer review committee's decision be considered in a decision to discipline the nurse but does not bind a registered nurse administrator to a peer review committee's decision. These provisions apply to a nurse employed by a person who regularly employs or contracts for the services of at least 10 registered nurses.

SENATE BILL 1100
EFFECTIVE: See below

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: D. Jones

Senate Bill 1100 amends The Real Estate License Act to add contract law to the core courses required for real estate licenses. The Texas Real Estate Commission is authorized to establish procedures and set fees for license issuance, renewal, or return to active status before completion of required continuing education and to waive license requirements for applicants licensed within the last five years. The act requires, rather than authorizes, the commission to allow relevant experience or additional coursework as a substitute for certain preclicensing requirements and sets a limit on additional coursework that can be required. Additionally, a professional inspector seeking to sponsor an apprentice or real estate inspector is required to provide the commission with proof that the professional inspector has completed a minimum of 200 real estate inspections while licensed as a professional inspector.

Occupational Regulation

The fee for license examination applications is raised to \$50. Senate Bill 1100 exempts certain partnerships or limited liability partnerships from the act and allows the commission to authorize its employees to file a complaint and investigate a licensee for improper conduct. A provision that allowed the commission to waive license requirements for residential locations is repealed. The provision establishing the minimum requirements for coursework in contract law takes effect January 1, 1998, and the remainder of the act takes effect September 1, 1997.

SENATE BILL 1131

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Davila

Senate Bill 1131 authorizes the Texas Cosmetology Commission to set fees in an amount necessary to cover administrative costs, removing specified fee amounts, and provides that a license or certificate issued by the commission is not transferable. The act requires the commission to initiate a suit for injunction and proceedings for license suspension or revocation if a licensee commits a violation that poses a serious threat to public health, rather than three or more violations in a 12 month period. In addition, Senate Bill 1131 authorizes the commission to impose an administrative penalty for violations of regulatory requirements and requires that an applicant for first renewal of a license have a high school education or have passed an ability to benefit from training examination.

SENATE BILL 1190

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Kubiak

Senate Bill 1190 revises requirements pertaining to athlete agents that relate to contacting and entering contracts with college athletes. Senate Bill 1190 specifies that an agent that sends an athlete written materials regarding the agent's services must at the same time send identical materials to the athletic director of the athlete's school, prohibits agents from meeting with an athlete without notifying the athletic director, and clarifies that an oral or written agreement for an agent to represent certain athletes before the athlete's last intercollegiate contest is prohibited and that an agent may not contact an athlete until after the contest is completed. The act specifies that an agent must register with the secretary of state before entering into a contract with an athlete and revises the time period in which athlete agent interviews may be conducted.

SENATE BILL 1243

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Janek

Senate Bill 1243 amends the Licensed Perfusionists Act to reduce from 30 days a year to 10 days a year the amount of time a perfusionist who is authorized to practice perfusion in another state is authorized to practice in Texas without a license. The act requires a perfusionist who temporarily practices in this state to notify and receive approval from the Texas State Board of Examiners of Perfusionists. In addition, the act removes current limits on the fee amounts that the board may impose.

SENATE BILL 1273

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Carter

Senate Bill 1273 amends the Private Investigators and Private Security Agencies Act to remove a provision that limits the selling of burglary prevention devices by certified sellers to devices for residential use only.

SENATE BILL 1290
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Marchant

Senate Bill 1290 amends the Insurance Code to allow agents licensed under Article 21.07, Insurance Code, to sell an insurance policy that covers the difference between the debt owed on a motor vehicle and its actual market value in the event of a total loss of the vehicle.

SENATE BILL 1292
EFFECTIVE: 6-20-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Counts

Senate Bill 1292 amends the Insurance Code to authorize agents of licensed insurance companies to sell all types of credit insurance that an insurance company is allowed to write. The act waives examination and continuing education requirements for obtaining and renewing a license and requires the department of insurance to issue a credit insurance agent license to qualified applicants.

SENATE BILL 1295
EFFECTIVE: 5-27-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Berlanga

Senate Bill 1295 amends the Medical Practice Act to establish eligibility requirements for licensure to practice medicine for foreign medical students who have satisfactorily completed training under a Fifth Pathway Program.

SENATE BILL 1297
EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Davila

Senate Bill 1297 amends the Medical Practice Act to specify that provisions governing review of a physician by a medical peer review committee also apply to peer review of a physician assistant and peer review of an acupuncturist. The act also expands the list of reasons for which a license to practice acupuncture may be denied or for which disciplinary action may be imposed against a licensed acupuncturist and specifies certain elements that must be included in a disciplinary action taken against a licensed acupuncturist.

SENATE BILL 1352
EFFECTIVE: 9-1-97

SENATE AUTHOR: Truan et al.
HOUSE SPONSOR: Hawley et al.

Senate Bill 1352 creates the Port of Corpus Christi Pilots Licensing and Regulatory Act to regulate the piloting of vessels by branch pilots and deputy branch pilots in the Port of Corpus Christi. The act establishes a board of pilot commissioners and provides for its terms, powers, and duties. It requires the board to establish a pilot review board to hear and review complaints against pilots and to make recommendations to the board on the complaints. The act establishes procedures the board must follow in adopting a rule or changing a pilotage rate. Senate Bill 1352 outlines the eligibility requirements for a branch pilot license and a deputy branch pilot certificate, provides for the terms, renewal, and suspension of licenses and certificates, and establishes the liability of pilots for damage or loss caused by a pilot's error.

Senate Bill 1352 changes the qualifications for a branch pilot license under the Houston Pilots Licensing and Regulatory Act and under the Brazoria County Pilots Licensing and Regulatory Act.

Occupational Regulation

SENATE BILL 1566**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** Davila

Senate Bill 1566 amends the Physician Assistant Licensing Act to bring the regulation of physician assistants and acupuncturists into conformity with regulations governing physicians. The requirements for licensure as a physician assistant are expanded to include certification by the National Commission on Certification of Physician Assistants, and the list of grounds for disciplinary action and the list of approved sanctions also are expanded. Among other sanctions, the Texas State Board of Physician Assistant Examiners is authorized to impose an administrative penalty for a violation of licensing provisions.

SENATE BILL 1607**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Moncrief**HOUSE SPONSOR:** Berlanga

Senate Bill 1607 amends the Medical Practice Act to require the Texas State Board of Medical Examiners to adopt rules to establish the length of time a physician must maintain patient records.

SENATE BILL 1756**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Fraser**HOUSE SPONSOR:** Naishtat

Senate Bill 1756 amends the Private Investigators and Private Security Agencies Act to add certain persons to the list of individuals that are exempted from the provisions of the act. Persons exempted include certain nonprofit medical alert service providers, persons obtaining public records, and persons obtaining certain documents for use in litigation.

SENATE BILL 1765**EFFECTIVE:** 6-11-97**SENATE AUTHOR:** Moncrief**HOUSE SPONSOR:** Counts

Senate Bill 1765 amends the Medical Practice Act to authorize the Texas State Board of Medical Examiners to certify a person to practice acupuncture to treat chemical dependency as an acudetox specialist without holding a license to practice acupuncture. To be certified, an applicant must provide specified documentation and pay a certification fee in an amount set by the board. The act authorizes an acudetox specialist to practice acupuncture only to the extent allowed by medical board rule and only under the supervision of a licensed acupuncturist or physician. A program using the services of an acudetox specialist is required to keep certain records and to notify each program participant of the qualifications of the acudetox specialist and the procedure for registering a complaint with the medical board.

SENATE BILL 1955**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Walker

Senate Bill 1955 amends the Water Code to transfer authority for water well pump installer and water well driller licensing from the Texas Natural Resource Conservation Commission to the Texas Department of Licensing and Regulation. The act specifies the duties of the Texas water well drillers advisory council and limits the use of the water well drillers fund to administering provisions related to water well pump installers.

PARKS AND WILDLIFE

HOUSE BILL 394

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey

SENATE SPONSOR: J. Patterson

House Bill 394 amends the Parks and Wildlife Code to exempt racing shells, rowing sculls, and racing kayaks participating in or practicing for an officially sanctioned race from all safety equipment requirements except the lights prescribed by the commandant of the Coast Guard for class A vessels and required under the code.

HOUSE BILL 520

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Woolley

SENATE SPONSOR: Brown

House Bill 520 amends the Parks and Wildlife Code to clarify the licensing requirements for menhaden boats. The act distinguishes between “steamers” and “purse boats” and sets annual license fees for purse boats at an amount not to exceed \$50.

HOUSE BILL 827

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: J. Patterson

House Bill 827 amends the Parks and Wildlife Code to require the Parks and Wildlife Commission to waive the hunting and fishing license fees for qualified disabled veterans. Under previous law, the commission had the authority to waive the fee but was not required to do so.

HOUSE BILL 966

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oakley et al.

SENATE SPONSOR: Barrientos et al.

House Bill 966 amends Parks and Wildlife Code provisions relating to boating and water safety. The act requires the Parks and Wildlife Commission to create and administer a boater education program and mandates that a person operating a vessel on the public water of the state, who is born on or after September 1, 1984, must complete a boater education course unless the person qualifies for certain exemptions. The act requires boat rental operators to carry liability insurance and to provide certain instructions to renters.

House Bill 966 also requires all state peace officers and game wardens commissioned by the commission to be certified as marine safety enforcement officers. The commission is required to establish standards for training and certification and is authorized to assess a fee on each applicant for certification to recover the administrative costs associated with the certification program. The act establishes fines and criminal penalties for certain violations, provides that a first time offender may attend a boater education course in lieu of a fine, and requires the imposition of both a fine and the successful completion of a boater education course for certain violations.

In addition, House Bill 966 amends provisions of the code relating to personal watercraft to require that operators maintain a 50 foot separation from another personal watercraft. The act raises the age requirement for operators of personal watercraft from 13 to 16, unless the operator is accompanied by a person at least 18 years of age or is at least 13 years of age and has successfully completed a boater safety course. The act also provides that the owner of a personal watercraft may be notified if a violation of this section is committed by the person operating the personal watercraft, if the operator is under 18 years of age.

Parks and Wildlife

HOUSE BILL 1489

EFFECTIVE: 9-1-97

House Bill 1489 amends the Parks and Wildlife Code to remove aoudad sheep and elk from the list of game species in Texas and reclassifies them as exotic animals.

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Wentworth

HOUSE BILL 1941

EFFECTIVE: 9-1-97

House Bill 1941 amends the Parks and Wildlife Code to provide for increased penalties for poaching. The act establishes penalties of increasing severity for habitual offenders and provides for the revocation or suspension of hunting or fishing licenses and permits for a period of one to five years.

HOUSE AUTHOR: Place et al.

SENATE SPONSOR: Armbrister

HOUSE BILL 2541

EFFECTIVE: 9-1-97

House Bill 2541 amends the Parks and Wildlife Code to modify and streamline the procedures and requirements for scientific breeders of white-tail and mule deer. The act authorizes the Parks and Wildlife Commission to establish regulations regarding the recapture of white-tail or mule deer that have escaped from a scientific breeder's facility. It authorizes the department to inspect any records maintained by a scientific breeder at any time without a warrant, sets out modified recordkeeping procedures, and makes it an offense if a scientific breeder fails to furnish the required records to a game warden. The act prohibits the release into the wild of white-tail or mule deer unless all visible markings have been removed, exempts scientific breeders from the antler removal requirement when the deer is being shipped or sold to another scientific breeder, and clarifies the notification process.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

HOUSE BILL 2542

EFFECTIVE: 9-1-97

House Bill 2542 amends and repeals numerous provisions of the Parks and Wildlife Code to remove statutes that require burdensome regulations. The act increases maximum fines, provides additional rulemaking authority to the Texas Parks and Wildlife Department, and revises and codifies current regulatory procedures.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Brown

The act also modifies and streamlines procedures and requirements for scientific breeders of white-tail and mule deer. The act authorizes the Parks and Wildlife Commission to establish regulations regarding the recapture of white-tail or mule deer that have escaped from a scientific breeder's facility. It authorizes the department to inspect any records maintained by a scientific breeder at any time without a warrant, prohibits the release into the wild of white-tail or mule deer unless all visible markings have been removed, exempts scientific breeders from the antler removal requirement when the deer is being shipped or sold to another scientific breeder, and clarifies the notification process.

House Bill 2542 adds a new subchapter to the Parks and Wildlife Code to authorize the department to issue a permit for the management of wild white-tail deer on acreage enclosed by a fence capable of retaining and preventing entry of white-tail deer. The act stipulates that the deer managed under this permit remain the property of the people of the state.

In addition, the act establishes a commercial crab license management program. The act directs the commission to determine the need for a commercial crab license and authorizes them to establish a limited entry license program. The act restricts the number of licenses that may be held, sets fees and the license renewal period, provides for the suspension and revocation of licenses, and establishes a license buyback program and a Crab License Management Review Board.

Finally, the act requires the department to submit a report to the legislature, not later than October 1, 1997, describing the actions taken and the actions the department plans to take during the 1998-1999 biennium to address the deficiencies in the maintenance, operational support, and promotion of historic structures, sites, and parks under the department's jurisdiction.

HOUSE BILL 3061
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower et al.
SENATE SPONSOR: Armbrister

House Bill 3061 adds a new subchapter to the Parks and Wildlife Code to authorize the Parks and Wildlife Department to issue a permit for the management of wild white-tail deer on acreage enclosed by a fence capable of retaining and preventing entry of white-tail deer. The act stipulates that the deer managed under this permit remain the property of the people of the state. If the commission establishes a special season with a special bag limit for holders of a deer management permit, the permit holder may not receive compensation for granting any other person permission to kill a wild deer during that special season on acreage covered by the permit.

House Bill 3061 also requires the permit holder to annually submit to the department for approval a deer management plan that outlines specific management practices to be applied, including the killing of wild deer during a special season having a special bag limit established by the Parks and Wildlife Commission for this permit. The permit holder is also required to maintain records of the number of white-tail deer taken, detained, and released and any other information required by the department. Employees of the department are authorized to inspect the records and acreage of a permit holder at any time without a warrant to monitor for compliance with the management plan.

Finally, House Bill 3061 authorizes the commission to establish certain permit conditions regarding the killing and retaining of deer, authorizes the department to set permit fees not to exceed \$1,000, and establishes penalties for violating this subchapter.

HOUSE BILL 3189
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel et al.
SENATE SPONSOR: Armbrister

House Bill 3189 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department, by resolution of its governing commission, to pursue through the Texas Public Finance Authority the issuance of up to \$60 million in new revenue bonds. Bond proceeds may be spent to finance the repair, renovation, improvement, and equipping of parks and wildlife facilities.

SENATE BILL 201
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Glaze

Senate Bill 201 amends the Parks and Wildlife Code to provide that freshwater trout stamp fees may be spent only for the purchase, rearing, and stocking of freshwater trout in this state.

Parks and Wildlife

SENATE BILL 326

EFFECTIVE: 4-25-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Seaman

Senate Bill 326 authorizes the Parks and Wildlife Commission to regulate the placement of obstructions, traps, and mooring and the marking of restricted areas in fish passes between the Gulf of Mexico and an inland bay. The act also authorizes the Parks and Wildlife Department to erect a permanent sign indicating the restricted area.

SENATE BILL 991

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Naishtat

Senate Bill 991 amends the Parks and Wildlife Code to authorize certain disabled individuals to apply for a state parklands passport. The act requires the Parks and Wildlife Commission to adopt rules to establish eligibility requirements and privileges for disabled individuals who have a state parklands passport.

PROPERTY INTERESTS

HOUSE BILL 384

EFFECTIVE: 1-1-98

HOUSE AUTHOR: Pitts et al.

SENATE SPONSOR: Harris

House Bill 384 amends the Property Code to require a contract for transfer of an interest in vacant land to include notice regarding possible liability for additional taxes. The act provides for certain exceptions and for remedies in the event of nondisclosure.

HOUSE BILL 740

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Harris

House Bill 740 adds a new subchapter to the Property Code governing certain liens arising from residential construction projects. The act requires a contractor on a residential construction project to furnish a disclosure statement to the owner before work begins that contains a general summary of the homeowner's right and responsibilities regarding a residential construction contract. On a contract for residential improvements, contractors must also provide the homeowner with a list of subcontractors and suppliers the contractor intends to use and a disbursement statement listing payments made or to be made. On a residential construction contract, a contractor must furnish to the owner, or a seller must furnish to the buyer, a final bills-paid affidavit as a condition of final payment or sale. Third-party lenders that provide financing for improvements must also provide disbursement statements and deliver the disclosure statement and loan documentation to the owner before closing, with certain exceptions. The act establishes penalties for providing false information in a disbursement statement or final bills-paid affidavit. The act prohibits a contractor from requiring an owner to convey real property to the contractor as a condition of a residential construction contract for improvements.

The act also amends several Property Code provisions relating to the claiming of mechanics', contractors', and materialmen's liens and to the discharge of such liens, and it establishes a procedure that enables an owner in litigation to remove an invalid or unenforceable lien.

HOUSE BILL 793

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Merritt et al.

SENATE SPONSOR: Harris

House Bill 793 amends the Penal Code to allow purple paint marks, placed according to specifications, to serve as adequate notice that no trespassing is allowed on private property. The act provides that an explanatory sign giving notice of the purple paint is required at each entrance to the property until September 1, 1998.

HOUSE BILL 1296

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Clark

SENATE SPONSOR: Haywood

House Bill 1296 corrects a statutory reference in the Local Government Code regarding the public notice of a sale or exchange of land by a political subdivision.

Property Interests

HOUSE BILL 1463

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Wentworth

House Bill 1463 amends the Natural Resources Code to clarify that tax foreclosure property sold by the School Land Board is free of delinquent tax liens, that the purchaser of the land has clear title to the property subject only to the previous owner's right of redemption and any preexisting covenants or easements, and that the board is not required to pay any sale proceeds to taxing entities involved in the delinquent tax suit.

HOUSE BILL 1521

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Raymond

SENATE SPONSOR: Truan

House Bill 1521 amends the Property Code to raise from \$50 to \$100 the minimum value of unclaimed property for which the the comptroller is required to publish notice.

HOUSE BILL 1630

EFFECTIVE: Vetoed

HOUSE AUTHOR: Berlanga

SENATE SPONSOR: Armbrister

House Bill 1630 amends the Agriculture Code to change provisions regarding the sufficiency of fences. The act removes specific construction requirements for barbed wire, picket, board, and rail fences, and establishes that a fence is sufficient if it is built and maintained according to generally accepted agricultural practices for the purposes of keeping animals out of a tract of land.

In addition, the act repeals a provision authorizing property owners to petition for an election to determine whether a fence is sufficient.

HOUSE BILL 1651

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Wentworth

House Bill 1651 amends the Tax Code to allow a county commissioners court to specify by order a time, date, and location for the public resale of property that was sold to a taxing unit pursuant to foreclosure of an ad valorem tax lien.

HOUSE BILL 1665

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

House Bill 1665 amends the Property Code to require a seller of unimproved real property to be used for residential purposes to provide before final sale written disclosure of transportation pipelines on the property, including gas and petroleum pipelines and pipelines used to transport hazardous substances. A buyer may terminate a contract for nondisclosure within seven days of purchase. The act exempts from the disclosure requirement a seller who is required by the sales contract to furnish a title insurance commitment to the buyer and if the buyer can terminate the contract for title objections not cured before closing.

HOUSE BILL 2339

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Talton

SENATE SPONSOR: Brown

House Bill 2339 adds a new chapter to the Property Code to provide for the extension of restrictions imposing regular assessments in certain subdivisions. The chapter applies to a real estate subdivision that consists of at least 4,600 homes, is located in whole or in part in a municipality with a population of more than 1.6 million in a county with a population of 2.8 million or more, has restriction terms that are automatically extended, and has a regular assessment established by another document that permits the assessment to expire.

HOUSE BILL 2683
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dukes
SENATE SPONSOR: Wentworth

House Bill 2683 amends the Property Code to provide an exception to a current law that bars a person subdividing property from using the subdivision's description in certain contracts for sale of the property before the plat or replat of the subdivision is approved and filed with the county clerk. The act provides that the subdivision's description may be used if the sale is contingent on approval and recording of the final plat and the buyer does not occupy the property before the final plat is recorded. The exception does not apply to subdivisions in low-income counties with high unemployment located within 50 miles of the Texas-Mexico border.

HOUSE BILL 3263
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dutton
SENATE SPONSOR: Gallegos

House Bill 3263 amends provisions of the Tax Code relating to the sale of tax foreclosed property. The act reduces the time an action relating to title to property may be maintained, allows property to be sold for any amount, and removes the authority of an officer conducting a foreclosure sale to reject any bid the officer considers to be insufficient. The act authorizes a taxing unit to sell property at a private sale, without the consent of each taxing unit entitled to receive proceeds of the sale under a judgment, but sets a limit on the lowest amount for which a property may be sold and allows a taxing unit to sell property for less than the required amount with the consent of each taxing unit entitled to receive proceeds under the judgment.

The act authorizes local taxing units to enter into an interlocal agreement with a municipality to resell tax foreclosed property at less than the required amount if the property will be used for urban redevelopment. The act provides general guidelines for the interlocal agreement and limits action challenging a sale's validity to one year.

The act also prohibits a person from challenging the validity of a tax sale unless the person deposits an amount equal to the delinquent taxes, penalties, and interest plus all costs of the tax sale or files an affidavit of inability to pay. In addition, the act allows an action challenging the validity of a sale to be filed no later than two years after the cause of action accrues and provides that a purchaser may conclusively presume that the tax sale was valid and have full title, subject only to certain provisions.

HOUSE BILL 3329
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Talton
SENATE SPONSOR: J. Patterson

House Bill 3329 transfers certain provisions of the Local Government Code relating to real property held in trust to a new subchapter in the Government Code and expands application of the provisions from a municipality or county to any governmental entity. The act prohibits a governmental entity from purchasing real property held in trust or from selling real property to a trustee until the trustee submits a copy of the trust agreement identifying the true owner of the property.

HOUSE BILL 3337
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Dukes
SENATE SPONSOR: Barrientos

House Bill 3337 exempts construction, redevelopment, and improvements pursuant to the East 11th and 12th Streets Redevelopment Program from provisions governing such activities in defined capitol view corridors but stipulates that any improvement may not exceed a height of 600 feet above sea level.

Property Interests

HOUSE BILL 3372

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Torres

SENATE SPONSOR: Gallegos

House Bill 3372 adds a new section to the Local Government Code to allow the governing body of a special-law municipality located along or on a navigable stream to change to limited purpose annexation the status of an area previously annexed for general purposes. The change may occur if the area was eligible at any time to be included within the municipal boundaries as a result of annexation along the navigable stream, if the owners of the area petition the governing body for the change in status, and if the governing body includes the area in an industrial district.

HOUSE BILL 3515

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Harris

House Bill 3515 authorizes the General Services Commission to enter into certain contracts with the City of Austin governing the transfer, sale, or exchange of real property interests.

SENATE BILL 94

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Uher

Senate Bill 94 amends provisions of the Property Code relating to the creation, extension, or modification of deed restrictions applicable to certain residential real estate subdivisions. The act expands the application of such provisions to include residential real estate subdivisions in a city or the extraterritorial jurisdiction of a city with a population of 100,000 or more and subdivisions within the unincorporated area of a county with a population of 190,000 or more that is adjacent to a county having a population of 2.4 million or more.

The act clarifies that a subdivision is excluded from provisions relating to addition to or modification of existing deed restrictions regardless of whether the restrictions require consent by the developer or an architectural control committee. A right or obligation related to an existing deed restriction regarding the developer or the architectural control committee cannot be altered unless the person having the right or obligation signs a petition. In addition, the act authorizes the governing body of a property owner's association to amend deed restrictions in order to comply with certain mortgage loan requirements of the United States Department of Housing and Urban Development or the United States Department of Veterans Affairs and sets forth procedures for such an amendment.

SENATE BILL 141

EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain

HOUSE SPONSOR: Oakley et al.

Senate Bill 141 amends Tax Code provisions related to the seizure and sale of abandoned real property. The act grants a county the authority that a municipality has to seize and sell abandoned real property for the payment of delinquent ad valorem taxes, establishes the conditions that satisfy the requirement that a person be notified of the county or municipality's intent to seize the property, and prohibits a property from being sold for less than the market value of the property or the total amount of taxes due on the property. Senate Bill 141 also authorizes a county or municipality to deduct expenses for maintaining and preserving a property before distributing the remainder of the proceeds of a sale, allows a property owner the opportunity to redeem the property from the time a judgment was rendered instead of when a suit was filed, and changes the required deadline for issuing a writ of possession for real property.

SENATE BILL 320
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Cook

The Property Code requires political subdivisions to deliver certain unclaimed property to the state and to pay interest on late deliveries. Senate Bill 320 exempts employees of a political subdivision acting in an official capacity from interest payments.

SENATE BILL 569
EFFECTIVE: 9-1-97

SENATE AUTHOR: Truan
HOUSE SPONSOR: Hinojosa

Senate Bill 569 amends the Local Government Code to modify the exemption from subdivision platting requirements in economically distressed counties to provide that subdivided land is exempt from platting requirements if the subdivision is incident to the conveyance of the land as a gift between related persons.

SENATE BILL 700
EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Rhodes

Senate Bill 700 amends laws relating to unclaimed property. The bill authorizes the comptroller to waive penalties or interest on unclaimed property not delivered within a specified time period if a good faith effort was made to deliver the property and changes the offense for failing to comply with provisions governing unclaimed property to a Class B misdemeanor. The act sets the interest rate charged on delinquent property at 10 percent, imposes late fees, increases to \$100 the minimum value of items for which the comptroller must post public notice, and requires that unclaimed money be deposited in the general revenue fund instead of the unclaimed money fund. In addition, it authorizes the legislative appropriation of unclaimed money for a county to use for community and economic development programs and clarifies procedures for payment of property claims. The act requires documentation of the purchase of mineral proceeds presumed abandoned and designates the comptroller as agent for the purpose of collecting overpaid federal taxes or fees due Texas residents. It repeals the state ethics fund and revises a provision that requires the attorney general to bring suit in order to compel delivery of unclaimed property.

Senate Bill 700 adds a new chapter to the Property Code providing for the transfer of unclaimed personal property and minerals valued at less than \$100 to local governments. The act waives interest, attorney's fees, and penalties relating to the unclaimed property owed by local governments before June 30, 1998, if the property is delivered to the comptroller by March 1, 1999. Certain property valued at \$100 is exempt from delivery, interest, and other charges.

SENATE BILL 841
EFFECTIVE: See below

SENATE AUTHOR: Cain et al.
HOUSE SPONSOR: Hilbert

Senate Bill 841 amends various property tax provisions of the Tax Code. It requires a public hearing on a tax rate that results in taxes exceeding the previous year's levy, eliminating provisions that based the hearing requirement instead on determinations involving rollback and effective rates. The act requires a chief appraiser to consider the cost, income, and market data comparison methods of appraisal and sets criteria for their use and for the use of mass appraisal standards. It also requires that a chief appraiser consider any effect on the value of property resulting from governmentally imposed restrictions or from affordable housing limitations that affect rental or lease rates. The act requires that tax notices contain more details on the time and procedure for protesting appraised values and directs appraisal review

Property Interests

boards to provide for protest hearings on evenings or weekends. For protests of appraisal value, the appraisal district has the burden to establish the value of the property based on a preponderance of the evidence presented at the hearing. Other provisions of the act relate to unequal appraisal, taxpayer rights and remedies, other protest and appeal procedures, notices and communications to property owners, rendition statements and property reports, appraisal roll corrections, refund interest rates, the abatement or deferral of suits to collect delinquent taxes, appraisal district directors and appraisal review board members, the comptroller's annual study of property values, exemption forms and amounts, and the exemptions for schools, religious organizations, charitable organizations, and youth development associations.

The act sets a ceiling on the appraised value of a residence homestead equal to the lesser of the property's market value or the sum of the last appraised value, 10 percent of that value for each year since the last appraisal, and the market value of all new improvements. This provision is implicitly contingent on the constitutional amendment proposed by Senate Joint Resolution 43. The act prohibits anyone from receiving a residence homestead exemption for more than one homestead in the same year. It authorizes special penalties for certain situations in which residence homestead exemptions are received improperly.

The guaranteed and optional residence homestead exemptions for the elderly, and certain other exemptions, become effective immediately on qualification. Under prior law, application of the exemption waited until the next tax year. The act prorates tax exemption amounts for exemptions covering only part of a year. The school district tax freeze for residence homesteads of the elderly, and the freeze eligibility of surviving spouses, are likewise adjusted to reflect the change to immediate qualification. If voters in August 1997 adopt the constitutional amendment proposed by House Joint Resolution 4, the freeze calculation is adjusted additionally on a one-time basis to take into account the exemption increase authorized by that amendment.

Contingent on that same amendment, House Bill 4 includes enabling legislation for the transfer of a tax freeze from one residence homestead to another. If that amendment fails, but voters in November 1997 adopt the constitutional amendment proposed by Senate Joint Resolution 43, Senate Bill 841 instead contains the freeze transfer enabling legislation. Likewise contingent on the November 1997 amendment, the act authorizes school districts in counties of less than 75,000 population to opt to apply a freeze transfer retroactively. This last provision takes effect concurrently with the amendment. All other provisions of Senate Bill 841 take effect January 1, 1998.

