

Summary of Enactments 76th Legislature

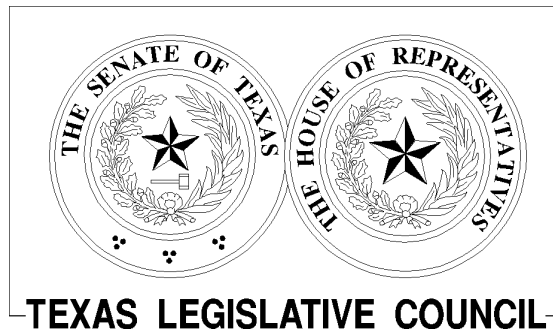
Regular Session 1999



Texas Legislative Council
September 1999

Summary of Enactments 76th Legislature

Regular Session 1999



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FOREWORD

The Summary of Enactments of the 76th Legislature provides synopses of all bills enacted and all joint resolutions proposing amendments to the Texas Constitution passed by the legislature during the 1999 Regular Session. Chapters on changes to governmental entities, 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 76th Legislature may be obtained from house and senate document distribution offices until November 2000. 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 76th Legislature convened on January 12, 1999, and adjourned *sine die* on May 31, 1999. Of the 1,622 bills enacted during the session, 31 bills, 1 house concurrent resolution, 1 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 17 joint resolutions proposing amendments to the Texas Constitution, and these will be submitted to Texas voters for approval in the November 2, 1999, election.

| | Filed | Passed | Vetoed* |
|--------------------------|--------------|---------------|----------------|
| Bills | 5,766 | 1,622 | 31 |
| Joint Resolutions | 142 | 17 | 0 |

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

CHAPTER 1

ENACTMENTS OF THE 76TH LEGISLATURE

AGRICULTURE

HOUSE BILL 2**EFFECTIVE:** 5-29-99

House Bill 2 sets forth legislative findings relating to agriculture in Texas and identifies issues that a state agriculture policy must consider and address. The act requires the legislature to conduct a comprehensive study of the condition of agriculture, the state's current programs in support of agriculture, and the role of the state in preserving the agriculture industry.

HOUSE AUTHOR: Swinford et al.**SENATE SPONSOR:** Ogden**HOUSE BILL 426****EFFECTIVE:** 9-1-99

House Bill 426 amends the Agriculture Code to require that the executive director of the Texas Animal Health Commission hold a degree in veterinary medicine.

HOUSE AUTHOR: B. Turner**SENATE SPONSOR:** Haywood**HOUSE BILL 431****EFFECTIVE:** 9-1-99

House Bill 431 amends the Agriculture Code to define an "M-44 device" for predator control and to require commercial M-44 applicator license applicants to provide proof of financial responsibility for coverage of any bodily injury or property damage caused by the application process. The act also provides that the Texas Department of Agriculture will strive to set minimum acceptable coverage at an amount that is economically feasible to applicants.

HOUSE AUTHOR: B. Turner**SENATE SPONSOR:** Madla**HOUSE BILL 1244****EFFECTIVE:** See below

House Bill 1244 amends the Agriculture Code to authorize the Texas Animal Health Commission to require the depopulation of livestock infected with or exposed to certain diseases and to pay an indemnity to the owners of the livestock, to coordinate assistance with other states in the event of an animal disease outbreak, to regulate the transportation and disposal of inedible animal products, and to require veterinarians to report certain diseases. The act also authorizes the commission to set requirements for registration issuance and renewal, testing, inspection, and recordkeeping for those feeding garbage to swine.

The act takes effect September 1, 1999, except for Section 161.101, regarding a veterinarian's duty to report, which takes effect January 1, 2000. The act authorizes the commission to adopt rules in accordance with the section before that date and provides that any rule adopted under the provision expires after the last day of the 77th Legislature, Regular Session, unless the legislature continues the rule.

HOUSE AUTHOR: Crownover**SENATE SPONSOR:** Harris**HOUSE BILL 1592****EFFECTIVE:** 9-1-99

House Bill 1592 amends the Agriculture Code to raise the state's maximum contribution to a single brush control project from 70 percent to 80 percent of the total cost of the project.

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

Agriculture

HOUSE BILL 1732

EFFECTIVE: 9-1-99

House Bill 1732 amends the Agriculture Code to require that certain equine animals changing ownership have a negative test for equine infectious anemia within the previous 12 months. The act provides that a violation under this provision is a Class C misdemeanor and, for repeat offenders, a Class B misdemeanor.

HOUSE AUTHOR: Crownover et al.

SENATE SPONSOR: Harris

HOUSE BILL 1845

EFFECTIVE: 5-29-99

House Bill 1845 amends the Agriculture Code to authorize marketing associations organized primarily for grain markets to provide a member association or group with more than one vote per member.

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Bivins

HOUSE BILL 1975

EFFECTIVE: 9-1-99

House Bill 1975 amends the Texas Dangerous Drug Act to exempt drugs prescribed by a veterinarian for administration to food production animals in an agricultural operation from the labeling requirements of that Act, provided that all federal requirements are met.

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Bivins

HOUSE BILL 2407

EFFECTIVE: 9-1-99

House Bill 2407 amends the Agriculture Code to revise regulations regarding the handling and marketing of perishable commodities and the payment of claims from the produce recovery fund. The act combines provisions of the code relating to citrus and vegetables into one chapter regulating perishable commodities and provides for one license to be issued by the Texas Department of Agriculture to eligible merchants who sell fruits or vegetables.

The act increases the amount that may be paid to merchants from the produce recovery fund. The department is authorized to pay all of the first \$2,000 of a claim and 70 percent of the total above that amount. The total payments from the fund may not exceed twice the average amount of money deposited into the fund within the previous three years, and the balance of the fund may never be less than \$100,000.

House Bill 2407 also decreases the portion of annual revenue that must be derived from the sale of fruits or vegetables in order to require licensing by the department, requires that all scales used to weigh perishable commodities for sale meet state standards, and requires licensed merchants to maintain accurate sales receipts for at least three years after the date of the sale and make them available for inspection by the department at any time. In addition, the act establishes offenses for certain acts, including continuing to sell produce after receiving notice of license cancellation, selling produce that is not weighed with a scale meeting state standards, failing to maintain accurate sales records, and failing to make the sales records available for inspection.

HOUSE AUTHOR: Flores

SENATE SPONSOR: Lucio

HOUSE BILL 2599

EFFECTIVE: 9-1-99

House Bill 2599 amends the Natural Resources Code to add a new chapter on prescribed burning. The act creates the Prescribed Burning Board within the Texas Department of Agriculture and sets forth the board's composition and terms. The act requires the board to establish standards for prescribed burning, develop a comprehensive training curriculum and certification program for prescribed burn managers, set minimum education and professional requirements for instructors, and establish minimum insurance requirements for certified burn managers.

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: Duncan

House Bill 2599 sets forth minimum standards for prescribed burning and for certification as a prescribed burn manager. The act also limits the liability of a landowner who uses a certified prescribed burn manager and provides that this legislation does not limit a landowner's right to burn and does not modify the landowner's liability for a burn not conducted according to the standards adopted by the Prescribed Burning Board.

HOUSE BILL 2631**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** S. Turner**SENATE SPONSOR:** R. Ellis

House Bill 2631 amends the Agriculture Code to require the Texas Department of Agriculture to develop a program to award grants to public elementary schools in large urban school districts to establish demonstration agriculture projects. The act sets a cap on the amount of a grant at \$2,500, limits the number of grants that may be awarded within the same school district, requires the receiving school to report the results of the project to the department, and authorizes the department to solicit and accept gifts, grants, and donations to carry out this chapter.

HOUSE BILL 2719**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Swinford**SENATE SPONSOR:** Lucio

House Bill 2719 amends the Agriculture Code to create the "Go Texan" Partner Program under the auspices of the Texas Department of Agriculture (TDA) to encourage the marketing of Texas agricultural products. The act establishes guidelines and requirements for program eligibility and participation and creates the "Go Texan" Partner Program Account within the general revenue fund. The act also sets out provisions regarding the use of account funds, creates the "Go Texan" Partner Program Advisory Board, and provides for administrative and civil penalties for violations of the chapter. The Texas Department of Transportation is authorized to issue "Go Texan" license plates, set a fee for the license plates, and provide for the allocation of funds collected under the program. The act creates the Texas Oyster Program to authorize TDA to promote the Texas oyster industry and require the commissioner of agriculture to appoint an oyster advisory committee.

HOUSE BILL 2809**EFFECTIVE:** 5-28-99**HOUSE AUTHOR:** Swinford**SENATE SPONSOR:** Bivins

House Bill 2809 requires the Texas Department of Agriculture, the Railroad Commission of Texas, and the Texas Department of Transportation to jointly conduct a comprehensive study of grain transportation in Texas. The act requires that a report of the study be filed with the governor, lieutenant governor, and the speaker of the house by January 2, 2001, and sets forth the information that must be included in the report.

HOUSE BILL 3050**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Counts et al.**SENATE SPONSOR:** Duncan

House Bill 3050 amends provisions of the Agriculture Code relating to certain loan programs of the Texas Agriculture Finance Authority and the promotion of agriculture-related rural businesses. The act increases the maximum loan amount available under the microenterprise support program from \$15,000 to \$25,000 for a start-up program and from \$30,000 to \$50,000 for existing programs. The amount of state funds available in linked deposits is increased from \$15 million to \$25 million, and the authority of the loan guarantee program is expanded to allow for loans and loan guarantees to promote the development of agriculture-related rural businesses, including businesses that provide recreational activities on agricultural land, and for insect eradication and suppression programs, including boll weevil eradication.

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House Bill 3050 enhances opportunities for young farmers under the Young Farmer Loan Guarantee Program and increases the maximum loan amount from \$100,000 to \$250,000. The act also transfers the young farmer loan guarantee account from the general revenue fund to the Texas agriculture fund and amends the Transportation Code to provide for the deposit of farm vehicle assessments in this account.

HOUSE BILL 3446

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Ogden

House Bill 3446 amends the Veterinary Licensing Act to prohibit corporations and other legal entities not owned exclusively by one or more licensed veterinarians from practicing or offering or attempting to practice veterinary medicine. The act clarifies that a person or other legal entity not licensed by the State Board of Veterinary Medical Examiners is authorized to own the premises on which a veterinary practice is located. The act also provides that the venue for an injunction proceeding to enjoin a corporation or other legal entity from the practice of veterinary medicine is in the county of the defendant's principal office in this state.

SENATE BILL 448

EFFECTIVE: 5-20-99

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: Hawley et al.

Senate Bill 448 amends the Agriculture Code to create a cost-sharing program, administered by the commissioner of the Texas Department of Agriculture, to eradicate the boll weevil and the pink bollworm. The act authorizes the commissioner to contract to obtain boll weevil eradication services and stipulates that the funds may be spent only in a zone in which a boll weevil eradication program is active or eradication has been declared complete by the United States Department of Agriculture or its designee.

SENATE BILL 631

EFFECTIVE: 5-29-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Walker et al.

Senate Bill 631 amends provisions of the Agriculture Code relating to the boll weevil eradication program. The act authorizes the commissioner of the Texas Department of Agriculture to inspect the financial records of the Texas Boll Weevil Eradication Foundation, removes conditional language relating to the liability of aerial applicators for acts or omissions of the foundation so that it no longer has to carry them on its liability coverage, authorizes the foundation to purchase goods and services that provide the best value for the foundation, and establishes that the venue for any legal action involving the foundation is in Travis County.

The act also authorizes the foundation to develop a compliance program for the collection of assessments owed by producers in active zones to finance boll weevil eradication efforts and to issue compliance certificates to growers when their assessments are paid. The commissioner is authorized to provide incentives for producers to pay assessments before they are due and to impose penalties for late payment of assessments.

SENATE BILL 873

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Uher et al.

Senate Bill 873 amends provisions of the Agriculture, Parks and Wildlife, and Water codes relating to the regulation of aquaculture. The act sets forth activities the Texas Department of Agriculture may engage in regarding the promotion of aquaculture products, amends licensing and recordkeeping requirements, and establishes guidelines and procedures for interagency cooperation with the Texas Natural Resource Conservation Commission (TNRCC) and the Parks and Wildlife Department for the regulation of aquaculture. The act also sets forth

additional wastewater discharge requirements for commercial shrimp production facilities located within the coastal zone and requires the TNRCC to establish permit conditions relating to suspended solids in a discharge permit for a shrimp-producing aquaculture facility located in the coastal zone. In addition, Senate Bill 873 sets a cap on fees charged to aquaculture facilities, abolishes the aquaculture executive committee, and authorizes the Parks and Wildlife Commission to adopt rules to control a disease or agent of disease transmission that may affect penaeid shrimp species and that has the potential to affect cultured species or other aquatic species.

SENATE BILL 1304

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Crownover

Senate Bill 1304 amends the Agriculture Code to require the Texas Feed and Fertilizer Control Service to establish aflatoxin contamination levels considered safe for whole seed and whole grain offered for retail sale as wildlife feed.

SENATE BILL 1901

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Swinford

Senate Bill 1901 amends the Agriculture Code to provide for the disposition or sale of impounded estrays by a county sheriff. The act authorizes a county sheriff to donate the stray animal to a nonprofit organization or to retain and use it for county purposes if the sheriff determines that the sale of the animal is unlikely to generate sufficient proceeds to cover the expense of the sale.

APPROPRIATIONS

HOUSE BILL 1

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: Ratliff

House Bill 1, the General Appropriations Act, appropriates \$98.1 billion for the FY2000-FY2001 fiscal biennium beginning September 1, 1999. That amount, from all funding sources, reflects an expenditure increase of 10.9 percent over FY1998-FY1999. Of the biennial appropriations, \$61.4 billion, or 62.6 percent, is derived from general revenue, both dedicated and undedicated. Another \$27.7 billion, or 28.2 percent, comes from federal funding. Major capital expenditures from all sources total \$859.1 million.

Education receives almost \$44.5 billion, an increase of 14.1 percent. The act includes a funding increase of \$3.8 billion to fund the Foundation School Program, enhance funding formulas, address property tax relief, provide the \$3,000 annual salary increase awarded teachers by Senate Bill 4, and implement other initiatives. Health and human services receive \$27.4 billion, an increase of four percent. The act includes a new article consisting of appropriations from the state's tobacco lawsuit settlement. That money supports \$348.1 million in health and human services initiatives, not counting the federal match it draws. Of that figure, slightly more than half covers the state share of Children's Health Insurance Program (CHIP) spending. Other legislation summarized elsewhere in this publication distributes or appropriates additional tobacco settlement money among various permanent funds and local governments for health-related purposes and reimbursements. Economic development, including transportation, receives \$12 billion of the state's biennial budget, an increase of 9.5 percent over the preceding fiscal biennium. Public safety and criminal justice receive \$7.6 billion, an increase of 4.3 percent.

The act satisfies all four constitutional spending limits. A "pay-as-you-go" limit requires comptroller certification that certain expenditures are within available revenue. The state's cushion is as much as \$500 million but is likely to decrease because of sales and franchise tax receipt reductions that will flow from Senate Bill 441. Spending increases also must not exceed the rate of economic growth. The budget is within that limit. Debt service payable from general revenue, excluding certain constitutionally dedicated revenues, is limited to no more than five percent of the average annual unrestricted general revenue for the three preceding fiscal years. The estimated levels for FY2000 and FY2001 are 2.3 percent and 2.1 percent, respectively. Finally, the state is well within a limit restricting welfare spending to one percent of the budgetary total.

The general provisions article eliminates a number of traditional appropriations riders, which are moved to permanent statutory law by Senate Bill 174 through Senate Bill 178. The same article makes annual adjustments of \$1,200 to certain salary schedules, meaning a \$100 monthly pay raise for state employees and nonfaculty higher education employees. Other upward schedule adjustments provide increases to law enforcement officers based on a salary survey by the state auditor's office.

HOUSE BILL 1161

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Ratliff

In January 1998 the State of Texas reached a \$15 billion settlement in its federal lawsuit against the tobacco industry. That agreement contained a "most-favored nation" clause, providing that if the industry reached a settlement with another nonfederal governmental plaintiff on

Appropriations

terms more favorable to that plaintiff than to the State of Texas in the Texas settlement, the Texas settlement would be upgraded to mirror those more favorable terms. A later settlement in Minnesota triggered the clause and consequently an additional payment of more than \$2.2 billion.

House Bill 1161 codifies elements of a related July 1998 agreement, whereby the entirety of the most-favored nation proceeds go to hospital districts, other political subdivisions that operate hospitals, and counties responsible for indigent care to compensate them for unreimbursed expenditures incurred as a result of their treatment of tobacco-related illnesses. The State of Texas acts only as a trustee for those proceeds, although the money is held in the state treasury. Under the agreement, \$450 million is distributed to eligible entities according to a three-year lump sum payment schedule. The first of those lump sum payments was made to hospital districts, counties, and other political subdivisions in January 1999 on a per capita basis using 1990 census populations.

The other \$1.8 billion from the agreement goes into a permanent trust. The act amends the Government Code to establish a tobacco settlement permanent trust account and to assign to the comptroller associated investment and reporting duties. The account's corpus remains intact, and annual net earnings are distributed to the eligible entities. The act contains a prohibition on the use of distributions for lobbying expenditures. Amendments to the Health and Safety Code assign to the Texas Department of Health the collection of future data on unreimbursed local health care expenses and the certification of the proportionate share of earnings, based on relative expenses, to go to each entity. The act creates an advisory committee representing such entities to assist the comptroller with account investment and a similar advisory committee to assist the department with account administration. A temporary section, expiring in 2002, applies to the 2000 and 2001 lump sum payments. It uses the department's permanent trust certifications to distribute those lump sum payments proportionately based on relative unreimbursed expenses rather than on relative population as was the case in 1999.

HOUSE BILL 1676

EFFECTIVE: 8-31-99

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Ratliff

House Bill 1676 amends the Government Code to create five health-related endowment funds as dedicated accounts in the general revenue fund and to transfer to them a total of \$475 million from tobacco litigation settlement payments. The comptroller manages all fund assets. Transferred amounts are augmented by any gifts, as well as available earnings from fund investment, and available earnings may be appropriated by the legislature to support the respective fund purposes. Recoupment provisions allow appropriation of fund amounts should the state be required to share tobacco settlement money with the federal government. Recipients may not use funding for lobbying purposes, and grants and awards may not be conditioned on the enactment of legislation, agency rules, or local ordinances.

A \$200 million permanent fund for tobacco education and enforcement is created for programs to reduce the use of cigarettes and tobacco products in Texas. A \$100 million permanent fund for children and public health is created to develop prevention and intervention strategies to improve child health and public health and to provide grants to address specific public health priorities. A \$100 million permanent fund for emergency medical services and trauma care is devoted to programs for the provision of such care and services. A \$25 million community hospital capital improvement fund is created for support of small public or nonprofit community hospitals in urban areas. These programs are administered by the Texas Department of Health.

A \$50 million permanent fund is created for rural health facility capital improvement, a program to be administered by the Center for Rural Health Initiatives. The act amends the Health and Safety Code to authorize the center to use appropriations from the fund for grants, loans, or loan guarantees benefiting public or nonprofit hospitals in rural counties. A rural county is one with a population of 150,000 or less, or one with a larger population that has a nonurbanized area. The center has rulemaking power to establish eligibility criteria, including financial and rural health care needs, but must give preferential consideration to public hospitals.