SENATE BILL 911

EFFECTIVE: 9-1-97

SENATE AUTHOR: Cain

HOUSE SPONSOR: Goodman

Senate Bill 911 amends the Property Code to grant a trustee the same protection from liability for certain environmental claims provided for a fiduciary under federal law.

SENATE BILL 927

EFFECTIVE: 5-23-97

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Kubiak

Senate Bill 927 adds a new section to the Transportation Code regarding the acquisition of the remainder of a tract of land condemned for highway purposes. The act requires the Texas Transportation Commission to make an offer to purchase the remainder of a tract of land if the commission determines that the remainder has little or no value or utility to the owner or if the entire tract of land could be acquired for substantially the same amount as the partial tract. The Texas Department of Transportation may acquire the remainder only if the owner of the property consents to the acquisition.

The act authorizes the department and its designated agents to enter the remainder of the property to conduct an appraisal, survey, or environmental investigation to determine whether an offer will be made. The department is not required to make an offer if such activities indicate the presence of hazardous materials or substances.

SENATE BILL 998**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Thompson

Senate Bill 998 amends the Texas Trust Code to provide that a beneficiary of a trust property may not be considered a settlor, or the person who created the trust, because of a lapse, waiver, or release of the beneficiary's right to withdraw a part of the trust if the value of the trust property does not exceed certain amounts defined in the Internal Revenue Code.

SENATE BILL 1050**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Truan**HOUSE SPONSOR:** Bosse

Senate Bill 1050 adds a new section to the Natural Resources Code to establish provisions relating to artificial processes and the effect on ownership of coastal public land. The act defines "erosion response" and prohibits a person from performing an action relating to erosion response on a public beach that will cause or contribute to shoreline alteration before the person has conducted and filed a coastal boundary survey approved by the land commissioner. Senate Bill 1050 also requires a person who claims title to land as a result of accretion, reliction, or avulsion within areas where the shoreline may have been changed due to erosion response activities to prove certain facts in order to prevail in the claim. The act also entitles an upland owner who ceases to hold title to certain land as a result of erosion response activity by the land commissioner to exercise all littoral rights the owner possessed before the erosion response activity began.

SENATE BILL 1098**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Wentworth**HOUSE SPONSOR:** Goodman

Senate Bill 1098 amends the Property Code to exempt alimony, support, or separate maintenance for the support of the debtor or debtor's dependents from creditors' claims.

SENATE BILL 1678**EFFECTIVE:** See below**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Naishtat

Senate Bill 1678 revises several provisions of the Property Code relating to landlords and tenants. It requires a court to notify a tenant of a default judgment for possession by first class mail not later than 48 hours after the judgment is entered and requires the officer executing a writ of possession to post written warning on the front door of a unit notifying the owner of the date of eviction and that eviction will not take place sooner than 24 hours after the warning. Previous law allowed posting of notice at the officer's discretion. The act provides that it is the landlord's duty to mitigate damages if a tenant abandons the premises in violation of the lease and that reasonable force may be used in executing a writ of reentry. In addition, the act provides for delivery of notices regarding the lease to a tenant who does not occupy the leased premises as a primary residence.

The act also changes certain repair and notification procedures for landlords and tenants. It establishes that notice is provided when given the person to whom rent is normally paid, exempts tenants from a requirement to submit two notices for a repair request if notice is sent by certified mail, allows a week for repairs to be completed after notification, and provides a

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rebuttable presumption that seven days is a reasonable length of time for repairs to be completed. The act changes the amount a tenant can deduct for a repair from one month's rent to one month's rent or \$500, whichever is greater.

Provisions of Senate Bill 1678 relating to repair take effect January 1, 1998. All other provisions take effect September 1, 1997.

SENATE BILL 1925
EFFECTIVE: 6-17-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Telford

Senate Bill 1925 authorizes the School Land Board, under certain conditions, to approve a preferential right for an applicant in possession to purchase certain land in Cass County dedicated to the permanent school fund before the land is made available for sale to another person.

SENATE JOINT RESOLUTION 43
FOR ELECTION: 11-4-97

SENATE AUTHOR: Cain
HOUSE SPONSOR: Hilbert

Senate Joint Resolution 43 proposes a constitutional amendment to increase the residence homestead exemption for school district property taxes and to authorize the legislature to provide for the transfer of the school district property tax freeze for the elderly. That amendment is scheduled for an August 1997 election. Senate Joint Resolution 43 proposes two alternative constitutional amendments, one to be submitted to voters in November 1997 if the August amendment passes and the other to be submitted if the August amendment fails.

If the August amendment fails to pass, the proposal presented to voters in November would include the authorization for the legislature to provide the transfer of the school district property tax freeze. It would also (1) allow the legislature, by law, to authorize a school district to apply a freeze transfer to residence homestead changes occurring before such law takes effect and (2) authorize the legislature to limit to 10 percent, or some greater percentage, the maximum annual increase in the appraised value of residence homesteads for property tax purposes.

If the August amendment passes, the proposal presented in November would include only (1) and (2) above.

Senate Bill 841 contains enabling legislation for the two November amendment alternatives.

PROPERTY TAXATION

HOUSE BILL 4

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Armbrister et al.

House Bill 4 amends the Tax Code to provide property tax relief to homeowners by increasing the mandatory homestead exemption for school district property tax purposes, proportionally reducing school district tax freeze amounts for elderly homeowners, and providing for the transferability of the freeze from one qualifying homestead to another. It amends several Education Code school finance provisions to reflect the impact of these changes on school district property tax bases and to increase state aid to offset decreases in school district property tax revenue. Implementation of these provisions is contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 4. The act also adds a new chapter to the Education Code to implement a guaranteed yield system to help school districts finance school facilities construction and improvements, and it dedicates the state's lottery proceeds to the foundation school fund.

ARTICLE 1. SCHOOL FINANCE

Article 1 of the act adds several temporary provisions to the Education Code to make certain adjustments in the school finance system required by changes in school district property tax bases that would result from the proposed increase in homestead tax exemptions and tax freeze provisions.

It provides that, in computing a school district's wealth per pupil for the 1997-1998 school year for equalization purposes and the state aid to which a district is entitled for that school year, a district's taxable property value is determined as if the increase in the homestead exemption and the tax freeze provisions proposed by House Joint Resolution 4 had been in effect for the 1996 tax year.

If a district's Foundation School Program allotment based on its taxable property value as determined above does not fully compensate the district for the potential loss of tax revenue, a hold-harmless provision in House Bill 4 provides for the distribution of additional state aid to make up the difference for the 1997-1998 and 1998-1999 school years.

The article adds a temporary provision to the Government Code to require the comptroller to certify two sets of property values for the 1996 and 1997 tax years: (1) a final property value for each school district computed on a residence homestead exemption of \$5,000 and (2) a final property value computed on a residence homestead exemption of \$15,000 and the effect of the proposed elderly homeowners' tax freeze provisions.

Article 1 adds two temporary Education Code provisions affecting teachers and librarians for the 1997-1998 and 1998-1999 school years. One sets forth the number of days of service required for those two years and postpones application of the formula for determining the minimum days of service until the 1999-2000 school year; the other provides that, for those two years, the minimum teacher or librarian salary formula factors in amounts appropriated elsewhere in the act but not certain contingent appropriations in the General Appropriations Act for teacher salary hold-harmless provisions and student enrollment growth.

Article 1 also appropriates an additional \$1.04 billion from the general revenue fund to the Foundation School Program for the 1998 and 1999 fiscal years to offset district property tax revenue lost as a result of the increase in the homestead exemption and adjusts the amounts allocated in the General Appropriations Act for the program and for school facilities for

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FY1998 and FY1999 and certain contingency appropriations in the General Appropriations Act for student enrollment growth and transitional aid to districts affected by an increase in the minimum salary schedule, which would be triggered by the increase in appropriations to the Foundation School Program.

Other provisions contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 4 include an increase in the basic allotment from \$2,387 to \$2,396 and a teacher salary hold-harmless provision to cover increases in school district costs incurred by the automatic increases in the state minimum salary schedule for teachers and librarians.

Article 1 makes changes to the public school finance system that are not contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 4. These include (1) basing the cost of attendance credits on district maintenance and operations tax revenues rather than total tax revenues and (2) adding a new chapter on school facilities financing to provide a guaranteed yield funding system that provides districts a specified amount of state and local funds per pupil for each cent of tax effort, up to a predetermined maximum rate, for debt service on bonds issued to finance construction, acquisition, or improvement of district instructional facilities.

The new chapter sets the dollar amount guaranteed level at a minimum of \$28, provides a maximum rate for the guaranteed yield, limits the total yield amount of state and local funds guaranteed under the system, and limits the applicability of the funding formula to bonds and refunding bonds meeting certain criteria.

Article 1 takes effect September 1, 1997.

ARTICLE 2. PROPERTY TAXES

Article 2 amends the Tax Code to increase the school district homestead exemption from \$5,000 to \$15,000, but it provides that \$10,000 of the exemption does not apply to certain types of school districts or political subdivisions that levy property taxes for public education but are not the principal school districts operating public schools in their respective areas. It also provides for a reduction in the freeze amount for homeowners who qualified before 1997, setting the new freeze amount equal to the 1996 freeze amount, plus any 1997 tax attributable to certain improvements, minus the product of the school district's 1997 tax rate and \$10,000. It allows an individual who qualifies for the freeze to transfer a proportional amount of the freeze to another homestead.

Article 2 requires an election to be held in a school district if the school board adopts a tax rate in excess of the rollback tax rate calculated as the rate that would provide the same amount of revenue per student, considering state and local funds, as in the preceding year, plus \$0.08 per \$100 of taxable value, and it retains certain rollback rate adjustments for changes in nondistrict revenue. It eliminates the year-to-year correction for projected enrollments and state aid. For 1997 and 1998, the article provides an interim rollback rate to allow school districts to maintain prior revenue levels or prior maintenance and operations rates without a rollback election.

The increased homestead exemption and the new provisions relating to the elderly homeowners' tax freeze take effect for 1997 taxes if the constitutional amendment proposed by House Joint Resolution 4 is approved. The tax rate rollback provisions take effect September 1, 1997, and apply to tax rates adopted by a school board on or after that date. Article 2 voids any school district tax rate adopted for 1997 taxes before that date.

ARTICLE 3. LOTTERY REVENUE

Article 3 of the act amends the Government Code to cap the total amount of lottery prizes awarded in a fiscal year at an amount equal to the gross revenue from ticket sales in that fiscal year multiplied by the percentage amount of lottery prizes awarded for all lottery games in fiscal year 1997, minus an amount equal to 5.0 percent of gross lottery revenue for the fiscal year in which the prizes are being awarded. It also allocates to the foundation school fund the portion of lottery proceeds that formerly went to general revenue. Article 3 takes effect September 1, 1997, and the cap on the total amount of prizes awarded applies to tickets sold on or after that date. For fiscal year 1998, the article adjusts the formula established for capping the amount of lottery prizes awarded to reduce the deduction from 5.0 percent to 4.5 percent of gross lottery revenue for the 1998 fiscal year.

HOUSE BILL 137**EFFECTIVE:** 1-1-98**HOUSE AUTHOR:** G. West**SENATE SPONSOR:** Truan

House Bill 137 amends the Tax Code to extend property tax exemptions to certain charitable organizations that provide housing for low-income and moderate-income families, individuals age 62 or older, handicapped individuals, and families displaced by urban renewal. The bill also provides an exemption to certain charitable community housing development organizations that hold and improve property for nonprofit sale or rental to low-income or moderate-income families or individuals. Such an exemption also extends to certain property the organization uses for administrative purposes.

HOUSE BILL 197**EFFECTIVE:** 5-21-97**HOUSE AUTHOR:** G. West et al.**SENATE SPONSOR:** Duncan

House Bill 197 amends the Tax Code to allow late applications by charitable and religious organizations for property tax exemptions, up to a deadline of December 31, 1997.

HOUSE BILL 479**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Craddick**SENATE SPONSOR:** Lindsay

House Bill 479 provides an exemption from property taxation of marine cargo that is owned by a foreign citizen or foreign entity, based and subject to taxation in a foreign country, and used exclusively in international commerce.

HOUSE BILL 581**EFFECTIVE:** 9-1-97**HOUSE AUTHOR:** Eiland**SENATE SPONSOR:** J. Patterson

The Tax Code authorizes a chief appraiser to make a correction to a jurisdiction's property tax appraisal roll if the change does not affect the amount of tax liability. House Bill 581 amends the Tax Code to authorize correction of certain inaccuracies that do affect the tax liability, provided that the effect is a tax reduction rather than a tax increase. The chief appraiser must report in writing to the appraisal review board and appraisal district board of directors on owners and properties for which corrections result in a tax decrease.

HOUSE BILL 670**EFFECTIVE:** 1-1-98**HOUSE AUTHOR:** Shields et al.**SENATE SPONSOR:** Nelson

Under the Tax Code, taxing jurisdictions within a county base their property values uniformly on appraisal values established by a countywide central appraisal district. Some jurisdictions, however, cross county boundaries, producing properties that are appraised in adjacent counties as well as the one in which they are located. House Bill 670 deals with the situation in which

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appraisals by different appraisal districts do not match. It amends the Tax Code to provide that the value as entered in the appraisal records is that calculated by averaging the different appraisals. This value may be protested before the appraisal review board in the county in which the property is located. If the appraisal review board or a court on appeal determines a different value, that determination sets the value for all appraisal districts and taxing jurisdictions. The act also provides, for properties subject to this type of overlap, that if any chief appraiser approves a residence homestead exemption or an elderly and disabled homestead exemption, other chief appraisers must honor the exemption.

HOUSE BILL 722

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Ogden

The Education Code allows a county or school district, if approved by its voters, to levy a branch campus maintenance tax on property to support a junior college district branch campus within the county's or school district's territory. House Bill 722 amends the code to allow use of the tax outside the county or school district for the support of a shared branch campus in a contiguous jurisdiction that also has levied the tax.

HOUSE BILL 846

EFFECTIVE: 1-1-98

HOUSE AUTHOR: King

SENATE SPONSOR: Zaffirini

The Tax Code creates a property tax exemption for property owned by the state or a political subdivision. House Bill 846 amends the code to extend the exemption to tangible personal property the state or political subdivision leases under a lease-purchase agreement, thus eliminating the payment of property taxes by the lessor. The exemption expires if the state or political subdivision fails to exercise its purchase option within 30 days after the date the lease terminates.

HOUSE BILL 882

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Horn

SENATE SPONSOR: Nelson

House Bill 882 amends the Property Code to establish certain exceptions to the process of designating property as a homestead and to specify in certain circumstances which method of designation prevails.

HOUSE BILL 1610

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Carona

House Bill 1610 amends Tax Code provisions relating to a court-ordered property sale to satisfy the amount of judgment in a property tax suit for foreclosure of a tax lien. The bill provides that if the owner pays the amount of the judgment before the property sale, the taxing unit shall release the tax lien and file that release with the clerk of the court in which the judgment was rendered.

HOUSE BILL 1723

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Telford et al.

SENATE SPONSOR: Ratliff

House Bill 1723 amends the Tax Code to allow property that has been appraised for at least five years as open-space land, on its conversion to timber production, to continue to qualify for open-space rather than timberland appraisal. The owner may opt for continued open-space appraisal by submitting a new application, and the option remains in effect for 15 years following the conversion, or until another change of use occurs. On expiration of the 15 years, the land if eligible qualifies for timberland appraisal.

HOUSE BILL 1773
EFFECTIVE: 1-1-98

HOUSE AUTHOR: Danburg
SENATE SPONSOR: Barrientos

House Bill 1773 amends the Tax Code to prohibit a taxpayer from receiving a residence homestead property tax exemption for more than one homestead in the same year. It sets new requirements for residence homestead exemption applications and establishes a formula for the determination of the exemption amount in the case of partial ownership of exempt property.

HOUSE BILL 1879
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson
SENATE SPONSOR: Lindsay

House Bill 1879 amends the Tax Code to require that property tax renditions or reports be sworn to before an officer authorized by law to administer an oath. The requirement, however, does not apply to a rendition or report filed by the property owner, an employee of the property owner, or an employee of a property owner on behalf of an affiliated entity of the property owner. Other amendments clarify that attachments to rendition statements and reports are protected by the same confidentiality provisions as apply to the rendition statements and reports themselves.

HOUSE BILL 2116
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Craddick
SENATE SPONSOR: Brown

House Bill 2116 amends the Tax Code to adopt clarifications to provisions regarding the property taxation of motor vehicle dealer inventories. The bill clarifies that the definition of motor vehicle for those purposes excludes equipment or machinery used for specific work tasks other than transporting people or property. It also modifies the list of officials and designees who may collect certain penalties. The bill requires action by the Texas Department of Transportation to terminate a dealership if a chief appraiser reports to the department that a dealer has failed to file a tax declaration or has sold fewer than five motor vehicles in the preceding year. It makes the appraiser's report prima facie grounds for the cancellation or nonrenewal of the departmental distinguishing number that a person must have to engage in the motor vehicle dealership business.

HOUSE BILL 2201
EFFECTIVE: 5-21-97

HOUSE AUTHOR: Stiles et al.
SENATE SPONSOR: Ratliff

House Bill 2201 amends Tax Code provisions relating to the payment of property taxes by a property owner pending judicial appeal of an order of the appraisal review board or comptroller. Previous law provided that in order to pursue an appeal, the owner was required to pay as much as the entire taxes due under the order or the amount of taxes imposed the preceding year. The Texas Supreme Court ruled this prepayment requirement unconstitutional as a denial of open access to the court system. The act changes the prepayment requirement to the lesser of the amount of taxes due under the order or the amount on the portion of taxable value that is not in dispute. If determination of the appeal requires payment of additional taxes, however, the property owner may be liable for penalties on the additional amount as if the original delinquency date applied. The act sets an absolute maximum of \$100,000 on the award of attorney's fees to a prevailing property owner.

HOUSE BILL 2383

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Cain

A school, charitable organization, religious organization, or youth development association that receives a property tax exemption was required by previous law to pledge its assets by charter, bylaw, or other regulation toward the performance of its basic function. This requirement created conflict if a lender required a second pledge of assets as collateral, resulting in a double pledging. House Bill 2383 amends the Tax Code to require a use of assets, rather than a pledge of assets, to qualify for the exemption. The act revises and standardizes, for entities that do not satisfy the charter, bylaw, or regulation requirement as of the beginning of the tax year, the deadlines for taking late corrective measures to comply with the requirement. It provides that in the event of conflict between a contract with the federal government and the entity's charter, bylaw, or other regulation, the contract prevails but does not affect the entity's exemption eligibility. The act renews, to the end of 1997, provisions for late applications for religious organization exemptions and clarifies a 1995 law relieving a religious organization from rollback taxes in certain circumstances. It authorizes, beginning with the 1997 tax year, a school exemption for certain property that is acquired for use as a school but that continues to be used temporarily by a former owner who was entitled to a tax exemption.

HOUSE BILL 2587

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Horn

SENATE SPONSOR: Sibley

House Bill 2587 amends the Tax Code and other laws to revise various procedures relating to delinquent property tax judgments, foreclosures of tax liens on property, and sales of acquired property by taxing units. It removes population criteria affecting the applicability of certain of those provisions. The act defines costs and clarifies other terms relating to the right of redemption.

HOUSE BILL 2606

EFFECTIVE: 1-1-98

HOUSE AUTHOR: Ramsay

SENATE SPONSOR: Ogden

House Bill 2606 amends the Tax Code to base property taxation of dealer inventories of retail manufactured housing not on market value but on the value of average monthly sales, as has been done previously for motor vehicles, boats, and outboard motors. Rather than paying annual tax bills in one payment, retailers of manufactured housing must prepay taxes into an escrow account once monthly, based on sales for the preceding month. The bill sets related filing, recordkeeping, and collection requirements and procedures and provides for fines, penalties, and tax liens applicable to retailers who fail to comply. An exception concerns retailers whose sales of manufactured housing are predominantly to other retailers. For them, the bill continues the current system of inventory appraisal, based on the price at which the inventory would be sold as a unit to a purchaser who continued the business.

HOUSE BILL 2622

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Heflin

SENATE SPONSOR: Brown

House Bill 2622 amends property tax provisions of the Tax Code relating to a court order for the foreclosure of a tax lien and the sale of real property. It provides that the court's judgment include provision for the eventual recovery of postjudgment taxes, penalties, and interest, prorated to the date of the property's resale.

HOUSE BILL 3306
EFFECTIVE: 1-1-98

HOUSE AUTHOR: Heflin
SENATE SPONSOR: Wentworth

House Bill 3306 amends various Tax Code provisions relating to property tax collection and delinquency matters. It establishes responsibilities of persons involved in the collection, receipt, or accounting of taxes or money from other individuals and clarifies the liability of responsible individuals in the case of a business that has been dissolved. Other portions address accrual of interest and penalties, the issuance of writs of possession, judgments for current taxes, and the purchase and resale of tax sale property by taxing units. The act includes provisions relating to the redemption of property sold at tax sales. For suits to collect delinquent taxes, it sets the amount of attorney's fees recoverable by a taxing unit. The act also changes the deadline for appraisal review board notices of increases in tax liability.

HOUSE JOINT RESOLUTION 4
FOR ELECTION: 8-9-97

HOUSE AUTHOR: Craddick et al.
SENATE SPONSOR: Armbrister et al.

House Joint Resolution 4 proposes a constitutional amendment to increase the residence homestead property tax exemption from \$5,000 to \$15,000. The legislature by general law, however, may reduce or eliminate the exemption for certain school districts and political subdivisions that are not the principal providers of general elementary and secondary public education within their territories. This portion of the amendment would take effect beginning with the 1997 tax year.

The amendment authorizes the legislature to provide for the transfer of the school district tax freeze on residence homesteads of the elderly for persons or surviving spouses who qualify for the freeze and establish a different residence homestead. Also, for those who already receive the freeze, the amendment provides for a one-time reduction in the frozen tax amount to guarantee the additional benefit of the proposed exemption change described above.

House Bill 4 contains enabling legislation for the proposed amendment.

HOUSE JOINT RESOLUTION 96
FOR ELECTION: 11-4-97

HOUSE AUTHOR: Hamric
SENATE SPONSOR: Lindsay

House Joint Resolution 96 proposes a state constitutional amendment empowering the legislature to authorize a property tax of up to five cents per \$100 of property value for rural fire prevention districts with territory in Harris County. The present constitutional limitation for rural fire prevention districts statewide is three cents. The levy in a particular district, as before, would be subject to approval by district voters. House Bill 2649 is the enabling legislation for the proposed constitutional amendment.

SENATE BILL 93
EFFECTIVE: 1-1-98

SENATE AUTHOR: J. Patterson
HOUSE SPONSOR: Heflin

Senate Bill 93 amends the Tax Code to require chief appraisers annually to publicize legal provisions guaranteeing the right to protest appraisals, exemption denials, special appraisal denials, and other actions and to publicize as well the method by which to protest such actions before the appraisal review board.

SENATE BILL 95
EFFECTIVE: 1-1-98

SENATE AUTHOR: J. Patterson et al.
HOUSE SPONSOR: Shields

Under the Tax Code, the normal qualification date for property tax exemptions for a particular tax year is January 1. An otherwise eligible person or organization acquiring property later in the year is not eligible for the exemption for that year.

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Senate Bill 95 grants an exception, applicable to the exemptions for cemeteries, charitable organizations, youth development associations, religious organizations, schools, nonprofit water supply or waste service corporations, and certain other entities, for properties acquired after January 1. The tax due on such property is prorated for the applicable portion of the year.

SENATE BILL 344

EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris

HOUSE SPONSOR: Brimer

Senate Bill 344 amends the Tax Code to authorize an exemption from property taxes in special circumstances in which a person acquires buildings and tangible personal property for use for a school. It allows an exemption if the person lets the former owner continue to use the properties pending their conversion to a school and if the properties otherwise would be exempt if the former owner were still the owner. Exemption applications of this nature are acceptable for the 1997 tax year if the new owner meets the requirements for late application for a school exemption.

SENATE BILL 492

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Jackson

Senate Bill 492 amends the Tax Code to direct the cancellation and removal from the delinquent tax roll of taxes on real property that have been delinquent for more than 10 years, if no litigation is pending and the property has been owned for at least the preceding eight years by a home-rule city in a county with a population of more than two million.

SENATE BILL 759

EFFECTIVE: 1-1-98

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Heflin

Senate Bill 759 amends the Tax Code to base property taxation of dealer inventories not on market value but on a value calculated from sales, as has been done previously for motor vehicles, boats, and outboard motors. Dealers whose sales are predominately to other dealers, however, remain under the former system. Heavy equipment is defined to mean certain mobile equipment or engines of 3,000 pounds or more, but not including titled or registered motor vehicles. The act includes related provisions on tax collection, penalties, and fines.

SENATE BILL 974

EFFECTIVE: 5-5-97

SENATE AUTHOR: Carona et al.

HOUSE SPONSOR: Hill

Senate Bill 974 amends the Tax Code to authorize a taxing unit to recover costs incurred for environmental inspection and cleanup of a foreclosed property from the proceeds of the resale of the property. Cost recovery is authorized regardless of whether the taxing unit was legally required to incur the cost or had obtained consent from the other taxing units that were entitled to receive proceeds from the sale.

SENATE BILL 1014

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Talton

Senate Bill 1014 amends the Tax Code to require that an appraisal review board accept and consider a motion or protest filed by an agent of a property owner if the authorization by the owner designating the agent is filed at or before the hearing on the motion or protest.

SENATE BILL 1017
EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson
HOUSE SPONSOR: Talton

Senate Bill 1017 amends the Tax Code to provide that persons are ineligible to serve on an appraisal review board if they are former officers, employees, or members of the board of directors of the appraisal district, former officers or employees of a taxing unit for which the appraisal district appraises property, or former members of the governing body of such a taxing unit. They also are ineligible unless they have completed an appraisal review board training and education course. The act directs the comptroller to approve and supervise such courses and authorizes the comptroller to contract for assistance, except that courses may not be provided by appraisal districts or taxing units. The act provides for revision of the comptroller's appraisal review board manual. It prohibits the comptroller from advising a property owner, a property owner's agent, an appraisal district, or an appraisal review board on a matter that the comptroller knows to be the subject of a protest to an appraisal review board.

SENATE BILL 1033
EFFECTIVE: 9-1-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Hawley

Senate Bill 1033 amends the Tax Code to establish that rollback taxes on the conversion of open-space land do not apply if the conversion occurs as a result of a transfer of the property to the state or a political subdivision for a public purpose.

SENATE BILL 1153
EFFECTIVE: 1-1-98

SENATE AUTHOR: Brown
HOUSE SPONSOR: Heflin

Senate Bill 1153 amends Tax Code provisions relating to the determination of value and property taxes on dealer inventories of boats and outboard motors. It provides for the inclusion, in such determinations, of trailers or semitrailers that are designed to carry a boat.

SENATE BILL 1249
EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Pitts

Senate Bill 1249 amends Tax Code provisions relating to sale of property for the collection of delinquent property taxes. It precludes actions challenging the validity of a tax sale unless the challenger deposits an amount equal to the sum of delinquent taxes, penalties, and interest, plus the costs of the tax sale. An exception occurs if the person files an affidavit of inability. The act reduces the period of limitation for challenging the sale or commencing an action against the purchaser who acquires a deed as a result of the tax sale. Other amendments affect property that is purchased at a tax sale by a taxing unit and offered for resale and relate to the manner in which and amount for which the property may be resold.

SENATE BILL 1437
EFFECTIVE: See below

SENATE AUTHOR: Wentworth et al.
HOUSE SPONSOR: Greenberg et al.

Senate Bill 1437 amends the Tax Code to allow a taxpayer who turns 65 to qualify immediately for the school district residence homestead exemption for the elderly or the local-option residence homestead exemption for the elderly. Previous law deferred qualification for those exemptions to the following tax year. The new act prorates taxes for the year that the 65th birthday occurs.

The act also affects the freeze on school district taxes for the elderly. It provides that those taxes are set at either the tax amount for the year the taxpayer turns 65 or the amount for the succeeding year, whichever is less.

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Similarly, the act potentially affects the taxes of the surviving spouse of an elderly person. Under prior law, a surviving spouse at least 55 years of age continued to receive the local-option residence homestead exemption and school district tax freeze as long as the property remained a residence homestead, provided that the deceased spouse had qualified before his or her death. However, if the deceased spouse turned 65 but died before the next tax year without ever qualifying, no exemption or freeze transfer occurred. Senate Bill 1437, by immediately qualifying the deceased spouse on his or her 65th birthday, eliminates that circumstance and guarantees the exemption and freeze for a surviving spouse of requisite age.

Other provisions relate to the prorating of taxes for a residence on which the elderly homestead exemption ended during a tax year. Those provisions take effect January 1, 1998. The remainder of Senate Bill 1437 takes effect June 19, 1997.

SENATE BILL 1739
EFFECTIVE: 1-1-98

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Oliveira

Under the Tax Code, governmental property used publicly is normally exempt from property taxation, but if leased for a year or more for a nonpublic purpose, it is listed on the appraisal roll in the name of the lessee and is taxed. Senate Bill 1739 amends the code to reapply an exemption to leased property owned by a city, public port, or navigation district and used by the lessee to support port or waterway operation or development or to assist navigation-related commerce.

SENATE JOINT RESOLUTION 45
FOR ELECTION: 11-4-97

SENATE AUTHOR: Brown
HOUSE SPONSOR: R. Lewis

Senate Joint Resolution 45 proposes a constitutional amendment allowing the legislature to authorize a taxing unit to grant a property tax exemption, or other form of property tax relief, on property on which a water conservation initiative has been implemented. The enabling legislation for the constitutional amendment is contained in Senate Bill 1.

PUBLIC LANDS

HOUSE BILL 770

EFFECTIVE: 5-28-97

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: Shapleigh

House Bill 770 authorizes the School Land Board to transfer certain permanent school fund property, including mineral rights, located in the Franklin Mountains State Park to the Texas Parks and Wildlife Department in exchange for interest in certain land located on Matagorda Island and Follets Island.

HOUSE BILL 833

EFFECTIVE: 5-20-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Brown

House Bill 833 adds a new section to the Property Code to exempt state-owned real property and real property owned by a political subdivision of the state from the attachment of liens or abstracts of judgment and to prohibit the filing of liens or abstracts against the state or any political subdivision of the state.

HOUSE BILL 1961

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Howard et al.

SENATE SPONSOR: Armbrister

House Bill 1961 transfers property from the Texas Department of Transportation to the Board of Regents of the University of Houston System and to the City of Sugar Land. The act sets forth the public benefits of the land transfers, the terms under which the grantees must use the land, legal descriptions of the various pieces of property, and dates by which they must be conveyed. The land conveyed to the University of Houston System must be used or exchanged for higher education purposes only, and the land conveyed to the City of Sugar Land must be used for a park, greenbelt, or similar purpose. The land reverts to the department if it is not used expressly for the purposes set forth in the act.

HOUSE BILL 2318

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Wentworth

House Bill 2318 transfers the charge and control of certain state facilities and grounds from the Railroad Commission of Texas to the Upper Guadalupe River Authority.

HOUSE BILL 2332

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

House Bill 2332 authorizes the Board of Regents of The University of Texas System to convey an interest in real property owned by The University of Texas--Pan American to any political subdivision in Hidalgo County for the purpose of constructing a special events center. The contract conveying interest must include provisions to allow the university to contract with the political subdivision for joint use of the special events center and must stipulate that interest conveyed reverts to The University of Texas System if the facilities are permanently abandoned.

HOUSE BILL 2564

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

House Bill 2564 authorizes the Board of Regents of The University of Texas System to acquire certain property in the City of Edinburg for campus expansion and other university purposes.

HOUSE BILL 2847

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Berlanga et al.

SENATE SPONSOR: Truan

House Bill 2847 amends the Natural Resources Code to extend the date by which public easement and public parking conditions must be met in order for the landward boundary of a specific public beach to be established along the base of a seawall. The act extends the date from December 31, 1996, to September 2, 1997, and provides that the public parking facility may be located within 300 feet of the center one-third of such a seawall and that any court judgment affected by the act is modified accordingly.

HOUSE BILL 2914

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Stiles

SENATE SPONSOR: M. Galloway

House Bill 2914 repeals land grants on Pleasure Island previously made by the state to the City of Port Arthur. On cancellation of the grants, the island becomes the property of the permanent school fund and is in turn conveyed to the City of Port Arthur for \$25,000. The state retains all mineral rights as well as an improvement easement on the northeast portion of the island that is maintained by the United States Army Corps of Engineers.

HOUSE BILL 3016

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Price et al.

SENATE SPONSOR: M. Galloway

House Bill 3016 requires the Texas Department of Criminal Justice to donate certain property to Jefferson County to be used only for governmental purposes. The act requires that the instrument of transfer indicate that ownership of the property automatically reverts to the department if not used for such purposes.

The act also authorizes the department to donate certain property to Walker County. The instrument of transfer must require that the property be used for a purpose that benefits the public interest and include provisions that stipulate that ownership of the property automatically reverts to the department if not used for such purposes.

HOUSE BILL 3212

EFFECTIVE: 5-29-97

HOUSE AUTHOR: Raymond

SENATE SPONSOR: Zaffirini

House Bill 3212 requires the Texas Department of Criminal Justice to transfer certain property to Duval County by October 31, 1997. The transfer may include provisions that require Duval County to use the property for a purpose that benefits the public interest of the state, with the stipulation that the land reverts to the department if such conditions are not met.

HOUSE BILL 3366

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Lindsay

House Bill 3366 amends the Government Code to provide that the governor and Legislative Budget Board may jointly grant authority to the General Services Commission to sell or dispose of real property if the legislature is not in session. Under current law, only the legislature may grant this authority.

HOUSE BILL 3465

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: J. Patterson

House Bill 3465 amends the Natural Resources Code and the Government Code to require the adjutant general of the Texas National Guard to evaluate the utilization and status of state property designated for military use. The act requires the adjutant general to produce a report

evaluating the use of all property under the management or control of the adjutant general's department or the Texas National Guard Armory Board. In addition, the act prohibits the land commissioner from recommending a real estate transaction involving any real property identified in the adjutant general's report as being used for military purposes.

HOUSE BILL 3517**EFFECTIVE:** 6-19-97**HOUSE AUTHOR:** Goolsby**SENATE SPONSOR:** Harris

House Bill 3517 amends the Government Code to require installation of monuments on the Capitol grounds within four years of approval by the State Preservation Board. The board may not approve monuments, or allow construction to begin, unless it finds that installation will be complete before that deadline. If approval is given but installation is not complete by that date, the approval is withdrawn. The time restriction also applies to monuments approved by the board before the effective date of the act.

HOUSE BILL 3585**EFFECTIVE:** 6-2-97**HOUSE AUTHOR:** Greenberg et al.**SENATE SPONSOR:** Barrientos

House Bill 3585 authorizes the General Services Commission to convey certain state-owned property to the City of Austin. The act requires the City of Austin to pay cash consideration equal to the fair market value of the real property as determined by the General Land Office and stipulates that the commission may use the proceeds only for relocating operations of the State Aircraft Pooling Board to Austin Bergstrom International Airport.

SENATE BILL 69**EFFECTIVE:** 5-1-97**SENATE AUTHOR:** Haywood**HOUSE SPONSOR:** Hirschi

Senate Bill 69 amends the Education Code to authorize the Board of Regents of Midwestern State University to control and manage university lands, acquire land for university purposes, and sell or dispose of land. Land purchases are subject to the oversight of the Texas Higher Education Coordinating Board, and proceeds from land sales are designated as institutional funds of the university. The act also repeals a provision governing conveyance of certain university property in Wichita County.

SENATE BILL 438**EFFECTIVE:** 9-1-97**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Uher

Senate Bill 438 exempts Darrell K Royal-Texas Memorial Stadium from provisions governing construction, renovation, and improvements within defined Capitol view corridors. Any structure or related improvement to the stadium may not exceed a height of 666 feet above sea level.

SENATE BILL 693**EFFECTIVE:** 6-11-97**SENATE AUTHOR:** Brown**HOUSE SPONSOR:** Jackson

Senate Bill 693 adds a new section to the Natural Resources Code to establish that the land commissioner and the attorney general have standing to enforce restrictive covenants affecting real property owned by the permanent school fund, restrictions included in the conveyance of state land, and statutory restrictions on the sale or lease of land to a navigation district. The attorney general is authorized to bring suit to enforce these rights. The act does not apply to land in the permanent university fund, real property controlled or administered by the Board of Regents of The University of Texas System, or to a cause of action that is pending on the effective date of the act.

SENATE BILL 728

EFFECTIVE: See below

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Pitts

Senate Bill 728 amends the Government Code to transfer authority regarding the control, management, and disposal of real property relating to the superconducting super collider research facility from the Texas National Research Laboratory Commission to the General Land Office.

In addition, the act amends the Natural Resources Code to grant the land commissioner authority to dispose of and convey state property relating to the super collider. Senate Bill 728 provides that a person or the heirs of a person who conveyed property to the state for the super collider has a preference right to buy back the land for at least fair market value before it is offered for sale on the open market. The act also amends the Tax Code to clarify that a chief appraiser may not consider the period during which agricultural land was owned by the state in determining whether land has been diverted to a nonagricultural use.

The act takes effect September 1, 1997, except for provisions related to the preference right purchase land, which take effect January 1, 1998.

SENATE BILL 973

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Hunter

Senate Bill 973 amends the Government Code to create a State Cemetery Committee composed of three public members appointed by the governor, lieutenant governor, and speaker of the house, respectively, and three nonvoting state employees appointed from the Texas Historical Commission, General Services Commission, and Parks and Wildlife Department by the executive directors of those agencies. The act transfers jurisdiction over the State Cemetery from the General Services Commission to the committee. It removes a limitation on the height of monuments and instead gives the committee rulemaking powers relating to the erection of cemetery monuments. More generally, the committee has rulemaking authority as necessary for cemetery administration, but plans, programs, and materials relating to historical interpretation of the cemetery must be approved by the Texas Historical Commission. The act expands burial consideration to include those who have made significant contributions to Texas history and culture in the fields of agriculture, air and space, art and design, business and labor, city building, education, industry, justice, law enforcement, military affairs, oil and gas, the performing arts, philanthropy, ranching, religion, science and medicine, sports, and writing. Consideration is also given to the reinterment of individuals from all eras of Texas history back to Spanish exploration and colonialization. The act limits burials of appointive state officials to those who have served at least 12 years in office. Individuals specified for burial by legislative concurrent resolution and proclamation of the governor are subject to committee review and approval, and the committee itself may order a burial only if the legislature is not in session. Other provisions relate to the recruitment of eligible living Texans, the pursuit of plot reservations, the expansion of the cemetery by the acquisition of adjacent land, and the coordination of interagency cemetery spending.

SENATE BILL 1125

EFFECTIVE: 5-23-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Puente

Senate Bill 1125 authorizes the Texas Department of Mental Health and Mental Retardation to convey certain land of the San Antonio State Hospital to the federal government for administration by the National Park Service as a national park.

SENATE BILL 1202
EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio
HOUSE SPONSOR: Raymond

Senate Bill 1202 amends the Government Code to make legislative findings about the shortage of Texas cemeteries for veterans and to direct the Texas Veterans Commission to contract with a consultant to study the need for and the feasibility of establishing a system of state cemeteries for veterans. The study must consider the existence of any federal or county cemeteries for veterans, whether the state owns land suitable for a cemetery, and the extent to which federal funds are available to assist in cemetery construction costs. The bill requires the commission to report its study findings in writing to the governor and presiding officers of the legislature before December 1, 1999. Provisions of the bill expire June 1, 2001.

SENATE BILL 1301
EFFECTIVE: 5-26-97

SENATE AUTHOR: Harris
HOUSE SPONSOR: Goolsby

Senate Bill 1301 amends the Government Code and Texas Public Finance Authority Act to address the subject of parking, traffic, and security in the Capitol Complex in Austin. The act clarifies the boundaries of the complex and directs the Department of Public Safety and the City of Austin to execute an interlocal cooperation agreement defining their respective responsibilities for traffic and parking enforcement and provision of security within those boundaries. The legislation provides for a Transportation Planning Committee to address transportation coordination in and adjacent to the complex. Members include representatives from the city, the department, the State Preservation Board, the General Services Commission, the Capital Metropolitan Transit Authority, and The University of Texas at Austin.

The act authorizes the State Preservation Board, using available funds, to install parking meters within the complex. The department is responsible for parking meter operation, maintenance, and enforcement and may be reimbursed by the board for such duties. Where the City of Austin has existing meters within the complex, it retains the right to associated revenue. Revenue from the state meters goes to the Capitol fund. The act, however, prohibits state or city parking meters that accept quarters only. It authorizes construction of new parking facilities for Capitol Complex visitors and for state officials and employees, at an estimated combined cost of \$29.5 million. The act approves these facilities for financing and bond issuance under the Texas Public Finance Authority Act and authorizes visitor parking fees for retirement of the debt on the visitor facility. It authorizes use of previously approved bond issuance amounts for the construction of additional parking facilities.

SENATE BILL 1354
EFFECTIVE: 1-1-98

SENATE AUTHOR: Brown
HOUSE SPONSOR: Craddick

Senate Bill 1354 amends provisions of the Education Code relating to the Board for Lease of University Lands. The act updates, clarifies, and modifies provisions relating to the board, the leasing, management, and administration of certain public lands, and fees and penalties.

PUBLIC OFFICIALS AND EMPLOYEES

HOUSE BILL 790

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: R. West

House Bill 790 amends the Government Code to authorize employees classified below salary group 12 at the Department of Public Safety to be paid twice monthly, provided that the department satisfies associated requisites of the comptroller and at least 30 percent of its eligible employees choose to be paid on that schedule.

HOUSE BILL 998

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Fraser

House Bill 998 amends a Local Government Code provision relating to the conflict-of-interests prohibition for local government officials. The act increases from \$5,000 or more to \$15,000 or more the amount of a business a person must own to constitute having a “substantial interest in a business entity.”

HOUSE BILL 1177

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Ellis

House Bill 1177 amends the Government Code to allow state employees to use up to eight hours of sick leave per calendar year to attend parent-teacher conference sessions. It applies to employees with children in school from prekindergarten to 12th grade.

HOUSE BILL 1338

EFFECTIVE: 5-30-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Lindsay

The Civil Practice and Remedies Code establishes when the state is liable for the conduct of public servants and sets limits on that liability for some types of conduct. House Bill 1338 amends the code to authorize a state agency, institution, or department to purchase a directors’ and officers’ liability insurance policy for a director or officer, executive staff, or members of its governing body. The act clarifies that the purchase of an insurance policy does not waive an available defense, immunity, or jurisdictional bar.

HOUSE BILL 1422

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hightower et al.

SENATE SPONSOR: Whitmire

House Bill 1422 amends the Government Code to prohibit the Texas Department of Criminal Justice from suspending, discharging, or subjecting to other forms of employment discrimination an employee of the department who is the subject of a complaint of misconduct based on the employee’s refusal to submit to a polygraph examination.

HOUSE BILL 2222

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Rhodes

SENATE SPONSOR: Armbrister

House Bill 2222 repeals a provision of the Local Government Code that required a person who is elected as sheriff to execute a bond and take the oath of office within 20 days of receiving notice of election. Failure to meet these requirements resulted in the office being considered vacant.

HOUSE BILL 2271

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Ellis

The Property Code establishes civil and criminal penalties for persons who fail to deliver unclaimed property to the state within certain periods. House Bill 2271 specifies that “person” as it is defined in the pertinent section does not include a local government entity or employees of a local government entity who are acting in an official capacity. The act applies to any suit or complaint brought against an entity or its employees after the act’s effective date regardless of the date an element of the claim was committed.

HOUSE BILL 2353

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Finnell

SENATE SPONSOR: G. Luna

House Bill 2353 allows an elected officer of the state or political subdivision of the state to serve on the board of directors of a rural rail transportation district unless otherwise prohibited by the Texas Constitution. The board of a newly created district is required to notify the Texas Transportation Institute of the new district, and the institute is required to provide to the board a guide to its services.

HOUSE BILL 2750

EFFECTIVE: Vetoed

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

House Bill 2750 amends the Local Government Code to entitle a firefighter or police officer who is designated as a bilingual interpreter by a fire or police department to additional wages if the second language skill used is outside the scope of the official job description. A department that fails to compensate a firefighter or police officer designated as a bilingual interpreter is liable to the individual for the amount of lost wages plus interest. The act also requires, rather than allows, a municipality’s governing body to authorize assignment pay for bilingual personnel performing specialized functions as interpreters or translators in their respective departments.

HOUSE BILL 3370

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Armbrister

House Bill 3370 amends the Government Code to move restrictions on gifts and political contributions that apply to employees of the Texas Lottery Commission from Chapter 466 governing the state lottery to Chapter 467 governing the lottery commission. The provisions restrict officers and employees of the commission from accepting gifts or contributions from persons with certain financial interests in the lottery.

HOUSE BILL 3513

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Sibley

House Bill 3513 amends the Position Classification Act in the Government Code to bring hourly, part-time, and temporary employees under the state’s position classification plan. It revises plan applicability to certain educational personnel and makes other clarifying changes. The legislation also addresses classification compliance and action by the governor.

SENATE BILL 495

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Ramsay

Senate Bill 495 amends the Travel Regulations Act to codify numerous provisions, currently found in General Appropriations Act riders, relating to state officer and state employee travel. The act clarifies that travel reimbursement is covered by the two acts, other specific laws, and rules of the comptroller. New substantive provisions extend coverage of the two acts to the Employees Retirement System of Texas and the Teacher Retirement System of Texas and allow actual expense reimbursement for members of the State Board of Education and Railroad Commission of Texas. The act authorizes the comptroller to require electronic filing of vouchers and provides for transportation and lodging receipt submissions in a manner prescribed by the comptroller. Other new provisions authorize travel expense payment in various special circumstances, including the payment of airline cancellation charges due to illness or personal emergency in the case of a nonrefundable ticket purchased in advance to achieve a lower fare. The act authorizes actual travel expense reimbursement to the governor's spouse when representing the governor on official business and expense payment for the attendant care of a disabled person. It allows preapproval of international travel by the chief administrator of an agency and eliminates preapproval by the governor. Such approval may be delegated within the agency.

SENATE BILL 631

EFFECTIVE: 9-1-98

SENATE AUTHOR: Haywood et al.

HOUSE SPONSOR: Junell

Senate Bill 631 amends the Government Code to set limits on payments to a former state agency employee who is rehired by the agency, or used as a contractor for the agency, to perform substantially similar duties after retirement. Payments may not exceed the lesser of \$60,000 or the rate of compensation the employee received during the last 12 months of service for the agency before retirement. If the reemployment or contract does not exceed six months in duration, however, the limitation does not apply. The act affects only those employees who retire on or after its effective date.

SENATE BILL 819

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Goolsby

Senate Bill 819 authorizes the General Services Commission to negotiate and contract with a private business entity for the design and manufacture of official state lapel pins and state rings for purchase at personal expense by members and former members of the legislature. No one else may purchase such items. Lapel pin and ring designs must be approved by the State Preservation Board. Any proceeds remaining after payment of contract and administrative costs go to the Texas preservation trust fund.

SENATE BILL 1333

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis

HOUSE SPONSOR: Hunter

The Government Code requires that legislators, state officers, or state employees, with certain exceptions, register with an executive branch agency if they represent other parties before the agency. Senate Bill 1333 amends the code to require that agency reports of such representation be filed with the Texas Ethics Commission rather than the secretary of state. It directs the secretary of state to transfer all such previous reports to the commission.

Public Officials and Employees

SENATE BILL 1544

EFFECTIVE: 5-31-97

SENATE AUTHOR: Ogden

HOUSE SPONSOR: Place

Senate Bill 1544 amends the Government Code to allow for confidentiality of personal information about Texas Department of Criminal Justice employees regardless of whether the employee has requested such confidentiality.

SENATE BILL 1624

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Kubiak

Senate Bill 1624 amends the Government Code to prohibit withdrawals of time from the sick leave pool by state employees except in the case of catastrophic illness or injury suffered by the employee or a member of the employee's immediate family. An employee seeking permission to withdraw time must provide a written statement from the employee's or family member's licensed practitioner, sufficient in detail to evaluate withdrawal eligibility.

RETIREMENT SYSTEMS AND BENEFITS

HOUSE BILL 336

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Telford

SENATE SPONSOR: Bivins

House Bill 336 amends the Texas Local Fire Fighters Retirement Act to allow the board of trustees of the fire fighters' retirement system to adopt a retroactive change in benefits if the change is necessary to maintain tax qualification status. The act also expands the pool of citizens eligible to serve on the board of trustees of a paid or partly paid fire department by allowing those living in the extraterritorial jurisdiction of the municipality to be board members.

HOUSE BILL 337

EFFECTIVE: See below

HOUSE AUTHOR: Telford et al.

SENATE SPONSOR: Bivins

House Bill 337 amends the Texas Statewide Volunteer Fire Fighters Retirement Act to include emergency services personnel who are volunteer or auxiliary employees of a participating department. The name of the Texas Statewide Volunteer Fire Fighters Retirement Act is changed to the Texas Statewide Emergency Services Retirement Act, and the fund name is changed to the Texas statewide emergency services personnel retirement fund. House Bill 337 authorizes a governing body that currently provides coverage for volunteer firefighters under the Act to opt out of the expanded coverage. This option must be exercised within 60 days of the bill's enactment. It also prohibits a municipality from rescinding an election to participate in the fund.

The act takes effect September 1, 1997, except for the provision redefining "qualified service," which takes effect January 1, 1998.

HOUSE BILL 475

EFFECTIVE: 5-28-97

HOUSE AUTHOR: Craddick

SENATE SPONSOR: Bivins

House Bill 475 amends the Government Code to allow a retiree in the teachers retirement system to revoke the beneficiary designation of an optional service or optional disability retirement annuity if a court approves or orders the revocation as part of divorce proceedings. Under the act, a revocation cancels the retiree's optional annuity selection effective the date payment is issued at the recalculated rate. Payments end on the death of the retiree.

HOUSE BILL 724

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Serna

SENATE SPONSOR: Barrientos

House Bill 724 amends the Government Code to establish a three-business-day time limit after release of funds for an institution of higher education to send contributions to a company providing an optional retirement program for the institution, subject to certain exceptions. The act specifies that if the program provider accepts electronically transmitted funds and the institution has electronic transfer capabilities, then the institution must send contributions electronically and that any company accepting electronic funds transfer that violates certain provisions of the act is ineligible for certification as an optional retirement plan provider.

HOUSE BILL 803

EFFECTIVE: 6-18-97

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 803 amends the Texas Statewide Volunteer Fire Fighters Retirement Act to remove restrictions on investing surplus retirement funds and to permit the firefighters' pension commissioner and state board of trustees to make investment decisions by exercising judgment and care and investing in a prudent manner.

HOUSE BILL 1113

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 1113 amends the Government Code to expand eligibility for restricted prior service credit in the Texas Municipal Retirement System to all former federal, state, and local government full-time employees. The act expands the definition of “amortization period” to accommodate any changes in actuarial methods or assumptions made by the system’s board of trustees and requires cities to be able to fund their obligations to the retirement system before adopting updated service credits (a recalculation of member retirement credits due to salary increases). Cities may elect a higher municipal contribution rate if necessary to fund obligations to the retirement system within their amortization period.

In addition, the act permits a member to receive a partial lump-sum distribution from the member’s individual account upon retirement, not to exceed one-half of total contributions and accumulated interest. It removes a provision that limited annuity options to those approved by the board of trustees and certified as the actuarial equivalent of the annuity to which a retiree is entitled and provides an additional annuity option; it also increases benefits for those retiring after August 31, 1997, with a reduced retirement annuity if the beneficiary dies before the retiree. The act grants the board of trustees rulemaking authority allowing it to modify the retirement plan to maintain its status as a qualified plan in accordance with federal law.

HOUSE BILL 1203

EFFECTIVE: 9-1-97

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Gallegos

House Bill 1203 increases the retirement benefit multiplier for members of the police officers pension system in cities of 1.2 million or more and adjusts surviving spouse and disability benefits accordingly. The act increases the cost-of-living increase for retirees to a minimum of three percent and provides a monthly benefit increase for surviving spouses to defray medical costs. It permits the transfer of rollover distributions to another eligible retirement plan, establishes an excess benefit plan, and gives the pension system board the authority to increase the pension benefit or allowance in agreement with the city if the decision is actuarially sound and does not harm existing members.

HOUSE BILL 1242

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Barrientos

House Bill 1242 provides the option for members of the police officers retirement system in cities of 460,000 to 500,000 to receive creditable service for cadet class time, increases the benefit multiplier for both current and new retirees, increases the lump sum death benefit, and creates a retroactive deferred retirement option plan. The act also makes various clarifying changes. The provision to credit service for cadet class time takes effect if approved by the city council.

HOUSE BILL 1638

EFFECTIVE: See below

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 1638 amends the Government Code to establish a procedure for disbursing the benefits of members of the Texas County and District Retirement System who die without a beneficiary and for closing inactive accounts. The act provides increased flexibility to a subdivision governing body regarding the local contribution rate but sets 11 percent as the maximum rate for the combination of normal and prior service contributions. It eliminates the option for members compensated by both the state and a county to waive membership or return

to membership in the fund after December 31, 1997, further defines the duties of the retirement system director and the investment officer, requires the board of trustees to prepare written investment objectives, and removes restrictions on retirement fund investments, specifying that investment decisions must be evaluated in the larger context of the investment portfolio and overall investment strategy and made in accordance with the prudent person rule. The provision removing restrictions on fund investments takes effect September 1, 1997. The rest of the bill takes effect December 31, 1997.

HOUSE BILL 1780
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Armbrister

House Bill 1780 amends the Government Code to allow members of the Employees Retirement System and the Teachers Retirement System to establish or reestablish service credit through means other than lump-sum payments, including monthly payroll deductions. The board of trustees of both systems may adopt rules to administer the provisions in the act.

HOUSE BILL 2029
EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner
SENATE SPONSOR: Carona

House Bill 2029 amends the Government Code to provide that a contributing member of the Employees Retirement System who is also a member of the National Guard or the Texas State Guard is eligible for occupational disability retirement if the member is injured while on active duty with the National Guard or Texas State Guard, is discharged from service because of the injury, and ceases state employment.

HOUSE BILL 2259
EFFECTIVE: 5-26-97

HOUSE AUTHOR: Gray
SENATE SPONSOR: J. Patterson

House Bill 2259 authorizes a municipality with a population of more than 50,000 and less than 400,000 that is operated by a city manager and has not previously participated in a public retirement system for municipal police officers created by state statute to adopt a police pension fund. The act establishes certain requirements related to the administration, operation, and benefit structure of the plan.

HOUSE BILL 2644
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Telford et al.
SENATE SPONSOR: Armbrister

House Bill 2644 provides a postretirement annuity increase (the Consumer Price Index catch-up) for Teacher Retirement System of Texas retirees in varying amounts between 2 percent and 14 percent, depending on the date of retirement. It adds an eligibility provision for service retirement if the sum of the member's age and years of service equals 80. A 1995 provision prohibiting payments for driver's education courses from being considered part of a teacher's compensation for retirement purposes is modified, excluding only payments of \$5,000 or more for courses conducted outside regular classroom hours. The act also requires actuarial audits in conjunction with actuarial experience studies or at least once every five years. It authorizes the system to establish a self-insured group health care plan that may include coverage for long-term care and permits public school districts participating in the system plan to offer an alternative health benefit plan. An option for retirees to request that dues for a nonprofit association for retired school employees be automatically deducted from monthly annuity payments is also added.

Retirement Systems and Benefits

House Bill 2644 establishes standards for determining if health coverage in school districts meets the requirement of being substantially similar to that provided under the Texas Employees Uniform Group Insurance Benefits Act, establishes an excess benefit arrangement, and creates a deferred retirement option plan under which a member eligible to retire may choose to continue working and receive lump-sum or installment payments on retirement in addition to a reduced annuity. The act requires that changes in beneficiary designation be made on specified system forms, establishes that receipt by the system of a certified copy of a divorce decree automatically removes the member's former spouse as beneficiary, and increases minimum survivor benefits for certain annuitants.

HOUSE BILL 2799
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Marchant
SENATE SPONSOR: Ellis

House Bill 2799 amends the Government Code to require the governing body of a state or local government investment entity to adopt a written instrument documenting changes to investment policy or strategies, to require the investment officer of a government entity to follow the prudent person standard, and to expand conflict of interest rules. The act imposes additional training requirements for state agency and local government personnel with investment authority and requires certain municipalities to comply with specific provisions related to bond approval. It revises rating standards for public funds investment pools and requires pools that receive and invest funds on behalf of a government entity to maintain a specified range for the ratio of market to book value of the investment portfolio. House Bill 2799 calls for formal review of quarterly reports prepared by an investment officer if the entity invests in certain investments and requires the governing body of an entity to annually review, revise, and adopt a list of qualified brokers authorized to engage in investment transactions with the entity.

HOUSE BILL 2812
EFFECTIVE: See below

HOUSE AUTHOR: Woolley
SENATE SPONSOR: Gallegos

House Bill 2812 amends the Government Code to include performance pay in the definition of "salary and wages" for the purposes of computing contributions and benefits for members of the Teachers Retirement System.

The act takes effect with the 1997-1998 school year.

HOUSE BILL 3170
EFFECTIVE: 11-1-97

HOUSE AUTHOR: Yarbrough
SENATE SPONSOR: J. Patterson

House Bill 3170 rewrites laws governing the firefighters relief and retirement fund in municipalities of at least 1.6 million people. The act provides for lump sum benefits to certain retirees, fixes the annual increase for service pensions at three percent, and establishes a 10th position on the board of trustees for the fund to be held by a retired member with 20 or more years of service. It allows members to choose whether their children may continue to receive survivor benefits after the age of 18 for support while in college and permits a surviving spouse whose marriage took place after a member's retirement to receive benefits. The act also revises provisions relating to the protection of confidential information.