HOUSE BILL 1945

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Ratliff

House Bill 1945 amends the Education Code to create the permanent health fund for higher education, separate permanent endowment funds for specified institutions of higher education, a permanent fund for minority health research and education, and a permanent fund for higher education nursing, allied health, and other health-related programs. All funds are created in the treasury outside the general revenue fund. The act transfers \$350 million, \$570 million, \$25 million, and \$45 million, respectively, to the funds from tobacco lawsuit settlement money. It transfers \$1 million to the Texas Higher Education Coordinating Board to fund the Institute of Metabolic Disease. The funds may also be appropriated for federal recoupment, if any, of settlement money. The act sets reporting requirements for each fund.

The permanent health fund for higher education supports nine specified medical schools and health sciences centers affiliated with The University of Texas, Texas A&M University, the University of North Texas, and Texas Tech University, and also supports the Baylor College of Medicine, provided that certain contractual conditions are met. Seventy percent of available money is to be distributed in equal amounts, by legislative appropriation, to the participating institutions. Three allotments of 10 percent each are allocated among the same institutions based on their proportionate spending for instruction, research, and unsponsored charity care during the preceding biennium. Fund appropriations may be used only for programs that benefit medical research, health education, or treatment programs.

The separate endowment funds cover generally the same institutions but add The University of Texas at El Paso and the regional academic health center in the Lower Rio Grande Valley. The act allocates the \$570 million in express amounts, rather than by formula, and divides the Texas Tech allocation between its health sciences center component in El Paso and components elsewhere. Fund appropriations may be used only for research and other programs of the recipient institution that benefit the public health. Special provisions apply to the use of appropriations for designated institutions.

The permanent fund for minority health and research education is a grants program. Appropriations are to the coordinating board to provide support to institutions of higher education that conduct research or educational programs that address minority health issues or form partnerships to do so. The last fund is also a grants program, with appropriations to the coordinating board to provide support to public institutions of higher education that offer upper-level academic instruction and training in the field of nursing, allied health, or other health-related education. Institutions and components eligible for funding from the first two types of permanent funds are ineligible for this program.

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HOUSE BILL 2909

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Moncrief

House Bill 2909 amends the Health and Safety Code to increase from \$500,000 to \$10,000,000 the maximum unencumbered amount in the nursing and convalescent home trust fund at the end of a fiscal year. Amounts above that cap are transferred to general revenue. The act authorizes the Texas Department of Human Services to charge and collect fees on nursing home beds more than once annually only if necessary to ensure that fund amounts are sufficient to make required disbursements of emergency assistance. Any second or subsequent fee assessments in the same year must be reported to the governor and members of the Legislative Budget Board. Total fees assessed in a year may not exceed \$20 per licensed unit of capacity or bed space.

SENATE BILL 174

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 174 amends the Government Code to codify, with some substantive changes, topics formerly covered by General Appropriations Act riders and relating to state officers and employees. The codifications and changes address position classification, job notices, compensation and hours, leave and holidays, and multiple employment. The act also amends the Local Government Code to require regional councils of government to adopt salary schedules for classified positions that do not exceed the state salary schedule. Compensation for exempt positions must be within the range for state exempt positions. Salary schedules and exempt salaries must be submitted to the governor, and if the governor objects to a portion of a schedule, it may not take effect until revisions or explanations achieve gubernatorial approval. The act does not apply to a council of government whose most populous county has an average weekly wage that exceeds that of the state by 20 percent or more.

SENATE BILL 175

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 175 amends the Government Code to codify, with minor substantive changes, topics formerly covered by General Appropriations Act riders and relating to travel by state employees and officers. The changes repeal and replace certain statutory provisions relating to travel reimbursement for legislators and legislative staff. The act also amends the Local Government Code to set limits on travel reimbursement for council of government personnel.

SENATE BILL 176

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 176 amends the Government Code and Civil Practice and Remedies Code to codify, with certain substantive changes, topics formerly covered by General Appropriations Act riders and relating to miscellaneous state agency reporting, filing, and accounting requirements. It includes provisions relating to the reporting to the Legislative Budget Board of certain contracts for construction, professional and consulting services, and major information systems and contracts with nonresident bidders. The act also amends the Local Government Code to direct the governor to adopt rules relating to council of government (COG) operations, COG oversight, and the receipt or expenditure of funds by a COG. The rules must establish annual audit and reporting requirements and must provide for standards by which to measure COG productivity and performance. The act elaborates on reporting requirements and provides for report and audit submission to the governor, state auditor, comptroller, and Legislative Budget Board. If a COG fails to submit a report or audit, the governor may appoint a temporary receiver or withhold appropriated funds until the deficiency is corrected.

SENATE BILL 177**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Ratliff**HOUSE SPONSOR:** Junell

Senate Bill 177 amends the Government Code to codify, with certain substantive revisions, various General Appropriations Act riders that authorize, restrict, or prohibit expenditures by public entities, employees, and officers. A state agency that uses appropriations to employ a person required to register as a lobbyist is subject to a reduction of its administrative appropriation in the succeeding fiscal biennium, not to exceed \$100,000 for each violation of the prohibition against such use. The act provides that an agency headed by an elected officer may not, within 120 days preceding an election to fill the office, use appropriations to publish a publication about the agency's activities or legal responsibilities. It prohibits a political subdivision or private entity that receives state funds from using such funds for lobbying purposes. The act contains contracting provisions applicable to certain agencies other than the General Services Commission. It authorizes an agency to request permission from the Legislative Budget Board and governor's office to delay a technology initiative if implementation would significantly interfere with preparation for Year 2000 computer changes.

Other provisions amend the Local Government Code to address expenditures by regional councils of government (COGs). The act provides that travel reimbursement for COG personnel may not exceed amounts allowed state employees, and travel reimbursement for COG governing body members, if paid from state appropriations, may not exceed rates allowed state board and commission members, with certain exceptions. The act prohibits COG expenditures for alcohol or entertainment. It applies to COGs the same purchasing laws, or their equivalent, as apply to local governments and limits indirect spending by a COG to 15 percent of its total expenditures.

SENATE BILL 178**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Ratliff et al.**HOUSE SPONSOR:** Junell et al.

Senate Bill 178 amends the Government Code to require that litigation or settlement recoveries by state executive branch agencies and institutions of higher education be deposited in the state treasury. It prohibits payment of contingency fees and expenses for contracted legal services unless payment is appropriated by the legislature or is approved by the Legislative Budget Board if the legislature is not in session. The act sets requirements for contingent fee contracts for legal services. Contracts must be approved by an entity's governing body or elected or appointed officer, or in certain circumstances by the governor. The budget board must be notified of proposed contracts for which estimated recovery amounts exceed \$100,000 and must concur in certain related findings regarding insufficiency of appropriated funds. A contract must establish hourly rates for performed legal work, which may not exceed \$1,000 an hour, and must require the contracting attorney or law firm to keep time and expense records. Those records, with certain exceptions, are open to the public. A contract base fee equals the number of hours times the applicable hourly rates. The contingent fee is the product of the base fee and a multiplier, the latter established contractually based on certain risk factors and inherent complications. The multiplier may not exceed a value of four without prior legislative approval. The contract must provide for contingent fee computation, limit that fee to a specified percentage of the recovery amount, and explain how the fee computation method varies, if at all, for cases that are settled, tried, or tried and appealed. The percentage limitation may not exceed 35 percent without prior legislative approval.

The act amends various codes to incorporate, with certain substantive changes, state government policies formerly covered by General Appropriations Act riders and relating to purchasing and contracting, including those involving historically underutilized businesses

Appropriations

(HUBs), and to accounting matters, audit plans, office space limitations, technology coordination, telephone and telecommunications systems, public lands and public property management, certain reporting requirements, periodic rule review, and other miscellaneous topics. Additional HUB provisions concern HUB size limitations, state and local HUB certification collaboration, and General Services Commission efforts to increase HUB contracting and subcontracting, including orientation packages, mentor-protege programs, and HUB presentations before state agency forums. Agencies with a budget exceeding \$10 million must appoint HUB coordinators. An agency entering into a contract with an expected value of \$100,000 or more must evaluate subcontracting opportunities and, if they exist, must require that bids, proposals, or offers include a HUB subcontracting plan. The agency must evaluate the contractor's good faith compliance with the plan and in appropriate cases may bar a contractor from future contract opportunities. The General Services Commission must report annually to the governor and legislative presiding officers on its HUB education and outreach activities, and agencies in their legislative appropriations request must include a detailed report on their compliance with HUB laws and commission rules, and reasons for any noncompliance. The extent of such compliance is considered a performance measure for purposes of the appropriations process.

SENATE BILL 472

EFFECTIVE: 3-18-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 472 makes emergency appropriations of about \$110.6 million, principally from nontax general revenue, for the two-year period beginning on its effective date. Major expenditures include \$27.6 million to the Texas Department of Criminal Justice for prison expansion and use of county jail capacity and \$25 million to the Texas Department of Agriculture for drought relief. The Texas Education Agency receives \$18.8 million for teacher training in developing children's reading skills, and the legislation reduces by the same amount a related contingency rider from the 1997 General Appropriations Act. The governor's office receives \$13.6 million for disaster relief purposes. Almost \$9 million, two-thirds of that amount from federal funds, goes to the Department of Protective and Regulatory Services for child protective services. Appropriations of \$8 million go to Texas A&M University to reimburse the Texas Forest Service for 1998 fire suppression efforts and to fund an expansion of the Financial and Risk Management Assistance Program of the Texas Agricultural Extension Service. The act directs \$6 million to the State Office of Risk Management for payment of workers' compensation benefits. It appropriates lesser amounts to the Texas Commission for the Blind and schools for the blind and deaf, the Texas Department of Health, the Texas Workforce Commission, and the Department of Information Resources, the last to support a website and telephone troubleshooting system relating to the Year 2000 problem. The act also authorizes certain transfers relating to group insurance premium costs for institutions of higher education.

SENATE BILL 928

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 928 appropriates almost \$16.7 million from various funding sources to pay itemized claims and judgments against the State of Texas. That amount includes \$10 million to the Texas Municipal League Group Benefits Risk Pool and \$5 million to the Texas Association of School Boards Risk Management Fund from tobacco settlement funds. Those payments, which reimburse certain city and school employee health costs, release the state from any related liability or responsibility.

BANKING AND FINANCE

HOUSE BILL 76

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons et al.

SENATE SPONSOR: Carona

House Bill 76 amends the Property Code to exempt assets in or annuity payments from Roth individual retirement accounts (IRAs), which were created by the Taxpayer Relief Act of 1997 and are described in Section 408A of the Internal Revenue Code, from attachment, execution, or seizure for the satisfaction of creditors' claims. The act also exempts qualified rollover contributions to Roth IRAs from such attachment, execution, or seizure.

HOUSE BILL 744

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Eiland

SENATE SPONSOR: Bernsen

House Bill 744 amends the Finance Code to increase the maximum annual interest rate allowed on any revolving credit account to 18 percent and to authorize several fees on those accounts. The act establishes a cap on each fee, prohibits a creditor from charging interest on fees, and requires a creditor to include a notice on a customer's monthly statement warning of delinquency charges for late payments.

House Bill 744 increases the maximum authorized delinquency charge on a retail installment sales account from \$10 to \$15 per installment, requires the holder of the account to remit 50 cents of each charge in excess of \$10 to the comptroller to fund research by the finance commission and debtor assistance education and counseling services offered by the office of the consumer credit commissioner, and requires the holder to include a notice on a customer's monthly statement relating to delinquency charges. The act also requires the consumer credit commissioner to collect a portion of certain delinquency charges from a retail seller if the commissioner determines that the seller has moved its credit operations out of the state in order to circumvent Texas laws relating to rate ceilings.

HOUSE BILL 1510

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Shapiro

House Bill 1510 amends the Finance Code to authorize the inclusion of a documentary fee of not more than \$50 in the principal balance of a motor vehicle retail installment contract, or a reasonable amount agreed to by the seller and buyer for a heavy commercial vehicle retail installment contract. The act also requires the retail installment contract to include a statement regarding the documentary fee that reflects the amount authorized.

HOUSE BILL 1810

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Lindsay

House Bill 1810 amends the Government Code to update provisions relating to state depository institutions as a result of the introduction of interstate branch banking to Texas. The act makes modifications to the procedure for banks to apply to the comptroller's office for designation as a state depository and to the criteria for accepting those applications. The act also specifies that prudent person standards must guide certain investment decisions by the comptroller and authorizes the comptroller to contract with private investment managers. The act specifies a minimum amount of securities that state depository banks must pledge as collateral to the comptroller and authorizes a state depository to deposit pledged securities with any federal reserve bank or federal home loan bank in lieu of depositing such securities with the comptroller.

Banking and Finance

HOUSE BILL 1879

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Sibley

House Bill 1879 amends the Texas Public Finance Authority Act to allow the authority's board to delegate certain contract negotiations and exempt a subcommittee or delegate of the board from open meetings laws when it is pricing and selling its bonds or negotiating certain contracts and to require the Bond Review Board to approve bonds and obligations before the process of acquiring or constructing a building or purchasing or leasing equipment may begin.

HOUSE BILL 2066

EFFECTIVE: See below

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Fraser

House Bill 2066 amends a variety of statutes to provide for interstate banking and branching in Texas. The act authorizes interstate operations of financial institutions in accordance with the requirements of federal law, sets forth the conditions under which a company may acquire a Texas bank or bank holding company and the procedures and qualifications for an out-of-state financial institution to do business in this state, and provides for reciprocity with other states in terms of the establishment of de novo bank branches. The act provides for the regulation of multistate trusts and for state regulation of the participation by foreign banks in Texas financial markets by the banking commissioner. The act also amends the Texas Non-Profit Corporation Act to provide that a nonprofit corporation has immunity from certain suits relating to its role as a trustee of a charitable trust and to authorize interlocutory orders if a court denies a motion for summary judgment based on an assertion of this immunity.

House Bill 2066 takes effect September 1, 1999, except for provisions relating to immunity for nonprofit corporations, which take effect May 29, 1999.

HOUSE BILL 2180

EFFECTIVE: See below

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Cain

House Bill 2180 amends the Finance Code to clarify and update procedures and requirements relating to credit and the licensing of lenders. The act increases the amount of a bond that may be required to be filed with an application for a lender's license, in lieu of evidence of fiscal soundness, from \$5,000 to \$50,000 for the first license and from \$1,000 to \$10,000 for each additional license. The act makes changes to conform the law to the new interstate branch banking environment and clarifies language relating to computation methods for interest charges and fees for certain loans, activities conducted by licensed consumer lenders, and charges for dishonored checks or other instruments. Finally, the act provides that a person acquiring or assigning a retail installment contract or an outstanding balance under a contract is not obligated to disclose the terms of that acquisition.

House Bill 2180 takes effect September 1, 1999, except for the provision relating to disclosure of the terms of a retail installment contract that is acquired, which takes effect June 19, 1999, and applies to civil actions pending on or after that date.

HOUSE BILL 2223

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Sibley

House Bill 2223 amends the Sale of Checks Act to authorize the banking commissioner to waive certain reporting requirements and extend reporting deadlines for check sellers. The act also repeals a provision that required certain licensed check sellers to report each business location for the purpose of adjusting the amount of a bond or deposit required of the seller.

HOUSE BILL 2320

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Sibley

House Bill 2320 amends the Finance Code to make a number of changes to the licensing and regulation of currency exchange, transmission, and transportation businesses. The act subjects operators of ATM machines and other electronic terminals to such regulation, expands definitions of "currency exchange" and "currency transmission" to include businesses that offer services and instruments payable in currency, allows the Finance Commission of Texas more flexibility in adopting rules relating to licensing, allows the banking commissioner to reduce the amount of a bond or letter of credit a licensee is required to post and to regulate the content of advertising by licensees, and exempts certain financial institutions and other businesses from licensing. The act deletes a provision that previously allowed a single license for an operator who conducts business at 10 or more locations and authorizes the commissioner to require license holders with multiple locations to make business records for all licensed locations available for examination at a specified location.

House Bill 2320 also makes changes to the commissioner's enforcement authority. The act authorizes the release of certain confidential business information to foreign countries or law enforcement agencies, establishes a defense to prosecution for a violation committed by a peace officer in the course of a legitimate investigation, and expands the commissioner's enforcement authority concerning cease and desist orders and the seizure of assets of a business found to be in violation of Finance Code provisions.

HOUSE BILL 2337

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Ehrhardt

SENATE SPONSOR: Carona

House Bill 2337 amends the Finance Code to authorize certain consumer loan contracts that include simple interest to provide for a late charge of not more than five percent on the loan amount that is past due after 10 days. The charge may not be collected more than once on a single installment.

HOUSE BILL 2338

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Ehrhardt

SENATE SPONSOR: Carona

House Bill 2338 amends the Finance Code to increase from \$10 to \$20 the administrative fee that lenders are authorized to charge on certain consumer and secondary mortgage loans under \$1,000.

HOUSE BILL 2585

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Woolley

SENATE SPONSOR: Cain

House Bill 2585 adds a new chapter to the Business & Commerce Code relating to European Union currency conversion. The act provides that if the medium of payment of a contract, security, or instrument is the European currency unit or a currency that has been replaced by the euro, the euro is a commercially reasonable substitute and substantial equivalent. The act also provides that circumstances arising from the substitution of the euro are not considered a discharge of, do not excuse performance under, and do not give a party the right to unilaterally alter or terminate a contract, security, or instrument.

Banking and Finance

HOUSE BILL 2781

EFFECTIVE: 9-1-99

House Bill 2781 amends the Finance Code to include transactions in which more than one person lends or borrows money or credit with an aggregate value of \$3 million or more in the definition of “qualified commercial loan.”

HOUSE AUTHOR: Pitts

SENATE SPONSOR: R. Ellis

HOUSE BILL 2800

EFFECTIVE: 9-1-99

House Bill 2800 adds a chapter to the Finance Code relating to business checking accounts. The act requires a financial institution to collect certain information from the account holder regarding the business and the business owner and to request that the business inform the institution of changes in the information at least annually. The act prohibits an institution from unreasonably withholding the information from a person to whom the financial institution has returned a dishonored check or draft drawn on the business checking account and exempts the institution from liability to the account holder for disclosing the information.

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: Carona

HOUSE BILL 3072

EFFECTIVE: 8-30-99

House Bill 3072 amends the Finance Code to authorize the seller in a retail motor vehicle installment sale to pay off the amount owed on any vehicle owned by the buyer, including one used as a trade-in or one that has been declared a total loss by the buyer’s insurer, and to finance repayment of that amount in the sales contract. The act also permits the seller to pay the buyer the net cash value of a trade-in vehicle after the amount owed on the vehicle has been retired.

HOUSE AUTHOR: Averitt

SENATE SPONSOR: J. E. Brown

HOUSE BILL 3515

EFFECTIVE: 6-19-99

House Bill 3515 amends the Finance Code to authorize a seller to offer a buyer involuntary unemployment insurance as additional protection for a motor vehicle installment sale contract at the time the contract is executed. The act also provides that a warranty or service contract sold to a retail buyer of a motor vehicle is not insurance.

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Sibley

SENATE BILL 85

EFFECTIVE: 9-1-99

Senate Bill 85 amends the letters of credit chapter of the Uniform Commercial Code to expressly codify commonly accepted legal principles relating to an issuer’s rights and obligations with respect to a beneficiary and to permit letters of credit to be issued electronically. The act makes conforming amendments to other chapters of the Uniform Commercial Code (Title 1 of the Business & Commerce Code).