SENATE BILL 192

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Naishtat et al.

Senate Bill 192 decreases the age and service requirements for early retirement and increases the benefits for members of the firefighters relief fund for cities with populations between 450,000 and 500,000. It disqualifies early retirees from receiving cost-of-living adjustments until they reach full retirement, permits certain spouses married to retirees after retirement to receive survivor spouse benefits, and allows remarried surviving spouses to retain benefits and to reapply for benefits that were cut as a result of remarriage. The act extends the deferred retirement option plan to five years and allows early retiree participation in the plan. The act also alters the permitted investments for the fund.

SENATE BILL 325

EFFECTIVE: 6-20-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Kuempel

Senate Bill 325 amends the Texas Local Fire Fighters Retirement Act to remove restrictions relating to the investment of funds by the boards of trustees of local retirement systems.

SENATE BILL 538

EFFECTIVE: 10-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Greenberg

Senate Bill 538 increases the multiplier for retirement benefits for members of a municipal retirement system in municipalities of 460,000 to 500,000, applies provisions relating to military service credit to all uniformed service, and permits at least 48 months of uniformed service credit. The act allows members to purchase noncontributory service credit, grants unreduced retirement to eligible members at the age of 55, and requires retired members who resume full-time regular work to be automatically reverted to contributing membership and to stop receiving retirement benefits for the duration of full-time work.

SENATE BILL 872

EFFECTIVE: 10-1-97

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Puente

Senate Bill 872 requires all those qualifying for membership in the police and firefighters retirement system in municipalities of 750,000 to 1 million to become members as a condition for continued employment, expands military service benefits to include all uniformed services, and adjusts provisions to be in compliance with federal law. The act increases the benefit multiplier for certain retirees, alters the source of and method of applying the cost-of-living increase, establishes a one-time percentage increase for all those who retired before October 1, 1989, and clarifies provisions related to the backward deferred retirement option plan. It authorizes the board, at its discretion, to grant a 13th check to retirees, increases the maximum death benefit annuity, and creates an excess benefit plan.

SENATE BILL 900

EFFECTIVE: See below

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Yarbrough

Senate Bill 900 reduces the vesting requirement and permits an annual noncompounded 3.5 percent cost-of-living increase for members of the Municipal Pension System in cities of 1.5 million or more, increases the retirement benefit multiplier for all members, and includes employees of the pension system as qualified members. The act creates a deferred retirement option plan for members who continue service after qualifying for retirement and an excess benefit plan for members whose benefits would otherwise be restricted by federal tax laws. It

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adjusts benefits for a surviving spouse and surviving children and extends benefits to permanently and totally disabled children of all ages and children who are full-time students until the age of 23. Provisions related to increasing the retirement benefit multiplier and adjustments to monthly benefits to surviving spouses and children take effect July 1, 1998. All other provisions take effect September 1, 1997.

SENATE BILL 1102

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Telford et al.

Senate Bill 1102 permits members of the Employees Retirement System to purchase a month of military service for any fraction of a month served, allows members to receive credit for one month of service for any remaining unused sick leave under 160 hours, and grants retirement eligibility if the sum of the member's age and years of service equals 80. The act provides a temporary service retirement option for employees of the Texas Workforce Commission, the Texas Department of Human Services, and the Texas Department of Mental Health and Mental Retardation whose positions are eliminated because of privatization of state services and increases the multiplier for employee class retirees. It provides a 13th annuity check to retirees for the September 1997 fiscal year and requires the retirement system to increase the annuities of certain recipients who begin receiving benefits between August 31, 1996, and September 1, 1997.

The act clarifies that investment decisions concerning the judicial retirement system plan two be made in the context of the performance of the entire investment portfolio, enables the system to defend against double or multiple liability on a claim, and expands the authority of the Texas employees uniform group insurance benefits trustee to provide for payment of accelerated life insurance benefits to terminally ill or disabled recipients. In addition, it creates an excess benefit arrangement and prohibits the Employees Retirement System from spending funds to influence legislation.

SENATE BILL 1107

EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Oakley

Senate Bill 1107 amends the Government Code to extend financial assistance to survivors of specified fire-fighting personnel, where those personnel have died in the performance of their professional functions, whether on duty or off duty. Such personnel are defined to include employees of the state or a political or legal subdivision who are subject to certification by the Texas Commission on Fire Protection or whose principal duties are aircraft crash and rescue fire-fighting. The act also expands coverage to include the survivors of qualified emergency medical technicians or professionals who are employed by political subdivisions and who perform emergency medical services or operate ambulances. The legislation clarifies the benefit status of surviving parents, including dependent parents and other parents.

SENATE BILL 1209

EFFECTIVE: 9-1-97

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Kubiak

Senate Bill 1209 amends the Government Code to allow a governing body of a public retirement system for municipal employees to elect by resolution to participate in the proportionate retirement program. The act provides that the governing body must approve a resolution to participate in the retirement system and is required to notify all other participating retirement systems of the election. The act exempts certain subdivisions that participate in county and municipal retirement systems.

SENATE BILL 1460
EFFECTIVE: 6-17-97

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Telford

Senate Bill 1460 amends the Government Code to allow institutions of higher education to establish a governmental excess benefit arrangement for optional retirement program participants.

SENATE BILL 1568
EFFECTIVE: 10-1-97

SENATE AUTHOR: Madla
HOUSE SPONSOR: Van de Putte

Senate Bill 1568 creates a new retirement health care statutory trust for firefighters and police in certain cities of 750,000 or more people that is not administered by the applicable municipality. The fund provides health benefits for persons who retired on or after October 1, 1989. The act specifies representation and duration of membership on the board of the trust, authorized staff, and duties and policies related to administering and investing the fund and designates October 1, 1998, as the deadline for municipalities to transfer money from the existing health trust fund to the one established by the act. The act provides that fund membership, contributions, and benefits are to be determined by the collective bargaining agents of the firefighters and police officers.

STATE TAXES AND TAX ADMINISTRATION

HOUSE BILL 758

EFFECTIVE: 5-20-97

HOUSE AUTHOR: G. West

SENATE SPONSOR: Duncan

House Bill 758 amends the Tax Code to allow hospital districts that levy sales and use taxes to set tax rates in increments of one-eighth of one percent. Previously, the code specified allowable increments between the minimum one-eighth and maximum two percent rates.

HOUSE BILL 808

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Cain et al.

House Bill 808 amends the Alcoholic Beverage Code to create a temporary charitable auction permit for auctioning donated alcoholic beverages to raise money to support charitable works of the permit holder. The permit holder is allowed to conduct one auction per year and is subject to certain restrictions, fees, and prohibitions.

HOUSE BILL 834

EFFECTIVE: 5-7-97

HOUSE AUTHOR: Junell

SENATE SPONSOR: Ratliff

House Bill 834 amends a 1995 enactment to renew, for a second biennium, a delay in the transfer of certain motor fuel taxes and unclaimed refunds allocable to the state highway fund. Under the Tax Code, the affected transfers normally occur the month following tax collection or expiration of the refund claim deadline. The act delays the transfers of the June and July 1999 collections, transfers that otherwise occur in July and August, until September. The transfer of August 1999 collections occurs in September, as is customary. The delay provisions expire on October 1, 1999.

HOUSE BILL 1855

EFFECTIVE: 10-1-97

HOUSE AUTHOR: Eiland

SENATE SPONSOR: Ratliff

House Bill 1855 refines sales tax exemptions relating to certain property used in manufacturing. It amends the Tax Code to clarify that property used or consumed in manufacturing qualifies for exemption only if it directly makes or causes a physical change to the final product or an intermediate or preliminary product. The bill provides, however, that actuators, steam production units and fuel, cooling towers, generators, heat exchangers, compressors, hydraulic units, control systems, and certain tanks do qualify for the tax exemption if they augment such exempt property or if they are used to generate electricity, chilled water, or steam for sale. Other machinery, equipment, and replacement parts are exempt if their use or consumption is integral to pollution control. The bill eliminates exemptions for conveyor systems, certain piping, and other equipment used to move products or raw materials through the manufacturing process. It eliminates exemptions for machinery and equipment or supplies used to maintain or store tangible personal property and clarifies the exemption for semiconductor fabrication cleanrooms and equipment. The bill converts tax refunds and tax reductions for the refurbishing of jet turbine aircraft engines to a tax exemption. It repeals other provisions relating to tax refunds and reductions and repeals language relating to the useful life of materials. The bill places the burden of proof for a claim of a manufacturing exemption on the taxpayer.

HOUSE BILL 1875

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Glaze

SENATE SPONSOR: Cain

House Bill 1875 amends the Health and Safety Code to increase from one cent to two cents the fee the Texas Department of Health is required to collect for each 100 pounds of milk processed, distributed, or sold in the state. The act requires that the money collected from this fee be used only for milk inspection.

HOUSE BILL 2157

EFFECTIVE: 10-1-97

HOUSE AUTHOR: Williamson

SENATE SPONSOR: Wentworth

House Bill 2157 amends Tax Code provisions relating to sales and use taxes on amusement services. It affects resellers of tickets or admission passes. The act allows the reseller to deduct from taxable sales the adjusted value of such tickets or passes if certain conditions are met. The ticket or pass must state that all taxes have been included in the sales price and cannot have been purchased tax-free originally. Rather, the original purchaser must have paid the sales and use tax and cannot have been a sales and use tax permit holder. The adjusted value for purposes of the deduction is the face value minus the included state or local sales or use taxes. The act establishes related documentation requirements for the reseller.

SENATE BILL 126

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Craddick

The Tax Code provides an oil severance tax exemption of 10 years duration for hydrocarbons produced from certain wells that were returned to production after a three-year period of relative inactivity. The deadline for certification of such wells has passed, but Senate Bill 126 creates a new category of two-year inactive wells, which may be certified by the Railroad Commission of Texas until February 29, 2000. The application period for such certification extends from September 1, 1997, through August 31, 1999, and, unlike the case with three-year wells, the commission may not designate a two-year well unilaterally without an application. The act amends provisions relating to the deadline for refunds on taxes paid previous to exemption approval.

SENATE BILL 485

EFFECTIVE: 1-1-98

SENATE AUTHOR: Brown

HOUSE SPONSOR: Hartnett

Senate Bill 485 amends the Tax Code to exclude mineral interests with a value of less than \$500 from the requirement that mineral interests be listed jointly at the operator's request.

SENATE BILL 582

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ratliff et al.

HOUSE SPONSOR: Holzheuser

The Tax Code contains an enhanced oil recovery incentive program in the form of a 50 percent credit on oil severance taxes. The deadline for application is January 1, 1998. Senate Bill 582 amends the code to extend the deadline for a new enhanced oil recovery project or expansion of an existing enhanced oil recovery project, other than a coproduction project, to January 1, 2008.

SENATE BILL 590

EFFECTIVE: 5-9-97

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: B. Turner

State law forbids the adoption or increase of city or county sales and use taxes if the resultant combined local tax rate exceeds two percent anywhere in the city or county. Senate Bill 590 adds temporary Tax Code provisions relating to a city or county where voters

nevertheless have approved an increase in violation of the prohibition in an election held in a specified time interval in 1995. Notwithstanding the prohibition, the act authorizes the governing body of the city or the commissioners court of the county to ratify the tax approved by voters, provided such action is taken before June 30, 1997. The act provides for notice to the comptroller of any city or county action. The temporary provisions expire October 1, 1998.

SENATE BILL 861

EFFECTIVE: See below

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Holzheuser

Senate Bill 861 amends the Tax Code to make various clarifying and substantive changes relating to the corporate franchise tax. It requires a corporation to file an amended report if its net taxable earned surplus changes as the result of a tax return amendment or as a result of an audit or adjustment by the Internal Revenue Service or another competent authority. The act establishes a method for apportioning taxable capital and earned surplus that is derived from the sale of management, administration, or investment services to an employee retirement plan. By the beginning of FY1999, the comptroller must determine whether implementation of that method will have a negative fiscal impact. If so, the statutory change will not be implemented. If not, the change applies to reports and returns due originally on or after January 1, 1999. Senate Bill 861 takes effect generally January 1, 1998, except that provisions relating to the filing of amended reports take effect June 20, 1997.

SENATE BILL 862

EFFECTIVE: See below

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Holzheuser

Senate Bill 862 amends the Tax Code to clarify numerous matters relating to the applicability and administration of sales and use taxes, motor vehicle sales and use taxes, and motor fuels taxes and related definitions, exemptions, credits, exclusions, and recordkeeping requirements. Those provisions take effect October 1, 1997, except for changes that place taxes on telephone prepaid calling cards on the sale of the card rather than the calls for which the card is used. The prepaid calling card changes take effect September 1, 1997. Other provisions make similar amendments to codes and laws relating to insurance premium taxes, inheritance taxes, oil and gas severance taxes, cigarette taxes, cigar and tobacco product taxes, property tax appraisal, other taxes and fees, and tax administration by the comptroller's office generally. Among other items, the act modifies provisions relating to the comptroller's annual study of school district property values and requires the comptroller to review the appraisal standards, procedures, and methodology used by appraisal districts. It requires filings with the comptroller of copies of certain state agency reports and agreements mandated by the federal Public Health Services Act. Senate Bill 862 establishes additional penalties for certain altered or fraudulent documents and eliminates the published notice requirement for property seizures of less than \$40,000. It clarifies, for insurance company and health maintenance organization purposes, the exclusion from premium tax and maintenance tax calculations of certain federal and state insurance contracts for welfare recipients. Those provisions all take effect September 1, 1997.

SENATE BILL 1269

EFFECTIVE: 1-1-98

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Olivo

The Tax Code requires county tax assessor-collectors to issue motor vehicle sales and use tax receipts to taxpayers and to forward copies of such receipts to the comptroller. Senate Bill 1269 amends the code to eliminate the required retention by county tax assessor-collectors of separate receipt copies.

SENATE BILL 1438
EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Counts et al.

Senate Bill 1438 amends the Tax Code to allow a veterans organization to file a late application for a tax exemption, subject to certain time and other limitations. Filings after December 31, 1998, are prohibited. If taxes have been paid, no exemption can be approved.

SENATE BILL 1440
EFFECTIVE: 9-1-97

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Holzheuser

Senate Bill 1440 amends the Tax Code to grant oil and gas severance tax credits applicable to marginal oil wells where incremental production techniques are applied to boost production. Upon meeting certain requirements, the operator for five years receives a 50 percent severance tax exemption on an amount of oil equal to the lease's monthly production multiplied by the incremental ratio. The act dedicates revenue from incremental production from a qualifying lease to funding of the Texas tuition assistance grant program. A separate gas severance tax exemption applies to oil wells or leases where gas has been flared for 12 or more months under rules of the Railroad Commission of Texas. If an operator begins marketing rather than flaring the gas, that gas is exempt from the tax for the life of the well or lease.

TRANSPORTATION, HIGHWAYS, AND MOTOR VEHICLES

HOUSE BILL 17

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 17 amends the Transportation Code to authorize the Texas Department of Transportation to implement a traffic safety program that includes posting signs along the roadside at the 500 sites with the highest number of traffic fatalities. The signs may include information deemed necessary by the department, including the number of traffic fatalities that occurred at a site within the past 10 years, the importance of wearing seat belts, and the importance of not drinking and driving.

HOUSE BILL 297

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: M. Galloway

House Bill 297 amends the Transportation Code to require that a sign placed by the Texas Department of Transportation or a local authority directing slower-moving vehicles to travel in a lane other than the farthest left lane read "left lane for passing only." The act does not require the department or the local authority to repaint or replace signs to achieve compliance.

HOUSE BILL 327

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 327 amends the Transportation Code to make it an offense to park a commercial motor vehicle on the street overnight in a residential subdivision in a county with a population greater than 500,000 if the vehicle is not performing work. The act authorizes the residents of a subdivision to petition for signs prohibiting overnight parking, requires a county or municipality to post the signs, and allows a county or municipality posting the signs to require the subdivision's residents to pay for the signs.

HOUSE BILL 344

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Carona

House Bill 344 amends Transportation Code provisions related to specially designed license plates to require the Texas Department of Transportation to issue "Classic Motorcycle" license plates for motorcycles that are at least 25 years old and to issue "Military Vehicle" license plates for certain military vehicles. House Bill 344 allows a license plate that was issued in the same year as the model year of a vehicle to be approved for use on either an antique passenger car or truck, regardless of the type of vehicle for which the plate was originally issued. A vehicle issued a specially designed antique license plate is required to display only one license plate, provided that the plate is attached to the rear of the vehicle, and the department is authorized to exempt a former military vehicle from displaying a license plate or registration device if the exemption is necessary to maintain the vehicle's accurate military markings. Additionally, the act requires the department to design and issue special license plates for county judges and to issue specially designed Texas Commission on Alcohol and Drug Abuse license plates.

Transportation, Highways, and Motor Vehicles

HOUSE BILL 422

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Farrar

SENATE SPONSOR: Gallegos

House Bill 422 amends Transportation Code provisions relating to the regulation of fences in a municipality with a population of 1.5 million or more. The act allows the Texas Transportation Commission to regulate the use of a fence adjacent to a road or highway that obstructs a driver's view of traffic in a manner that creates a safety hazard and creates an offense for violating the commission's rule.

HOUSE BILL 580

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Coleman et al.

SENATE SPONSOR: Moncrief

House Bill 580 amends Transportation Code provisions relating to disabled parking placards. The act changes the form and content of parking placards and changes the evidence required to receive a placard. The act further provides that a vehicle displaying a placard is no longer exempt from parking fines at a municipal airport, and it authorizes the summary seizure and revocation of misused placards. Certain standards that apply to a state building where services are provided to persons with mobility impairments are extended to facilities of the Texas Rehabilitation Commission, and provision is made to bring all buildings that are leased or built by the state into compliance with applicable accessibility standards.

HOUSE BILL 649

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 649 amends the Transportation Code to allow a county commissioners court to exempt from inscription requirements the motor vehicle that is used by the county fire marshal's office to perform an official duty.

HOUSE BILL 685

EFFECTIVE: 9-1-97

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Lucio

House Bill 685 amends the Transportation Code to entitle a disabled person who has lost the use of one or both legs to receive a license plate for each specially equipped motorcycle, car, or light truck owned by the person.

HOUSE BILL 711

EFFECTIVE: See below

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Truan

House Bill 711 transfers the authority for designating routes for the transportation of non-radioactive hazardous materials from the Department of Public Safety (DPS) to the Texas Department of Transportation (TXDOT). The act requires the Texas Transportation Commission to adopt rules for routing such materials and allows rules regarding procedural requirements, public participation, and signage to be more stringent than federal regulations. The commission is required to consult with a political subdivision when a route is being proposed within its jurisdiction. A political subdivision or state agency can designate a route with approval by TXDOT. The commission can designate a route over any public road or highway in the state and may include a road that is not part of the state highway system only on approval of the political subdivision that maintains the road. The act requires TXDOT to provide signage for routes on roads that are not part of the state highway system, while installation and maintenance of the signage is to be paid for by the political subdivision that maintains the road.

Provisions authorizing the transition of authority from DPS to TXDOT took effect on May 20, 1997. The remaining provisions take effect on January 1, 1998.

HOUSE BILL 853

EFFECTIVE: 9-1-97

House Bill 853 amends the Transportation Code to clarify that to prove financial responsibility as a defense to certain offenses relating to the financial responsibility requirement, a person must produce one of the specified documents that establish proof of financial responsibility.

HOUSE AUTHOR: Delisi

SENATE SPONSOR: Duncan

HOUSE BILL 883

EFFECTIVE: 8-15-97

House Bill 883 amends the Transportation Code to eliminate the current board of a metropolitan transit authority in which each member of the governing body of the principal municipality is elected at large and to replace the board with a board composed of two public members and five elected officers of political subdivisions in the authority.

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Barrientos

HOUSE BILL 920

EFFECTIVE: 6-18-97

House Bill 920 amends the Transportation Code to authorize a motor vehicle used to transport cotton burrs or a cotton burr spreader to operate on highways and roads if the vehicle or equipment is not more than 10 feet wide.

HOUSE AUTHOR: D. Jones

SENATE SPONSOR: Duncan

HOUSE BILL 970

EFFECTIVE: 6-20-97

House Bill 970 requires a municipality with a population of more than 750,000 to develop a route for commercial vehicles carrying hazardous materials on a road or highway in the municipality and to submit the route, which must comply with all applicable federal and state regulations, to the Texas Department of Transportation for approval.

HOUSE AUTHOR: McClendon

SENATE SPONSOR: Madla

HOUSE BILL 972

EFFECTIVE: 6-20-97

House Bill 972 amends the Transportation Code to provide for limited interactive access to certain driver's license information held by the Department of Public Safety. In addition, the act authorizes the department to release, with the consent of the individual, certain information through the National Driver Register to a current or prospective employer of an individual employed as an operator of a motor vehicle or a railway locomotive.

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Whitmire

HOUSE BILL 979

EFFECTIVE: 6-2-97

House Bill 979 amends the Transportation Code to exempt from the current 40-year term limit any airport or air navigation facility lease, contract, or other agreement between a local government and the state, federal government, or any agency thereof.

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Barrientos

HOUSE BILL 981

EFFECTIVE: 1-1-98

House Bill 981 amends the Transportation Code to double the fines for moving violations that occur in road construction or maintenance work zones when workers are present. The act excludes vehicle inspection, pedestrian, and safety belt violations in road work zones from the fine increase.

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Cain

Transportation, Highways, and Motor Vehicles

HOUSE BILL 1018

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Wentworth

House Bill 1018 amends the Code of Criminal Procedure to bring provisions related to court costs for the child safety fund in municipalities into conformity with the codification of the Uniform Act Regulating Traffic on Highways that took place in the 74th legislative session.

HOUSE BILL 1048

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Armbrister et al.

House Bill 1048 amends the Transportation Code to create a Class B misdemeanor offense for knowingly displaying a fictitious vehicle license, registration, or safety inspection certificate. The act provides that a conviction for the fraudulent display of a vehicle license, registration, or safety inspection sticker, or tampering with governmental records relating to these documents, will result in the automatic suspension or revocation of the defendant's driver's license.

HOUSE BILL 1049

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Truan

House Bill 1049 amends the Transportation Code to require the Texas Department of Transportation to notify the official in charge of vehicle licenses and registrations in Mexico of a judgment against a Mexican resident who was involved in an accident in Texas.

HOUSE BILL 1055

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Tillery et al.

SENATE SPONSOR: Carona

House Bill 1055 amends the Transportation Code to expand the list of persons ineligible to receive a driver's license to include a juvenile who fails to appear in court or pay a fine in connection with a misdemeanor.

HOUSE BILL 1137

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher

SENATE SPONSOR: Brown

House Bill 1137 amends the Transportation Code to require a lienholder to provide the owner of a motor vehicle with a discharge of the lien within 21 days of receipt of the final payment; current law does not impose a time limit. The act provides an exception to the penalties for selling or offering to sell a vehicle without a title if the sole reason that the owner doesn't have possession of the title is that the lienholder has not complied with the 21-day time limit. House Bill 1137 also authorizes a car dealer to issue a second 21-day temporary cardboard license tag if a lienholder has failed to provide the dealer with the documents necessary to obtain permanent license plates within the time limit.

HOUSE BILL 1200

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Brown

House Bill 1200 amends the Transportation Code to increase the period of validity of driver's licenses and personal identification certificates from four to six years and to increase the related fees. The act also provides that a personal identification certificate issued to a person 60 years of age or older does not expire.

HOUSE BILL 1288

EFFECTIVE: 5-29-97

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

House Bill 1288 amends the Transportation Code to establish procedures for a local government to determine ownership of and dispose of abandoned aircraft.

HOUSE BILL 1299

EFFECTIVE: 5-21-97

House Bill 1299 designates the portion of Spur 408 in Dallas County from Interstate Highway 20 to Loop 12 as Patriot Parkway.

HOUSE AUTHOR: Davis

SENATE SPONSOR: R. West

HOUSE BILL 1306

EFFECTIVE: 9-1-97

House Bill 1306 amends the Transportation Code to allow a person who owns a new passenger car or light truck that has not been previously registered to register the vehicle for a period of 12, 24, or 36 months.

HOUSE AUTHOR: E. Reyna

SENATE SPONSOR: Nelson

HOUSE BILL 1345

EFFECTIVE: 6-2-97

House Bill 1345 amends the Transportation Code to allow the Texas Department of Transportation to issue an annual permit for the movement on a state highway of water well drilling machinery and superheavy or oversize equipment that cannot be reasonably dismantled and does not exceed prescribed weight and size limits. The act allows a single trip permit that increases the height or width limits to be used in conjunction with an annual permit.

HOUSE AUTHOR: Uher

SENATE SPONSOR: Armbrister

HOUSE BILL 1387

EFFECTIVE: 9-1-97

House Bill 1387 continues the Automobile Theft Prevention Authority under the Texas Department of Transportation and removes the requirement for a separate sunset review. The act implements the Sunset Advisory Commission's across-the-board recommendations.

House Bill 1387 clarifies the relationship between the authority and the department by removing the authority's power to employ staff, specifying that it may be provided staff and services only through the department, and limiting its ability to enter into contracts in its own name. The act requires the authority to contract with the attorney general for the use of computer resources to investigate, apprehend, and prosecute automobile thieves. Funds appropriated to the department for the authority are to be used to carry out the authority's duties and to pay for administrative costs, which are limited to eight percent of the authority's total expenditures for a fiscal year.

The act requires automobile insurers to pay the authority fee twice a year and provides that a request for a refund by an insurer is valid regardless of the date the request or payment was made if the insurer notifies the authority not later than the later of November 1, 1997, or six months after the date the fees were paid to the authority.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Armbrister

HOUSE BILL 1418

EFFECTIVE: 9-1-97

House Bill 1418 amends provisions of statutory law relating to the regulation of motor carriers who transport household goods. The act clarifies that a motor carrier that operates a commercial motor vehicle that weighs more than 26,000 pounds is required to register with the Texas Department of Transportation and that a motor carrier that does not operate a commercial motor vehicle and would not otherwise be required to register with the department is required to register its operations before transporting household goods for compensation. To avoid multiple registrations of a single carrier, the department is required to adopt simplified registration procedures for single motor carriers that are transporting household goods as agents for carriers that are required to register their operations with the department.

HOUSE AUTHOR: Alexander et al.

SENATE SPONSOR: Sibley

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The act expands the department's consumer protection rules to apply to all motor carriers that transport household goods for compensation and makes the rules mandatory rather than permissive. The act also requires these motor carriers to file proof of cargo insurance or an alternative proof of financial responsibility with the department and to advise consumers on liability for loss or damage. The department is required to establish liability provisions for loss or damage that do not exceed 60 cents per pound per article for these motor carriers.

House Bill 1418 requires the department to appoint a rules advisory committee and eliminates mediation as a method of resolving consumer complaints. It further provides that the department's safety rules relating to hours of service or an operator's daily log for operations outside a 150-mile radius of the normal work-reporting location also apply to those motor carriers of household goods not using a commercial motor vehicle.

HOUSE BILL 1524

EFFECTIVE: 7-15-97

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Armbrister

House Bill 1524 amends the law to add vehicles equipped with a front-end loader to those that are allowed to operate on a public highway under certain load restrictions if they are used exclusively to transport recyclable materials. The act also codifies language enacted by the 74th Legislature relating to the weight of vehicles that transport recyclable materials by adding a new subchapter to the Transportation Code.

HOUSE BILL 1595

EFFECTIVE: 6-11-97

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Cain

House Bill 1595 amends the Texas Motor Vehicle Commission Code to clarify that the Texas Motor Vehicle Board is an independent entity within the Texas Department of Transportation, to make the executive director of the department an ex officio member of the board, and to require the board and the department to develop policies that delineate the responsibilities of each entity. The act clarifies licensing requirements for franchised dealers and for manufacturers and establishes an additional fee for franchised dealers.

House Bill 1595 prohibits the board from filing a complaint against a licensee until the board notifies the licensee and gives the licensee an opportunity to correct the violation and establishes procedures for mediation between a franchised dealer and a manufacturer or distributor. The act adopts regulations regarding the transfer of ownership of a franchise agreement or controlling interest in a dealership by a dealer to another person, prohibits a manufacturer or distributor from requiring a dealer to remodel existing facilities as a prerequisite to receiving a new model or requiring a dealer to pay certain legal costs for an administrative or civil proceeding, and expands the types of retail installment transactions that are not applicable to refinancing. The act also clarifies definitions and terms and updates statutory references to the Transportation Code and the Government Code.

HOUSE BILL 1692

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Eiland

SENATE SPONSOR: J. Patterson

House Bill 1692 expands the powers of the board of trustees of a publicly owned and operated harbor and port facility to authorize the board to own, maintain, and operate a transportation facility. The act also grants the board of trustees any exemptions from the competitive bidding process that are allowed in the general purchasing and contracting exemptions for municipalities.

HOUSE BILL 1790
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Alexander
SENATE SPONSOR: Cain

House Bill 1790 makes technical changes to Transportation Code provisions relating to the regulation of new and used motor vehicle dealers, which were recodified by the 74th Legislature. The act also requires the Texas Department of Transportation to issue personalized prestige dealer license plates.

HOUSE BILL 1898
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Alexander
SENATE SPONSOR: Fraser

House Bill 1898 amends the Transportation Code to allow the Texas Department of Transportation or a utility to relocate a utility facility as part of a state highway improvement project and to require the utility to reimburse the department for the cost of relocation within five years. The act also provides an exemption from specific contract requirements for certain utility relocation projects funded by the Texas Water Development Board.

HOUSE BILL 1908
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Siebert
SENATE SPONSOR: Wentworth

House Bill 1908 amends the Transportation Code to prohibit a person from posting a sign on the right-of-way of a road or highway maintained by a municipality unless authorized by the municipality. The act clarifies that this section does not apply to roads in the state highway system.

HOUSE BILL 1937
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Flores
SENATE SPONSOR: Lucio

House Bill 1937 amends the Texas Motor Vehicle Safety-Responsibility Act to permit the Texas Department of Public Safety to suspend an individual's license for offenses related to driving while uninsured after notifying the individual through regular mail, rather than certified mail with return receipt requested, at the individual's last known address.

HOUSE BILL 2067
EFFECTIVE: 6-19-97

HOUSE AUTHOR: Swinford et al.
SENATE SPONSOR: Bivins

House Bill 2067 amends the Transportation Code to require a person applying for a temporary vehicle registration permit to provide proof of financial responsibility.

HOUSE BILL 2098
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Uher
SENATE SPONSOR: Cain

House Bill 2098 amends the Texas Motor Vehicle Commission Code to clarify that a licensed franchised automobile dealer is not required to obtain a lessor or lease facilitator license or pay a license fee to lease a vehicle that the dealer is licensed to sell. The act prohibits a person from using the words "lease" or "leasing" in the person's name or the name of a business without being licensed as a lessor or a lease facilitator and clarifies which fees can be paid by a lessor to a franchise dealer.

HOUSE BILL 2101
EFFECTIVE: 9-1-97

HOUSE AUTHOR: Siebert
SENATE SPONSOR: Cain

House Bill 2101 amends the Transportation Code to require the operator of a vehicle to stop at a specified distance from a railroad grade crossing if the stop is required by an official traffic-control device or signal. A vehicle operator approaching a railroad grade crossing

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equipped only with a railroad crossbuck sign, and with no signal device, crossing gate, or flagger to warn of an approaching train, is required to proceed at a reasonable speed and to yield the right-of-way to a train. The act makes it an offense to drive around, under, or through a crossing gate or barrier that is closed, being closed, or being opened.

HOUSE BILL 2115

EFFECTIVE: 6-9-97

House Bill 2115 designates State Highway 349 from Lamesa to Midland, Interstate Highway 20 from Midland to Odessa, U.S. Highway 385 from Odessa to Fort Stockton, and U.S. Highway 67 from Fort Stockton to Presidio as the future route of La Entrada al Pacifico Corridor.

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Bivins

HOUSE BILL 2138

EFFECTIVE: 9-1-97

House Bill 2138 amends the Transportation Code to require vehicle lighting, reflective devices, and associated equipment on a vehicle or motor vehicle to comply with federal standards.

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Cain

HOUSE BILL 2198

EFFECTIVE: 9-1-97

House Bill 2198 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed Texas Commission on Alcohol and Drug Abuse license plates for passenger cars and light trucks. A portion of the annual license fee will be dedicated for use by the commission for drug-abuse prevention programs provided by nonprofit organizations that primarily serve children.

HOUSE AUTHOR: Wise et al.

SENATE SPONSOR: Lucio

HOUSE BILL 2202

EFFECTIVE: 6-18-97

House Bill 2202 amends the Vehicle Storage Facility Act to authorize the Texas Department of Transportation to assess an administrative penalty for operating an unlicensed vehicle storage facility following an administrative hearing on the charge. The act requires that a hearing on a vehicle storage facility license revocation or denial be held by an administrative law judge and allows the director of the department, based on the judge's proposal, to deny or revoke a license. House Bill 2202 also repeals the section that restrains a judge's ability to waive fees charged by a vehicle storage facility.

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Duncan

HOUSE BILL 2220

EFFECTIVE: 5-30-97

House Bill 2220 amends the Transportation Code to require the Texas Department of Transportation to adopt certain rules relating to the disclosure of the personal information of a Texas Highways magazine subscriber or purchaser of promotional items. The required policies must include a method by which a person may require the department to exclude personal information from a mailing list that is sold. The act exempts subscriber and purchaser information from the open records law.

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Lucio

HOUSE BILL 2382

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Siebert et al.

SENATE SPONSOR: Bivins

House Bill 2382 amends the Texas Motor Vehicle Commission Code to define a towable recreational vehicle, a nonmotorized vehicle designed for temporary human habitation as its primary purpose, as a motor vehicle. The act also provides that if the Texas Motor Vehicle Commission adopts a rule regulating off-site display or sale of towable recreational vehicles, the commission is required to authorize the display or sale at private events in trade areas where general participation requirements for organized dealer shows would effectively preclude such a show.

HOUSE BILL 2445

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Barrientos

House Bill 2445 amends the Transportation Code to authorize a metropolitan rapid transit authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 to hold a referendum on whether the authority may operate a fixed rail transit system. The act provides for subsequent referendums, prohibits the authority from issuing short-term debt or bonds to finance any portion of a fixed rail system unless the voters have approved the proposition, and increases the term that short-term debt may be issued for the purchase, acquisition, construction, operation, or maintenance of a voter-approved fixed rail system.

HOUSE BILL 2446

EFFECTIVE: 6-20-97

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Barrientos

House Bill 2446 amends the Government Code to authorize the state comptroller to enter into an interlocal agreement to conduct a performance audit of a metropolitan transit authority that is governed by Chapter 451, Transportation Code, was confirmed before July 1, 1985, and does not contain a municipality with a population of more than 750,000. The act authorizes the governing body of the authority, the governing body of the municipality with the largest population in the authority, or the commissioners court of the county in which the majority of the largest municipality is located to request an audit. The act requires that the authority reimburse the comptroller for the costs incurred in conducting the audit, requires that copies of the audit be filed with legislative leaders, and prohibits conducting a performance audit more than once every two years.

HOUSE BILL 2462

EFFECTIVE: 6-19-97

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Nelson

House Bill 2462 authorizes a single county to create a rural rail transportation district. Under previous law, two or more rural counties were authorized to create a rural rail transportation district.

HOUSE BILL 2469

EFFECTIVE: 9-1-97

HOUSE AUTHOR: McReynolds et al.

SENATE SPONSOR: Ratliff

House Bill 2469 amends the Transportation Code to permit the distance between the axles on a truck hauling raw wood products to be shortened by not more than 12 feet for gross weight determinations. The act clarifies that this exception does not authorize a timber truck to cross a bridge if the truck's weight exceeds the bridge's load limit. The act also adds strobe lights as an authorized method of increasing visibility for drivers approaching a vehicle carrying poles or pipes from the rear.

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HOUSE BILL 2502

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Elkins

SENATE SPONSOR: J. Patterson

House Bill 2502 amends provisions of the Transportation Code relating to the operation of causeways, bridges, tunnels, turnpikes, and highways to permit a county with a population over 2.8 million to prosecute the offense of nonpayment of a toll in any precinct in the county in which the offense occurs.

HOUSE BILL 2519

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

House Bill 2519 amends the Transportation Code to authorize the Texas Department of Transportation to issue specially designed license plates bearing an image of Big Bend National Park for passenger cars and light trucks. The act requires a portion of the annual fee to be used by the Texas Parks and Wildlife Department to support the activities of a designated nonprofit organization dedicated to the improvement or preservation of the park.

HOUSE BILL 2522

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Finnell

SENATE SPONSOR: G. Luna

House Bill 2522 amends the Transportation Code to require at least one of a motorcycle's headlamps to be illuminated at any time the motorcycle is being operated. The act exempts from this requirement motorcycles manufactured in England before 1975.

HOUSE BILL 2681

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Lindsay

House Bill 2681 amends the Transportation Code to require the Texas Department of Transportation to issue "Keep Texas Beautiful" license plates for passenger cars and light commercial motor vehicles. The act requires a portion of the annual fee to be used to support the department's litter prevention and community beautification programs.

HOUSE BILL 2733

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Driver

SENATE SPONSOR: Wentworth

House Bill 2733 amends the Transportation Code to exempt golf carts from vehicle registration requirements if such carts are operated during the daytime, the distance traveled from point of origin to destination does not exceed two miles, and the operation occurs entirely within a master planned community with a uniform set of restrictive covenants and an approved plat. The act also exempts a golf cart from standard lighting and other vehicle equipment requirements and exempts former military vehicles from requirements to have liability insurance or otherwise establish financial responsibility.

HOUSE BILL 2964

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Sadler

SENATE SPONSOR: D. Nixon

House Bill 2964 places the administration of the county road system for Panola County under the Transportation Code and repeals the 1947 special road law under which the county had been operating.

HOUSE BILL 3025

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Moncrief

House Bill 3025 amends the Transportation Code to clarify that the owner or operator of a vehicle being used by or for the transportation of a disabled person is not exempt from paying a parking fee or a penalty imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport.

HOUSE BILL 3063

EFFECTIVE: 6-19-97

HOUSE AUTHOR: Clark

SENATE SPONSOR: Haywood

House Bill 3063 amends the Transportation Code to set a registration fee of \$10 for a golf cart owned by a person who lives on U.S. Corps of Engineers property located in a county with a population of more than 95,000 but less than 100,000 that borders another state.

HOUSE BILL 3092

EFFECTIVE: 9-1-97

HOUSE AUTHOR: J. Jones et al.

SENATE SPONSOR: Cain

House Bill 3092 amends the Transportation Code to require the rear of a public transportation bus acquired on or after September 1, 1997, to be equipped with two or more flashing amber hazard lights and a sign stating: "Caution—children may be exiting" and to require the bus driver to activate the lights when loading or unloading a minor.

HOUSE BILL 3246

EFFECTIVE: 6-17-97

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

House Bill 3246 designates Spur 239 in Val Verde County as the Sergio Gonzalez, Jr., and Alfredo Gutierrez, Jr., M.D. Loop.

HOUSE BILL 3249

EFFECTIVE: 9-1-97

HOUSE AUTHOR: Hawley

SENATE SPONSOR: G. Luna

House Bill 3249 amends the Education, Transportation, and Government codes to authorize a commercial transportation company to obtain a criminal history record for a bus driver, bus monitor, or bus aide when providing transportation services under contract with a school system, and it prohibits a commercial transportation company from employing a person convicted of a felony or a misdemeanor involving moral turpitude without permission from the appropriate authority.

House Bill 3249 amends the Education Code to transfer the authority to establish safety standards for school buses from the General Services Commission to the Texas Department of Public Safety. The act authorizes the use of mass transit authority motor buses to transport students to and from school and motor buses and passenger vans to transport students in connection with other school activities. The Transportation Code is amended to require a school bus driver's driving record to be checked annually with the department, and a school bus driver is required to be certified in school bus safety education or enrolled in a school bus safety education class. The act exempts a school bus driver from the requirement to stop the school bus at a railroad grade crossing if the crossing is abandoned and marked with a "tracks out of service" sign or is an industrial or spur line marked with an "exempt" sign. House Bill 3249 also prohibits the display of advertising or other paid announcements that distract from the effectiveness of required safety warning equipment on the exterior of a school bus.

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HOUSE BILL 3252

EFFECTIVE: 9-1-97

House Bill 3252 requires the Texas Department of Public Safety to adopt safety rules regulating the operating hours of contract carriers that transport certain railroad employees in a vehicle designed to carry 15 or fewer passengers.

HOUSE AUTHOR: Finnell

SENATE SPONSOR: Cain

HOUSE BILL 3443

EFFECTIVE: 6-2-97

House Bill 3443 amends Transportation Code provisions related to financing public transportation to clarify that certain designated recipients that received state transit funds during the biennium ending August 31, 1997, are authorized to receive certain federal or state transit funds not to exceed the amount expended during the 1996-1997 biennium. The act amends the funding allocation formula to provide for such recipients and for transit providers in communities with a population of under 200,000 not served by a transit authority. The act further requires the allocated money to be distributed based on the amount that the entity received during the 1996-1997 biennium.

HOUSE AUTHOR: Kubiak et al.

SENATE SPONSOR: Armbrister et al.

HOUSE BILL 3478

EFFECTIVE: 5-31-97

House Bill 3478 designates the portion of State Highway 35 in Harris County as the John B. Coleman Memorial Highway.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Ellis

HOUSE BILL 3570

EFFECTIVE: 6-19-97

House Bill 3570 amends the Transportation Code to exempt a vehicle or combination of vehicles used to transport a combine employed in farm custom harvesting operations from length limitation provisions if the overall length of the vehicle or combination of vehicles does not exceed 75 feet.

HOUSE AUTHOR: D. Jones et al.

SENATE SPONSOR: Duncan

SENATE BILL 99

EFFECTIVE: 9-1-97

Senate Bill 99 amends the Transportation Code to provide an exemption from the requirement to wear protective headgear when operating or riding on a motorcycle for any person 21 years of age or older who has completed a motorcycle operator training and safety course or is insured for at least \$10,000 to cover injuries incurred while operating or riding on a motorcycle. The act increases application and renewal fees for driver's licenses that include authorization to operate a motorcycle, requires that a portion of motorcycle license fees be deposited in the motorcycle education fund account to defray the cost of administering the training and safety program, and requires the Texas Department of Public Safety to issue a sticker to a person who provides evidence of successfully completing the training and safety course or has the necessary health insurance coverage.

SENATE AUTHOR: J. Patterson et al.

HOUSE SPONSOR: Pitts

SENATE BILL 120

EFFECTIVE: 9-1-97

Senate Bill 120 designates the portions of U.S. Highway 87 in Bexar County from its intersection with Interstate Highway 410 to its intersection with Loop 1604 as the Bishop Ernest T. Dixon, Jr., Memorial Parkway.

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: McClendon

SENATE BILL 161

EFFECTIVE: 5-9-97

Senate Bill 161 amends the Transportation Code to authorize the county commissioners court of a county with a population of more than 2.8 million to establish a speed limit of not more than 70 miles per hour on any part of a limited-access or controlled-access highway in the county.

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Elkins

SENATE BILL 303

EFFECTIVE: 9-1-97

Senate Bill 303 amends the Transportation Code to allow a disabled veteran or an organization to transfer a special “Disabled Vet” license plate to another vehicle without charge if the license plate becomes invalid because the owner disposes of the vehicle during the registration year or the organization ceases to use the vehicle exclusively to transport disabled veterans.

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Wohlgemuth et al.

SENATE BILL 322

EFFECTIVE: 9-1-97

Senate Bill 322 amends provisions of the Transportation Code relating to driver’s licenses and identification cards to modify the list of persons whose licenses have been suspended and who are ineligible to apply for an occupational license to include persons convicted of driving while intoxicated, rather than intoxication assault. The act provides that the application for an occupational license is to be filed with the clerk, rather than the judge, of a county court and broadens the scope of the provision to include a license that has been automatically suspended or canceled under the laws of this state, rather than due to a conviction for driving while intoxicated or intoxication manslaughter only.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Holzheuser

SENATE BILL 343

EFFECTIVE: 9-1-97

Senate Bill 343 amends the Transportation Code to create the vehicle category of a “towable recreational vehicle” and to redefine a “house trailer” to distinguish it from such a vehicle. The act revises speed and length limits for vehicles towing house trailers, towable recreational vehicles, or trailers bearing boats or transporting livestock and makes other changes to bring the code into conformity with laws passed by the 74th Legislature.

SENATE AUTHOR: Harris

HOUSE SPONSOR: Brimer et al.

SENATE BILL 370

EFFECTIVE: 9-1-97

Senate Bill 370 continues the Texas Department of Transportation, sets September 1, 2009, as the department’s sunset date, and implements the Sunset Advisory Commission’s standard, across-the-board recommendations. The Texas Turnpike Authority is abolished as a state agency and recreated as a division within the department, and the act provides for the transfer of certain assets and obligations of the former agency relating to a turnpike project to the appropriate city, county, or regional tollway authority.

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Bosse et al.

Senate Bill 370 creates the Regional Tollway Authority Act to allow two or more contiguous counties, if at least one has a population of 300,000, to create a regional tollway authority or to join an established authority for the purpose of securing and acquiring rights-of-way for needed turnpike projects and for planning, constructing, operating, and modifying those projects. The act makes a regional tollway authority a governmental unit and a political subdivision of the state. The act provides for the conversion of a segment of the free state highway system

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into a turnpike project to accomplish necessary expansion, improvements, or extensions and for financing projects through tolls and the issuance of bonds and other obligations. It establishes the North Texas Tollway Authority as a regional tollway authority consisting of Collin, Dallas, Denton, and Tarrant counties and transfers all of the former Texas Turnpike Authority's assets, rights, and other property in these counties to the regional authority.

Senate Bill 370 establishes the State Infrastructure Bank to encourage investment in transportation facilities and to develop financing techniques to expand funding availability and reduce direct state costs and authorizes the Texas Transportation Commission to issue revenue bonds to fund the bank and to use infrastructure bank funds to assist public or private entities in financing qualified transportation projects. The act requires distribution of federal transportation funds in a manner that is consistent with federal formulas and amends the local matching funds requirement for highway projects to allow consideration of alternative local incentives and to ease the requirements for economically disadvantaged counties. Additionally, the department is required to provide a minimum level of funding to assist counties with materials to repair and maintain county roads.

Senate Bill 370 provides for the commission and the department to participate in projects and facilities to mitigate traffic congestion, grants the commission authority to designate dedicated high occupancy vehicle lanes on the state highway system and to charge a toll for the use of one or more lanes to mitigate congestion, and requires the department and certain other tollway-related entities to consider offering vehicle operators the option of using a transponder to pay tolls without stopping. The act requires the department to analyze multimodal use of the state's roads and highways and amends the Government Code to allow the department to enter into an interlocal agreement with a local government to establish transportation infrastructure zones to finance construction of transportation infrastructure in areas that do not have a state or federal highway. The act requires social services providers to coordinate with local transportation providers to maximize the efficiency of transportation services for social services clients.

Senate Bill 370 requires the department to use private sector engineering-related services, including historically underutilized businesses, to assist in highway improvement, right-of-way acquisition, and aviation improvement projects and to develop a liquidated damages schedule that reflects costs associated with project completion delays. The department is authorized to lease state highway property, facilities, or improvements to a telecommunications provider, subject to competitive bidding provisions, and to establish an electronic bidding system for highway construction and maintenance contracts.

The department is authorized to establish and maintain an emergency call box system along state highways and to erect a sound barrier wall along the right-of-way of a railroad that is adjacent to a road or highway. The agency is also required to coordinate with local flood control authorities to minimize the impact of highway projects on flooding and to maintain an accounting structure for roadway and warehouse inventory for lost or destroyed materials. The commission is allowed, on the request of a commissioners court, to lower the speed limit on certain county roads.

Senate Bill 370 creates the Port Authority Advisory Committee to advise the commission and the department on matters relating to port authorities. The act prohibits the department from selling motor vehicle certificate of title information or motor vehicle registration personal information unless the purchaser agrees not to publish the information on the Internet. The act also provides for the regulation of motor carrier operations within border commercial zones and prohibits a foreign motor carrier from transporting persons or cargo in intrastate commerce without authorization.

The department is required to conduct a pilot project on the cost-effectiveness of contracting for vehicle maintenance services and on leasing state rights-of-way for floral mosaic living logo advertisements and to issue special license plates that include the name and insignia of a professional sports team located in this state. Finally, the act amends provisions relating to highway beautification, provisions of the Vehicle Storage Facility Act and the Texas Motor Vehicle Commission Code, and statutes relating to salvage vehicle dealers and the registration of motor carriers.

SENATE BILL 446

EFFECTIVE: See below

SENATE AUTHOR: Haywood et al.

HOUSE SPONSOR: Siebert

Senate Bill 446 amends the Transportation Code to exempt from provisions relating to highway beautification on interstate and primary systems a political sign posted on private property if the sign is erected and removed within the prescribed time frame and meets certain physical requirements.

Senate Bill 446 takes effect on the first day of the calendar month following the date the Texas Transportation Commission determines that implementation of the act will not result in the loss of highway-related funds from the federal government.

SENATE BILL 460

EFFECTIVE: 9-1-97

SENATE AUTHOR: Shapiro et al.

HOUSE SPONSOR: Cuellar

Senate Bill 460 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed volunteer advocate program license plates for passenger cars and light trucks. A portion of the annual fee collected will be deposited to the credit of the attorney general volunteer advocate program account.

SENATE BILL 463

EFFECTIVE: 5-5-97

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Uher

Senate Bill 463 designates the portion of State Highway 6 from the Red River in Hardeman County to its intersection with Interstate Highway 45 in Galveston County as the Texas Korean War Veterans Memorial Highway.

SENATE BILL 472

EFFECTIVE: 6-19-97

SENATE AUTHOR: Cain et al.

HOUSE SPONSOR: Marchant

Senate Bill 472 amends the Transportation Code to permit certain transit authorities to enter into a lease or financing agreement secured by authority assets that is longer than five years without voter approval if it is to provide tax benefits with respect to property to another party under foreign law or to encourage private investment with a transportation authority in the United States. Property falling under this provision is considered to be used for public purposes and is exempt from ad valorem, sales, use, and motor vehicle taxes imposed in the state and is exempt from a provision regarding the listing of encumbered property.

The act also allows a regional transportation authority to invest funds in investments authorized by the Public Funds Investment Act.

SENATE BILL 526

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Allen et al.

Senate Bill 526 amends the Transportation Code to establish a procedure for modifying a motor vehicle accident report.

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SENATE BILL 553

EFFECTIVE: 5-7-97

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Bonnen et al.

Senate Bill 553 designates the portion of State Highway 35 in Matagorda and Brazoria counties as the Stephen F. Austin Memorial Highway.

SENATE BILL 557

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Cook

Senate Bill 557 amends the Transportation Code to require the Texas Department of Transportation to issue a license plate bearing the word “exempt” for vehicles that are exempt from registration requirements and to prohibit the department from issuing an exempt license plate unless the vehicle follows inscription requirements. A peace officer is authorized to seize a vehicle that is in violation of the inscription requirements. The act requires the department to issue a license plate not bearing the word “exempt” for certain law enforcement vehicles and vehicles exempt from the inscription requirements.

SENATE BILL 566

EFFECTIVE: 5-31-97

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Chavez et al.

Senate Bill 566 requires the Texas Department of Transportation to conduct a study on the highway transportation needs of the state due to increased international trade under the North American Free Trade Agreement. The department is directed to study the origin and destination of goods that are being transported, identify the highways in need of construction, maintenance, and expansion, and consider the costs necessary for completing the highway improvements.

SENATE BILL 605

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Pitts

Senate Bill 605 amends the Transportation Code to clarify that the escort flag vehicle requirements for transporting manufactured housing also apply to portable building units and compatible cargo. The act also provides that a permit for the movement of portable building units may apply to the movement of compatible cargo, subject to certain conditions.

SENATE BILL 735

EFFECTIVE: 5-31-97

SENATE AUTHOR: R. West

HOUSE SPONSOR: Marchant

Senate Bill 735 amends the Transportation Code to require the Texas Department of Transportation, in compliance with federal regulations, to establish and oversee a safety program for each entity operating a rail fixed guideway mass transportation system, such as a light rail or monorail system. The act requires each entity to develop a system safety program plan, to conduct internal safety audits, and to correct or eliminate safety hazards. The act requires the department to conduct periodic reviews of each entity’s safety program plan, adopt procedures for the investigation of accidents and hazardous conditions, and require and approve an entity’s plan to correct unsafe conditions.

SENATE BILL 745

EFFECTIVE: 9-1-97

SENATE AUTHOR: Carona

HOUSE SPONSOR: Gutierrez

Senate Bill 745 amends the Transportation Code to require the Texas Department of Transportation to issue special license plates that include a gold star and the words “Gold Star Mother” for a vehicle owned by the mother of a person who died while serving in the United States armed forces.

SENATE BILL 773

EFFECTIVE: 5-28-97

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Mowery

Senate Bill 773 amends the Transportation Code to allow a municipality, on approval by the Texas Department of Transportation, to restrict certain vehicles to designated lanes on controlled-access highways during peak traffic hours. The department is required to install and maintain traffic-control devices necessary to implement a city ordinance restricting lane use.

SENATE BILL 855

EFFECTIVE: 9-1-97

SENATE AUTHOR: J. Patterson

HOUSE SPONSOR: Bosse

Senate Bill 855 amends the Vehicle Storage Facility Act to change the abandoned vehicle notification process and to allow a vehicle storage facility to auction a vehicle at a public sale without obtaining a release of any lien on the vehicle.

SENATE BILL 977

EFFECTIVE: 9-1-97

SENATE AUTHOR: Madla

HOUSE SPONSOR: Rodriguez

Senate Bill 977 amends the Transportation Code to exempt vehicles engaged in collecting garbage or recyclable materials that are equipped with front-end loading attachments and containers from the maximum extended load length limits. The act also allows a trailer carrying a motor vehicle to exceed the extended load length limit if the motor vehicle is designed to be carried at the rear of a trailer, is used to load or unload a commodity on or off the trailer, does not extend more than seven feet beyond the rear of the trailer, and complies with all applicable federal motor carrier safety regulations.

SENATE BILL 1016

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ogden

HOUSE SPONSOR: Roman

Senate Bill 1016 amends the Transportation Code to include an institution of higher education in provisions that require that public hearings be held to consider speed limits where certain schools are located.

SENATE BILL 1069

EFFECTIVE: 9-1-97

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Uher

Senate Bill 1069 amends state law to implement the federal Driver's Privacy Protection Act of 1994 and specify the uses for which, and circumstances in which, information from motor vehicle records must or may be disclosed by a state agency. The legislation provides for the opportunity, including at the time of driver's license issuance or renewal, for a person to prohibit disclosure of information. Absent such prohibition, certain disclosures are permissible for marketing purposes or other requestors, except that personal information may not be disseminated or published on the Internet without the consent of the person to whom it pertains. Also, the act restricts access to certain dispatch logs, towing records, and 9-1-1 information in a manner similar to existing restrictions on motor vehicle accident reports. Additional provisions relate to fingerprint disclosure, the resale of information from motor vehicle records, civil actions and criminal penalties, and other matters.

SENATE BILL 1233

EFFECTIVE: 5-27-97

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Denny

Senate Bill 1233 amends the Transportation Code to allow a municipal governing body or a county commissioners court to exempt from inscription requirements an automobile used by a medical examiner to perform an official duty.

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SENATE BILL 1268

EFFECTIVE: 9-1-97

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Siebert

Senate Bill 1268 amends the Transportation Code to limit the information reported on a driver's record to include only information regarding motor vehicle accidents and moving violations.

SENATE BILL 1276

EFFECTIVE: 9-1-97

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Oliveira

Senate Bill 1276 amends the Transportation Code to allow a port authority, under authorization from the Texas Department of Transportation, to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico and the Texas-Mexico border. The act establishes permit requirements, authorizes a fee, provides for enforcement, and requires permit fees to be used to maintain affected highways.

SENATE BILL 1368

EFFECTIVE: 9-1-97

SENATE AUTHOR: Ellis et al.

HOUSE SPONSOR: Howard

Senate Bill 1368 amends the Transportation Code to authorize campus security personnel of a private or independent institution of higher education to enforce certain traffic laws on campus roadways if certain conditions are met.

SENATE BILL 1486

EFFECTIVE: 9-1-97

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Siebert

Senate Bill 1486 amends provisions governing the regulation of motor carriers. The act expands the exemption from motor carrier registration requirements to include a motor vehicle that transports passengers and is operated by an entity whose primary function is not the transportation of passengers and a vehicle that transports liquor or alcoholic beverages under a private carrier permit. The act authorizes the Texas Department of Transportation to provide for temporary or two-year registration, exempts a vehicle operating under a short-term lease from certain registration requirements, and authorizes the department to establish an escrow account for the prepayment of a registration fee. Senate Bill 1486 prohibits a foreign-based motor carrier from transporting persons or cargo in intrastate commerce and clarifies that a motor carrier whose primary business is paid transportation between two or more cities is required to obtain workers' compensation insurance coverage.

Senate Bill 1486 prohibits the public safety director from adopting a safety rule imposing driving hour restrictions on drivers transporting agricultural commodities within a certain distance during planting and harvesting seasons. The act amends the Transportation Code to exempt a vehicle that is used exclusively to transport seed cotton modules or cotton burrs from commercial driver's license requirements and requires the public safety director to negotiate with neighboring states regarding exemptions from commercial driver's license requirements for vehicles transporting agricultural products.

Senate Bill 1486 exempts a school bus driver from the requirement to stop at a railroad grade crossing if the crossing is abandoned or is an industrial or spur line and is appropriately marked. The act amends Transportation Code provisions relating to commercial motor vehicle inspection requirements and prohibits certain indemnification requirements in contracts with a motor carrier. Finally, the act amends the Education Code to authorize the use of mass transit authority vehicles and motor buses to transport students to and from school and the use of motor buses and passenger vans to transport students in connection with other school activities.