SENATE AUTHOR: Carona

HOUSE SPONSOR: Smith

SENATE BILL 172

EFFECTIVE: See below

Senate Bill 172 amends the definition of “qualified commercial loan” to include a transaction in which one or more persons lend or borrow money or credit with an aggregate value of \$3 million or more if the loan is secured by real property, or \$250,000 or more if the loan is not secured by real property. The act provides that the loan documents for a qualified commercial loan of more than \$250,000 and less than \$500,000 must contain written certification from the

SENATE AUTHOR: Harris

HOUSE SPONSOR: Solomons

borrower that the borrower has been advised by the lender and has had an opportunity to seek the advice of an attorney and an accountant regarding the loan. The act also provides that a renewal or extension of a qualified commercial loan, regardless of the principal amount at the time of renewal or extension, is also considered to be a qualified commercial loan. The act excludes commercial loans to finance certain motor vehicle businesses licensed by the Texas Department of Transportation from the definition of “qualified commercial loan.”

The act contains two identical sections amending the definition of “qualified commercial loan.” The first amends Article 5069-1H.001, Vernon’s Texas Civil Statutes, and is effective June 18, 1999. The first is repealed and the second takes effect September 1, 1999, when Senate Bill 1368, relating to nonsubstantive additions to and corrections in enacted codes, takes effect.

SENATE BILL 762

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Averitt

Senate Bill 762 amends the Government Code to increase from \$3 million to \$6 million the maximum amount that the comptroller may place in linked deposits under the Business Development—Linked Deposit Program for loans to certain small businesses.

SENATE BILL 891

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Marchant

Senate Bill 891 amends provisions of the Finance Code relating to the credit union department and regulation of credit unions. The act limits the Credit Union Commission’s authority to set compensation to setting compensation of the credit union commissioner and deputy commissioner in accord with the General Appropriations Act, and it applies the Position Classification Act to all other department positions. The act also authorizes the commissioner to enter into agreements with credit union supervisory agencies in other states to effectively regulate credit unions doing business across state lines and to require foreign credit unions operating in Texas to submit certain reports. The act allows the commissioner to file a group return with the Internal Revenue Service for all credit unions under department jurisdiction, allows the department to collect fees other than an examination fee, and provides for the confidentiality of certain information obtained or produced by the commission.

SENATE BILL 1055

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Marchant

Senate Bill 1055 amends Finance Code provisions relating to the regulation and operation of credit unions. The act provides that a public member of the Credit Union Commission must not be involved in managing or directing, and may not have a financial interest in, a savings bank. The act allows state credit unions to engage in any activity or exercise any power allowed federal credit unions without the requirement for a specific commission rule authorizing such activity or power. It also deletes a requirement that the name of each beneficiary of a trust account be disclosed to the credit union when the account is opened and allows a credit union to rely on certain information provided by the trustee to determine whether the trust is revocable or irrevocable. It also provides that holders of safe deposit boxes may designate other individuals to have access to and remove contents from a safe deposit box.

Banking and Finance

SENATE BILL 1155

EFFECTIVE: See below

SENATE AUTHOR: Carona

HOUSE SPONSOR: Marchant

The fixed amount of authority in the state to issue tax-exempt private activity bonds in a given calendar year is allocated among issuers who apply to the Bond Review Board to reserve a portion of the state ceiling for specific bond issues. Senate Bill 1155 increases the proportion of the state ceiling available for reservations by issuers of qualified residential rental project issues and gives priority to reservations for certain low-income housing projects. The act provides that, in order to receive priority as a low-income housing project, the project must have been approved for an award of low-income housing tax credits by the Texas Department of Housing and Community Affairs.

Senate Bill 1155 also amends application requirements by clarifying information to be provided in a statement relating to the disposition of unexpended proceeds from prior bond issues, and it imposes a fee on issuers of such bonds who receive a carryforward designation.

The act takes effect January 1, 2000, except for provisions relating to statements about unexpended proceeds, which take effect August 1, 1999.

SENATE BILL 1555

EFFECTIVE: 5-20-99

SENATE AUTHOR: Fraser

HOUSE SPONSOR: Counts

Senate Bill 1555 amends the Natural Resources Code to provide the Veterans' Land Board with increased flexibility in the financing of veterans homes. The act allows the board, when adopting a resolution authorizing a bond enhancement agreement, to delegate to one or more of its officers or employees the authority to enter into and negotiate the terms of such agreement. The act also allows a broker to whom the board lends securities to use certain letters of credit as collateral on the loan.

In addition, Senate Bill 1555 authorizes the board to accept donations for the benefit of veterans homes, to contract with a nonprofit corporation to manage such donations, and to establish funds for the deposit of revenue from gifts, grants, or donations. The act states that these funds are not part of the state treasury and are exempt from provisions of the State Funds Reform Act. Finally, the act prohibits the board from authorizing the use of veterans homes in any manner, other than providing care to veterans, that would entitle the federal government to recover up to 65 percent of their value.

SENATE JOINT RESOLUTION 12

FOR ELECTION: 11-2-99

SENATE AUTHOR: Carona et al.

HOUSE SPONSOR: Hochberg et al.

Senate Joint Resolution 12 proposes a constitutional amendment relating to reverse mortgages. The amendment raises the minimum age requirement for obtaining a reverse mortgage from 55 to 62 years of age for either spouse and provides that a reverse mortgage agreement may not require payment of principal or interest until all borrowers have died, all borrowers have ceased occupying the homestead that is the collateral for the reverse mortgage for longer than 12 consecutive months, or the borrower has defaulted on certain obligations, committed fraud in connection with the loan, or generally failed to maintain the priority of the lender's lien on the homestead property. The amendment requires the lender to disclose to the borrower by written notice the specific circumstances under which the borrower must repay the loan and requires the lender to give notice before beginning a foreclosure proceeding on the homestead property to allow the borrower to take steps to prevent the foreclosure, and it provides that a governmental agency or instrumentality that takes assignment of a reverse mortgage in order to cure a default is exempt from certain forfeiture provisions. The amendment

also establishes the methods by which periodic advances on a reverse mortgage may be made to or in behalf of the borrower. Finally, the amendment requires the supreme court to promulgate rules of civil procedure for expedited foreclosure proceedings relating to foreclosure of a reverse mortgage lien that requires a court order.

BUSINESS RELATIONS

HOUSE BILL 23

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Armbrister

House Bill 23 amends the Business & Commerce Code to prohibit a call to a facsimile machine for the purpose of solicitation between the hours of 11 p.m. and 7 a.m., and to require that a fax sent for solicitation purposes contain a statement informing the recipient of a toll-free or local number at which the recipient may notify the sender not to send any further transmissions. The act provides that a violation of these provisions is a Class C misdemeanor. The act also provides that a person who receives a telephone solicitation in violation of the section or certain federal regulations may seek an injunction, damages, or both in a Texas court against the person who originates the communication. Finally, House Bill 23 entitles the plaintiff to the greater of \$500 or the person's actual damages for each violation up to \$1,500 or three times the person's actual damage if the court finds that the defendant committed the violation knowingly or intentionally.

HOUSE BILL 450

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Cain

House Bill 450 reduces the amount of time from 30 seconds to 5 seconds that an automated dial announcing device may remain connected to a called person's line after the call is terminated.

HOUSE BILL 703

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wilson

SENATE SPONSOR: Barrientos

House Bill 703 amends the Government Code to clarify the forms of payment that may be accepted by persons selling lottery tickets. The act specifies that United States currency, authorized checks and debit cards, and a coupon, voucher, or mail order subscription form that is issued or authorized by the Texas Lottery Commission are the only legally acceptable methods of payment for a lottery ticket.

HOUSE BILL 756

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Madla

House Bill 756 amends the Texas Non-Profit Corporation Act to authorize members, committees, or the board of directors of a nonprofit corporation to hold meetings by means of videoconferencing technology or the Internet if each meeting participant consents and if the selected technology allows each participant to communicate concurrently with each other participant.

HOUSE BILL 965

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Duncan

House Bill 965 amends the Business & Commerce Code to include forestry harvesting equipment and off-road construction equipment dealers in the chapter regulating dealer agreements of agricultural equipment dealers. The act excludes single line dealers primarily engaged in the retail sale and service of off-road construction and earthmoving equipment.

Business Relations

HOUSE BILL 1066

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Duncan

House Bill 1066 amends the Business & Commerce Code to prohibit a supplier of farm, industrial, and outdoor power equipment from coercing or compelling a dealer to refrain from purchasing another manufacturer's equipment. The act expands the definition of such equipment to include forklifts, material-handling equipment, and forestry harvesting equipment.

HOUSE BILL 1193

EFFECTIVE: See below

HOUSE AUTHOR: Telford

SENATE SPONSOR: Harris

House Bill 1193 amends various provisions of the Texas Manufactured Housing Standards Act. Retailers are added to the list of persons prohibited from helping a buyer prepare false information to purchase or finance a manufactured home, and both retailers and salespersons are prohibited from submitting false information to a lending institution. Violation of these provisions is a Class A misdemeanor. The act provides guidelines for the refund of a consumer's deposit and clarifies that the guidelines do not apply to deposits in certain transactions. The act authorizes a licensed real estate broker or salesperson to act as a manufactured housing broker and excludes a consumer who sells, leases, or exchanges a used manufactured home directly to another consumer from the requirement to provide a written warranty guaranteeing that the home is habitable. The act prohibits a manufactured home retailer from selling real estate except as authorized by the Texas Department of Housing and Community Affairs.

House Bill 1193 redefines a salvaged manufactured home to be one that is scrapped, dismantled, or destroyed or for which an insurance company has paid the full insured value and defines a licensed retailer who stores manufactured homes as a "warehouseman," subject to the provisions of the Business & Commerce Code when acting in that capacity.

A retailer is required to give a buyer a copy or general description of the manufacturer's new home construction and installation warranties prior to the signing of a binding sales contract and is also required to remove the label of a new manufactured home that has been salvaged prior to receiving a salvage title. The act also specifies the conditions by which a person may apply for a replacement title if the original title is unavailable.

Finally, the period of time for the department to respond to a request to inspect a home is expanded from 15 to 30 days, and the department is given 10 days to mail the written report.

The act takes effect September 1, 1999, except Section 5, authorizing a licensed real estate broker or salesperson to act as a manufactured housing broker, which takes effect January 1, 2000.

HOUSE BILL 1351

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Woolley

SENATE SPONSOR: Shapiro

House Bill 1351 amends the Assumed Business or Professional Name Act to specify the manner in which assumed business or professional name certificates must be filed in the office of the secretary of state and in the office of a county clerk. The act authorizes the filing of electronically reproduced signed original documents with the secretary of state, deletes obsolete sections, and establishes criminal penalties for violations.

HOUSE BILL 1356

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Carona

House Bill 1356 amends the Property Code to require the holder of a garageman's lien on a motor vehicle, motorboat, vessel, or outboard motor that is registered outside this state to notify the owner and each lienholder that the holder of the garageman's lien has obtained

possession and intends to sell the item to pay the accrued charges. The act sets forth the circumstances under which mailing the notice or publishing the notice in a newspaper satisfies the notice requirement and provides that the owner or lienholder may obtain possession of the item by paying all charges due before the 31st day after the notice is mailed or published. The act also shortens the deadline for a holder of a garageman's lien to provide notice of possession of an item registered in this state from the 10th day to the 5th day after obtaining possession and authorizes the holder of a self-service storage facility lien to utilize the notice provisions set forth in the act in addition to existing notice procedures.

HOUSE BILL 1511

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Armbrister

House Bill 1511 amends the Texas Pawnshop Act to grant the legislature exclusive authority regarding the operation of pawnshops. The act sets notification requirements for rule changes relating to pawnshops; removes the authority of the consumer credit commissioner to adopt rules relating to displays and signs, maintenance of premises, and the keeping of firearms for security of pawnshops; and allows, rather than requires, the commissioner to define a reasonable hold period for a pledged item. It specifies that rules adopted by the commissioner relating to use of outdoor displays or signs at a pawnshop or to the maintenance of pawnshop premises are void.

House Bill 1511 also clarifies provisions relating to the licensing and operation of pawnshops, including the conditions under which a temporary pawnshop license may be issued and the basis for reinstating or issuing a new license after a suspension or revocation. The act also includes provisions relating to bonding, net asset requirements, and notification when another person conducts business at a pawnshop. The act removes the requirement that an insurance underwriter approve the type of safe used in a pawnshop and increases the minimum value of goods that must be tagged from \$10 to \$25. Finally, the act includes provisions relating to the redemption of pledged goods, information to be recorded when a ticket is lost, destroyed, or stolen, and the acceptance of pledged items from minors.

HOUSE BILL 1521

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Harris

House Bill 1521 amends the Professional Land Surveying Practices Act, the Real Estate License Act, the Texas Appraiser Licensing and Certification Act, the Residential Service Company Act, the Texas Timeshare Act, and certain Property Code provisions to increase minimum and maximum administrative and civil fines and to make conforming changes. The act also provides that the Texas Real Estate Commission has the exclusive authority to bring an action to enjoin a violation of the Residential Service Company Act and provides that the court may grant injunctive relief in such an action.

HOUSE BILL 1802

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Eiland

SENATE SPONSOR: Jackson

Currently, an operator of a gambling vessel entering the territorial waters of Texas has an affirmative defense to prosecution by covering or disabling gambling devices, or making the rooms in which they are contained inaccessible to passengers. House Bill 1802 eliminates the requirements for covering a device and locking the room and only requires that the gambling device be disabled while in the territorial waters of Texas.

Business Relations

HOUSE BILL 1878

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Averitt et al.

SENATE SPONSOR: Harris

House Bill 1878 amends the Texas Pawnshop Act to modify a number of requirements relating to pawnshop licensing and to provide for administrative remedies for certain disputes. The act establishes both proximity requirements for approval of an application for an original or relocated pawnshop in certain counties and the method for determining the distance between pawnshops, and it allows the commissioner to waive the proximity requirements in some cases. The act increases the annual fees for pawnbroker and pawnshop employee licenses and provides for the reinstatement of expired pawnbroker licenses, on payment of delinquent fees plus a reinstatement fee, within 180 days of expiration. It establishes an application requirement for pawnshop relocations in small counties and extends the application deadline for relocations in larger counties. House Bill 1878 also extends application deadlines for new applications and expired licenses, provides that the administrative remedy for the handling of disputes relating to lost or damaged pledged goods must be exhausted before a pledgor may seek a remedy in court, and changes provisions regarding net asset requirements.

HOUSE BILL 2054

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Shapleigh

House Bill 2054 amends Property Code provisions concerning residential construction projects and contracts. The act clarifies the contents of a disclosure statement that the original contractor must provide to an owner before a contract for residential construction is entered, specifies the information that must be included in a disbursement statement by the contractor to the owner, and authorizes an owner to waive the right to receive a list of subcontractors and suppliers under certain circumstances. The act also extends the deadline for forwarding certain documents relating to a lien on property from one to five business days.

HOUSE BILL 2255

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Duncan

House Bill 2255 requires a funeral establishment to include at least two full-size caskets in its product display and requires that the least expensive full-size casket be displayed in generally the same manner as the other full-size caskets on display.

HOUSE BILL 2450

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: Jackson

House Bill 2450 amends the Alcoholic Beverage Code to authorize the Texas Alcoholic Beverage Commission to suspend or revoke the permit of, or to otherwise discipline, a person who is the employer of or is represented by the holder of an agent's permit or beer license based on an act or omission of the holder of the permit or license only if an individual employed by the person in a supervisory position was directly involved in, had notice or knowledge of, or failed to take reasonable steps to prevent the act or omission.

HOUSE BILL 2465

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Cook

SENATE SPONSOR: Armbrister

House Bill 2465 amends the Texas Limited Liability Company Act to provide that a limited liability company that is a common carrier engaged in the pipeline business has the same rights that the limited liability company previously had as a corporation or partnership.

HOUSE BILL 2653

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Elkins

SENATE SPONSOR: R. Ellis

House Bill 2653 amends the Business & Commerce Code to provide that a contract made solely over the Internet between a person located in this state and a person located outside this state is governed by the law of this state unless each party located in this state is given notice that the law of the other state applies to the contract and agrees to the application of that state's law. The act provides that a person asserting that the law of another state applies has the burden of proving that notice was given and agreement was obtained.

HOUSE BILL 2655

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Elkins

SENATE SPONSOR: Carona

State law provides that a worker who repairs a motor vehicle, motorboat, vessel, or outboard motor may retain possession of the article until the repair work has been paid in full. If the worker relinquishes possession of the article in return for a form of payment that is not honored, the worker is entitled to repossess the article. House Bill 2655 amends the Property Code to include payment by credit card to the form of payments that, if not honored, would allow the worker to repossess the article.

HOUSE BILL 2729

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Longoria

SENATE SPONSOR: Madla

House Bill 2729 amends the Local Government Code to authorize counties, municipalities, special districts, or other political subdivisions to establish a regional business certification program that would allow businesses certified by the program to participate in the contracting and procurement process of any political subdivision involved in the program.

HOUSE BILL 2764

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: D. Nixon

House Bill 2764 adds provisions to the Local Government Code to amend the definition of "automotive wrecking and salvage yard" to exclude businesses classified as salvage pool operators and to include businesses that store three or more wrecked vehicles outdoors for the purpose of selling the vehicles whole.

HOUSE BILL 2856

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Carona

House Bill 2856 amends the Alcoholic Beverage Code to repeal the five-gallon limit on the sale of beer and wine by a holder of a package store permit or a wine only package store permit.

HOUSE BILL 3091

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Siebert

SENATE SPONSOR: J. E. Brown

House Bill 3091 repeals provisions relating to the sale of rental car damage waivers and adopts legislation to regulate the practice. The act prohibits a company from requiring the purchase of a waiver as a mandatory charge and requires the renter's agreement to the sale of a damage waiver to be in writing. The act provides for specific circumstances under which the company may void the damage waiver, establishes rental company disclosure notice requirements, and prohibits an employee or agent of a rental company from attempting to persuade a renter to purchase a damage waiver. The act establishes a civil penalty of between \$500 and \$1,000 for each violation of this article and provides for injunctive relief.

HOUSE BILL 3285

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Armbrister

House Bill 3285 amends the Texas Free Enterprise and Antitrust Act of 1983 to establish that a covenant not to compete is enforceable against a person licensed as a physician by the Texas State Board of Medical Examiners if it complies with certain requirements relating to physician access to patient records, provides for a buyout of the covenant by the physician under certain circumstances, and provides that the physician will not be prohibited from providing continuing care and treatment to a patient during the course of an acute illness even after the contract or employment has been terminated.

HOUSE BILL 3694

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Ratliff

House Bill 3694 amends the Health and Safety Code to clarify the permitted uses of surplus funds from the reacquisition and sale of abandoned cemetery plots in a private cemetery operated by a nonprofit organization and to define a "plot" as an unused grave space for that purpose. The act also corrects a reference to an Internal Revenue Code section concerning nonprofit organizations.

SENATE BILL 17

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: McCall

Senate Bill 17 amends Tax Code provisions relating to the comptroller's suspension of certain permits for businesses at which there has been a violation of laws restricting the distribution or advertising of cigarettes, cigars, or tobacco products. Prior law authorized suspension only after notice and a hearing. The new legislation authorizes suspension after notice and opportunity for a hearing.

SENATE BILL 63

EFFECTIVE: 9-1-99

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Hilbert

Senate Bill 63 amends the Alcoholic Beverage Code relating to the expiration and suspension of secondary permits and licenses. The act provides that a secondary permit or license that requires the holder to first obtain another permit or license expires or is subject to suspension on the same date the basic or primary permit expires or is suspended. The act requires the Texas Alcoholic Beverage Commission to verify that the holder of an expired or suspended retail permit or license is not operating and to notify each wholesaler who regularly supplies retailers in the geographic area of retailers that have a permit or license that has expired or been suspended.

SENATE BILL 155

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Noriega

Senate Bill 155 prohibits a parking facility owner from charging more than two times the normal rate for special event parking and establishes a Class C misdemeanor offense for violations. The act provides that it is a defense to prosecution if the parking facility owner posted a conspicuous sign of specific dimensions with print at least six inches in height stating the normal rate charged and the rate charged for special event parking. Institutions of higher education are exempted from the act.