SENATE BILL 1506
EFFECTIVE: 9-1-97

SENATE AUTHOR: Gallegos
HOUSE SPONSOR: Yarbrough

Senate Bill 1506 amends the Transportation Code to require the Texas Department of Transportation to issue "Houston Livestock Show and Rodeo" license plates for cars and light trucks. The act requires that a portion of the license fee be dedicated for grants made by the Texas Higher Education Coordinating Board to benefit the Houston Livestock Show and Rodeo.

SENATE BILL 1630
EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Siebert

Senate Bill 1630 amends provisions of the Transportation Code relating to motor vehicle registration. The Texas Department of Transportation is authorized to request the manufacturer's rated carrying capacity, the nominal tonnage rating, and the gross weight rating of a vehicle when determining the weight of the vehicle for registration fee purposes. The act establishes registration fees for a private bus and allows a person who owns 50 or more semitrailers to apply for a five-year registration period. The department is authorized to issue specially designed license plates for certain rental trailers, travel trailers and token trailers, municipal and private buses, state officials, members of congress, and state and federal judges. The act provides that a civilian national of the United States who is an employee or former employee of the armed services and was awarded a Purple Heart is eligible for a special Purple Heart license plate and raises the fee for additional special license plates to \$15.

Senate Bill 1630 authorizes the department to issue a temporary 72-hour or 144-hour permit for a commercial motor vehicle, trailer, semitrailer, or motor bus owned by a resident of the United Mexican States and expands the eligible methods of paying the temporary permit fee to allow payment by wire transfer, escrow account, or credit card.

SENATE BILL 1631
EFFECTIVE: 9-1-97

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Siebert

Senate Bill 1631 amends the Transportation Code to authorize the Texas Department of Transportation to contract with a third party to issue multistate permits for oversized and overweight vehicles and to give the Texas Transportation Commission authority to prescribe methods for payment of permits by electronic funds transfer or credit card. The act clarifies the content of an application and permit to move heavy equipment and repeals provisions requiring designation of an agent of the department to be available at all times to issue a permit to move an oversize vehicle.

SENATE BILL 1706
EFFECTIVE: 5-16-97

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Junell

Senate Bill 1706 amends the Transportation Code to create a passenger rail service assistance program. It authorizes the Texas Department of Transportation to loan money from appropriated funds to a corporation that provides rail passenger service in Texas. The loan agreement must be approved by the comptroller and provide for adequate collateralization and guaranties. The act provides further for agreements with cities that receive passenger rail service, guaranteeing repayment of half of any unpaid loan balance, including interest. Loan money comes from the general revenue fund, backed fiscally by the undedicated portion of the state highway fund. Senate Bill 886 appropriates \$5.6 million to the department for loan purposes.

Transportation, Highways, and Motor Vehicles

SENATE BILL 1828

EFFECTIVE: 5-27-97

Senate Bill 1828 amends statutory provisions relating to commercial vehicle motor safety standards and the Transportation Code to authorize a Department of Public Safety officer or a department-certified police officer to inspect or weigh a vehicle at a port of entry and to prohibit a vehicle from entering the United States if the vehicle or driver is in violation of minimum safety or vehicle weight standards. The act authorizes a weight enforcement officer to weigh a vehicle at a port of entry and expands the prohibition against overloading a vehicle to prohibit a person from causing the vehicle to be overloaded.

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett

SENATE BILL 1849

EFFECTIVE: 9-1-97

Senate Bill 1849 designates the portion of U.S. Highway 281 in Bexar County from its intersection with Loop 410 to its intersection with the Atascosa-Bexar County Line as the Congressman Frank M. Tejeda Memorial Highway.

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Longoria

CHAPTER 2

PROPOSED CONSTITUTIONAL AMENDMENTS

In the 1997 Regular Session, the 75th Legislature passed 15 joint resolutions proposing amendments to the state constitution. One of those propositions, House Joint Resolution 4, was passed by the voters on August 9, 1997, and the 14 remaining propositions will be offered for ratification on the November 4, 1997, election ballot.

Listed below are the authors, sponsors, and captions of each of the 15 joint resolutions. A summary of each joint resolution may be found in Chapter 1 of this publication.

For August 9, 1997, Election

HOUSE JOINT RESOLUTION 4

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Armbrister et al.

Proposing a constitutional amendment increasing the amount of the school property tax residence homestead exemption and providing for the continuation and reduction of the school tax limitation on the homesteads of certain persons.

For November 4, 1997, Election

HOUSE JOINT RESOLUTION 8

HOUSE AUTHOR: Stiles et al.

SENATE SPONSOR: Barrientos et al.

Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas Tomorrow Fund.

HOUSE JOINT RESOLUTION 31

HOUSE AUTHOR: P. Patterson et al.

SENATE SPONSOR: J. Patterson et al.

Proposing a constitutional amendment permitting an encumbrance against homestead property for certain extensions of equity credit.

HOUSE JOINT RESOLUTION 55

HOUSE AUTHOR: Dutton

SENATE SPONSOR: Ellis

Proposing a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.

HOUSE JOINT RESOLUTION 59

HOUSE AUTHOR: Delisi et al.

SENATE SPONSOR: Ratliff

Proposing a constitutional amendment limiting debt payable from the general revenue fund.

HOUSE JOINT RESOLUTION 83

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Lucio

Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

Proposed Constitutional Amendments

HOUSE JOINT RESOLUTION 96

HOUSE AUTHOR: Hamric
SENATE SPONSOR: Lindsay

Proposing a constitutional amendment to authorize the legislature to authorize an ad valorem tax of five cents for each \$100 of taxable property in rural fire prevention districts located in Harris County.

HOUSE JOINT RESOLUTION 104

HOUSE AUTHOR: Mowery
SENATE SPONSOR: Ogden

Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.

SENATE JOINT RESOLUTION 17

SENATE AUTHOR: Brown
HOUSE SPONSOR: R. Lewis

Proposing a constitutional amendment relating to creation of the Texas Water Development Fund II; to authorizing the Texas Water Development Board to administer the fund and issue general obligation bonds for the purposes of the fund; and to the flow of funds for repayment of Texas agricultural water conservation bonds.

SENATE JOINT RESOLUTION 19

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Gallego

Proposing a constitutional amendment relating to the place at which the Supreme Court of Texas sits to transact business.

SENATE JOINT RESOLUTION 33

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: Gallego

Proposing a constitutional amendment relating to the purposes for which money in the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund may be used.

SENATE JOINT RESOLUTION 36

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Clark

Proposing a constitutional amendment to allow a person who holds the office of municipal court judge to hold more than one civil office of emolument at the same time.

SENATE JOINT RESOLUTION 39

SENATE AUTHOR: Ellis
HOUSE SPONSOR: Giddings

Proposing a constitutional amendment allowing the Texas growth fund to continue to invest in businesses without requiring those businesses to disclose investments in South Africa or Namibia.

SENATE JOINT RESOLUTION 43

SENATE AUTHOR: Cain
HOUSE SPONSOR: Hilbert

Proposing a constitutional amendment providing for limitations on increases in the appraised value of residence homesteads for ad valorem taxation and for the transfer to a different residence homestead of the school property tax freeze on residence homesteads of the elderly and their spouses.

SENATE JOINT RESOLUTION 45

SENATE AUTHOR: Brown

HOUSE SPONSOR: R. Lewis

Proposing a constitutional amendment to authorize the legislature to permit a taxing unit to grant an exemption or other relief from ad valorem taxes on property on which a water conservation initiative has been implemented.

CHAPTER 3
STATE AGENCIES, GOVERNING BOARDS, AND
ADVISORY PANELS ABOLISHED AND CREATED

75th Legislature, Regular Session

- C Created, or creation authorized
X Abolished
I Inactivated
S Sunset review date change, other than the normal 12-year sunset renewal
RC Replaces a previous entity (i.e., replacement, reorganization, or name change)
RX Replaced by a new entity (i.e., replacement, reorganization, or name change)
() Same sunset date as parent agency, under Section 325.013, Government Code,
(when used in last two columns)

Bill	Change	Agency or Entity	Sunset Review	Expires
HB3	C	Texas Healthy Kids Corporation		
HB66	C	Unfunded Mandates Interagency Work Group		
HB621	C	Texas Chiropractic College		
HB950	I	Texas Soybean Producers Board		
HB1107	S	State Preservation Board	2007	2007
HB1168	X	Technical Advisory Council to the Texas Manufacturing Institute Note: See also SB932.		
HB1216	C	Texas Emancipation Juneteenth Cultural and Historical Commission	2001	2001
	C	Juneteenth Memorial Monument Advisory Committee	(2001)	(2001)
HB1301	C	Private Sector Prison Industries Oversight Authority		
HB1386	S	Board of Pardons and Paroles	1999	none
	X	Board of Pardons and Paroles Executive Committee		
	C	Board of Pardons and Paroles Policy Board		
HB1387	S	Automobile Theft Prevention Authority	none	none
HB1414	C	Community Reinvestment Work Group		

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
HB1418	C	Rules Advisory Committee on the Transport of Household Goods for Compensation (Texas Department of Transportation) Note: See also SB370.	(2009)	(2009)
HB1428	C	Spindletop Centennial Celebration Commission (also known as Spindletop 2001 Commission)	none	2002
HB1445	S C	Texas Racing Commission Senate Interim Committee on the Performance and Growth of the Texas Horse Racing Industry	2005	2005
HB1511	C	Advisory Committee on the Support of Graduate Medical Education Programs (Texas Higher Education Coordinating Board)	(2003)	(2003)
HB1550	C	Center for the Study and Prevention of Juvenile Crime and Delinquency (Prairie View A&M University)		
HB1555	C	Interagency Task Force on Inspection Protocol Note: See also SB359.		
HB1734	C	Committee on Local Authorities (Texas Department of Mental Health and Mental Retardation)		
HB1811	C	Texas Historical Records Advisory Board (Texas State Library and Archives Commission)	(2007)	(2007)
HB1960	X	Pollution Prevention Council		
HB2084	C	Work Group on the Voucher Payment Pilot Project (Texas Department of Human Services)	none	2002
HB2133	C C	State Office of Risk Management Risk Management Board	2009	2009
HB2180	X	Mandated Benefit Review Panel (Texas Department of Insurance)		
HB2295	C	Texas Underground Facility Notification Corporation		
HB2380	X X X X X	Uniform Statewide Accounting Project Advisory Committee (Comptroller of Public Accounts) State Depository Board Egg Marketing Advisory Board (Texas Department of Agriculture) Electronic Data Base Advisory Committee (Texas Department of Commerce) Energy Advisory Committee (Governor) Note: See also SB645 and SB932.		

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
HB2509	C	Advisory Committee on the Pilot Program for the Treatment of Alzheimer's Patients (Texas Department of Human Services)	(1999)	(1999)
HB2542	C	Crab License Management Review Board (Parks and Wildlife Department)		
HB2577	RC RX	Texas State Affordable Housing Corporation Texas Housing Corporation Note: See also SB360.		
HB2596	C	Information and Referral System Task Force (Health and Human Services Commission)		
HB2626	C	Advisory Committee on the Statewide Preceptorship Program (Texas Higher Education Coordinating Board)	(2003)	(2003)
HB2699	S	Council on Sex Offender Treatment	none	none
HB2721	C	TexShare Library Consortium (Texas State Library and Archives Commission)		
	C	TexShare Library Consortium Advisory Board (Texas State Library and Archives Commission)	(2007)	(2007)
HB2777	C	Texas Integrated Enrollment Services Legislative Oversight Committee	none	2002
HB3086	C	Interim Committee on the Statutory Probate System		
HB3250	C	Animal Friendly Advisory Committee (Texas Department of Health)	(1999)	(1999)
HB3492	X S	Texas Committee on Energy Policy Texas Energy Coordination Council	2001	2001
SB1	C RC RX RX C	Drought Response and Monitoring Committee Texas Geographic Information Council Texas Natural Resources Information System Task Force Texas Geographic Information Systems Planning Council Interim Committee on Water Resources Development and Management		
SB29	C	Work Group on the Unified State Case Registry and Disbursement Unit (Attorney General)		
SB30	RC RX	Medicaid and Public Assistance Fraud Oversight Task Force (Health and Human Services Commission) Public Assistance Fraud Oversight Task Force (Texas Department of Human Services)	(1999)	(1999)

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB84	RC	Nursing Facility Administrators Advisory Committee (Texas Department of Human Services)	(1999)	(1999)
	RX	Texas Board of Nursing Facility Administrators (Texas Department of Health)		
SB150	C	Advisory Committee on a Common Admission Application Form (Texas Higher Education Coordinating Board)	(2003)	(2003)
SB190	C	Long-Term Care Legislative Oversight Committee		
	X	Penalties and Sanctions Advisory Committee (Health and Human Services Commission)		
SB206	C	Advisory Committee on Agents and Agents' Licenses Statutes (Texas Department of Insurance)	(2005)	(2005)
SB264	X	Treatment Methods Advisory Committee (Texas Department of Mental Health and Mental Retardation)		
SB291	C	Texas Board of Orthotics and Prosthetics (Texas Department of Health)	2009	2009
SB294	C	Computer Network Study Project Advisory Committee (Texas Education Agency)	none	1999
SB305	RC	Interagency Council on Early Childhood Intervention	1999	1999
	RX	Interagency Council on Early Childhood Intervention Services		
SB330	S	State Office of Administrative Hearings Note: See also SB360.	2003	none
SB352	RC	Texas Military Facilities Commission	2009	2009
	RX	Texas National Guard Armory Board		
SB359	C	Strategic Technology Steering Committee (Department of Protective and Regulatory Services)	(2009)	(2009)
	C	Interagency Task Force on Inspection Protocol		
	C	Caseload Standards Advisory Committee (Department of Protective and Regulatory Services)		
	C	Caseload Standards Advisory Committee (Texas Department of Human Services)		
	C	Working Group on the Processing of Child Protection Cases Note: See also HB1555.		

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB360	S	Texas Board of Private Investigators and Private Security Agencies	1999	1999
	S	Department of Public Safety	1999	1999
	S	Correctional Managed Health Care Advisory Committee (Texas Department of Criminal Justice)	1999	1999
	S	Coastal Coordination Council	2001	2001
	S	Texas Housing Corporation	2001	2001
	S	Texas Department of Housing and Community Affairs	2001	2001
	S	Texas Interagency Council for the Homeless	2001	2001
	S	Board of Directors of the Official Cotton Growers' Boll Weevil Eradication Foundation	2003	2003
	S	Texas Veterans Commission	2003	2003
	S	Governor's Advisory Committee on Immigration and Refugees (Governor)	2003	2003
	S	State Office of Administrative Hearings	2003	none
	S	General Services Commission	2003	2003
	S	Council on Workforce and Economic Competitiveness	2003	2003
	S	Texas Council on Purchasing from People with Disabilities	2003	2003
	S	Texas Workforce Commission	2003	2003
	S	Workforce Development Legislative Oversight Committee	2003	2003
	S	Veterans' Land Board	2003	none
	S	Equine Research Account Advisory Committee (Texas Agricultural Experiment Station/Texas A&M University)	2005	2005
	S	Telecommunications Infrastructure Fund Board	2005	2005
	Note: See also HB2577, SB330, and SB1814.			
SB361	S	Texas State Board of Acupuncture Examiners (Texas State Board of Medical Examiners)	2005	2005
SB365	C	Telecommunications Planning Group		
SB370	C	Port Authority Advisory Committee (Texas Department of Transportation)	(2009)	(2009)
	C	Rules Advisory Committee on the Transport of Household Goods for Compensation (Texas Department of Transportation)	(2009)	(2009)
	X	Texas Turnpike Authority		
Note: See also HB1418.				

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB371	RC	Fire Fighter Advisory Committee (Texas Commission on Fire Protection)	(2009)	(2009)
	RX	Fire Protection Personnel Advisory Committee (Texas Commission on Fire Protection)		
	RX	Volunteer Fire Fighter Advisory Committee (Texas Commission on Fire Protection)		
SB394	C	Committee on Standardized Applications for Loan and Loan Guaranty Programs	none	1999
SB434	C	Advisory Committee on Inpatient Mental Health Services (Texas Department of Mental Health and Mental Retardation)	none	2001
SB572	C	Public University for Central Texas		
SB586	C	Guardianship Advisory Board (Health and Human Services Commission)	(1999)	(1999)
SB606	C	Lower Rio Grande Valley Academic Health Center (University of Texas System)		
SB617	C	Competency Advisory Committee (Board of Nurse Examiners)	(2005)	(2005)
	C	Laws and Regulations Advisory Committee (Board of Nurse Examiners)	(2005)	(2005)
SB623	RC	Texas Board of Professional Engineers	2003	2003
	RX	Texas State Board of Registration for Professional Engineers		
SB645	C	Human Resource Task Force	none	1999
	X	Uniform Statewide Accounting System Project Advisory Committee (Comptroller of Public Accounts) Note: See also HB2380.		
SB730	RC	Center for Public Policy (University of Houston)		
	RX	Institute for Urban Studies (University of Houston)		
SB802	C	Technical Advisory Committee on Hospital Information Systems, Health Information Management, and Quality Management (Texas Health Care Information Council)		
SB816	RC	Texas A&M University—Corpus Christi		
	RX	Corpus Christi State University		
SB897	C	Records Management Interagency Coordinating Council Research Group		

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB910	C	Interagency Task Force on Electronic Benefits Transfers		
SB932	RC RX C C X X X X X	Texas Department of Economic Development Texas Department of Commerce Texas Strategic Military Planning Commission Texas Strategic Economic Development Planning Commission Texas-Mexico Authority Electronic Data Base Advisory Committee Product Commercialization Advisory Board International Trade Commission Technical Advisory Committee to the Texas Manufacturing Institute Note: See also HB1168 and HB2380.	2001 (2001) none	2001 (2001) 1999
SB973	C	State Cemetery Committee		
SB1028	RC RX	Texas A&M University System—College of Dentistry Texas A&M University System—Baylor College of Dentistry		
SB1044	RC RX	Texas A&M University—Kingsville Texas A&I University		
SB1057	RC RX RX C C C X X X X X	Vernon-Wichita Falls State Hospital Wichita Falls State Hospital Vernon State Hospital Dallas Mental Health Connections El Paso Psychiatric Hospital Lubbock Psychiatric Hospital Fort Worth State School Travis State School Leander Rehabilitation Center Austin State Hospital Annex Dallas Neuropsychiatric Institute		
SB1284	C	Advisory Commission on New or Renovated Bedding (Texas Department of Health)	(1999)	(1999)
SB1301	C	Transportation Planning Committee		
SB1406	C	Watermaster Advisory Committee (Texas Natural Resource Conservation Commission)	(2001)	(2001)
SB1417	C	Judicial Committee on Information Technology (Texas Supreme Court)		

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB1517	X	Interagency Council on Texas-Mexico Health and Environmental Issues		
	X	Statewide Advisory Committee to the Primary Health Care Services Program (Texas Department of Health)		
	X	Interagency Committee on Special Senses and Communication Disorders		
	X	Technical Advisory Committee on Oral Health Improvement (Texas Department of Health)		
	X	Scientific Advisory Committee on Birth Defects (Texas Department of Health)		
	X	Hospital Licensing Advisory Council (Texas Department of Health)		
	X	Hospital Data Advisory Committee (Texas Department of Health)		
	X	Wholesale Drug Distributors Advisory Committee (Texas Department of Health)		
	X	Advisory Committee on the Hazard Communication Act (Texas Department of Health)		
	X	Emergency Medical Services Advisory Council (Texas Department of Health)		
	X	Technical Advisory Committee on Emergency Medical Services and Trauma Care Systems (Texas Department of Health)		
	X	Pediatric Emergency Medical Services Advisory Committee (Texas Department of Health)		
	X	Code Enforcement Advisory Committee (Texas Department of Health)		
	X	Asbestos Advisory Committee (Texas Department of Health)		
	X	Advisory Council on Massage Therapy (Texas Department of Health)		
	X	Respiratory Care Practitioners Advisory Board (Texas Department of Health)		
	X	Medical Radiologic Technology Advisory Board (Texas Department of Health)		
	X	Advisory Council of the Opticians' Registry (Texas Department of Health)		
SB1752	C	Advisory Committee on Procurement (General Services Commission)	(2001)	(2001)
	C	Vendor Advisory Committee (General Services Commission)	(2001)	(2001)

Entities Abolished and Created

Bill	Change	Agency or Entity	Sunset Review	Expires
SB1810	C	Work Group on the Texas Youthworks Program (Texas Department of Housing and Community Affairs)	none	1999
SB1814	RC RX	Board of Directors of the Texas Boll Weevil Eradication Foundation, Inc. Board of Directors of the Official Cotton Growers' Boll Weevil Eradication Foundation Note: See also SB360.	2004	2004
SB1852	C	Texas Affordable Housing Task Force (Texas Department of Housing and Community Affairs)	none	1998
SB1873	X	Foundation School Fund Budget Committee		
SB1906	X	Oil Overcharge Review Committee		
SB1937	C	Interim Committee on the Use of Municipal Rights-of-Way for the Provision of Telecommunications Services Wholly Within Municipalities by Telecommunications Utilities	none	1998

CHAPTER 4

SUNSET LEGISLATION

The Texas Sunset Act was enacted by the 65th Texas Legislature in 1977; the act requires the legislature to conduct comprehensive periodic reviews of state agencies and to terminate those operations it considers to be inefficient or unnecessary. The law sets an expiration date for each agency, and agencies under review must periodically prove to the legislature that they provide necessary services in an effective manner.

Twenty-one agencies were scheduled for sunset review during the interim before the 75th Legislative Session, and 21 bills were enacted during the 1997 Regular Session establishing sunset provisions for those agencies. An additional measure, Senate Bill 360, also was passed by the legislature and rescheduled sunset dates for various state agencies. Listed below are the bills, with effective dates, authors and sponsors, and captions for each; bill summaries may be found in Chapter 1.

HOUSE BILL 1077

EFFECTIVE: 9-1-97

Relating to the powers and duties of and the continuation of the Texas Public Finance Authority.

HOUSE AUTHOR: Telford

SENATE SPONSOR: Armbrister

HOUSE BILL 1107

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the State Preservation Board.

HOUSE AUTHOR: Telford

SENATE SPONSOR: Moncrief

HOUSE BILL 1155

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Criminal Justice Policy Council.

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

HOUSE BILL 1386

EFFECTIVE: 9-1-97

Relating to the continuation and the functions of the Board of Pardons and Paroles.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Brown

HOUSE BILL 1387

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Automobile Theft Prevention Authority.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Armbrister

HOUSE BILL 1445

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; providing penalties.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Armbrister

HOUSE BILL 1856

EFFECTIVE: 8-29-97

Relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education.

HOUSE AUTHOR: Telford

SENATE SPONSOR: Armbrister

Sunset Legislation

HOUSE BILL 2073

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Juvenile Probation Commission.

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

HOUSE BILL 2074

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Youth Commission.

HOUSE AUTHOR: Hightower

SENATE SPONSOR: Brown

HOUSE BILL 2119

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Madla

HOUSE BILL 2699

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Brown

SENATE BILL 330

EFFECTIVE: 9-1-97

Relating to the sunset review of the State Office of Administrative Hearings.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: McCall

SENATE BILL 352

EFFECTIVE: 9-1-97

Relating to the continuation, functions, and name of the Texas National Guard Armory Board.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hightower

SENATE BILL 353

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the adjutant general's department.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hightower

SENATE BILL 358

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Credit Union Commission.

SENATE AUTHOR: Brown

HOUSE SPONSOR: Telford

SENATE BILL 359

EFFECTIVE: 9-1-97

Relating to the continuation and operation of the Department of Protective and Regulatory Services, the provision of services to children and families, and suits affecting the parent-child relationship; providing penalties.

SENATE AUTHOR: Brown

HOUSE SPONSOR: Gray et al.

SENATE BILL 360

EFFECTIVE: 9-1-97

Relating to the review and continuation of certain state agencies and laws subject to the Texas Sunset Act.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Stiles

SENATE BILL 361

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas State Board of Acupuncture Examiners; providing penalties.

SENATE AUTHOR: Madla

HOUSE SPONSOR: Gray

SENATE BILL 365

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Department of Information Resources.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Bosse

SENATE BILL 367

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Commission on Jail Standards.

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Hightower

SENATE BILL 370

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Department of Transportation, the abolition of the Texas Turnpike Authority, and the creation of regional tollway authorities; authorizing the issuance of bonds and the imposition of taxes; granting the power of eminent domain; and providing penalties.

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Bosse et al.

SENATE BILL 371

EFFECTIVE: 9-1-97

Relating to the continuation and functions of the Texas Commission on Fire Protection and the transfer of certain commission functions to the state fire marshal and the Texas Department of Insurance.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Telford

CHAPTER 5

VETOED LEGISLATION

Of the legislation passed during the 1997 Regular Session, Governor George W. Bush vetoed 19 house bills, 17 senate bills, and one senate concurrent resolution. The governor also vetoed several items of appropriation in House Bill 1, the General Appropriations Act. A list of vetoed legislation, with authors, sponsors, and captions, is followed by copies of the governor's veto proclamations; summaries of the legislation may be found in Chapter 1.

A. List of Vetoed Measures

HOUSE BILL 99

HOUSE AUTHOR: Gray et al.
SENATE SPONSOR: Armbrister

Relating to the funding and operation of certain emergency management and disaster relief programs.

HOUSE BILL 160

HOUSE AUTHOR: Rodriguez et al.
SENATE SPONSOR: Madla

Relating to the establishment of an advisory committee to the Texas Workforce Commission on apprenticeship and job-training issues.

HOUSE BILL 399

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Ratliff

Relating to the availability of governmental information about motor vehicle accidents.

HOUSE BILL 506

HOUSE AUTHOR: Dutton
SENATE SPONSOR: G. Luna

Relating to a bill of review by a civil court.

HOUSE BILL 583

HOUSE AUTHOR: Maxey
SENATE SPONSOR: Barrientos

Relating to public education.

HOUSE BILL 733

HOUSE AUTHOR: Raymond
SENATE SPONSOR: Shapleigh

Relating to the lease of certain state facilities.

HOUSE BILL 768

HOUSE AUTHOR: Junell et al.
SENATE SPONSOR: Duncan

Relating to remedies in an action alleging discrimination against an employee based on a claim for workers' compensation benefits.

Vetoed Legislation

HOUSE BILL 1453

HOUSE AUTHOR: S. Turner et al.
SENATE SPONSOR: Barrientos

Relating to the enforcement of certain laws prohibiting employment discrimination by the Commission on Human Rights.

HOUSE BILL 1630

HOUSE AUTHOR: Berlanga
SENATE SPONSOR: Armbrister

Relating to the requirements for certain agricultural fences.

HOUSE BILL 1662

HOUSE AUTHOR: Counts
SENATE SPONSOR: Sibley

Relating to rates for certain lines of insurance.

HOUSE BILL 2001

HOUSE AUTHOR: Oliveira et al.
SENATE SPONSOR: Sibley

Relating to the enterprise zones and certain projects in enterprise zones.

HOUSE BILL 2156

HOUSE AUTHOR: Solis
SENATE SPONSOR: G. Luna

Relating to counties contracting for the combination of lists for a jury pool.

HOUSE BILL 2750

HOUSE AUTHOR: Hinojosa
SENATE SPONSOR: Lucio

Relating to certain municipal firefighters and police officers entitled to additional wages; providing a civil penalty.

HOUSE BILL 2887

HOUSE AUTHOR: Dutton
SENATE SPONSOR: Whitmire

Relating to promotional or educational activities of title insurance entities.

HOUSE BILL 2915

HOUSE AUTHOR: Oliveira et al.
SENATE SPONSOR: Ellis

Relating to retirement benefits for certain state employees whose state jobs are lost as a result of contracts to provide services previously provided by the state and to benefits under the contracts.

HOUSE BILL 3116

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Ellis

Relating to work supplementation programs for certain welfare recipients.

HOUSE BILL 3234

HOUSE AUTHOR: Hinojosa
SENATE SPONSOR: Lucio

Relating to the transfer of municipal hospital authority assets for health-related projects.

HOUSE BILL 3380

HOUSE AUTHOR: Counts
SENATE SPONSOR: Lucio

Relating to the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact.

HOUSE BILL 3540

HOUSE AUTHOR: Price
SENATE SPONSOR: M. Galloway

Relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

SENATE BILL 20

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Thompson et al.

Relating to the creation, reorganization, and operation of certain district courts.

SENATE BILL 211

SENATE AUTHOR: Ellis et al.
HOUSE SPONSOR: Naishtat et al.

Relating to the establishment and operation of the Texas child care fund and to the development of a statewide guide on child care.

SENATE BILL 273

SENATE AUTHOR: Zaffirini et al.
HOUSE SPONSOR: Cuellar et al.

Relating to development of a statewide consumer guide for senior citizens and to coordination of state activities relating to aging; authorizing a study relating to long-term health care.

SENATE BILL 299

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Ramsay et al.

Relating to the date for a hearing on an application for a protective order.

SENATE BILL 414

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: Coleman et al.

Relating to certain advance directives for medical treatment; providing administrative penalties.

SENATE BILL 436

SENATE AUTHOR: Lucio
HOUSE SPONSOR: R. Lewis

Relating to the preservation and restoration of certain public documents filed with a county clerk.

SENATE BILL 462

SENATE AUTHOR: G. Luna
HOUSE SPONSOR: Hernandez

Relating to the residency requirement for admission into the public schools of a school district.

SENATE BILL 823

SENATE AUTHOR: Cain
HOUSE SPONSOR: Naishtat

Relating to payroll deductions in certain municipalities.

Vetoed Legislation

SENATE BILL 937

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Goodman

Relating to the creation of the Texas Advisory Commission on Intergovernmental Relations.

SENATE BILL 1041

SENATE AUTHOR: Truan

HOUSE SPONSOR: Hunter et al.

Relating to the creation, powers, and duties of the International Trade Task Force and the promotion and development of international trade.

SENATE BILL 1240

SENATE AUTHOR: R. West

HOUSE SPONSOR: Maxey

Relating to the state's purchasing of services for state agency clients.

SENATE BILL 1355

SENATE AUTHOR: Brown et al.

HOUSE SPONSOR: Maxey

Relating to the regulation of certain retail sellers and retail establishments; providing penalties.

SENATE BILL 1514

SENATE AUTHOR: Truan

HOUSE SPONSOR: Flores

Relating to coordinating colonia initiatives.

SENATE BILL 1610

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Allen

Relating to the county jail work release program and to participation by certain inmates of the Texas Department of Criminal Justice, with the approval of a sheriff, in that program.

SENATE BILL 1676

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Stiles

Relating to the terms of office of the members of and the composition of the Crime Stoppers Advisory Council.

SENATE BILL 1877

SENATE AUTHOR: Wentworth et al.

HOUSE SPONSOR: Greenberg et al.

Relating to creating a Texas community investment program to assist certain businesses in distressed areas of the state.

SENATE BILL 1913

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Smithee

Relating to the application of insurance law to certain service contracts and asset management contracts.

**SENATE CONCURRENT
RESOLUTION 75**

SENATE AUTHOR: R. West

HOUSE SPONSOR: Giddings et al.

Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

B. 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. In combination with House Bill 4, Senate Bill 1898, and Senate Bill 886, the Seventy-fifth Legislature appropriates an estimated \$87.1 billion from all fund sources and \$48.9 billion from general revenue-related funds for the fiscal biennium beginning September 1, 1997.

In January, I submitted a balanced budget that met the priority needs of this state while reserving a billion dollars for a net cut in local school taxes. With the cooperation of the members of the Seventy-fifth Legislature, that billion dollar tax cut will become a reality when voters approve House Joint Resolution 4 this August. That billion dollars, reflected as a \$10,000 increase in the homestead exemption, will be the largest tax cut in the history of this state, surpassing the three-year tax cut enacted in several pieces of legislation under Governors Briscoe and Clements in 1978 and 1979, and will continue into future biennia.

I believe government should be limited, but efficient, reflecting sound fiscal management. House Bill 1 reflects this philosophy. Under House Bill 1, state government's share of the economy declines. The underlying spending growth of 6.5 percent is substantially less than the projected 11.1 percent growth in the Texas economy over the next two years. In fact, adjusting for population and inflation, the state budget actually falls by 2.3 percent. The number of state employees is set at 222,766.5 in 1999 — a reduction of almost 10,000 positions compared to 1997. In addition, the budget reflects sound fiscal policies by leaving almost \$450 million unspent or available for unforeseen emergencies.

Our budget shifts greater funds to the local level, where communities are best equipped to make the decisions that affect Texans' lives. State aid for our local schools in House Bill 1 is at its highest level in over a decade. We offer \$200 million in aid for local school facilities; at the same time, we eliminate the recapture of school facility taxes. House Bill 1 provides \$20 million in new grant funds for defense-dependent communities to support the diversification of their local economies. We provide additional aid for local juvenile probation departments, to continue the implementation of a progressive sanctions model.

House Bill 1 places a premium on personal responsibility. It meets the commitment we made in 1995 to bring the capacity of our juvenile justice system to over 5,000 beds. Necessary funding is also provided to meet our duty to accept inmates sentenced to the Department of Criminal Justice.

House Bill 1 offers a helping hand so that those in need may take charge of their own lives and better themselves. It offers over \$200 million in increased funds for job training, child care, and education services to help get Texans back to work. It gives young students a better chance to excel in school by funding greater efforts on reading in the early grades.

Under House Bill 1, hard-working state employees receive a \$100 per month pay increase and the minimum teacher salary is increased six percent over two years. Opportunities for Texans to pursue a higher education are improved through increased scholarship funds and tuition equalization grants. Improved quality in higher education is also supported by increased funding and a new formula system for general academic institutions.

This is a responsible budget which includes the largest tax cut in our state's history, yet fully funds the basic needs of our growing state. Accordingly, I apply my veto authority sparingly.

My item vetoes, totaling approximately \$48.4 million, would eliminate funding included for proposed legislation which did not pass and for legislation which I have vetoed. I hereby veto the following items from House Bill 1, Seventy-fifth Legislature, Regular Session, 1997, and include a statement of my objections to each of those items:

ARTICLE I - GENERAL GOVERNMENT

Texas Incentive and Productivity Commission Page I-63

~~10. Contingency Appropriation for Senate Bill 784. Contingent upon passage of SB 784 or similar legislation by the Seventy-fifth Legislature, Regular Session, funds are hereby appropriated according to the provisions contained therein to the Texas Incentive and Productivity Commission for administrative costs incurred under Texas Government Code Chapter 2108; riders 3, 5, 6, 7, and 8 above are hereby eliminated; and riders 1 and 2 are hereby modified to authorize agencies whose savings have been certified by the Commission to pay employee awards as specified in Texas Government Code Chapter 2108. The Commission is also authorized to enter into interagency agreements with participating agencies and such funds are hereby appropriated for the purposes of conducting specialized agency activities to enhance participation and for implementing an on-line transmission system related to the Commission's programs.~~

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE II - HEALTH AND HUMAN SERVICES

Department of Protective and Regulatory Services Page II-83

24. Contingency Appropriation for Senate Bill 359: Background and Criminal History Checks. Contingent upon the enactment of Senate Bill 359, or similar legislation requiring background and criminal history checks for certain individuals associated with child-care facilities and family homes, by the Seventy-fifth Legislature, Regular Session, the Department of Protective and Regulatory Services is hereby appropriated \$145,381 for fiscal year 1998 and \$145,381 for fiscal year 1999 out of the General Revenue Fund for the purpose of implementing that Act. The Department of Protective and Regulatory Services is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above. The appropriation made pursuant to this provision shall have no effect if Senate Bill 1539, or similar legislation requiring more frequent (biennial) background and criminal history checks for individuals associated with child-care facilities and family homes, is enacted by the Seventy-fifth Legislature, Regular Session.

Senate Bill 1539 was signed into law; therefore, this rider has no effect.

Special Provisions Relating to All Health and Human Services Agencies
Page II-95

25. Contingency Appropriation for House Bill 2385. Contingent upon the enactment of House Bill 2385, or similar legislation by the Seventy-fifth Legislature, Regular Session, the Health and Human Services Policy Council is hereby appropriated \$250,000 for fiscal year 1999 out of the General Revenue Fund. In addition, the Health and Human Services Commission is hereby directed to transfer three full-time equivalent positions and \$170,000 from funds appropriated elsewhere in this Act to the Health and Human Services Policy Council in fiscal year 1999. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

Although House Bill 2385 has been signed into law, the bill as finally passed by the Legislature did not include the purposes for which this appropriation was made. This veto action eliminates the funding that was intended for purposes not enacted.

ARTICLE III - EDUCATION

Texas State Technical College - Sweetwater Page III-196

3. Contingency for Senate Bill 1577 - Transfer of Rural Technology Center. Contingent upon passage of Senate Bill 1577 or similar legislation transferring the Rural Technology Center to Midwestern State University, \$413,600 from general revenue funds in Strategy A.1.5., Rural Technology Center and \$183,128 from Strategy D.3.3., Rural Technology Center Physical Plant for fiscal year 1999 are hereby appropriated to Midwestern State University. The Texas State Technical College Board of Regents shall transfer the governance, operation, management, and control of the system's Rural Technology Center, along with all right, title, and interest held by the system in the facilities, improvements, equipment, supplies and property comprising that Rural Technology Center, to the Board of Trustees of Midwestern State University, effective September 1, 1998.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE IV - JUDICIARY

Judiciary Section, Comptroller's Department Page IV-21

7. Contingency Appropriation, New District Courts. Contingent on the enactment of Senate Bill 20, Seventy-fifth Legislature, Regular Session, or similar legislation, the Judiciary Section, Comptroller's Department is hereby appropriated out of the General Revenue Fund \$92,217 for fiscal year 1998 and \$92,217 in fiscal year 1999 for each additional district court created effective September 1, 1997 and a pro rata amount out of the General Revenue Fund for each additional district court created with an effective date after September 1, 1997 pursuant to Senate Bill 20.

Senate Bill 20 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

Department of Public Safety Page V-54

. Contingency Appropriation for House Bill 1200. Contingent upon the enactment of House Bill 1200, or similar legislation relating to extended driver's licenses, by the Seventy-fifth Legislature, Regular Session, the Department of Public Safety is hereby appropriated \$1,854,882 for fiscal year 1998 and \$344,189 for fiscal year 1999 out of Fund 006 for the purpose of implementing that Act. The Department of Public Safety 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. Also contingent on the enactment of House Bill 1200, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased 9 for fiscal year 1998 and by 9 for fiscal year 1999.

This veto action eliminates the appropriation made for the second year of the biennium. Appropriations made to the Department of Public Safety to implement House Bill 1200 reflect expected costs related to a previous version of the bill. The \$1,854,882 appropriated for fiscal year 1998 will enable the Department of Public Safety to implement required fee and renewal modifications to the driver's license systems.

ARTICLE VI - NATURAL RESOURCES

Department of Agriculture Page VI-5

14. Contingency Appropriation for Senate Bill 1355. Contingent upon the enactment of Senate Bill 1355 or similar legislation relating to regulation of retail stores by the Seventy-fifth Legislature, Regular Session, the Department of Agriculture is hereby appropriated \$418,333 for fiscal year 1998 and \$227,561 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1355 for the purpose of implementing that Act. The department is authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.

Senate Bill 1355 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

Animal Health Commission ; Page VI-7

4. Contingency Appropriation for Senate Bill 1124. Contingent upon the enactment of Senate Bill 1124, or similar legislation relating to the regulation of aquaculture, by the Seventy-fifth Legislature, Regular Session, the Animal Health Commission is hereby appropriated \$13,000 for fiscal year 1998 and \$13,000 for fiscal year 1999 out of revenues collected pursuant to Senate Bill 1124 for the purpose of implementing that Act. The Animal Health 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.

General Land Office and Veterans' Land Board Page VI-14

20. Contingency Appropriation for Senate Bill 1339. Contingent upon the enactment of Senate Bill 1339, or similar legislation relating to Coastal Erosion, by the Seventy-fifth Legislature, Regular Session, the General Land Office is hereby appropriated \$103,800 for fiscal year 1998 and \$135,500 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1339 for the purpose of implementing that Act. The General Land Office 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.

Natural Resource Conservation Commission Page VI-27

29. Contingency Appropriation for Senate Bill 1586: Scrap Tire Recycling Account, Unexpended Balances. Contingent upon the enactment of Senate Bill 1586, or similar legislation relating to the Scrap Tire Recycling Program, by the Seventy-fifth Legislature, Regular Session, the Texas Natural Resource Conservation Commission (TNRCC) is hereby appropriated an amount not to exceed \$9,065,460 which is one-half of the estimated fund balance of the Scrap Tire Recycling Fund (Account #5001) as of August 31, 1997. These funds shall only be used to make payments to actual end users of shredded tire pieces and of whole scrap tires from a priority enforcement list site identified in an inventory conducted by the TNRCC after September 1, 1997.

The Texas Natural Resource Conservation Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategy items listed above. Any unexpended balances from the appropriation as of August 31, 1998 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 1998.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

30. Contingency Appropriation for Senate Bill 1586. Contingent upon the enactment of Senate Bill 1586, or similar legislation relating to the Scrap Tire Recycling Program, by the Seventy-fifth Legislature, Regular Session, the Texas Natural Resources Conservation Commission is hereby appropriated \$12,496,455 for fiscal year 1998 and \$22,500,000 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1586 for the purpose of implementing that Act. The Texas Natural Resource Conservation Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategy items listed above.

Also contingent upon the enactment of Senate Bill 1586, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by 27.2 for fiscal year 1998 and by 27.2 for fiscal year 1999.

The following incremental changes to key measure targets reflect funding levels contingent upon enactment of Senate Bill 1586, by the Seventy-fifth Legislature, Regular Session:

	For the Years Ending	
	August 31, 1998	August 31, 999
Percent of Used Tires Forwarded to End-use (percentage points)	0	0
Number of Tires Diverted from Landfills and Processed (in millions)	0	24
Number of Registered Waste Tire Processors	-10	10
Number of Sites Listed on the Waste Tire Priority Enforcement List (PEL)	150	150

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

ARTICLE VIII - REGULATORY

Office of Consumer Credit Commissioner Page VIII-25

3. Contingency Appropriation for Senate Bill 1781. Contingent upon enactment of Senate Bill 1781, or similar legislation relating to consumer credit counseling and education, by the Seventy-fifth Legislature, Regular Session, the Office of the Consumer Credit Commissioner is hereby appropriated \$100,000 for fiscal year 1998 and \$100,000 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1781 for the purpose of implementing the Act. The Office of the Consumer Credit Commissioner 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 Insurance Page VIII-35

12. Contingency Appropriation: Senate Bill 976. Contingent upon enactment of Senate Bill 976, or similar legislation by the Seventy-fifth Legislature relating to providing ombudsman services to Medicare recipients enrolled in managed care plans, the Department of Insurance is hereby appropriated \$42,375 in fiscal year 1998 and \$37,229 in fiscal year 1999 from the Texas Department of Insurance Operating Fund Account 0036-General Revenue Dedicated for the purpose of implementing that Act. Also contingent on the enactment of Senate Bill 976 or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by one for fiscal year 1998 and by one for fiscal year 1999. The Department of Insurance 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-42

11. Contingency Appropriation for House Bill 1391. Contingent upon the enactment of House Bill 1391, or similar legislation relating to continuing education requirements for air conditioning and refrigeration licensees, by the Seventy-fifth Legislature, Regular Session, the Department of Licensing and Regulation is hereby appropriated \$12,000 for fiscal year 1998 and \$43,364 for fiscal year 1999 out of additional revenue collected pursuant to House Bill 1391 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.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Page VIII-43

13. Contingency Appropriation for Senate Bill 627. Contingent upon the enactment of Senate Bill 627, or similar legislation relating to the licensing and regulation of bail bondsmen, by the Seventy-fifth Legislature, Regular Session, the Department of Licensing and Regulation is hereby appropriated \$134,180 for fiscal year 1998 and \$118,310 for fiscal year 1999 out of additional revenue collected pursuant to Senate Bill 627 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. Also contingent on the enactment of Senate Bill 627, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by three for fiscal year 1998 and by three for fiscal year 1999.

This veto action deletes a rider that was contingent upon proposed legislation which did not pass.

Board of Medical Examiners Page VIII-47

5. Contingency Appropriation for Senate Bill 1699. Contingent upon the enactment of Senate Bill 1699, or similar legislation relating to a physician profile, by the Seventy-fifth Legislature, Regular Session, the Board of Medical Examiners is hereby appropriated \$256,367 for fiscal year 1998 and \$42,702 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1699 for the purpose of implementing that Act. Also contingent on the enactment of Senate Bill 1699, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by 5.0 for fiscal year 1998 and by 2.0 for fiscal year 1999. The Board of Medical Examiners 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.

Board of Plumbing Examiners Page VIII-60

4. Contingency Appropriation: Senate Bill 805. Contingent upon the enactment of Senate Bill 805, or similar legislation relating to the licensing of plumbers in certain incorporated and unincorporated areas of the state, by the Seventy-fifth Legislature, Regular Session, the Board of Plumbing Examiners is hereby appropriated \$386,876 for fiscal year 1998 and \$314,876 for fiscal year 1999 out of general revenue for the purpose of implementing that Act. Such appropriations are also contingent on the Board of Plumbing Examiners assessing fees sufficient to generate, during the 1998-99 biennium, \$736,346 in excess of: (1) \$3,741,893, Object Code 3175, contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for 1998 and 1999, and (2) the \$72,000 required to be raised in rider 3. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of board minutes and other information supporting the estimated revenues to be generated for the 1998-99 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. Funds appropriated by this provision may be expended for capital budget purposes, notwithstanding limitations on capital budget expenditures elsewhere in this Act. Also contingent on the enactment of Senate Bill 805, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by two for fiscal year 1998 and by two for fiscal year 1999.

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-fifth 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 21st day of June, 1997.

George W. Bush
Governor of Texas

Antonio O. Garza, Jr.
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2685

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 No. 99 because of the following objections:

House Bill No. 99 creates a hidden tax on utility bills, and specifically prohibits the tax from being disclosed on consumers' bills. The goal of establishing a state fund for emergency disaster relief is a good one, but should not be funded with a hidden tax on Texans' utility bills.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 160 because of the following objection:

House Bill No. 160 creates an advisory committee that is unnecessary. The current law provides an existing framework which properly facilitates comprehensive workforce services, including apprenticeship.

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 May, 1997.

George W. Bush
Governor of Texas

97 MAY 16 PM 5:25
House of Representatives

PROCLAMATION
BY THE
Governor of the State of Texas

41-2686

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 No. 399 because of the following objections:

This Bill is overbroad and unduly restricts access to information of legitimate interest to the general public. Another bill, House Bill No. 1327, signed on June 17, 1997, is narrowly tailored to address the objectives of this Bill to prohibit barratry and solicitation of professional employment, including that by an attorney, chiropractor, physician, surgeon, private investigator, and other state-regulated health care professionals.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2687

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 No. 506 because of the following objections:

House Bill No. 506 proposes changes that are unconstitutional and contrary to existing law. It seeks to codify Texas law on equitable bills of review, but is contrary to U.S. Supreme Court precedent and unwisely changes the common law on statute of limitations on bills of review.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2688

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 No. 583 because of the following objections:

House Bill No. 583 is unnecessary. The important issue of student discipline has been better addressed by Senate Bill No. 133, signed into law earlier this session. House Bill No. 583 is contrary to the principles of local control and site-based management, and seeks to impose additional and unnecessary bureaucracy at the Texas Education Agency.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2689

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 No. 733 because of the following objections:

House Bill No. 733 would allow the state to contract with private vendors to charge the people of Texas for parking at state-owned lots on nights and weekends. Presently, citizens park in state parking facilities during off hours while attending various cultural, entertainment, or sporting events taking place near state parking facilities. Texas taxpayers have already paid for the construction of these lots and should not be charged to use them during off hours.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2690

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 No. 768 because of the following objections:

House Bill No. 768 would change a well-reasoned burden of proof standard that has been articulated in a unanimous decision by the Supreme Court 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 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2691

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 No. 1453 because of the following objections:

House Bill No. 1453 allows the Texas Commission on Human Rights to require the Attorney General to file discrimination suits against private employers even when the Attorney General believes the suit is frivolous. If the Attorney General declines to sue, the Commission could hire outside counsel and proceed on its own. Employers can already be sued for employment discrimination by private claimants and the Equal Employment Opportunity Commission. Current law also permits the Attorney General to bring such suits.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill No. 1630 because of the following objection:

House Bill No. 1630 is ambiguous and creates uncertainty across the state regarding the legality of existing fences.

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, 1997.

George W. Bush
Governor of Texas

97 MAY 27 PM 4:12
House of Representatives

PROCLAMATION
BY THE
Governor of the State of Texas

41-2692

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 No. 1662 because of the following objection:

House Bill No. 1662, as enrolled, appears to violate the equal protection clause of the Texas Constitution because it imposes a regulatory burden on affiliated county mutual insurance companies while leaving similarly situated unaffiliated county mutual insurance companies unburdened. No rational basis substantiates the different treatment between affiliated and unaffiliated county mutual insurance companies.

This veto does not in any way condone the practice by insurance companies of placing standard risks, which are well within the benchmark rate, in county mutual insurance companies that are intended for high-risk drivers. I have instructed the Commissioner of Insurance to carefully monitor the automobile insurance market to prevent unfair circumvention of the current benchmark rating 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 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2691

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 No. 2001 because of the following objections:

House Bill No. 2001 contains a provision that authorizes cities to build "qualified hotel projects" near their convention centers and to keep the state hotel taxes paid by the guests in such hotels. Local cities have existing authority to finance local projects. State tax dollars should not be used to subsidize these types of local projects.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2694

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 No. 2156 because of the following objections:

House Bill No. 2156 would threaten the integrity of voter registration lists. The responsibility for voter registration should remain with the Office of the Secretary of State, the State's Chief Election Officer.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2695

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 No. 2750 because of the following objections:

House Bill No. 2750 imposes an unnecessary and unfunded mandate on municipalities. Municipalities should determine the appropriate pay for 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 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2696

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 No. 2887 because of the following objection:

The Commissioner of Insurance should have the discretion to consider all relevant incurred expenses in setting rates for title insurance companies. House Bill No. 2887 prohibits the Commissioner of Insurance from considering expenses relating to promotional and educational activities that may be relevant in setting fair rates for title insurance companies.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2697

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 No. 2915 because of the following objections:

House Bill No. 2915 would restrict the ability of local workforce development boards to seek competitive bids for local services. Senate Bill No. 1102 specifically provides earlier retirement options for employees of the Texas Workforce Commission, the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation if they are displaced by the privatization of their jobs. This Bill also intrudes in the private sector market by attempting to tell private companies how to run their business.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2698

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 No. 3116 because of the following objections:

House Bill No. 3116 hinders the state's ability to help move people from welfare to work. It would undermine a successful program which helps welfare recipients gain valuable job experiences and work skills through volunteer work.

This Bill designates work supplementation and work experience program recipients as employees, causing them to potentially be subject to the full application of the Fair Labor Standards Act, minimum wage standards, FICA, and other requirements on work experience programs. Accordingly, this Bill will hinder the State's flexibility to design work supplementation programs, restrict an employer's use of program participants, and discourage private sector interest and support for work supplementation programs.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2699

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 No. 3234 because of the following objections:

House Bill No. 3234 has uncertain ramifications for local hospital districts. The Senate sponsor of this legislation and local elected officials requested that this Bill be vetoed.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2700

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 No. 3380 because of the following objections:

This bill usurps the Governor's power to make agreements with other states and to command the Texas National Guard.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2701

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 No. 3540 because of the following objections:

Under current law, this district must adjust the boundaries of the wards within the district to contain as nearly as possible the same number of voters within each ward. Accordingly, House Bill No. 3540 would not enhance representation and it would be costly to the district.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2702

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 No. 20 because of the following objections:

Senate Bill No. 20 contradicts the Texas Constitution which allows the Governor to fill vacancies in newly created courts. Thirteen of the 15 new courts which are created in this Bill would be created in 1999, and they can be created by the 1999 Legislature in a way that conforms with the Constitution.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2703

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 No. 211 because of the following objections:

Senate Bill No. 211 would stifle competition and hamstring local workforce development boards in contracting for child care management services. This Bill protects the status quo at the expense of local choice and competition. We want to maximize access to quality child care in Texas and system management changes should be encouraged rather than restricted. The best intent of this Bill, to maximize federal matching money for child care services, can be achieved through administrative action by the commissioners for the Texas Workforce Commission and the Texas Health and Human Services Commission, which I will request.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2704

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 No. 273 because of the following objection:

This Bill is a good idea which should be implemented within the existing authority of the health and human services agencies, including the Texas Department on Aging and the Texas Department of Human Services.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2705

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 No. 299 because of the following objections:

Senate Bill No. 299 is unnecessary. The objectives of the Bill have been better addressed by Senate Bill No. 1253, signed into law earlier this session.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2706

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 No. 414 because of the following objections:

Senate Bill No. 414 contains several provisions that would permit a physician to deny life-sustaining procedures to a patient who desires them. Additionally, the Bill eliminates the objective negligence standard for reviewing whether a physician properly discontinued the use of life-sustaining procedures and replaces it with a subjective "good faith" standard. While this Bill contains a number of commendable measures that would streamline Texas' law on advanced directives, these benefits are outweighed by the Bill's potentially dangerous defects.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2707

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 No. 436 because of the following objections:

Senate Bill No. 436 creates new, excessive fees for filing of any public document such as marriage licenses and land titles. This legislation allows county clerks to add a \$10.00 records archive fee, over and above the current fees, to the cost of recording a document. Counties that want to improve their records management can make that a priority in their local budgets.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2708

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 No. 462 because of the following objections:

Senate Bill No. 462 duplicates the intent of Senate Bill No. 247 to allow a child of divorced parents to attend a school in the school district where either parent resides. The other bill, Senate Bill No. 247, is preferable because this legislation uses the term "joint custody" which is not recognized under Texas 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 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2709

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 No. 823 because of the following objections:

Senate Bill No. 823 mandates that certain municipalities provide payroll deductions for union dues. Employees who wish to join a union and pay dues have every right to do so on their own. This legislation is unnecessary, is contrary to the principles of the right to work, and is contrary to the concept of local control.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2710

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 No. 937 because of the following objections:

Senate Bill No. 937 recreates the Texas Advisory Commission on Intergovernmental Relations, an advisory commission which was abolished during the last session of the Legislature and is unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2711

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 No. 1041 because of the following objections:

Senate Bill No. 1041 creates a new task force in the Texas Department of Commerce whose function would duplicate certain provisions of Senate Bill No. 932 relating to international trade issues. The creation of a new task force by law is unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2712

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 No. 1240 because of the following objections:

This Bill is contrary to good public policy by mandating that state agencies, "including agencies that are not health and human service agencies," be subject to purchasing rules adopted by the Health and Human Services Commission. The officers who preside over state agencies are best able to determine and adopt the rules for purchasing of services for their agencies. The Health and Human Services Commission has no special expertise in purchasing.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2713

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 No. 1355 because of the following objections:

Senate Bill No. 1355 poses a major public health threat by prohibiting state and local health authorities from requiring food service personnel to avoid bare-hand contact with exposed food. This poses the threat of serious viral and bacterial contamination of food, and would prevent public health officials from responding to a crisis such as a Hepatitis A outbreak, which has occurred in neighboring states. The Bill contains numerous worthwhile provisions. The vast majority are already being implemented, are implemented under other legislation from this session or can be implemented under existing statutory authority.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2714

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 No. 1514 because of the following objections:

Senate Bill No. 1514 is unnecessary because it duplicates activities already underway. A colonia working group including representatives of the agencies listed in this Bill is already meeting and has issued three reports to date. There is no need to create yet another duplicative committee.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill No. 1610 because of the following objection:

Senate Bill No. 1610 permits the release of inmates from the custody of the Texas Department of Criminal Justice before their parole or mandatory release dates.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 31st day of May, 1997.

George W. Bush
Governor of Texas

97 MAY 31 PM 6:10
RECEIVED
SECRETARY OF SENATE

PROCLAMATION
BY THE
Governor of the State of Texas

41-2715

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 No. 1676 because of the following objections:

Senate Bill No. 1676 increases the membership and terms of office for the Crime Stoppers Advisory Council, which functions solely as an advisory board to the Office of the Governor. The additional costs to taxpayers of new members to the Council are unnecessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

41-2716

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 No. 1877 because of the following objections:

Senate Bill No. 1877 proposes using taxpayer dollars to fund private community investment programs that make loans to businesses that cannot qualify for conventional bank loans. This program was not funded by 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 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Bill 1913 because of the following objections:

After conferring with the Commissioner of Insurance, I am vetoing Senate Bill 1913 because this bill may permit the unregulated sale of insurance, including fire, theft and other casualties normally covered by property and casualty insurance.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 21st day of May, 1997.

George W. Bush
Governor of Texas

97 MAY 21 PM 4:20
RECEIVED
SECRETARY OF SENATE

PROCLAMATION
BY THE
Governor of the State of Texas

41-2717

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 15, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto Senate Concurrent Resolution No. 75 because of the following objections:

Senate Concurrent Resolution No. 75 undermines the authority of the Higher Education Coordinating Board by creating a special commission to study higher education needs in southern Dallas and adjacent counties. The Higher Education Coordinating Board is already charged with studying and balancing the higher education needs of the entire state. A special, area-specific commission is not necessary.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1997.