SENATE BILL 222

EFFECTIVE: 9-1-99

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Farrar

Senate Bill 222 amends the Alcoholic Beverage Code to prohibit permit or license holders from allowing persons under 18 years of age to dance on their premises, with or for another person, in exchange for a benefit. The act establishes that a violation of this provision is a Class A misdemeanor and requires the Alcoholic Beverage Commission to impose additional penalties, including suspension or cancellation of the permit or license. The act provides for an exception related to the use of false identification and also provides that the prohibition does not apply to a benefit given for a dance at a wedding, anniversary, or similar event.

SENATE BILL 451

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Kuempel

Senate Bill 451 amends the Health and Safety Code to provide that the prohibition of a vending machine with cigarettes or tobacco products and the prohibition of direct customer access to cigarettes or tobacco products do not apply to premises covered by a package store permit under the Alcoholic Beverage Code.

SENATE BILL 478

EFFECTIVE: 5-21-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: George

Senate Bill 478 adds a subsection to the Business & Commerce Code to clarify requirements for filing certain documents with the secretary of state. The act provides that a financing statement or other filing is not required to be transmitted to the secretary of state on paper but may be filed electronically. The act applies to a filing made before, on, or after its passage.

SENATE BILL 479

EFFECTIVE: 6-18-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: George

Senate Bill 479 amends the Business & Commerce Code to establish a \$5 fee for filing, indexing, and returning an electronic confirmation of a financing statement or other filing transmitted electronically in accordance with rules relating to the filing of documents with the secretary of state to perfect a security interest.

SENATE BILL 551

EFFECTIVE: 9-1-99

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: A. Reyna

Senate Bill 551 amends the Alcoholic Beverage Code to eliminate certain administrative sanctions relating to the sale and delivery of alcoholic beverages by certain permitted or licensed distributors or wholesalers. The act establishes that a wholesaler or distributor that reasonably believes or has written affirmation that a retailer is authorized to purchase and receive alcoholic beverages is not subject to administrative sanctions for the sale or delivery of alcoholic beverages to an unauthorized retailer.

SENATE BILL 571

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Woolley

Senate Bill 571 amends the Business & Commerce Code to provide that when the secretary of state refuses to register or renew registration for a trademark, a suit for review of the secretary of state's decision may be filed only after the secretary of state has taken final action on the refusal.

Business Relations

SENATE BILL 603**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Nelson**HOUSE SPONSOR:** Truitt

Senate Bill 603 amends the Alcoholic Beverage Code to exempt the holder of a winery or wine bottler's permit from furnishing a bond if the permittee or licensee has paid all required taxes and fees on or before the due date for the preceding 36 months. A winery or wine bottler who qualifies for an exemption is also exempt from bonding requirements for any premises different from and additional to those covered by the qualifying permit or license.

SENATE BILL 839**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** R. West**HOUSE SPONSOR:** Burnam

Senate Bill 839 amends the Health and Safety Code to prohibit the installation of security bars on a residential bedroom door or window unless there is either an interior release mechanism on the bars or one bedroom window or door to the exterior may be opened in an emergency. The act authorizes the state fire marshal or a testing laboratory to recommend an effective interior release mechanism. It prohibits selling or offering to sell security bars unless the bars or their packaging is labeled in accordance with the rules adopted by the state fire marshal. The act permits certain persons to sell security bars provided that the required notice is provided to a buyer.

SENATE BILL 1031**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Van de Putte

Senate Bill 1031 amends the Health and Safety Code to exempt certain food establishments from provisions relating to weight standards for loaves of bread.

SENATE BILL 1058**EFFECTIVE:** See below**SENATE AUTHOR:** Carona**HOUSE SPONSOR:** Solomons

Senate Bill 1058 modernizes and revises the uniform law on secured transactions contained in the Business & Commerce Code. The act clarifies the legal obligations of parties involved in secured transactions, adopts new and updated terminology, and reconciles the law with modern electronic commerce practices. Provisions of the act take effect July 1, 2001, except for certain provisions relating to digital signatures, which take effect August 30, 1999.

SENATE BILL 1102**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** J. Moreno

Senate Bill 1102 amends the Alcoholic Beverage Code to raise the permissible concentration of alcohol from 14 percent to 17 percent for certain beverages sold or held by certain permitted and licensed beer and wine retailers. Additionally, the act creates procedures for the regulation of alcohol content in wine and other alcoholic beverages whose sale was approved by local option elections before September 1, 1999.

SENATE BILL 1114**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Yarbrough

The Texas Alcoholic Beverage Commission has the administrative discretion to relax restrictions on certain activities with respect to acts of courtesy or promotion. Senate Bill 1114 amends the Alcoholic Beverage Code to expand the restrictions that may be relaxed to cover prohibited dealings with a retailer or consumer.

SENATE BILL 1121
EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Yarbrough

Senate Bill 1121 amends the Alcoholic Beverage Code to authorize producers, wholesalers, and distributors of alcoholic beverages to prearrange or preannounce certain promotional activities on a retailer's premises. The act specifies that a wholesaler or class B permit holder may prearrange a promotional activity only for distilled spirits or wine and is prohibited from preannouncing a promotion to a consumer or preannouncing the purchase of wine or distilled spirits to a consumer.

SENATE BILL 1640
EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: A. Reyna

Senate Bill 1640 amends the Alcoholic Beverage Code to authorize employees of certain private carriers who are holders of an agent's permit to transport liquor in their personal vehicle if the transportation is for a lawful purpose.

SENATE BILL 1676
EFFECTIVE: 9-1-99

SENATE AUTHOR: Bernsen
HOUSE SPONSOR: Deshotel

Senate Bill 1676 amends the Alcoholic Beverage Code to eliminate the prohibition against the manufacture, importation, or sale of an alcoholic beverage made from dried grapes, dried fruits, or dried berries.

CIVIL REMEDIES AND PROCEDURES

HOUSE BILL 213

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Nelson

House Bill 213 adds a new chapter to the Civil Practice and Remedies Code to bar certain claims by health care providers. The act requires that a health care provider bill the patient, responsible party, issuer of a health benefit plan, or a third party payor either by the first day of the 11th month after services are provided or by the date required under contract. If the health care provider does not comply with the billing time frame, the provider is barred from recovering any amount from the patient or other responsible party that would have been covered by the health benefit plan or third party payor. House Bill 213 provides that a violation of the chapter is not grounds for disciplinary action against the health care provider.

HOUSE BILL 504

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Tillery et al.

SENATE SPONSOR: Carona

House Bill 504 amends the Medical Liability and Insurance Improvement Act of Texas to require that a physician seeking to qualify as an expert witness in a medical malpractice suit must either be licensed to practice medicine in the United States or be a graduate of a medical school accredited by the Liaison Committee on Medical Education or the American Osteopathic Association.

HOUSE BILL 512

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: R. Ellis

House Bill 512 amends the Civil Practice and Remedies Code to prohibit the introduction in a civil action of certain sympathetic statements made to an injured person or the injured person's family if the introduction is intended to prove the liability of the communicator. The act clarifies that the prohibition of admission does not include a communication, including an excited utterance, that also contains a statement concerning negligence or culpable conduct relating to the accident or event.

HOUSE BILL 681

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Allen

SENATE SPONSOR: Duncan

House Bill 681 amends the Texas Tort Claims Act in regard to the liability of the Texas Department of Criminal Justice in certain motor vehicle and motor-driven equipment accidents. The act clarifies that the department is liable for property damage, personal injury, or death if it arises from the negligence of an inmate operating such equipment at the request of a department employee and if the inmate would have been personally liable as a private citizen. House Bill 681 also prevents a claimant from naming the department and the inmate as codefendants in a civil action and clarifies that a judgment or settlement of a claim involving either the department or the inmate prevents a related cause of action from being filed against the other.

HOUSE BILL 1058

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Craddick

SENATE SPONSOR: Bivins

House Bill 1058 amends provisions of the Civil Practice and Remedies Code regarding the limitation of landowner liability. The act adds hockey, in-line hockey, skating, in-line skating, roller skating, skateboarding, and roller blading to the definition of "recreation" if the activities take place at a facility owned, operated, or maintained by a municipality.

Civil Remedies and Procedures

The act clarifies that the limitation of a municipality's liability for damages arising from such recreational activities does not apply to situations involving gross negligence or acts conducted in bad faith or with malicious intent. The act also requires a municipality that owns, operates, or maintains a facility where such recreational activities are conducted to post a warning sign, in accordance with certain physical requirements, that includes certain information about the limited liability of the municipality.

HOUSE BILL 1141

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1141 amends the Civil Practice and Remedies Code to clarify that the requirement to provide the current address of a party in a civil action applies to actions filed in district, county, statutory county, or statutory probate courts. The act also removes the requirement that such information be kept confidential.

HOUSE BILL 1767

EFFECTIVE: 5-29-99

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: Harris

House Bill 1767 amends the Local Government Code to provide that it is not a conflict of interest for a district or county attorney to both defend a county or a county employee who is being sued by another county employee and represent the opposing party on a separate matter arising from the performance of a public duty. The act requires the district or county attorney, if it is practicable, to assign an attorney to defend the county or county employee who is different from the attorney assigned to advise or represent the opposing party on a separate matter.

HOUSE BILL 2101

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: R. Ellis

House Bill 2101 amends the Civil Practice and Remedies Code to require that a financial institution that receives a request to turn over a customer's assets or financial information of a judgment debtor as a result of a court order or receivership be provided with, and may rely on, a certified copy of the court order or the order appointing a receiver, and related documents. The act also authorizes a financial institution that complies with such an order to recover certain reasonable costs and limits that institution's liability to the judgment debtor or other parties associated with the debtor.

HOUSE BILL 2151

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 2151 amends the Public Facility Corporation Act to establish that a member of a corporation's board of directors has the same immunity from liability as granted to a member of the governing body of the sponsor of the corporation if the director was acting in good faith and in the course and scope of the duties or functions within the corporation.

HOUSE BILL 2186

EFFECTIVE: Vetoed

HOUSE AUTHOR: Dutton

SENATE SPONSOR: R. Ellis

House Bill 2186 adds provisions to the Civil Practice and Remedies Code regarding summary judgments issued by a court. The bill requires a judge who grants a motion for summary judgment to issue a written statement specifying the grounds for granting the motion.

The written statement must be issued not later than the date on which the judgment is signed, and the act provides that any court hearing an appeal from a grant of a motion for summary judgment may determine the appeal only on the grounds specified in the written findings.

In addition, House Bill 2186 requires a court clerk to include a notice in citations issued regarding claims for a liquidated money demand or involving a sworn account. The notice must state that a summary judgment may result against the defendant unless a sworn answer to the citation is filed on the defendant's behalf.

HOUSE BILL 2456

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: Wentworth

House Bill 2456 amends the Civil Practice and Remedies Code to expand the list of civil actions subject to a four-year statute of limitations to include actions arising from fraud or breach of fiduciary duty.

HOUSE BILL 2853

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: R. Ellis

House Bill 2853 amends provisions of the Civil Practice and Remedies Code relating to indemnity provisions in certain mineral agreements. The act limits an indemnity obligation to the extent of the coverage and dollar limits of insurance or qualified self-insurance that each party as indemnitor has agreed to obtain for the benefit of the other party as indemnitee.

HOUSE BILL 3081

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Telford

SENATE SPONSOR: Lindsay

House Bill 3081 amends the Civil Practice and Remedies Code to prohibit a court from issuing, or a person from serving, certain processes relating to the seizure and sale of a work of art that is en route to an exhibition, in the possession of the exhibitor, or on display as part of the exhibition. The prohibition begins on the date that the work of art is first en route to the exhibition and ends either six months after that date or the date that the exhibition ends, whichever is earlier. The prohibition may be used only once for a specific work of art and does not apply if the theft of the work of art from its owner is alleged and found proven by the court. Under the provisions of the act the court is required to order the process server to give seven days' notice to the exhibitor prior to serving process.

In addition, House Bill 3081 prohibits a court from issuing any seizure or sale processes for a work of art unless the court requires, as part of the order, that the work of art be handled and transported according to the accepted standards of the artistic community, including proper maintenance, environmental conditions, security, and insurance coverage.

HOUSE BILL 3276

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Sibley

House Bill 3276 amends the Texas Non-Profit Corporation Act to provide that any corporation described in that Act has immunity from certain suits involving the corporation's role as trustee of a charitable trust. House Bill 3276 applies to all Texas trusts, including those that are the subject of litigation, regardless of the effective date of the act or the creation date of the trust.

HOUSE BILL 3450

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilderbran et al.

SENATE SPONSOR: Moncrief

House Bill 3450 amends provisions of the Health and Safety Code relating to certain arbitration actions involving convalescent homes, nursing homes, and related institutions. The act requires the district court in which a suit to vacate an arbitrator's order has been filed, upon application of a party, to enter a judgment in conformity with the arbitration award, unless a motion is made to vacate the order. Provisions of the act do not affect the right of a party to make a motion or initiate a proceeding to vacate the arbitrator's order or to vacate a judgment entered in accordance with the arbitrator's order.

HOUSE BILL 3451

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilderbran et al.

SENATE SPONSOR: Moncrief

House Bill 3451 amends provisions of the Health and Safety Code relating to convalescent homes, nursing homes, and related institutions to prohibit a court having jurisdiction of a judicial review of certain matters from ordering arbitration to resolve a dispute involving the following issues: the denial, suspension, or revocation of a license, or conduct related to such actions; an emergency suspension or closing order; an order suspending admissions to a facility; or the involuntary appointment of a trustee to oversee facility operations.

HOUSE BILL 3452

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Moncrief

House Bill 3452 amends provisions of the Health and Safety Code relating to certain residential and custodial facilities licensed by the Texas Department of Human Services to establish certain requirements and deadlines for affected institutions that seek arbitration for disputes involving renewal, suspension, or revocation of a license or assessment of certain civil or monetary penalties to file an election of arbitration with the court in which the lawsuit is pending and to send notice of election to the office of the attorney general. The act also clarifies that the Texas Department of Human Services may elect arbitration by filing election with the court in which the lawsuit is pending.

House Bill 3452 prohibits arbitration from being used to resolve a dispute related to an institution that has had an award levied against it within the previous five years. The act provides that if arbitration is not permitted or if the election of arbitration is not timely filed, the court is required to dismiss the arbitration election and to retain jurisdiction over the lawsuit, and the State Office of Administrative Hearings is required to dismiss the arbitration and has no jurisdiction over the lawsuit.

HOUSE BILL 3479

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Zaffirini

House Bill 3479 amends provisions of the Civil Practice and Remedies Code relating to sexual exploitation by a mental health services provider. The act expands the definition of "mental health services provider" to include certain law enforcement officers certified as special officers for mental health assignment and clarifies that a "patient" includes a person who has contact with one of those officers because of circumstances relating to the person's mental health.

House Bill 3479 establishes that a patient, former patient, or a person acting in behalf of a patient or former patient, may bring an action against a governmental unit employing a mental health services provider, including a special officer, if the mental health services provider

commits any conduct defined as a cause of action for sexual exploitation. The person may obtain an order requiring the governmental unit to dismiss the mental health services provider and may recover court costs and reasonable attorney's fees.

The act prohibits a person from bringing an action unless the person provides notification to the governmental unit 60 days before suit is filed. If the governmental unit dismisses the mental health services provider before the 60th day after receiving notice, the person may not bring suit. House Bill 3479 establishes that governmental immunity to suit is waived and abolished to the extent of liability created by provisions of the act.

The act also amends the Penal Code to include the expanded definition of "mental health services provider" in provisions relating to sexual assault.

HOUSE BILL 3582

EFFECTIVE: See below

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Haywood

House Bill 3582 amends the Civil Practice and Remedies Code to authorize a district court to appoint a receiver for a royalty interest owned by an absent or nonresident royalty owner who is a defendant in a certain type of action. In order for a receiver to be appointed, the defendant must meet certain criteria and the plaintiff must have diligently tried to locate the defendant. The receivership continues until either the defendant or the defendant's heirs or representatives take action in court to claim the defendant's royalty interest. The act establishes pleading and notice requirements for the plaintiff, lists persons who may be appointed receiver, and sets forth the receiver's duties regarding execution and money received from ratification of leases, pooling agreements, or unitization agreements.

House Bill 3582 also amends provisions of the Natural Resources Code relating to oil, gas, and mineral leases and production. The act provides that if the lessee of public school or gulf land for production of oil or gas transfers the lease, the lessee's liability to properly discharge obligations under the lease, including certain obligations regarding abandoned wells and remediation activities, passes to the transferee. The act prohibits the land commissioner from withholding consent unreasonably and authorizes the commissioner to require the transferee to prove financial responsibility ensuring that the transferee will be able to fulfill its obligations, or to post bond or other security if unable to prove such responsibility. The act clarifies that these provisions do not relieve a person from the duty to comply with rules or orders of the Railroad Commission of Texas.

The act provides that under a surface mining lease executed on or after September 1, 1999, the lessee is required to pay the state 60 percent and the surface owner 40 percent of the bonuses, rentals, and royalties resulting from the surface mining. These provisions apply only to the surface mining of coal, lignite, potash, sulphur, thorium, or uranium and do not affect a lease that is not within all or part of a survey previously sold with all minerals reserved to the state. Finally, the act requires the payor of proceeds from production of certain gas wells to provide to the payee an annual statement of information necessary to compute federal income tax credits.

Provisions of the act take effect August 30, 1999, except for provisions relating to annual gas well statements, which take effect September 1, 1999.

Civil Remedies and Procedures

HOUSE BILL 3604

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uresti

SENATE SPONSOR: Madla

House Bill 3604 amends the Civil Practice and Remedies Code to establish that provisions regarding violations and sanctions for frivolous pleadings and claims do not apply to any proceeding to which Section 10.004, Civil Practice and Remedies Code, or Rule 13, Texas Rules of Civil Procedure, applies.

HOUSE BILL 3624

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Ogden

House Bill 3624 amends provisions of the Civil Practice and Remedies Code relating to tort claims payments by local governments to exclude a county agricultural extension agent from the definition of "employee."

SENATE BILL 56

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 56 amends provisions of the Civil Practice and Remedies Code relating to suits to abate certain common nuisances. Previous law established that a person maintains a common nuisance if the person performs or fails to perform certain actions but that such provisions applied only to a multiunit residential property as defined by Section 1, Chapter 818, Acts of the 74th Legislature, 1995, that is located in a municipality that has a population of at least 440,000. Senate Bill 56 removes these restrictions and applies the provisions to a multiunit residential property located in any municipality.

SENATE BILL 211

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Cuellar

Senate Bill 211 amends the Administrative Procedure Act to clarify that a party or attorney of record in a contested case is presumed to have been notified of a final decision or order on a motion for rehearing on the third day after the date notice was mailed.

SENATE BILL 215

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: Averitt

Senate Bill 215 amends the Charitable Immunity and Liability Act to expand liability protection to volunteer health care providers under certain conditions. The act defines a "volunteer health care provider" to include certain enumerated medical professionals eligible to provide health care services under Texas law. The act provides that such an individual serving as a direct service volunteer of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury to a patient if certain conditions are met.

For immunity from liability to apply, the volunteer must have acted in good faith within the scope of the volunteer's organizational duties and must have committed the act or omission in the course of providing health care services within the scope of the volunteer's license. In addition, the patient or patient's legal guardian must have signed a written statement acknowledging that the volunteer will not be compensated for the services and that damages recoverable from the volunteer are limited in exchange for the health care services.