George W. Bush
Governor of Texas

Filed in the office of the
Secretary of State
9:38 pm O'Clock
JUN 20 1997

Tony Garza
Secretary of State

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House Bill 130	Government—County	House Bill 328	Occupational Regulation
House Bill 131	Elections	House Bill 330	Elections
House Bill 137	Property Taxation	House Bill 331	Elections
House Bill 138	Economic Development	House Bill 332	Elections
House Bill 155	Human Services/Mental Health and Mental Retardation	House Bill 336	Retirement Systems and Benefits
House Bill 156	Corrections		
House Bill 160	Government—State		
House Bill 163	Insurance		
House Bill 196	Occupational Regulation		

- House Bill 337 Retirement Systems and Benefits
- House Bill 338 Government—Special Districts and Authorities
- House Bill 344 Transportation, Highways, and Motor Vehicles
- House Bill 349 Insurance
- House Bill 358 Health
- House Bill 368 Civil Remedies and Procedures
- House Bill 376 Government—Special Districts and Authorities
- House Bill 381 Business Relations
- House Bill 384 Property Interests
- House Bill 385 Education
- House Bill 394 Parks and Wildlife
- House Bill 399 Law Enforcement and Public Safety
- House Bill 404 Agriculture
- House Bill 412 Courts—General
- House Bill 422 Transportation, Highways, and Motor Vehicles
- House Bill 423 Insurance
- House Bill 425 Labor and Employment
- House Bill 432 Criminal Justice and Procedure
- House Bill 438 Corrections
- House Bill 446 Human Services/Mental Health and Mental Retardation
- House Bill 449 Business Relations
- House Bill 460 Human Services/Mental Health and Mental Retardation
- House Bill 462 Courts—General
- House Bill 463 Government—County
- House Bill 473 Government—County
- House Bill 475 Retirement Systems and Benefits
- House Bill 479 Property Taxation
- House Bill 480 Courts—General
- House Bill 485 Corrections
- House Bill 492 Business Relations
- House Bill 500 Courts—General
- House Bill 501 Government—General
- House Bill 506 Civil Remedies and Procedures
- House Bill 515 Criminal Justice and Procedure
- House Bill 520 Parks and Wildlife
- House Bill 527 Government—County
- House Bill 540 Human Services/Mental Health and Mental Retardation
- House Bill 546 Business Relations
- House Bill 561 Health
- House Bill 564 Labor and Employment
- House Bill 565 Labor and Employment
- House Bill 566 Labor and Employment
- House Bill 567 Labor and Employment
- House Bill 571 Education
- House Bill 574 Government—Special Districts and Authorities
- House Bill 580 Transportation, Highways, and Motor Vehicles
- House Bill 581 Property Taxation
- House Bill 583 Education
- House Bill 587 Government—General
- House Bill 588 Education
- House Bill 591 Courts—General
- House Bill 598 Civil Remedies and Procedures
- House Bill 606 Human Services/Mental Health and Mental Retardation
- House Bill 607 Health
- House Bill 614 Courts—General
- House Bill 621 Education
- House Bill 622 Courts—General
- House Bill 623 Education
- House Bill 625 Business Relations
- House Bill 627 Insurance
- House Bill 629 Government—State
- House Bill 634 Education
- House Bill 640 Education

- House Bill 641 Business Relations
- House Bill 646 Family Law and Juvenile Justice
- House Bill 649 Transportation, Highways, and Motor Vehicles
- House Bill 658 Corrections
- House Bill 663 Human Services/Mental Health and Mental Retardation
- House Bill 670 Property Taxation
- House Bill 677 Family Law and Juvenile Justice
- House Bill 680 Civil Remedies and Procedures
- House Bill 685 Transportation, Highways, and Motor Vehicles
- House Bill 697 Courts—General
- House Bill 699 Occupational Regulation
- House Bill 706 Government—Special Districts and Authorities
- House Bill 707 Government—County
- House Bill 708 Health
- House Bill 710 Insurance
- House Bill 711 Transportation, Highways, and Motor Vehicles
- House Bill 717 Natural Resources and Environmental Regulation
- House Bill 718 Government—Special Districts and Authorities
- House Bill 722 Property Taxation
- House Bill 723 Health
- House Bill 724 Retirement Systems and Benefits
- House Bill 726 Government—State
- House Bill 729 Health
- House Bill 732 Courts—General
- House Bill 733 Government—State
- House Bill 736 Courts—General
- House Bill 740 Property Interests
- House Bill 749 Criminal Justice and Procedure
- House Bill 758 State Taxes and Tax Administration
- House Bill 762 Criminal Justice and Procedure
- House Bill 767 Education
- House Bill 768 Labor and Employment
- House Bill 770 Public Lands
- House Bill 776 Government—City
- House Bill 784 Courts—General
- House Bill 785 Civil Remedies and Procedures
- House Bill 786 Courts—General
- House Bill 787 Courts—General
- House Bill 790 Public Officials and Employees
- House Bill 791 Courts—General
- House Bill 793 Property Interests
- House Bill 794 Government—Special Districts and Authorities
- House Bill 799 Government—County
- House Bill 803 Retirement Systems and Benefits
- House Bill 806 Criminal Justice and Procedure
- House Bill 808 State Taxes and Tax Administration
- House Bill 812 Health
- House Bill 814 Occupational Regulation
- House Bill 818 Corrections
- House Bill 819 Corrections
- House Bill 826 Government—Special Districts and Authorities
- House Bill 827 Parks and Wildlife
- House Bill 833 Public Lands
- House Bill 834 State Taxes and Tax Administration
- House Bill 836 Education
- House Bill 839 Insurance
- House Bill 841 Elections
- House Bill 844 Courts—General
- House Bill 846 Property Taxation
- House Bill 853 Transportation, Highways, and Motor Vehicles

- House Bill 864 Insurance
- House Bill 870 Law Enforcement and
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- House Bill 880 Health
- House Bill 881 Courts—Guardianship
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- House Bill 882 Property Taxation
- House Bill 883 Transportation,
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- House Bill 885 Human Services/Mental
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- House Bill 889 Health
- House Bill 891 Family Law and Juvenile
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- House Bill 901 Government—Special
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- House Bill 906 Insurance
- House Bill 907 Courts—General
- House Bill 909 Insurance
- House Bill 911 Health
- House Bill 920 Transportation,
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- House Bill 921 Criminal Justice and
Procedure
- House Bill 922 Insurance
- House Bill 930 Occupational Regulation
- House Bill 932 Education
- House Bill 950 Agriculture
- House Bill 951 Government—General
- House Bill 956 Natural Resources and
Environmental
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- House Bill 963 Agriculture
- House Bill 966 Parks and Wildlife
- House Bill 970 Transportation,
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- House Bill 971 Courts—General
- House Bill 972 Transportation,
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- House Bill 975 Corrections
- House Bill 976 Insurance
- House Bill 979 Transportation,
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- House Bill 981 Transportation,
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- House Bill 984 Business Relations
- House Bill 991 Law Enforcement and
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- House Bill 993 Agriculture
- House Bill 996 Government—State
- House Bill 998 Public Officials and
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- House Bill 1001 Elections
- House Bill 1012 Government—City
- House Bill 1016 Natural Resources and
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- House Bill 1018 Transportation,
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- House Bill 1025 Business Relations
- House Bill 1029 Government—City
- House Bill 1039 Human Services/Mental
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- House Bill 1040 Courts—General
- House Bill 1043 Education
- House Bill 1048 Transportation,
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- House Bill 1049 Transportation,
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- House Bill 1050 Corrections
- House Bill 1052 Agriculture
- House Bill 1055 Transportation,
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- House Bill 1062 Government—State
- House Bill 1070 Criminal Justice and
Procedure
- House Bill 1077 Government—State

- House Bill 1085 Human Services/Mental Health and Mental Retardation
- House Bill 1091 Family Law and Juvenile Justice
- House Bill 1092 Family Law and Juvenile Justice
- House Bill 1107 Government—State
- House Bill 1112 Corrections
- House Bill 1113 Retirement Systems and Benefits
- House Bill 1126 Courts—Guardianship and Probate
- House Bill 1128 Natural Resources and Environmental Regulation
- House Bill 1133 Government—State
- House Bill 1135 Occupational Regulation
- House Bill 1137 Transportation, Highways, and Motor Vehicles
- House Bill 1142 Corrections
- House Bill 1143 Courts—General
- House Bill 1144 Natural Resources and Environmental Regulation
- House Bill 1145 Agriculture
- House Bill 1149 Occupational Regulation
- House Bill 1150 Criminal Justice and Procedure
- House Bill 1152 Courts—General
- House Bill 1154 Natural Resources and Environmental Regulation
- House Bill 1155 Criminal Justice and Procedure
- House Bill 1161 Government—City
- House Bill 1168 Economic Development
- House Bill 1170 Insurance
- House Bill 1173 Insurance
- House Bill 1176 Law Enforcement and Public Safety
- House Bill 1177 Public Officials and Employees
- House Bill 1178 Energy and Utility Regulation
- House Bill 1180 Energy and Utility Regulation
- House Bill 1185 Criminal Justice and Procedure
- House Bill 1190 Natural Resources and Environmental Regulation
- House Bill 1192 Law Enforcement and Public Safety
- House Bill 1193 Civil Remedies and Procedures
- House Bill 1200 Transportation, Highways, and Motor Vehicles
- House Bill 1203 Retirement Systems and Benefits
- House Bill 1206 Natural Resources and Environmental Regulation
- House Bill 1209 Government—State
- House Bill 1212 Insurance
- House Bill 1216 Government—State
- House Bill 1217 Government—City
- House Bill 1228 Natural Resources and Environmental Regulation
- House Bill 1229 Courts—General
- House Bill 1230 Family Law and Juvenile Justice
- House Bill 1235 Education
- House Bill 1238 Government—County
- House Bill 1239 Natural Resources and Environmental Regulation
- House Bill 1242 Retirement Systems and Benefits
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- House Bill 1254 Government—Special Districts and Authorities
- House Bill 1257 Elections
- House Bill 1266 Banking and Finance
- House Bill 1279 Government—City

- House Bill 1280 Government—City
- House Bill 1285 Business Relations
- House Bill 1287 Insurance
- House Bill 1288 Transportation,
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- House Bill 1291 Courts—General
- House Bill 1294 Government—County
- House Bill 1296 Property Interests
- House Bill 1298 Natural Resources and
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- House Bill 1299 Transportation,
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- House Bill 1300 Business Relations
- House Bill 1301 Corrections
- House Bill 1306 Transportation,
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- House Bill 1310 Economic Development
- House Bill 1312 Human Services/Mental
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- House Bill 1314 Courts—Guardianship
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- House Bill 1316 Courts—Guardianship
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- House Bill 1317 Courts—Guardianship
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- House Bill 1324 Government—Special
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- House Bill 1327 Criminal Justice and
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- House Bill 1333 Criminal Justice and
Procedure
- House Bill 1336 Family Law and Juvenile
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- House Bill 1338 Public Officials and
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- House Bill 1345 Transportation,
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- House Bill 1356 Insurance
- House Bill 1362 Business Relations
- House Bill 1367 Natural Resources and
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- House Bill 1370 Criminal Justice and
Procedure
- House Bill 1384 Education
- House Bill 1386 Corrections
- House Bill 1387 Transportation,
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- House Bill 1401 Occupational Regulation
- House Bill 1403 Courts—General
- House Bill 1404 Education
- House Bill 1406 Energy and Utility
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- House Bill 1407 Occupational Regulation
- House Bill 1410 Economic Development
- House Bill 1414 Economic Development
- House Bill 1418 Transportation,
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- House Bill 1422 Public Officials and
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- House Bill 1424 Government—City
- House Bill 1427 Corrections
- House Bill 1428 Government—State
- House Bill 1439 Human Services/Mental
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Retardation
- House Bill 1445 Government—State
- House Bill 1453 Labor and Employment
- House Bill 1456 Business Relations
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- House Bill 1463 Property Interests
- House Bill 1465 Occupational Regulation
- House Bill 1467 Criminal Justice and
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- House Bill 1468 Education
- House Bill 1473 Business Relations
- House Bill 1474 Government—County
- House Bill 1475 Government—County
- House Bill 1476 Insurance
- House Bill 1477 Civil Remedies and
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- House Bill 1482 Criminal Justice and Procedure
- House Bill 1483 Elections
- House Bill 1484 Government—Special Districts and Authorities
- House Bill 1487 Occupational Regulation
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- House Bill 1498 Insurance
- House Bill 1504 Courts—General
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- House Bill 1516 Criminal Justice and Procedure
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- House Bill 1525 Economic Development
- House Bill 1526 Economic Development
- House Bill 1531 Education
- House Bill 1532 Government—County
- House Bill 1534 Health
- House Bill 1540 Government—County
- House Bill 1542 Natural Resources and Environmental Regulation
- House Bill 1545 Family Law and Juvenile Justice
- House Bill 1548 Education
- House Bill 1550 Family Law and Juvenile Justice
- House Bill 1553 Law Enforcement and Public Safety
- House Bill 1555 Human Services/Mental Health and Mental Retardation
- House Bill 1556 Government—State
- House Bill 1567 Government—Special Districts and Authorities
- House Bill 1572 Business Relations
- House Bill 1576 Labor and Employment
- House Bill 1577 Agriculture
- House Bill 1585 Government—County
- House Bill 1595 Transportation, Highways, and Motor Vehicles
- House Bill 1596 Health
- House Bill 1602 Civil Remedies and Procedures
- House Bill 1603 Elections
- House Bill 1606 Family Law and Juvenile Justice
- House Bill 1610 Property Taxation
- House Bill 1611 Education
- House Bill 1630 Property Interests
- House Bill 1632 Insurance
- House Bill 1637 Human Services/Mental Health and Mental Retardation
- House Bill 1638 Retirement Systems and Benefits
- House Bill 1640 Education
- House Bill 1645 Elections
- House Bill 1651 Property Interests
- House Bill 1653 Government—State
- House Bill 1662 Insurance
- House Bill 1665 Property Interests
- House Bill 1667 Corrections
- House Bill 1668 Energy and Utility Regulation
- House Bill 1672 Business Relations
- House Bill 1673 Government—State
- House Bill 1684 Criminal Justice and Procedure
- House Bill 1688 Courts—General
- House Bill 1692 Transportation, Highways, and Motor Vehicles
- House Bill 1703 Business Relations
- House Bill 1706 Courts—General
- House Bill 1708 Insurance
- House Bill 1710 Courts—General
- House Bill 1716 Health
- House Bill 1719 Occupational Regulation
- House Bill 1720 Labor and Employment
- House Bill 1723 Property Taxation

- House Bill 1724 Occupational Regulation
- House Bill 1734 Human Services/Mental Health and Mental Retardation
- House Bill 1741 Government—County
- House Bill 1747 Corrections
- House Bill 1751 Family Law and Juvenile Justice
- House Bill 1755 Banking and Finance
- House Bill 1756 Civil Remedies and Procedures
- House Bill 1759 Occupational Regulation
- House Bill 1761 Labor and Employment
- House Bill 1773 Property Taxation
- House Bill 1779 Education
- House Bill 1780 Retirement Systems and Benefits
- House Bill 1782 Government—General
- House Bill 1789 Insurance
- House Bill 1790 Transportation, Highways, and Motor Vehicles
- House Bill 1795 Education
- House Bill 1798 Health
- House Bill 1800 Education
- House Bill 1805 Government—State
- House Bill 1808 Agriculture
- House Bill 1811 Government—State
- House Bill 1812 Government—State
- House Bill 1820 Education
- House Bill 1823 Agriculture
- House Bill 1825 Occupational Regulation
- House Bill 1826 Family Law and Juvenile Justice
- House Bill 1836 Occupational Regulation
- House Bill 1843 Business Relations
- House Bill 1853 Insurance
- House Bill 1855 State Taxes and Tax Administration
- House Bill 1856 Law Enforcement and Public Safety
- House Bill 1865 Insurance
- House Bill 1868 Occupational Regulation
- House Bill 1870 Banking and Finance
- House Bill 1875 State Taxes and Tax Administration
- House Bill 1878 Government—Special Districts and Authorities
- House Bill 1879 Property Taxation
- House Bill 1880 Family Law and Juvenile Justice
- House Bill 1881 Law Enforcement and Public Safety
- House Bill 1886 Courts—General
- House Bill 1891 Family Law and Juvenile Justice
- House Bill 1898 Transportation, Highways, and Motor Vehicles
- House Bill 1899 Business Relations
- House Bill 1901 Insurance
- House Bill 1902 Insurance
- House Bill 1908 Transportation, Highways, and Motor Vehicles
- House Bill 1909 Human Services/Mental Health and Mental Retardation
- House Bill 1912 Family Law and Juvenile Justice
- House Bill 1914 Health
- House Bill 1916 Courts—General
- House Bill 1917 Family Law and Juvenile Justice
- House Bill 1928 Family Law and Juvenile Justice
- House Bill 1929 Family Law and Juvenile Justice
- House Bill 1937 Transportation, Highways, and Motor Vehicles
- House Bill 1941 Parks and Wildlife
- House Bill 1955 Occupational Regulation
- House Bill 1960 Natural Resources and Environmental Regulation
- House Bill 1961 Public Lands
- House Bill 1965 Courts—General

- House Bill 1968 Criminal Justice and Procedure
- House Bill 1971 Business Relations
- House Bill 1974 Courts—General
- House Bill 1975 Insurance
- House Bill 1976 Insurance
- House Bill 1977 Insurance
- House Bill 1979 Family Law and Juvenile Justice
- House Bill 1989 Education
- House Bill 1990 Criminal Justice and Procedure
- House Bill 1999 Energy and Utility Regulation
- House Bill 2001 Economic Development
- House Bill 2003 Courts—Guardianship and Probate
- House Bill 2005 Family Law and Juvenile Justice
- House Bill 2007 Courts—Guardianship and Probate
- House Bill 2015 Insurance
- House Bill 2017 Human Services/Mental Health and Mental Retardation
- House Bill 2018 Government—State
- House Bill 2025 Occupational Regulation
- House Bill 2029 Retirement Systems and Benefits
- House Bill 2033 Insurance
- House Bill 2049 Government—County
- House Bill 2061 Education
- House Bill 2062 Insurance
- House Bill 2063 Insurance
- House Bill 2064 Government—County
- House Bill 2065 Family Law and Juvenile Justice
- House Bill 2066 Government—Special Districts and Authorities
- House Bill 2067 Transportation, Highways, and Motor Vehicles
- House Bill 2069 Family Law and Juvenile Justice
- House Bill 2071 Government—County
- House Bill 2073 Family Law and Juvenile Justice
- House Bill 2074 Family Law and Juvenile Justice
- House Bill 2075 Criminal Justice and Procedure
- House Bill 2078 Health
- House Bill 2080 Occupational Regulation
- House Bill 2082 Family Law and Juvenile Justice
- House Bill 2083 Government—County
- House Bill 2084 Human Services/Mental Health and Mental Retardation
- House Bill 2086 Business Relations
- House Bill 2088 Occupational Regulation
- House Bill 2096 Natural Resources and Environmental Regulation
- House Bill 2098 Transportation, Highways, and Motor Vehicles
- House Bill 2099 Education
- House Bill 2101 Transportation, Highways, and Motor Vehicles
- House Bill 2105 Banking and Finance
- House Bill 2115 Transportation, Highways, and Motor Vehicles
- House Bill 2116 Property Taxation
- House Bill 2119 Government—State
- House Bill 2123 Human Services/Mental Health and Mental Retardation
- House Bill 2126 Government—State
- House Bill 2128 Energy and Utility Regulation
- House Bill 2129 Energy and Utility Regulation
- House Bill 2133 Insurance
- House Bill 2138 Transportation, Highways, and Motor Vehicles

- House Bill 2141 Government—City
House Bill 2145 Courts—General
House Bill 2146 Education
House Bill 2156 Courts—General
House Bill 2157 State Taxes and Tax Administration
House Bill 2169 Civil Remedies and Procedures
House Bill 2170 Natural Resources and Environmental Regulation
House Bill 2179 Government—County
House Bill 2180 Insurance
House Bill 2183 Courts—General
House Bill 2185 Government—County
House Bill 2189 Courts—Guardianship and Probate
House Bill 2192 Health
House Bill 2193 Insurance
House Bill 2198 Transportation, Highways, and Motor Vehicles
House Bill 2201 Property Taxation
House Bill 2202 Transportation, Highways, and Motor Vehicles
House Bill 2203 Government—City
House Bill 2213 Law Enforcement and Public Safety
House Bill 2214 Education
House Bill 2215 Family Law and Juvenile Justice
House Bill 2220 Transportation, Highways, and Motor Vehicles
House Bill 2221 Insurance
House Bill 2222 Public Officials and Employees
House Bill 2227 Family Law and Juvenile Justice
House Bill 2252 Economic Development
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House Bill 2255 Occupational Regulation
House Bill 2257 Criminal Justice and Procedure
House Bill 2259 Retirement Systems and Benefits
House Bill 2261 Civil Remedies and Procedures
House Bill 2271 Public Officials and Employees
House Bill 2272 Criminal Justice and Procedure
House Bill 2273 Courts—General
House Bill 2274 Insurance
House Bill 2277 Government—Special Districts and Authorities
House Bill 2283 Criminal Justice and Procedure
House Bill 2286 Government—County
House Bill 2295 Government—General
House Bill 2297 Courts—General
House Bill 2300 Government—Special Districts and Authorities
House Bill 2309 Courts—General
House Bill 2311 Health
House Bill 2318 Public Lands
House Bill 2324 Corrections
House Bill 2328 Government—Special Districts and Authorities
House Bill 2332 Public Lands
House Bill 2335 Government—Special Districts and Authorities
House Bill 2339 Property Interests
House Bill 2345 Government—City
House Bill 2348 Government—Special Districts and Authorities
House Bill 2353 Public Officials and Employees
House Bill 2373 Insurance
House Bill 2380 Government—State
House Bill 2382 Transportation, Highways, and Motor Vehicles
House Bill 2383 Property Taxation
House Bill 2384 Health
House Bill 2385 Human Services/Mental Health and Mental Retardation

- House Bill 2386 Human Services/Mental Health and Mental Retardation
- House Bill 2389 Health
- House Bill 2394 Education
- House Bill 2396 Agriculture
- House Bill 2397 Government—County
- House Bill 2411 Education
- House Bill 2424 Government—State
- House Bill 2437 Insurance
- House Bill 2438 Insurance
- House Bill 2445 Transportation, Highways, and Motor Vehicles
- House Bill 2446 Transportation, Highways, and Motor Vehicles
- House Bill 2448 Government—Special Districts and Authorities
- House Bill 2451 Human Services/Mental Health and Mental Retardation
- House Bill 2462 Transportation, Highways, and Motor Vehicles
- House Bill 2469 Transportation, Highways, and Motor Vehicles
- House Bill 2472 Health
- House Bill 2481 Health
- House Bill 2482 Human Services/Mental Health and Mental Retardation
- House Bill 2488 Family Law and Juvenile Justice
- House Bill 2491 Government—State
- House Bill 2492 Government—County
- House Bill 2493 Government—State
- House Bill 2499 Agriculture
- House Bill 2502 Transportation, Highways, and Motor Vehicles
- House Bill 2506 Government—General
- House Bill 2509 Health
- House Bill 2510 Health
- House Bill 2512 Government—State
- House Bill 2517 Education
- House Bill 2519 Transportation, Highways, and Motor Vehicles
- House Bill 2522 Transportation, Highways, and Motor Vehicles
- House Bill 2525 Human Services/Mental Health and Mental Retardation
- House Bill 2526 Family Law and Juvenile Justice
- House Bill 2528 Education
- House Bill 2531 Family Law and Juvenile Justice
- House Bill 2541 Parks and Wildlife
- House Bill 2542 Parks and Wildlife
- House Bill 2555 Courts—General
- House Bill 2556 Health
- House Bill 2561 Criminal Justice and Procedure
- House Bill 2563 Government—Special Districts and Authorities
- House Bill 2564 Public Lands
- House Bill 2569 Business Relations
- House Bill 2573 Occupational Regulation
- House Bill 2577 Government—State
- House Bill 2584 Business Relations
- House Bill 2587 Property Taxation
- House Bill 2592 Criminal Justice and Procedure
- House Bill 2596 Health
- House Bill 2600 Government—State
- House Bill 2601 Occupational Regulation
- House Bill 2602 Agriculture
- House Bill 2606 Property Taxation
- House Bill 2615 Family Law and Juvenile Justice
- House Bill 2617 Education
- House Bill 2618 Occupational Regulation
- House Bill 2622 Property Taxation
- House Bill 2626 Education
- House Bill 2633 Occupational Regulation

- House Bill 2634 Corrections
- House Bill 2644 Retirement Systems and Benefits
- House Bill 2649 Government—Special Districts and Authorities
- House Bill 2664 Civil Remedies and Procedures
- House Bill 2666 Government—City
- House Bill 2671 Insurance
- House Bill 2673 Health
- House Bill 2681 Transportation, Highways, and Motor Vehicles
- House Bill 2683 Property Interests
- House Bill 2685 Human Services/Mental Health and Mental Retardation
- House Bill 2688 Government—Special Districts and Authorities
- House Bill 2689 Government—Special Districts and Authorities
- House Bill 2692 Government—County
- House Bill 2693 Criminal Justice and Procedure
- House Bill 2696 Government—Special Districts and Authorities
- House Bill 2697 Courts—General
- House Bill 2699 Criminal Justice and Procedure
- House Bill 2702 Civil Remedies and Procedures
- House Bill 2703 Business Relations
- House Bill 2705 Natural Resources and Environmental Regulation
- House Bill 2721 Education
- House Bill 2731 Government—Special Districts and Authorities
- House Bill 2733 Transportation, Highways, and Motor Vehicles
- House Bill 2734 Courts—General
- House Bill 2736 Government—County
- House Bill 2745 Business Relations
- House Bill 2747 Education
- House Bill 2749 Family Law and Juvenile Justice
- House Bill 2750 Public Officials and Employees
- House Bill 2768 Government—State
- House Bill 2769 Government—County
- House Bill 2776 Natural Resources and Environmental Regulation
- House Bill 2777 Human Services/Mental Health and Mental Retardation
- House Bill 2778 Appropriations
- House Bill 2779 Government—State
- House Bill 2795 Insurance
- House Bill 2798 Government—General
- House Bill 2799 Retirement Systems and Benefits
- House Bill 2807 Agriculture
- House Bill 2812 Retirement Systems and Benefits
- House Bill 2825 Corrections
- House Bill 2826 Corrections
- House Bill 2827 Corrections
- House Bill 2829 Corrections
- House Bill 2830 Criminal Justice and Procedure
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- House Bill 2837 Courts—General
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- House Bill 2845 Criminal Justice and Procedure
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- House Bill 2850 Government—Special Districts and Authorities
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- House Bill 2856 Health
- House Bill 2861 Criminal Justice and Procedure
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- House Bill 2868 Government—County
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- House Bill 2875 Occupational Regulation
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- House Bill 2880 Occupational Regulation
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- House Bill 2997 Business Relations
- House Bill 3012 Family Law and Juvenile
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- House Bill 3016 Public Lands
- House Bill 3019 Natural Resources and
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- House Bill 3025 Transportation,
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- House Bill 3027 Insurance
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- House Bill 3037 Energy and Utility
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- House Bill 3043 Government—County
- House Bill 3048 Labor and Employment
- House Bill 3052 Civil Remedies and
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- House Bill 3060 Courts—General
- House Bill 3061 Parks and Wildlife
- House Bill 3062 Criminal Justice and
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- House Bill 3063 Transportation,
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- House Bill 3065 Agriculture
- House Bill 3074 Government—General
- House Bill 3075 Health
- House Bill 3076 Banking and Finance
- House Bill 3077 Banking and Finance
- House Bill 3078 Banking and Finance
- House Bill 3086 Courts—Guardianship
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- House Bill 3087 Civil Remedies and
Procedures
- House Bill 3088 Courts—Guardianship
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- House Bill 3092 Transportation,
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- House Bill 3100 Human Services/Mental
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- House Bill 3101 Corrections
- House Bill 3104 Courts—General
- House Bill 3105 Courts—General
- House Bill 3106 Occupational Regulation
- House Bill 3112 Education
- House Bill 3116 Labor and Employment
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- House Bill 3134 Government—City
- House Bill 3135 Courts—Guardianship
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- House Bill 3137 Labor and Employment
- House Bill 3157 Government—General
- House Bill 3158 Insurance
- House Bill 3161 Labor and Employment
- House Bill 3170 Retirement Systems and
Benefits
- House Bill 3176 Business Relations
- House Bill 3189 Parks and Wildlife
- House Bill 3190 Courts—General
- House Bill 3194 Energy and Utility
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- House Bill 3197 Insurance
- House Bill 3202 Insurance
- House Bill 3203 Economic Development
- House Bill 3207 Elections
- House Bill 3212 Public Lands
- House Bill 3224 Government—County
- House Bill 3231 Government—State
- House Bill 3233 Health
- House Bill 3234 Health
- House Bill 3244 Corrections
- House Bill 3246 Transportation,
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- House Bill 3249 Transportation,
Highways, and Motor
Vehicles
- House Bill 3250 Government—State
- House Bill 3252 Transportation,
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- Senate Bill 1937.... Energy and Utility Regulation
- Senate Bill 1938.... Family Law and Juvenile Justice
- Senate Bill 1942.... Government—Special Districts and Authorities
- Senate Bill 1943.... Government—Special Districts and Authorities
- Senate Bill 1949.... Government—Special Districts and Authorities
- Senate Bill 1955.... Occupational Regulation
- Senate Bill 1956.... Courts—General
- Senate Joint Resolution 17 Natural Resources and Environmental Regulation
- Senate Joint Resolution 19 Courts—General
- Senate Joint Resolution 33 Appropriations
- Senate Joint Resolution 36 Courts—General
- Senate Joint Resolution 39 Appropriations
- Senate Joint Resolution 43 Property Interests
- Senate Joint Resolution 45 Property Taxation