SENATE BILL 321

EFFECTIVE: Vetoed

Senate Bill 321 amends provisions of the Civil Practice and Remedies Code relating to recovery of attorney's fees to change the types of contracts issued by an insurer that are not subject to provisions regarding recovery.

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Smithee

SENATE BILL 506

EFFECTIVE: See below

Senate Bill 506 amends provisions of the Property Code relating to suits to recover damages resulting from construction defects. It expands the definition of "contractor" to include an owner, officer, director, shareholder, partner, or employee of the contractor. The act allows either the claimant or the contractor to request mediation in suits for amounts exceeding \$7,500 and establishes guidelines and provisions for mediation proceedings. The act also expands application of current provisions to include claims against contractors filed by a subsequent purchaser. The act establishes that the contractor is not liable for the cost of repairs to a construction defect, or any damages resulting from repairs, if written notice is not provided to the contractor.

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Goodman

The act amends current notice provisions to require a claimant to provide certain evidence, if requested by the contractor, regarding the construction defect and the extent of repairs needed. If a contractor chooses to make a settlement offer to the claimant, a written offer by certified mail must be sent to either the claimant or the claimant's attorney. The act directs a court to abate a suit if proper notice was not given or if the contractor did not receive a reasonable opportunity to inspect the property. The act also makes changes to the amount of damages that may be recovered by the claimant.

Finally, Senate Bill 506 requires contractors to include notice of a contractee's recourse and responsibilities regarding construction defects next to the signature lines of the contract. A contractor is subject to a civil penalty of \$500, to be awarded to the claimant in a suit, if the contractor does not include such language in contracts for construction. The act takes effect September 1, 1999, except for provisions regarding notice of contractee's recourse, which take effect September 1, 2000.

SENATE BILL 567

EFFECTIVE: 9-1-99

Senate Bill 567 amends the Health and Safety Code to increase the civil penalties for negligently or wilfully releasing or disclosing the HIV status of an individual.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Burnam

SENATE BILL 598

EFFECTIVE: 5-20-99

Senate Bill 598 adds provisions to the Civil Practice and Remedies Code relating to causes of action and damages arising from Year 2000 computer date failures. The act provides that actions regarding death or bodily injury, workers' compensation claims, or breach of written agreements specifically providing for liability for a computer date failure are not subject to the provisions of the act. Senate Bill 598 directs the Texas Department of Information Resources to establish a Year 2000 Project Office website and a toll-free telephone number to provide information relating to cures and corrections for products that could manifest a computer date failure.

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: McCall et al.

Civil Remedies and Procedures

The act establishes certain time limitations on bringing causes of action that apply unless the manufacturer or seller represented that the product would not manifest a computer date failure. Time limitations do not reduce or extend the limitations period for an action brought under any other law. The act requires a claimant to give notice to the defendant that an action is being brought and sets forth notice requirements and deadlines. If a claimant fails to follow notice requirements, the court is required to abate the action. A defendant receiving notice may offer to settle, and the claimant has 30 days to accept or reject the settlement offer. If the claimant rejects the offer, the claimant is limited to recovering the lesser of either the settlement offer or any damages awarded by the trier of fact, with certain exceptions.

The act creates two affirmative defenses to liability. The first may be used if the defendant notified the claimant that the product might fail and offered a cure or correction for the computer date failure at a reasonable charge and if the cure or correction would have avoided the harm the claimant suffered. The act sets forth requirements for manufacturers or sellers giving notice of computer date failure information to customers, including deadlines for notification. The act establishes a presumption that notice has been delivered to a claimant if information regarding the correction or cure was available from the department of information resources website or toll-free telephone number.

Senate Bill 598 creates a second type of affirmative defense regarding reliance. If a defendant relied on a false or misleading statement or express warranty of an independent, upstream manufacturer or seller of a product that the product was “Year 2000 compliant,” and the defendant did not have actual knowledge that the statement was false or misleading, then the defendant has an affirmative defense to liability. The act places certain limitations on statements that may be admitted into evidence to prove liability and prohibits the recovery of certain types of damages, including mental anguish, exemplary, or punitive damages, if the defendant made a good faith effort to avoid, cure, or correct the possible computer date failure problem.

The act provides that state and political subdivisions are not liable for property damage arising from computer date failures and that public servants may not be held individually liable. The act establishes that individuals posting information to the department of information resources website or toll-free hotline are responsible for the accuracy of the information and are not subject to Texas law solely because they provided such information. The act also stipulates that the State of Texas is not liable for any damages arising from the department’s Year 2000-related activities. Finally, Senate Bill 598 does not create a duty or action, does not expand or limit personal immunity under other provisions of the law, does not affect insurance coverage, does not waive any immunity for the state, any political subdivision, or any employee or officer of such an entity, and does not relieve a manufacturer of its duty to indemnify.

SENATE BILL 648
EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth
HOUSE SPONSOR: Dutton

Senate Bill 648 amends the Civil Practice and Remedies Code to set forth provisions and limitations regarding specification of venue in cases arising from certain transactions with an aggregate value of \$1 million or more.

SENATE BILL 717

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay et al.

HOUSE SPONSOR: Green et al.

Senate Bill 717 adds provisions to the Civil Practice and Remedies Code relating to limitations on suits against firearms or ammunition manufacturers, trade associations, and sellers of firearms or ammunition. The act prohibits a political subdivision of the state, including a city or county, or any other agency of government, from bringing suit for recovery of damages resulting from, or injunctive relief or abatement from, a nuisance relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public unless the suit is approved in advance by the legislature.

Senate Bill 717 clarifies that the attorney general is not prohibited from bringing suit on behalf of the state or any other governmental unit. The act further clarifies that it does not prohibit a governmental unit from bringing action for certain causes, including breach of contract or warranty, damage or harm caused by a defective firearm, or enforcement of a valid ordinance, statute, or regulation.

SENATE BILL 731

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 731 adds provisions to the Civil Practice and Remedies Code regarding a suit on a claim for damages arising from personal injury to an incapacitated person or a person who has suffered substantial disablement due to an injury. The act requires that an offer of structured settlement made after such a suit has been filed be presented in writing to the claimant's attorney. The claimant's attorney is required to present the offer to the claimant or the claimant's personal representative by the deadline for expiration included in the offer and must advise the claimant or the claimant's representative about the terms, conditions, and appropriateness of the offer.

SENATE BILL 788

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Hartnett

Senate Bill 788 amends the Civil Practice and Remedies Code to require that a judge against whom certain recusal motions are filed continues to preside over the case while the motion is considered. The act provides that if the recusal motion is finally sustained, all orders signed by the judge during its pendency are vacated. In addition, the act provides for the award of fees and costs to the party opposing a denied motion, review of the denial of such a motion, and severability of the motion from the pending case.

SENATE BILL 851

EFFECTIVE: 6-18-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett et al.

Senate Bill 851 amends the Civil Practice and Remedies Code to authorize the filing of a subpoena application by electronic means.

SENATE BILL 1125

EFFECTIVE: 8-30-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 1125 amends the Code of Criminal Procedure to prohibit a court from ordering the state or any of its prosecuting attorneys to participate in mediation, dispute resolution, or arbitration without the written consent of the state.

Civil Remedies and Procedures

SENATE BILL 1204

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Bosse

Senate Bill 1204 amends provisions of the Civil Practice and Remedies Code relating to trespass involving outdoor signs. The act provides that trespass occurs when an individual erects or places a sign on a premises without the permission of the owner or when a person either fails to remove a sign or fails to obtain permission from the owner for continued use or maintenance after the expiration or termination of an agreement with the premises owner.

The act prohibits a premises owner from recovering damages unless certain notice provisions are met and allows the sign owner 30 days from receipt of the notice to remove the sign or obtain permission for continued use before damages may begin to accrue.

SENATE BILL 1361

EFFECTIVE: 6-18-99

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Coleman

Senate Bill 1361 amends the Civil Practice and Remedies Code to authorize a physician or other health care provider to withdraw from providing treatment consistent with the exercise of independent medical judgment if the physician or provider is unwilling at any time to comply with a declaration for mental health treatment, provided the physician or provider makes a reasonable effort to transfer care for the principal to a physician or provider who is willing to comply with the declaration, notify the principal or principal's guardian, if appropriate, of the decision to withdraw, and record in the principal's medical record the notification and, if applicable, the name of the physician or provider to whom the principal is transferred.

The act also modifies provisions concerning disregard and revocation of declarations for mental health treatment.

SENATE BILL 1718

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Hilbert

Senate Bill 1718 amends provisions of the Civil Practice and Remedies Code relating to alternative dispute resolution (ADR) systems established by counties. The act expands the instances in which cases may be referred to a county's ADR system to include those referred directly on the motion of a judge.

Under existing law, county commissioners courts may dedicate court costs assessed in certain cases for the funding of ADR systems. Senate Bill 1718 expands the types of cases in which such costs may be assessed to include civil probate cases and excludes suits for delinquent taxes, condemnation proceedings under eminent domain, and certain proceedings under the Texas Mental Health Code. The act allows the commissioners court of a county with a population of 2.5 million or more to set an additional court cost of up to \$3 for civil cases filed in justice courts to establish and maintain an ADR system.

CORRECTIONS

HOUSE BILL 127

EFFECTIVE: 5-29-99

HOUSE AUTHOR: McClendon et al.

SENATE SPONSOR: Armbrister

House Bill 127 amends the Government Code to require the Texas Department of Criminal Justice to give priority to service projects that benefit the public when contracting with agencies and local governments to provide inmate labor.

HOUSE BILL 128

EFFECTIVE: 5-29-99

HOUSE AUTHOR: McClendon et al.

SENATE SPONSOR: Armbrister

House Bill 128 amends the Government Code to encourage the Texas Department of Criminal Justice to enter into agreements with nonprofit food banks under which a food bank may supply seed and fertilizer to the department to grow agricultural products for the food bank. The act defines “nonprofit food bank” as a nonprofit organization that solicits, warehouses, and redistributes edible food to agencies that feed needy families and individuals.

HOUSE BILL 134

EFFECTIVE: 6-19-99

HOUSE AUTHOR: McClendon et al.

SENATE SPONSOR: R. West

House Bill 134 amends the Health and Safety Code to extend the protection from exposure to hazardous chemicals that is provided to employees of the Texas Department of Criminal Justice under the Hazard Communication Act to any person imprisoned in a facility operated by the department.

HOUSE BILL 261

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Allen et al.

SENATE SPONSOR: Armbrister

House Bill 261 amends the Code of Criminal Procedure to authorize a county that transfers an inmate from the county jail to the Texas Department of Criminal Justice to provide the department a copy of a final order from a court that dismisses as frivolous or malicious a lawsuit filed by the inmate while in the county jail awaiting transfer. It authorizes a sheriff to take away any part or all of a defendant’s good conduct time on receipt of a final order from a court that dismisses as frivolous or malicious a lawsuit filed by the defendant while in custody of the sheriff.

The act amends the Government Code to expand the definition of “final order” to include orders relating to lawsuits brought by certain inmates while confined in a county jail awaiting transfer to the department.

HOUSE BILL 347

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Ogden

House Bill 347 amends the Local Government Code to expand the definition of obligations that cities, counties, and certain nonprofit corporations are authorized to issue or incur in financing correctional facilities to include contractual obligations incurred by an entity under a lease agreement, lease-purchase agreement, installment purchase contract, or other agreement providing for the lease, lease-purchase, installment purchase, or other acquisition of title to an eligible project. The act revises when these entities may finance eligible projects and expands what assets they may pledge to secure their obligations. The act also allows entities to issue refunding bonds to refinance such obligations.

HOUSE BILL 788

EFFECTIVE: 5-24-99

House Bill 788 amends the Government Code to permit the Texas Department of Criminal Justice to create, accept, and maintain electronic records in lieu of paper records.

HOUSE AUTHOR: Capelo

SENATE SPONSOR: Whitmire

HOUSE BILL 854

EFFECTIVE: 9-1-99

House Bill 854 amends the Government Code to require the Texas Department of Criminal Justice to conduct a criminal history record check before discharging or releasing an inmate on parole or mandatory supervision, or discharging a defendant from a state jail felony facility, to determine whether the inmate or defendant is the subject of an arrest warrant. The act requires the department to allow sufficient time to notify the proper authorities of the individual's impending discharge or release and, if necessary, process a demand for extradition of the inmate or defendant.

HOUSE AUTHOR: Capelo et al.

SENATE SPONSOR: Armbrister

HOUSE BILL 1102

EFFECTIVE: 8-30-99

House Bill 1102 disqualifies an inmate from collecting a discharge or release payment from the Texas Department of Criminal Justice if the inmate being discharged or released on parole, mandatory supervision, or conditional pardon is transferred from the custody of the department's institutional division to a state jail felony facility or if the inmate is subject to a felony detainer and is released to the custody of another jurisdiction.

HOUSE AUTHOR: Smith

SENATE SPONSOR: Jackson

HOUSE BILL 1112

EFFECTIVE: 5-29-99

House Bill 1112 amends the Government Code to transfer from the director of the Texas Department of Criminal Justice's institutional division to the department's executive director the power to authorize department employees to transport offenders and apprehend escapees.

The act also amends the Code of Criminal Procedure to include officers appointed by the executive director in the designation of peace officers.

HOUSE AUTHOR: D. Ellis et al.

SENATE SPONSOR: Ogden

HOUSE BILL 1318

EFFECTIVE: 9-1-99

House Bill 1318 amends the Government Code to require the Texas Department of Criminal Justice, rather than the institutional division, to retain inmates' money in accounts provided for them. The act adds to the list of items for which the department may withdraw money from an inmate's account to include reimbursement for indigent supplies, medical copayments, destruction of state property, or other indebtedness. The act further authorizes the department, on an inmate's death and receipt of a notarized claim, to disburse up to \$2,500 of the inmate's funds to a claimant. A claim for more than \$2,500 must be filed under the applicable provisions of the Probate Code. The act also provides that an inmate who escapes or attempts to escape forfeits all money held in the account at that time.

HOUSE AUTHOR: Lengefeld

SENATE SPONSOR: Armbrister

HOUSE BILL 1379

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Allen

SENATE SPONSOR: Armbrister

House Bill 1379 amends the Government Code to establish the types of information about an inmate confined in a facility operated by or under a contract with the Texas Department of Criminal Justice that are subject to disclosure as public information and to exempt other information from disclosure.

HOUSE BILL 1535

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Allen et al.

SENATE SPONSOR: J. E. Brown

House Bill 1535 amends the Code of Criminal Procedure to expand the list of defendants not eligible for community supervision to include those found guilty of any sexual assault, not just those found guilty of sexual assault against a child.

HOUSE BILL 1713

EFFECTIVE: 9-1-99

HOUSE AUTHOR: D. Ellis et al.

SENATE SPONSOR: Ogden

House Bill 1713 amends the Penal Code to make it a third degree felony for an inmate of a secure correctional facility or a facility operated by or under contract with the Texas Youth Commission, with the intent to harass, alarm, or annoy another person, to cause the person to contact the blood, seminal fluid, urine, or feces of another.

HOUSE BILL 2593

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: Jackson

House Bill 2593 amends the Penal Code to permit a duly authorized member of the clergy who may administer certain religious ceremonies to take no more than four ounces of an alcoholic beverage into a correctional facility. The member of the clergy must personally consume all of the beverage or depart with any remaining portion.

HOUSE BILL 3215

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall

SENATE SPONSOR: Shapiro

House Bill 3215 amends provisions of the Government Code to authorize the Texas Department of Criminal Justice and the Texas Youth Commission to take voluntary samples or specimens from any inmate. The act authorizes the departments to use force if necessary to obtain the samples or specimens from inmates who are required by law to provide them. The act permits the departments to contract with an outside entity to collect the samples.

House Bill 3215 requires the Texas Youth Commission to maintain a record of the collection, to preserve a sample or a specimen collected, and to send the sample or specimen to the director for scientific analysis.

HOUSE BILL 3256

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Farrar

SENATE SPONSOR: Moncrief

House Bill 3256 amends the Health and Safety Code to expand the list of information that may be shared between agencies regarding a special needs offender to include the offender's supervision status and compliance with conditions of supervision. The act redefines a special needs offender as an individual for whom criminal charges are pending or who after conviction or adjudication is in custody or under any form of criminal justice supervision. It also defines "agency" as either a specified criminal justice, human services, or education entity, or a person with an agency relationship or contract with one of the specified entities.

SENATE BILL 152

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Dunnam

Senate Bill 152 amends the Penal Code to create a third degree felony offense for escape from a secure correctional facility, as defined in the Family Code, and provides an exception for a halfway house operated by the Texas Youth Commission.

SENATE BILL 232

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Haggerty

Senate Bill 232 amends the Government Code to require the Texas Department of Criminal Justice to notify the clerk of the court in which an inmate was convicted when the department releases the inmate or places the inmate on parole or mandatory supervision.

SENATE BILL 258

EFFECTIVE: 6-19-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: McClendon

Senate Bill 258 amends the Hazard Communication Act to require the Texas Department of Criminal Justice to provide a person imprisoned in a facility operated by or for the department protection from exposure to hazardous chemicals in the workplace.

SENATE BILL 352

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: McCall

Senate Bill 352 amends the Government Code to update standard provisions relating to the Board of Pardons and Paroles as recommended by the Texas Sunset Commission, including qualifications for board membership, conflicts of interest, board member training, and equal employment policies.

SENATE BILL 365

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: McCall

Senate Bill 365 amends the Government Code to continue the Texas Board of Criminal Justice and the Texas Department of Criminal Justice until September 1, 2011. The act authorizes the executive director, with board approval, to establish and reorganize divisions within the department. It requires the board and the Board of Pardons and Paroles Policy Board to jointly review all rules, policies, and procedures that relate to the parole process to produce more consistent and cohesive parole policies. The act authorizes the board to enter into contracts with private vendors and county commissioners courts for up to 4,580 beds rather than 4,080 beds.

The act directs the department to give preference, when entering into contracts for inmate labor with nonprofit organizations, to organizations that will use the inmate labor in a manner that increases the inmates' vocational skills. The act directs the department to require an inmate, a defendant, or a releasee to participate in a work program to the extent a person is physically and mentally capable of working and authorizes the department to waive the work requirement under certain circumstances. It authorizes the department to administer an incentive pay scale program for inmates required to work in agricultural, industrial, or other work programs. The act requires the department to give priority to work program participants closest to release when making marketable job skills assignments. It also requires the department, rather than the institutional division, to establish a record that documents an inmate's, a defendant's, or a releasee's vocational training and job performance and to provide a copy of that work record to the person on release. The act authorizes the department to revise funding sources for the community supervision and corrections department.

The act requires the department to develop a system to allow inmates to resolve conflicts over the amount of time-served credits earned. The act prohibits an inmate from filing a writ of habeas corpus relating to a time-served credit dispute until the inmate has received either a written decision concerning the credits from the highest authority in the resolution system or, if the inmate has not received a final written notice, within 180 days of filing a complaint. The waiting period does not apply to inmates who, according to the department's computations, are within 180 days of their parole date, date of release on mandatory supervision, or date of discharge.

Senate Bill 365 clarifies that the purpose of the Texas Correctional Industries is to provide inmates with marketable job skills to help reduce recidivism through a coordinated program of job skills training, documenting inmate work history, and access to resources provided by Project RIO and the Texas Workforce Commission and to reduce department costs by providing products and articles for sale on a for-profit basis. The act allows Texas Correctional Industries to use money appropriated to the office in amounts corresponding to the sale of its articles and products to make purchases and pay necessary expenses for the support of the program. It increases the number of inmates who may participate in a private business contract for inmate labor from 250 to 500.

The act restructures the Private Sector Prison Industries Oversight Authority by increasing the number of public members from three to four and requiring the governor to appoint an employer liaison. The act requires the authority to adopt rules to determine whether a prison industries program would cause the loss of existing jobs provided by an employer in Texas. It increases the number of inmates who may participate in the private sector prison industries programs from 1,500 to 2,000.

The act requires the community justice assistance division to conduct a feasibility study to determine whether the documentation prepared by a community justice council is excessive or redundant and to suggest a streamlined process to reduce duplication of efforts.

The act amends the Code of Criminal Procedure to make it discretionary rather than mandatory for a judge to order a postsentence report from an officer for a felony case. It requires a judge to order an inmate, as a condition of community supervision, to pay a residential aftercare fee when released from a substance abuse treatment facility.

Senate Bill 365 amends the Labor Code to provide workers' compensation coverage to inmates who participate in the Texas Correctional Industries contract work program. It amends the Education Code to allow an inmate who has a high school diploma to participate in a Windham School District program or service if space is available.

The act amends the Health and Safety Code to increase the membership of the Texas Council on Offenders with Mental Impairments from 29 to 30. It redefines a special needs offender and expands the list of information that may be shared between agencies regarding these offenders. The act redefines "agency" as a specified criminal justice, human services, or education entity or a person with an agency relationship or contract with one of the specified entities. The act requires the council to conduct a study on strategies for reducing the use of a county jail as a place to provide mental health treatment to persons with mental illnesses.

Senate Bill 365 amends the Health and Safety Code to establish a procedure for an involuntary civil commitment of a sexually violent predator to outpatient treatment and supervision. The act requires the executive director of the Texas Department of Criminal Justice and the commissioner of the Texas Department of Mental Health and Mental Retardation to establish a multidisciplinary team to determine whether a person suffers from a behavioral abnormality

that makes the person likely to engage in a predatory act of sexual violence. If it is determined that a person suffers from a behavioral abnormality, the act establishes due process procedures to conduct a trial to determine the predator status and to commit the person for outpatient treatment until the person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence. The act authorizes a judge to order a person found to be a predator to comply with certain requirements to ensure the person's compliance with treatment and supervision and to protect the community and makes violation of these requirements a third degree felony. The act establishes procedures for a biennial examination and review of the status of the committed person and for the committed person to petition for release.

SENATE BILL 371

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Gray

Senate Bill 371 amends the Government Code to continue the Correctional Managed Health Care Advisory Committee until September 1, 2005. The act changes the name of the committee to the Correctional Managed Health Care Committee and expands the membership of the committee from six to nine members. The act specifies the powers and duties of the committee and defines the term limits of the members who are appointed by the governor. It establishes procedures and responsibilities to monitor the quality of care delivered to inmates by the health care providers. The act updates sections relating to sunset recommendations that are applied to all agencies. It requires the committee, in conjunction with The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, and the Texas Department of Criminal Justice to review the use of rural hospital contracts for the medical care to persons confined by the department and to report its findings and any recommendations to the 77th Legislature.

SENATE BILL 420

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: J. Jones

Senate Bill 420 amends the Government Code to prohibit the Texas Department of Criminal Justice from entering into a contract with a private business or public entity that requires or permits an inmate confined in a correctional facility to have access to personal information about the public.

SENATE BILL 539

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: Uher

Senate Bill 539 amends the Texas Mental Health Code and the Code of Criminal Procedure to set out requirements for transporting patients from jails or courts to mental health or residential care facilities. It includes provisions concerning medical care, time and conditions of the transportation, authorized persons to accompany the patients, and responsibility for costs.

SENATE BILL 1105

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff et al.

HOUSE SPONSOR: Staples

Senate Bill 1105 amends the Government Code to authorize the Texas Department of Criminal Justice to receive surplus or salvage data processing equipment from other state agencies for repair or refurbishing by inmates in a prison industries program. The act requires the department to ensure that all information stored on the equipment received is removed

before an inmate is given access to the equipment and to sell the repaired equipment or its components to a school district, state agency, or political subdivision. The act also imposes requirements relating to the economic feasibility of these activities.

SENATE BILL 1276**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Wentworth et al.**HOUSE SPONSOR:** Cuellar et al.

Senate Bill 1276 amends the Code of Criminal Procedure to authorize a court to require a county jail inmate who is convicted of a misdemeanor or placed on deferred adjudication for a misdemeanor and who is required to submit to a period of confinement as a condition of community supervision to reimburse the county \$25 a day for confinement expenses.

The act requires the court to consider the inmate's employment status, earning ability, financial resources, and any other special circumstances that may affect an inmate's ability to pay before ordering reimbursement, and it prohibits a judge from requiring an indigent defendant to reimburse the county. The act establishes deadlines for completing reimbursement. The act also permits the state to establish a restitution lien against an inmate's property to secure the reimbursement costs.

SENATE BILL 1514**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Ogden**HOUSE SPONSOR:** Averitt

Senate Bill 1514 amends the Transportation Code to authorize the Texas Transportation Commission to permit the Texas Department of Transportation to contract with a private correctional facility as well as a criminal justice agency for inmate labor or the labor of individuals placed on community supervision for a state highway improvement project. It also allows the commission to authorize the department and the State Soil and Water Conservation Board to contract with the Texas Department of Criminal Justice for inmate labor or the labor of individuals placed on community supervision for a brush control project. The act prohibits the transfer of public funds to a private correctional facility for the use of inmate labor.

SENATE BILL 1576**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** R. West et al.**HOUSE SPONSOR:** Allen

Senate Bill 1576 amends the Government Code to require the Texas Department of Criminal Justice to notify a local law enforcement agency when an inmate who is considered to be a member of a security threat group or gang is released into the agency's jurisdiction.

SENATE BILL 1577**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** R. West et al.**HOUSE SPONSOR:** Allen

Senate Bill 1577 amends the Government Code to require the Texas Department of Criminal Justice to develop and provide specialized training for parole officers who supervise released inmates previously identified as members of prison gangs, criminal street gangs, or security threat groups.

SENATE BILL 1650**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Jackson**HOUSE SPONSOR:** Haggerty et al.

Senate Bill 1650 amends the Code of Criminal Procedure to require the Texas Department of Criminal Justice to establish a risk assessment review committee to develop or select a sex offender screening tool to determine the level of risk a sex offender will be to the community on the offender's release. The act establishes the criteria for determining an offender's risk

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level and requires the committee to notify the penal institution of the risk level before the offender is released. It establishes procedures for the department to release certain information to the community based on the sex offender's risk level when the offender is released or placed on community supervision or juvenile probation or when the offender intends to move to a new residence in Texas. It requires the local law enforcement agencies to publish the offender's numeric risk level and the guidelines used to determine a risk level. The act also authorizes those agencies to provide notice to the public regarding certain sex offenders in any manner determined appropriate by the agency. It establishes that an owner of a single-family residential property or the owner's agent does not have a duty to disclose information received regarding sex offenders to a prospective buyer or tenant.

COURTS—GENERAL

HOUSE BILL 57

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Zaffirini

House Bill 57 amends the Government Code to expand the list of persons who are authorized to administer an oath in this state to include the secretary or clerk of a municipality in matters pertaining to the official business of the municipality.

HOUSE BILL 82

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: R. Ellis

House Bill 82 amends provisions of the Government Code relating to the source, selection, and service of petit jurors. The act changes the information that is required to appear on the list of names provided to the secretary of state and to the county commissioners court by the Texas Department of Public Safety for the purposes of reconstituting the jury wheel. It provides an exemption to jury service for persons who were previously summoned for service in a county with a population of 250,000 or more by requiring that the name of the person be removed from the jury wheel until the third anniversary of the date the person appeared for service or until the next date the jury wheel is reconstituted, whichever date occurs earlier. House Bill 82 also amends the Transportation Code to require an applicant for an original, renewal, or duplicate driver's license to provide the person's citizenship status and county of residence, in addition to other information.

HOUSE BILL 149

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Keel et al.

SENATE SPONSOR: Barrientos

House Bill 149 amends the Code of Criminal Procedure to prohibit a clerk of a court from requiring a filing fee on an application or petition for a writ of habeas corpus.

HOUSE BILL 323

EFFECTIVE: 6-19-99

HOUSE AUTHOR: F. Brown et al

SENATE SPONSOR: Ogden

House Bill 323 amends the Government Code to grant a municipal court or municipal court of record exclusive original jurisdiction in certain criminal cases that arise on property owned by the municipality located in its extraterritorial jurisdiction, in addition to the court's jurisdiction within the municipality's territorial limits.

HOUSE BILL 400

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: R. Ellis

House Bill 400 amends the Government Code to create, reorganize, or change the operation of certain district courts in Bexar, Cameron, Collin, Denton, El Paso, Fort Bend, Galveston, Hidalgo, Smith, Tarrant, Terrell, Tom Green, Travis, Val Verde, Van Zandt, Williamson, Webb, and Wood counties.

HOUSE BILL 524

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: D. Nixon

House Bill 524 amends the Government Code to include the district attorney for the 1st Judicial District in the list of prosecutors subject to provisions governing certain professional prosecutors.

HOUSE BILL 731

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: R. Ellis

House Bill 731 creates the Uniform Municipal Courts of Record Act. It amends provisions of the Government Code relating to the administration, powers and duties, appellate procedures, and personnel of all municipal courts of record and creates municipal courts of record in the cities of Tyler, Sansom Park, Farmers Branch, Hill Country Village, Rio Bravo, Live Oak, and Flower Mound.

HOUSE BILL 804

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Wentworth

House Bill 804 amends the Government Code to include all county prosecutors in the list of prosecutors subject to the law governing professional prosecutors and to provide county attorneys with supplemental salary compensation from the state. The act requires the county attorney in Oldham County to represent the state in all matters pending before the district court in Oldham County and entitles the county attorney to be compensated by the state in an amount provided in the General Appropriations Act for the payment of staff salaries and office expenses in single-county districts.

HOUSE BILL 806

EFFECTIVE: 8-30-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Carona

House Bill 806 amends the Code of Criminal Procedure to authorize the use of digital signatures, which have the same force and effect as manual signatures, on electronically transmitted documents issued or received by courts in criminal matters. The act provides that a signature captured on an electronic device satisfies any statutory requirement that a document contain the signature of any person, including a judge, clerk of the court, or defendant.

HOUSE BILL 869

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Bill 869 amends the Family Code to permit a judge having jurisdiction to appoint a visiting associate judge to perform an associate judge's duties during a temporary absence if the commissioners court authorizes the employment of a visiting associate judge.

HOUSE BILL 918

EFFECTIVE: 9-1-99

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: Wentworth

House Bill 918 amends the Local Government Code and the Government Code to require the clerk of a county court to provide to a court, on written request of a party in an action and without charging a fee, a copy of a motion, order, or other pleading in the action that is preserved only on microfilm or by other electronic means.

HOUSE BILL 1123

EFFECTIVE: 10-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Cain

House Bill 1123 amends provisions of the Government Code relating to the salaries and state compensation of certain county court judges and adds provisions relating to the collection of additional fees in certain county courts to be used for the support of the judiciary.

HOUSE BILL 1174**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Junell**SENATE SPONSOR:** Duncan

House Bill 1174 amends the Property Code to authorize the attorney of a person in whose favor a judgment is rendered in a small claims court or a justice court to prepare an abstract of judgment in the case.

HOUSE BILL 1177**EFFECTIVE:** 5-17-99**HOUSE AUTHOR:** Junell**SENATE SPONSOR:** Duncan

House Bill 1177 amends the Code of Criminal Procedure to expand the list of items that can be purchased with courthouse security funds and municipal court building security funds to include alarms and other security devices similar to locks, chains, and alarms and the purchase or repair of bulletproof glass. The funds are generated by security fees imposed on a defendant by a court for the purpose of providing security services for buildings that house courts.

HOUSE BILL 1254**EFFECTIVE:** 5-21-99**HOUSE AUTHOR:** Goolsby**SENATE SPONSOR:** Carona

House Bill 1254 amends the Government Code to authorize a district clerk to perform all duties necessary to process an application for a United States passport and provides for the collection of a fee to recover the costs of taking passport photographs.

HOUSE BILL 1350**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Jim Solis**SENATE SPONSOR:** Lucio

House Bill 1350 amends the Government Code to give a county court at law in Cameron County concurrent jurisdiction with the district court in civil cases where the amount in controversy does not exceed \$1 million. Concurrent jurisdiction was previously limited to cases involving disputed amounts that did not exceed \$100,000.

HOUSE BILL 1477**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Oliveira**SENATE SPONSOR:** Harris

House Bill 1477 amends the Local Government Code to increase from \$20 to \$35 the maximum county law library fee a county commissioners court may assess in each civil case filed in a county or district court except cases involving suits for delinquent taxes.

HOUSE BILL 1516**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Gallego**SENATE SPONSOR:** Duncan

House Bill 1516 amends the Code of Criminal Procedure to require the convicting court, rather than the court of criminal appeals, to appoint and pay counsel to represent an indigent death row inmate in a writ of habeas corpus application filed in a state court. The act requires the state to reimburse a county up to \$25,000 for the compensation of counsel and for reasonable expenses and provides that compensation and expenses in excess of \$25,000 are the obligation of the county. It amends the procedures relating to seeking an extension to file a writ of habeas corpus, untimely filing, and failing to file an application.

HOUSE BILL 1562**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** E. Reyna**SENATE SPONSOR:** Carona

House Bill 1562 amends the Government Code to include an appeal of an administrative driver's license revocation hearing in the list of matters that a judge may refer to a magistrate.

Courts—General

HOUSE BILL 1606

EFFECTIVE: 9-1-99

House Bill 1606 amends the Government Code to provide for the appointment or assignment of a visiting judge, rather than a special judge, when the county judge is absent, incapacitated, or disqualified in a case.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Wentworth

HOUSE BILL 1752

EFFECTIVE: 9-1-99

House Bill 1752 amends the Code of Criminal Procedure to authorize the reimbursement of expenses incurred or the advance payment of expenses anticipated to be paid directly to a licensed private investigator or expert witness for services rendered in the manner designated by appointed counsel and approved by the court.

HOUSE AUTHOR: Coleman

SENATE SPONSOR: R. Ellis

HOUSE BILL 1754

EFFECTIVE: 6-19-99

House Bill 1754 amends the Government Code to authorize a county that uses juries that are interchangeable with all justice, county, and district courts in the county to summon a prospective juror to report directly to a justice court in the precinct in which that person resides. The act requires the justice of the peace of the justice court to hear the excuses of the prospective jurors and swear them in for jury service and authorizes the justice of the peace to command the sheriff or constable to summon additional persons for jury service if the number of qualified jurors is less than the number necessary for the justice court to conduct its hearings.

HOUSE AUTHOR: Hill

SENATE SPONSOR: Carona

HOUSE BILL 1839

EFFECTIVE: 9-1-99

House Bill 1839 amends the Government Code to require the Tarrant County sheriff to appoint one bailiff for each criminal district court in that county and to authorize the judge of each criminal district court to appoint two bailiffs for the judge's court. The act authorizes the board of district judges of courts that either give preference to criminal cases or are criminal district courts to appoint one bailiff for each grand jury, provided that there are no more than a total of two grand jury bailiffs.

HOUSE AUTHOR: Smith

SENATE SPONSOR: Moncrief

HOUSE BILL 1896

EFFECTIVE: 9-1-99

House Bill 1896 amends provisions of the Government Code relating to the salary for a criminal law magistrate in Travis County to allow the magistrate to be paid a salary that is less than the salary authorized to be paid to a master for family law cases, if the lesser salary is recommended by a Travis County district court judge and approved by the Travis County Commissioners Court.

HOUSE AUTHOR: Keel

SENATE SPONSOR: Barrientos

HOUSE BILL 1921

EFFECTIVE: 6-19-99

House Bill 1921 amends the Government Code to authorize the judge of the 84th District Court to appoint a bailiff to serve the court in Hansford and Hutchinson counties and to establish the salary guidelines for the appointee.

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

HOUSE BILL 2060
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Counts
SENATE SPONSOR: Haywood

House Bill 2060 amends the Government Code to change the terms of the 50th District Court in each county to begin on the first Mondays in January and September.

HOUSE BILL 2105
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo
SENATE SPONSOR: J. E. Brown

House Bill 2105 amends the Administrative Procedure Act to authorize a Travis County district court to file a request with the Court of Appeals for the Third Court of Appeals District to transfer jurisdiction of an action for declaratory judgment or for judicial review of a state agency decision to the appeals court if the district court determines that the public interest requires a prompt authoritative determination of the validity or applicability of the rule in question, if the case would ordinarily be appealed, and if the appeals court agrees with the findings. The act allows the appeals court to direct the district court to conduct any necessary evidentiary hearings in connection with the action.

HOUSE BILL 2136
EFFECTIVE: 8-30-99

HOUSE AUTHOR: Hilderbran
SENATE SPONSOR: Wentworth

House Bill 2136 amends the Government Code to create the County Court at Law of Kendall 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 BILL 2196
EFFECTIVE: 1-1-01

HOUSE AUTHOR: Hope
SENATE SPONSOR: Bernsen

House Bill 2196 amends the Government Code to require the district attorney for the 9th Judicial District to represent the state in misdemeanor criminal cases pending in that district and the inferior courts of Montgomery County.

HOUSE BILL 2201
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Tillery
SENATE SPONSOR: Madla

House Bill 2201 amends the Government Code to provide that if the judge of a municipal court is disqualified or recused in a pending case, the judge in an adjacent municipality may sit in the case if no party to the case objects.

HOUSE BILL 2246
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Homer
SENATE SPONSOR: Cain

House Bill 2246 amends the Government Code to require the county attorney of Rains County to perform the duties of district attorney and to provide that the voters of Delta, Franklin, and Hopkins counties elect a district attorney for the 8th Judicial District who represents the state in that district only in those counties. The act entitles Rains County to receive supplemental salary compensation from the state to be paid to the county attorney and also entitles the county to receive additional state funds for the payment of staff salaries and expenses of the office.

HOUSE BILL 2313

EFFECTIVE: 9-1-99

House Bill 2313 amends the Government Code to require each district court judge in Angelina County to appoint a bailiff for the judge's court.

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: D. Nixon

HOUSE BILL 2317

EFFECTIVE: 9-1-99

House Bill 2317 amends the Property Code to expand the venue, for suits involving a single noncorporate trustee, to include the trustee's county of residence during the four years before the suit or to any county where the situs of administration of the trust has been maintained during the four years before the suit. The act also expands the venue for a suit involving corporate or multiple trustees.

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Wentworth

HOUSE BILL 2534

EFFECTIVE: 9-1-99

House Bill 2534 amends the Government Code to provide guidelines for the administration of the oath of office to a visiting judge who is a retired or former judge.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Wentworth

HOUSE BILL 2758

EFFECTIVE: 9-1-99

House Bill 2758 amends the Government Code to include the district attorney for the 33rd Judicial District in the list of prosecutors subject to provisions governing certain professional prosecutors.

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Fraser

HOUSE BILL 2937

EFFECTIVE: 9-1-99

House Bill 2937 amends the Government Code to repeal the provision that authorizes the district attorney for the 35th Judicial District to perform the duties of a district attorney in Coleman County.

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Wentworth

HOUSE BILL 3120

EFFECTIVE: Vetoed

House Bill 3120 amends the Government Code to provide that the district attorney of the 100th Judicial District represents the state in district court only in Childress, Collingsworth, Donley, and Hall counties. The act requires the county attorney of Carson County to represent the state in all matters pending before the 100th Judicial District in Carson County and requires Carson County and the state to jointly bear the expense of the county attorney's salary.

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Haywood

HOUSE BILL 3174

EFFECTIVE: 9-1-99

House Bill 3174 amends the Government Code to include the criminal district attorney of Dallas County in the list of prosecutors subject to provisions governing certain professional prosecutors.

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Shapiro

HOUSE BILL 3176**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** P. King**SENATE SPONSOR:** Sibley

House Bill 3176 amends the Government Code to give a county court at law in Parker County concurrent jurisdiction with the district court in civil cases where the amount in dispute is greater than \$500 but does not exceed \$500,000.

HOUSE BILL 3207**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Ramsay**SENATE SPONSOR:** Madla

House Bill 3207 amends the Government Code to allow a clerk of a district court to obtain an insurance policy or similar coverage from a self-insurance fund or risk retention group to insure court clerks against liabilities incurred in the performance of official duties and losses from burglary, theft, robbery, counterfeit currency, or destruction. The act also increases from \$10,000 to \$20,000 the minimum amount of the policy or coverage a district clerk is required to purchase.

HOUSE BILL 3230**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Capelo**SENATE SPONSOR:** R. Ellis

House Bill 3230 amends the Code of Criminal Procedure to increase the number of qualified jurors on a grand jury from 12 members to 12 members plus 2 alternates. The act establishes procedures to replace a disqualified juror with an alternate during the term of the grand jury.

HOUSE BILL 3249**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Allen**SENATE SPONSOR:** Armbrister

Previous law prohibited district or county attorneys from accepting any reward or compensation for prosecuting a case that they are required by law to prosecute. House Bill 3249 amends the Government Code to clarify that the prohibition does not apply to funds that are provided by the federal government through the Texas Department of Human Services to defray part of the cost of prosecution.

HOUSE BILL 3418**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Gallego**SENATE SPONSOR:** Harris

House Bill 3418 amends the Government Code to delete the consent that is required of parties to a suit or their attorneys before a chief justice or presiding judge may use teleconferencing technology to hear an oral argument of a transferred case. The act requires the state to pay for expenses associated with teleconferencing technology using the funds appropriated for the transfer of the case.

HOUSE BILL 3650**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Hartnett**SENATE SPONSOR:** Harris

House Bill 3650 amends the Government Code to authorize a county commissioners court to reduce or eliminate the daily reimbursement for jurors who attend court for only one day or a fraction of one day. Funds retained as a result of this reduction may be used only for the purpose of increasing the reimbursement available for jurors and persons who attend court for more than one day.

Courts—General

HOUSE BILL 3779

EFFECTIVE: 9-1-99

House Bill 3779 amends the Government Code to consolidate all criminal prosecutorial functions of the district, county, and justice courts of Nueces County and the district courts of Kleberg and Kenedy counties into the office of the district attorney of the 105th Judicial District.

HOUSE AUTHOR: V. Luna et al.

SENATE SPONSOR: Truan

HOUSE BILL 3780

EFFECTIVE: 9-1-99

House Bill 3780 amends the Government Code to create the County Court at Law No. 5 of Nueces County to give preference to proceedings involving a child in the possession or custody of the Department of Protective and Regulatory Services, family law cases, and mental health matters. The act requires the local administrative district judge to transfer such cases pending in district court to the new court on the effective date of the act.

HOUSE AUTHOR: V. Luna et al.

SENATE SPONSOR: Truan

HOUSE BILL 3803

EFFECTIVE: 9-1-99

House Bill 3803 amends the Government Code to require the judge of the County Court at Law of Randall County to appoint a bailiff and to require the Randall County Commissioners Court to set the bailiff's salary.

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Bivins

HOUSE BILL 3807

EFFECTIVE: 6-19-99

House Bill 3807 extends the deadline for the creation of the County Court at Law of Matagorda County from September 1, 2001, to September 1, 2003.

HOUSE AUTHOR: Uher

SENATE SPONSOR: Armbrister

HOUSE BILL 3822

EFFECTIVE: 1-1-01

House Bill 3822 amends the Government Code to create the County Court at Law of Bowie County and to establish the court's jurisdiction.

HOUSE AUTHOR: Telford

SENATE SPONSOR: Ratliff

HOUSE BILL 3825

EFFECTIVE: 9-1-99

House Bill 3825 amends the Government Code to remove the criminal jurisdiction of a county court from the powers of the 50th Judicial District Court, composed of Baylor, Cottle, King, and Knox counties. The act provides the County Court of King County with the general criminal jurisdiction of a county court.

HOUSE AUTHOR: Counts

SENATE SPONSOR: Haywood

HOUSE BILL 3826

EFFECTIVE: 9-1-99

House Bill 3826 amends the Government Code to remove the criminal jurisdiction of a county court from the powers of the 50th Judicial District Court, composed of Baylor, Cottle, King, and Knox counties. The act provides the County Court of Baylor County with the general criminal jurisdiction of a county court.

HOUSE AUTHOR: Counts

SENATE SPONSOR: Haywood

HOUSE BILL 3827**EFFECTIVE:** 9-1-99

House Bill 3827 amends the Government Code to remove the criminal jurisdiction of a county court from the powers of the 50th Judicial District Court, composed of Baylor, Cottle, King, and Knox counties. The act provides the County Court of Cottle County with the general criminal jurisdiction of a county court.

HOUSE AUTHOR: Counts**SENATE SPONSOR:** Haywood**HOUSE BILL 3828****EFFECTIVE:** 9-1-99

House Bill 3828 amends the Government Code to remove the criminal jurisdiction of a county court from the powers of the 50th Judicial District Court, composed of Baylor, Cottle, King, and Knox counties. The act provides the County Court of Knox County with the general criminal jurisdiction of a county court.

HOUSE AUTHOR: Counts**SENATE SPONSOR:** Haywood**SENATE BILL 71****EFFECTIVE:** See below

Senate Bill 71 amends the Government Code to create the Judicial Compensation Commission to make salary recommendations for justices and judges of the supreme court, the court of criminal appeals, the courts of appeals, and the district courts. The act establishes the membership, terms, qualifications, and powers and duties of the nine-member commission, which is appointed by the governor with consent from the senate, and lists the factors the commission must consider in making salary recommendations. It requires the commission to submit a biennial report of its recommendations to the legislature not later than December 1 of each even-numbered year. The recommendations are binding and have the full force of law on September 1 if neither the senate nor the house of representatives, by a majority vote, rejects the recommendations before the enactment of the General Appropriations Act for the subsequent biennium. The act takes effect on voter approval of Senate Joint Resolution 10.

SENATE AUTHOR: J. E. Brown**HOUSE SPONSOR:** Thompson**SENATE BILL 135****EFFECTIVE:** 1-1-01

Senate Bill 135 amends the Government Code to create the County Court at Law No. 4 of Fort Bend County.

SENATE AUTHOR: J. E. Brown**HOUSE SPONSOR:** Olivo**SENATE BILL 136****EFFECTIVE:** 9-1-99

Senate Bill 136 amends the Government Code to require a county to personally provide to each prospective juror a donation form letter that, when signed by a juror, directs the county treasurer to donate the juror's reimbursement for jury services to certain specified entities.

SENATE AUTHOR: Harris**HOUSE SPONSOR:** Thompson**SENATE BILL 158****EFFECTIVE:** 9-1-99

Senate Bill 158 amends the Government Code to redesignate the County Court at Law No. 1 and Probate Court of Bexar County, Texas, as the County Court at Law No. 1 of Bexar County, Texas. The act requires the court to give preference to criminal cases and requires that the judge of the court transfer all mental illness proceedings before the court to Probate Court No. 1 of Bexar County, Texas, on the effective date of the act. The act creates the County

SENATE AUTHOR: G. Luna et al.**HOUSE SPONSOR:** Puentes

Courts—General

Court at Law No. 10 of Bexar County, Texas, to give preference to civil cases and the County Courts at Law Nos. 11 and 12 of Bexar County, Texas, to give preference to criminal cases and appeals de novo from the municipal and justice courts.

SENATE BILL 181

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro et al.

HOUSE SPONSOR: McCall

Senate Bill 181 amends the Government Code to create the County Court at Law No. 5 of Collin County.

SENATE BILL 216

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Walker

Senate Bill 216 amends the Code of Criminal Procedure to disqualify a person who has been convicted of theft from selection or service as a grand juror and raises from 65 to 70 years the age at which a person may be excused from service. The act establishes that personal information about a grand juror collected by the court, court personnel, or prosecuting attorney is confidential and may not be disclosed. On a showing of good cause, the court is permitted to release the information to a party to the proceeding.

SENATE BILL 229

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Gallego

Senate Bill 229 amends the Government Code to require certain courts to collect a \$25 fee from a person who pays any part of a fine, court cost, or restitution on or after the 31st day after the date a judgment is entered assessing the fine, court cost, or restitution. The act also authorizes the comptroller to audit the records of a county or municipality relating to such fees.

SENATE BILL 230

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Crabb

Senate Bill 230 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to develop and maintain a model for a uniform written jury summons and a questionnaire to accompany the summons. The act requires the office to complete the model and the questionnaire not later than October 1, 2000, and to distribute them to counties not later than November 1, 2000. The act also requires counties to conform their written jury summons to the model and to include the questionnaire with its summons not later than January 1, 2001.

SENATE BILL 376

EFFECTIVE: 10-1-00

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Solomons

Senate Bill 376 amends the Government Code to create the County Criminal Court No. 5 of Denton County.

SENATE BILL 469

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: G. Lewis

Senate Bill 469 amends the Government Code to require the clerk of a court of appeals to destroy records relating to a civil case 6 years, rather than 10 years, after disposition of the case, with certain exceptions, and to require the clerk to notify the attorneys of record in the case that exhibits relating to the case will be destroyed 3 years, rather than 10 years, after final disposition. The act also requires the clerk to destroy records relating to a criminal case 25 years after final disposition of the case, with certain exceptions.

SENATE BILL 601**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Moncrief**HOUSE SPONSOR:** Goodman

Senate Bill 601 amends the Code of Criminal Procedure to authorize the governing body of a municipality to assess a technology fee of not more than \$4 on defendants who are convicted of misdemeanors in municipal courts and municipal courts of record. The fee must be deposited in a municipal court technology fund and may be used only to finance the purchase of technological enhancements for municipal courts and municipal courts of record.

SENATE BILL 611**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Ogden et al.**HOUSE SPONSOR:** Krusee

Senate Bill 611 amends the Government Code to authorize criminal court judges in Williamson County to select and appoint magistrates to serve the criminal courts of Williamson County. The act requires the commissioners court to establish certain terms of employment of each magistrate position and lists the jurisdiction, powers, and duties of the magistrates.

SENATE BILL 612**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Ogden et al.**HOUSE SPONSOR:** Krusee

Senate Bill 612 amends the Government Code to create the County Court at Law No. 3 of Williamson County.

SENATE BILL 760**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Duncan**HOUSE SPONSOR:** Isett

Senate Bill 760 amends Government Code provisions relating to magistrates in Lubbock County. The act authorizes the judge of a juvenile court to refer certain proceedings to a magistrate and authorizes a magistrate to accept a guilty plea for a misdemeanor or felony and a plea of true from a defendant or juvenile. The act also requires certain court clerks to assist a magistrate to perform the magistrate's duties authorized by law.

SENATE BILL 841**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Garcia

Senate Bill 841 amends the Government Code to broaden the jurisdiction of municipal courts in certain criminal cases to those that arise under a resolution, rule, or order of a joint board operating an airport. It provides that the jurisdiction of a municipal court does not affect the powers given to the joint board, nor do the powers of the joint board affect the jurisdiction of the municipal court. The act further provides that the jurisdiction of a municipal court does not authorize its officers or employees to regulate, protect, or police the airport except as permitted by a valid interlocal agreement.

SENATE BILL 917**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Wentworth**HOUSE SPONSOR:** B. Turner

Senate Bill 917 amends the Government Code to remove Mason County from the 33rd Judicial District and the Third Administrative Judicial Region and to include it in the 198th Judicial District and the Sixth Administrative Judicial Region. The act also removes Concho County from the 198th Judicial District.

SENATE BILL 952

EFFECTIVE: 5-10-99

SENATE AUTHOR: G. Luna

HOUSE SPONSOR: Puente

Senate Bill 952 amends the Government Code to authorize a judge to refer cases to certain criminal law magistrates by reading the order of referral into the minutes of the court.

SENATE BILL 1034

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Thompson

Senate Bill 1034 amends the Government Code to redefine “state agency” to include a court of appeals district and provides that the cost for liability insurance purchased or acquired by a court of appeals is not included in determining the salary of a justice serving on the court.

SENATE BILL 1150

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hartnett

Senate Bill 1150 amends the Government Code to establish that a statutory county court does not have the same jurisdiction as a statutory probate court.

SENATE BILL 1187

EFFECTIVE: 8-31-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Gallego

Senate Bill 1187 amends provisions of the Government Code relating to the training of judicial and court personnel in matters of family violence, sexual assault, and child abuse. The act adds certain associate judges, masters, referees, and magistrates to the list of judges and court personnel that are required to complete at least eight hours of training within the judge’s first term of office or the judicial officer’s first four years of service. It requires each judge and judicial officer to complete an additional three hours of training during each additional term in office or four years of service and requires the court of criminal appeals to report to the State Commission of Judicial Conduct the name of a judge or judicial officer who does not comply with the training requirements. Senate Bill 1187 increases from \$1 to \$2 the fee for the judicial and court personnel training fund that a defendant must pay if convicted of any criminal offense.

SENATE BILL 1229

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Oliveira

Senate Bill 1229 amends the Government Code to increase by \$5,000 the compensation of a presiding judge of an administrative judicial region.

SENATE BILL 1436

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Cuellar

Senate Bill 1436 amends the Government Code to authorize a judge who has jurisdiction over a suit that is pending in one county to conduct any of the judicial proceedings, except the trial on the merits, in a different county. The act also authorizes a pretrial judge who has been assigned to hear pretrial matters in related cases to hold pretrial proceedings and hearings in the county in which the case is pending or a county in which there is pending a related case to which the pretrial judge has been assigned.

SENATE BILL 1706
EFFECTIVE: 8-30-99

SENATE AUTHOR: R. Ellis
HOUSE SPONSOR: Thompson

Senate Bill 1706 amends the Local Government Code to authorize a clerk of a court in certain counties to make disbursements from the court's registry fund by electronic transfer and to charge a fee for such a transfer. The act also authorizes a clerk, in the absence of a court order to the contrary, to transfer money in a registry fund to certain separate investment accounts.

SENATE BILL 1719
EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis
HOUSE SPONSOR: Uher

Senate Bill 1719 amends the Government Code to allow the portion of the salary from the state of a retired or former judge or justice who is assigned to a district court to be based on 85 percent of a regular judge's salary, or a greater percentage, not to exceed 100 percent of that salary for any fiscal year.

SENATE BILL 1824
EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro et al.
HOUSE SPONSOR: Hartnett

Senate Bill 1824 amends the Government Code to create the County Criminal Court No. 11 of Dallas County and to require that court to give preference to cases designated by an order signed by a majority of the judges of the county criminal courts of Dallas County.

SENATE JOINT RESOLUTION 10
FOR ELECTION: 11-2-99

SENATE AUTHOR: J. E. Brown
HOUSE SPONSOR: Thompson

Senate Joint Resolution 10 proposes a constitutional amendment to authorize the legislature to create a judicial compensation commission to make salary recommendations for justices and judges of the supreme court, the court of criminal appeals, the courts of appeals, and the district courts.

COURTS—GUARDIANSHIP AND PROBATE

HOUSE BILL 777

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Wentworth

House Bill 777 amends provisions of the Texas Probate Code relating to certain guardianship matters to clarify that all suits, actions, and applications are appertaining to and incident to an estate.

HOUSE BILL 778

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Wentworth

House Bill 778 amends provisions of the Texas Probate Code relating to a decedent's estate to clarify the transfer powers granted to statutory probate courts and to provide that actions involving certain trusts and the pendent and ancillary jurisdiction of a judge of a statutory probate court are applicable whether or not the matter is appertaining to or incident to an estate.

HOUSE BILL 919

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: R. Ellis

House Bill 919 amends the Texas Probate Code to include a proceeding involving a missing person in the proceedings for which the court is required to appoint an attorney ad litem and to reduce the credit hours required for court-appointed attorneys to be certified by the State Bar of Texas.

HOUSE BILL 1136

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1136 amends the Local Government Code to extend the time before certain fees can be charged by a clerk of a county court for various services rendered in a pending probate action from 90 days to 120 days after the initial filing of the action.

HOUSE BILL 1142

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1142 amends the Texas Probate Code to require a county clerk to maintain a case file of orders and judgments, and any other filing with a court, for each probate and guardianship proceeding, rather than a record book of minutes and papers. Instead of keeping record books of a judge's docket, claim docket, and fees, a county clerk may maintain the information on a computer file, microfilm, digitized optical image, or another similar form of data compilation, and the act provides for their use in court as evidence. The act makes conforming amendments to other sections of the Texas Probate Code to reflect these changes.

HOUSE BILL 1176

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: Wentworth

House Bill 1176 amends the Texas Probate Code to require that certain documents required to be filed with an application for probate of a foreign will contain the original signature of the clerk of the court or other officer of the court and the judge or presiding magistrate of the court, except that original signatures are not required for recordation in the deed records.

HOUSE BILL 1571

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Grusendorf

SENATE SPONSOR: Harris

House Bill 1571 amends the Health and Safety Code to provide that a person's written directions for the disposition of the person's remains in a will, prepaid funeral contract, or written instrument may govern the inscription to be placed on a grave marker that is attached to any plot in which the decedent had the right of sepulture at the time of death and in which the decedent is subsequently interred. The act also provides a presumption that a married woman wants her grave marker to reflect her married name, if she is still using it at the time of her death.

HOUSE BILL 1605

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Wentworth

House Bill 1605 adds a new section to the Government Code to authorize a statutory probate judge to transfer a cause of action to another statutory court that is located in the same county and that has jurisdiction. A statutory probate judge who determines that the court no longer has jurisdiction over a cause of action pertaining to an estate may transfer it to a district or county court, a statutory county court, or a justice court that is located in the same county and that has jurisdiction. All processes, writs, bonds, recognizances, or other obligations issued from the originating court are transferred to the new court as though they were issued by that court.

HOUSE BILL 1607

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1607 amends provisions of the Texas Probate Code relating to the assignment of a statutory probate court judge to hear a contested probate or guardianship matter in a county where there is no statutory probate court. The act provides that if the judge of a county court has not transferred a contested probate matter to a district court at the time a party files a motion to transfer to a statutory probate court, then the county judge must grant the party's motion and may not transfer the matter to a district court unless the party withdraws its motion.

HOUSE BILL 1622

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

House Bill 1622 amends provisions of the Family Code relating to standing to file suit for conservatorship of a child, temporary restraining orders and injunctions, attorney ad litem fees and requirements, termination of the parent-child relationship, adoption records, modification of possession and access orders, and the release of certain medical and psychiatric records of a child.

HOUSE BILL 1660

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: R. Ellis

House Bill 1660 amends the Texas Probate Code to delete duplicative provisions relating to guardianships and subsequent estates of deceased wards.

HOUSE BILL 1661

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: R. Ellis

House Bill 1661 amends the Probate Code to delete duplicative provisions relating to guardianships and the final accounting of a decedent's or ward's estate.

HOUSE BILL 1662

EFFECTIVE: 6-19-99

House Bill 1662 repeals Part 10, Chapter VIII, Texas Probate Code, to eliminate the duplication of certain provisions relating to guardianships.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: R. Ellis

HOUSE BILL 1663

EFFECTIVE: 9-1-99

House Bill 1663 amends provisions of the Texas Probate Code relating to the modification or closing of a guardianship of an incapacitated person. The act establishes procedures for obtaining a court order to restore a ward's capacity or modify a ward's guardianship by written application, rather than by petition. It requires the court to appoint an attorney ad litem to represent the ward in a proceeding, requires the applicant to provide to the court a letter or certificate from a licensed physician describing the nature and degree of incapacity of the ward, and requires that certain findings be made by the court before it may issue an order to close or modify a guardianship.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 1663 amends the Government Code and the Probate Code to provide that a trial court should give precedence to matters involving complete restoration of a ward's capacity or modification of a ward's guardianship. It grants a person the right to commence such a proceeding, but prohibits a person who has an interest that is adverse to a proposed ward or incapacitated person from contesting a modification of a ward's guardianship.

HOUSE BILL 1852

EFFECTIVE: 9-1-99

House Bill 1852 amends the Texas Probate Code to clarify the conditions under which a will may be probated as muniment of title and outlines the procedures for releasing independent executors from fully disclosed transactions. The act reconciles certain differences between the Texas Probate Code and the state's homestead liability laws and authorizes the administrator to allocate interest due on the estate between income and principal.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

HOUSE BILL 2164

EFFECTIVE: 9-1-99

House Bill 2164 amends the Texas Probate Code to authorize a person to file an application for guardianship within 60 days of a child's 18th birthday if the child is incapacitated and requires a guardianship after the ward is no longer a minor.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

HOUSE BILL 2165

EFFECTIVE: 9-1-99

House Bill 2165 amends the Texas Probate Code to authorize a county to pay for certain attorney and guardian ad litem fees for a ward whose estate is insufficient to pay for the services under certain circumstances. The act provides guidelines for establishing probable cause that a resident of a county is an incapacitated person, without a guardian or guardian ad litem, for whom the court is permitted to establish guardianship. The act also authorizes a guardian to complete and file a report required by the act without the assistance of an attorney.

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

HOUSE BILL 2166

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 2166 amends the Texas Probate Code to establish procedures to allow a court to appoint a ward's family member or friend or other interested person who is willing and able to serve as the ward's successor guardian. The act requires guardianship programs or governmental entities to notify the court in which the guardianship is pending of a person's interest in being appointed as the ward's successor guardian and requires the court to determine whether a person is qualified to serve. If the court finds that a person is not disqualified from serving as successor guardian, the guardianship program, governmental agency, or court may file an application to appoint the person as the ward's successor guardian.

HOUSE BILL 2580

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Wentworth

House Bill 2580 amends the Texas Probate Code to authorize a judge of a statutory probate court, on motion of a party to the action or on motion of a person interested in an estate or guardianship, to transfer to the judge's court from a district, county, or statutory court a cause of action in which a personal representative of an estate pending in the statutory probate court is a party.

HOUSE BILL 2795

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Zaffirini

House Bill 2795 amends the Texas Probate Code to require an applicant seeking to have a third party named as guardian for a person who is incapacitated to notify the potential guardian in advance. The act also prohibits a temporary guardianship from being granted before a hearing if the applicant is not the proposed temporary guardian, unless the proposed temporary guardian appears in court.

HOUSE BILL 2822

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Deshotel

SENATE SPONSOR: R. Ellis

House Bill 2822 amends the Local Government Code to change in the fee schedule for probate court actions certain fees that a clerk of a county court is required to collect for services rendered to any person.

HOUSE BILL 3337

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3337 amends the Texas Probate Code to delete references to a missing person.

HOUSE BILL 3338

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3338 amends the Texas Probate Code to authorize a surviving parent who wishes to waive the bond for a person that the parent chooses as a designated guardian to do so by either naming the guardian in a will or making a written designation.

HOUSE BILL 3343

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3343 repeals sections of the Texas Probate Code and the Code of Criminal Procedure relating to receiverships for certain missing persons and provides for their inclusion in the Civil Practice and Remedies Code.

HOUSE BILL 3477

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Cain

House Bill 3477 amends the Civil Practice and Remedies Code to provide that, in a wrongful death or survival action, the foreign personal representative of the estate of a nonresident individual is not required to apply for ancillary letters testamentary for the probate of a foreign will if the representative is a plaintiff in the action and has complied with certain filing and executor qualification requirements of the Texas Probate Code.

HOUSE BILL 3630

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3630 amends the Government Code to expand the guardianship programs to which the Health and Human Services Commission is authorized to make grants to include a local legal guardianship program for the representation of persons appointed guardians of proposed wards who are indigent. The act amends the process of registering private professional guardians to require the county clerk, not later than February 1 of each year, to submit to the commission the names and business addresses of private professional guardians who have satisfied certain certification requirements. The act further requires the county clerk to obtain criminal history record information for each person employed by a private professional guardian who will have contact with a ward, manage a ward's estate, or perform any duties related to the management of a ward's estate.

HOUSE BILL 3635

EFFECTIVE: Vetoed

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3635 amends the Government Code to expand the general jurisdiction of Probate Court No. 1 of Travis County to include all actions, cases, matters, or proceedings instituted under the Health and Safety Code. The act deletes the requirement that a judge of a statutory probate court obtain the consent of the judge in whose court the case is pending before transferring certain causes of action.

HOUSE BILL 3854

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Lindsay

Under current law, the county clerk of Harris County is required to assign and docket probate cases among the county's four statutory probate courts by the last digit of the case number. House Bill 3854 amends the Government Code to require the county clerk to assign and docket probate cases at random according to certain percentages.

SENATE BILL 112

EFFECTIVE: 5-17-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: J. Nixon

Senate Bill 112 amends the Property Code to authorize a next friend who represents a minor or incapacitated plaintiff in a lawsuit, and the clerk of the court with proper jurisdiction, to invest money recovered by the minor or plaintiff in the Texas tomorrow fund. The act also provides that the court may waive bonding requirements for such investments.

In addition, Senate Bill 112 amends the Texas Probate Code to authorize the trustee of a management trust created for the benefit of a ward of the state to invest funds in the Texas tomorrow fund.

SENATE BILL 153

EFFECTIVE: 6-18-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Hilderbran

Senate Bill 153 amends the Health and Safety Code to require a judge of a probate court to order the clerk of the court to refund costs incurred by an inpatient mental health facility that has filed an affidavit with the clerk of the court certifying that it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced.

SENATE BILL 294

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Thompson

Senate Bill 294 amends the Government Code to authorize a judge of a statutory probate court to appoint a probate master for a statutory probate court on approval by the county commissioners court. The act provides for the administration of a statutory probate court that is appointed a master and includes provisions relating to the powers, compensation, and termination of employment of the master; the attending court personnel; the referral of cases; and the appeal of a probate master's report to the referring court. The appointment of a master to a statutory probate court does not apply to the statutory probate courts of Dallas County or Harris County.

Senate Bill 294 also amends the Code of Criminal Procedure to include probate masters who are appointed by judges of statutory probate courts among the court officers who are magistrates.

SENATE BILL 1001

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hartnett

Senate Bill 1001 amends the Government Code to establish requirements relating to the election, qualifications, and salary of judges of multicounty statutory probate courts and to provide for the administration of such courts.

SENATE BILL 1007

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hartnett

Previous law allowed a statutory probate judge in a county with a population of one million or more, and with approval of the commissioners court, to hire a court coordinator, an administrative assistant, and an auditor for the court. Senate Bill 1007 amends the Government Code to remove the population requirement and require the judge to hire staff for those positions.

SENATE BILL 1106

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Hartnett

Senate Bill 1106 amends the Texas Probate Code to create a voluntary standard form for an affidavit of facts concerning the identity of heirs in a proceeding to declare heirship and to provide that such an affidavit does not affect the rights of an omitted heir or a creditor of the decedent.

SENATE BILL 1388

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Dutton

Senate Bill 1388 amends the Property Code to authorize a court to provide for a structured settlement in a suit in which a minor or incapacitated person is represented by a next friend or an appointed guardian ad litem. The settlement must be funded by an obligation guaranteed by the United States or an annuity contract provided by an insurance company that meets certain requirements. The act also provides an appointed guardian ad litem with the same powers and duties as a next friend with respect to the investment of money recovered in such a suit.

CRIMINAL JUSTICE AND PROCEDURE

HOUSE BILL 91

EFFECTIVE: 8-30-99

House Bill 91 amends the Health and Safety Code to provide that a person commits an offense if the person mutilates any part of the genitalia of a girl younger than 18 years of age. The offense is a state jail felony. It is a defense to prosecution if the act is performed by a licensed health care professional for medical purposes.

HOUSE AUTHOR: Giddings et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 152

EFFECTIVE: 9-1-99

House Bill 152 amends the Penal Code to make it a state jail felony to mark a school or an institution of higher education with graffiti.

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

HOUSE BILL 163

EFFECTIVE: 9-1-99

House Bill 163 amends the Penal Code to make possession of a controlled substance or dangerous drug in a correctional facility a third degree felony.

HOUSE AUTHOR: Chisum et al.

SENATE SPONSOR: Bivins

HOUSE BILL 234

EFFECTIVE: 8-30-99

House Bill 234 amends the Code of Criminal Procedure to require the magistrate's clerk to make available for public inspection a copy of the affidavit filed to obtain a search warrant.

HOUSE AUTHOR: Keel et al.

SENATE SPONSOR: Wentworth

HOUSE BILL 245

EFFECTIVE: 9-1-99

House Bill 245 amends the Code of Criminal Procedure to prohibit the state from executing a person sentenced to death if the person is mentally incompetent and to establish a procedure to determine the person's mental competency.

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 302

EFFECTIVE: 9-1-99

House Bill 302 amends the Code of Criminal Procedure to require a court to order a defendant convicted of certain offenses involving a victim younger than 17 years of age to pay the expenses associated with rehabilitation for the victim of the offense.

HOUSE AUTHOR: Wise

SENATE SPONSOR: Jackson

HOUSE BILL 319

EFFECTIVE: 9-1-99

House Bill 319 amends the Penal Code to make it an offense to tamper with a governmental record that is evidence of automobile insurance coverage. The act amends the Transportation Code to make it a Class B misdemeanor for a person to commit certain violations relating to a driver's license.

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: Cain

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HOUSE BILL 436

EFFECTIVE: 9-1-99

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Duncan

House Bill 436 amends the Penal Code to lower the offense of trespassing on agricultural land from a Class B to a Class C misdemeanor. The offense remains a Class A misdemeanor if the trespasser enters a habitation or is carrying a deadly weapon.

HOUSE BILL 577

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Giddings

SENATE SPONSOR: Nelson

House Bill 577 amends the Code of Criminal Procedure to authorize a magistrate to extend the time a person arrested for a family violence offense may be held after bond has been posted. The act allows a magistrate to order a person to be held more than 24 hours, but not more than 48 hours, if there is probable cause to believe that the person committed the offense and that during the previous 10 years the person has been arrested on more than one occasion for family violence or for any other offense if a deadly weapon was used or exhibited.

HOUSE BILL 628

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hope et al.

SENATE SPONSOR: Shapiro

House Bill 628 amends the Penal Code to create a Class A misdemeanor offense for certain persons who fail to stop or report the aggravated sexual assault of a child.

HOUSE BILL 635

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Allen et al.

SENATE SPONSOR: Shapiro

House Bill 635 amends the Penal Code to add parole, community supervision, and corrections department officers to the officers from whom it is a state jail felony to intentionally take or attempt to take a weapon with the intent to harm the officer or a third person.

HOUSE BILL 656

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Noriega et al.

SENATE SPONSOR: Whitmire

House Bill 656 amends the Health and Safety Code to provide for stronger penalties for the offense of delivering a chemical containing a volatile substance to a minor according to where the offense occurred.

HOUSE BILL 668

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wise

SENATE SPONSOR: Armbrister

House Bill 668 amends the Code of Criminal Procedure to establish that a law enforcement officer has a duty to take possession of a missing child who is the subject of a missing person's report and has been located. The act establishes that the person named as a child's mother or father on the child's birth certificate is presumed to be the child's parent for the purpose of a missing child. It requires, rather than authorizes, an officer to complete a dental release form on the subject of the missing person's report at the time the officer initiates the report.

The act amends the Family Code to require a law enforcement officer, during a criminal investigation relating to a child's custody, to take possession of the child if the officer believes that a person may flee with or conceal the child.

House Bill 668 amends the Penal Code to enhance the penalty for the offense of enticing a child from a Class B misdemeanor to a third degree felony if it is found that the defendant intended to commit a felony against the child. The act provides that a person commits the offense of engaging in an organized criminal activity if the person commits certain offenses involving or directed toward a child younger than 18 rather than 17.

HOUSE BILL 690

EFFECTIVE: 9-1-99

House Bill 690 amends the Penal Code to increase the penalty for cutting a fence to a state jail felony if the amount of pecuniary loss is less than \$1,500 and the fence is used for the production or containment of livestock, exotic livestock, or game animals.

HOUSE AUTHOR: Wohlgemuth et al.

SENATE SPONSOR: Sibley

HOUSE BILL 751

EFFECTIVE: 9-1-99

House Bill 751 amends the Penal Code to add etching or engraving devices to the list of items used to make markings that constitute graffiti-related offenses and defines “etching or engraving device.”

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: R. West

HOUSE BILL 861

EFFECTIVE: 9-1-99

House Bill 861 amends the Penal Code to make it an offense for a person to commit certain acts with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang. It is a state jail felony if the person threatens the child with imminent bodily injury and a third degree felony if the person causes bodily injury to the child.

HOUSE AUTHOR: Dukes et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 926

EFFECTIVE: 9-1-99

House Bill 926 amends the Penal Code to make it a third degree felony to tamper with a governmental record that is a public school record, report, or assessment instrument required under the Education Code.

HOUSE AUTHOR: Garcia

SENATE SPONSOR: Zaffirini

HOUSE BILL 947

EFFECTIVE: 6-19-99

House Bill 947 amends the Insurance Code to create a Class C misdemeanor for violating certain regulations relating to fireworks. The act enhances the penalty to a Class B misdemeanor if the violation resulted in property damage of \$200 or more or in bodily injury or death.

HOUSE AUTHOR: Palmer

SENATE SPONSOR: Harris

HOUSE BILL 998

EFFECTIVE: 9-1-99

House Bill 998 amends the Penal Code to add assault to the list of elements, in addition to felony and theft, that allow the prosecution of the offense of burglary.

HOUSE AUTHOR: Farrar

SENATE SPONSOR: Jackson

HOUSE BILL 1001

EFFECTIVE: 9-1-99

House Bill 1001 amends the Penal Code to create a Class A misdemeanor offense of unlawful installation of a tracking device on a vehicle owned by another person. Defenses to prosecution include having obtained the consent of the vehicle’s owner, being a peace officer, assisting a peace officer, and being a private investigator with prior authorization.

HOUSE AUTHOR: Hartnett et al.

SENATE SPONSOR: R. West

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HOUSE BILL 1162

EFFECTIVE: 9-1-99

House Bill 1162 amends the Code of Criminal Procedure to expand the conditions of community supervision that a judge may order to include requiring the defendant to provide public notice of the offense for which the defendant was placed on community supervision in the county in which the offense was committed.

HOUSE AUTHOR: Crabb et al.

SENATE SPONSOR: J. E. Brown

HOUSE BILL 1265

EFFECTIVE: 9-1-99

House Bill 1265 amends the Penal Code to create a Class A misdemeanor offense for a person to trespass on a Superfund site. The act defines a “Superfund site” as a facility that is on the National Priorities List or is listed on the state registry.

HOUSE AUTHOR: McClendon

SENATE SPONSOR: Barrientos

HOUSE BILL 1321

EFFECTIVE: 9-1-99

House Bill 1321 amends the Code of Criminal Procedure to authorize a magistrate to impose any reasonable condition on a defendant’s bond that is related to the safety of a victim or the community. The act authorizes a magistrate to revoke the bond if it is determined by a preponderance of the evidence that the defendant violated the conditions of the bond.

HOUSE AUTHOR: P. King et al.

SENATE SPONSOR: Harris

HOUSE BILL 1428

EFFECTIVE: 9-1-99

House Bill 1428 amends provisions of the Penal Code relating to the offense of unlawful restraint. The act modifies the definition of “restraint” to include taking a victim between the ages of 14 and 17 outside the state and outside a 120-mile radius of the victim’s residence without consent. The act increases the penalty for the offense from a Class B to a Class A misdemeanor and enhances the penalty to a state jail felony if the person restrained was a child younger than 17 years of age.

HOUSE AUTHOR: Staples

SENATE SPONSOR: Shapiro

HOUSE BILL 1603

EFFECTIVE: 9-1-99

House Bill 1603 modifies provisions in the Code of Criminal Procedure relating to the deferred adjudication of traffic offenses to create a new article from existing text and repeals related provisions from the Transportation Code.

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

HOUSE BILL 1798

EFFECTIVE: 9-1-99

House Bill 1798 amends the Penal Code to expand the offense of theft of service to include a refusal to pay for a service provided at a campground or recreational vehicle park.

HOUSE AUTHOR: P. King et al.

SENATE SPONSOR: Harris

HOUSE BILL 1876

EFFECTIVE: 9-1-99

House Bill 1876 amends the Penal Code to expand the definition of “cable theft” to include theft of multichannel video or information services. The act revises the penalty schedule and provides enhanced penalties for repeat offenders.

HOUSE AUTHOR: Hinojosa et al.

SENATE SPONSOR: Whitmire

House Bill 1876 expands the offense of manufacturing and distributing a device, plan, or kit to aid in the theft of multichannel video or information services to include advertising such items. It creates a new offense for the sale or lease of such items with an intent to aid in the commission of the offense of theft or tampering with multichannel video or information service.

HOUSE BILL 1939

EFFECTIVE: 9-1-00

HOUSE AUTHOR: Grusendorf et al.

SENATE SPONSOR: Harris

House Bill 1939 amends the Code of Criminal Procedure to require inclusion in the driver's license or identification certificate record of a convicted or adjudicated sex offender notice that the person is subject to registration as a sex offender. The offender must apply to the Department of Public Safety for an original or renewal driver's license or identification certificate in person within 30 days of release from incarceration or receipt of notice from the department, and failure to meet this requirement results in the revocation of the person's license or identification certificate. Annual renewal is required until the person's duty to register as a sex offender expires. The act also requires the Texas Department of Public Safety to implement a procedure by which a peace officer or law enforcement agency can automatically obtain a person's sex offender registration status using the person's driver's license, identification certificate, or license plate number.

The Transportation Code is amended to add provisions relating to notification required by the courts and procedures for issuance, renewal, and automatic revocation of such licenses or identification certificates.

HOUSE BILL 2124

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: R. Ellis

House Bill 2124 amends the Code of Criminal Procedure to require a magistrate to issue an order for emergency protection in a family violence case if the victim sustained serious injury or the assault involved the use or exhibition of a deadly weapon.

In an order for emergency protection in a case involving family violence, the act permits a magistrate to suspend a license to carry a concealed handgun held by the subject of the emergency order. The act requires that immediate notification of the suspension be sent to the Department of Public Safety and specifies certain actions to be taken.

HOUSE BILL 2125

EFFECTIVE: 9-1-99

HOUSE AUTHOR: E. Reyna

SENATE SPONSOR: Carona

House Bill 2125 amends the Penal Code to make it a Class A misdemeanor for a person to steal an unsigned check or sight order or to knowingly receive the stolen item with the intent to use, sell, or transfer it.

HOUSE BILL 2145

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Allen et al.

SENATE SPONSOR: Whitmire

House Bill 2145 amends provisions of the Code of Criminal Procedure relating to the Sex Offender Registration Program. The act expands the list of requirements that a court must inform a defendant of before accepting a plea of guilty or nolo contendere for certain sexual offenses to include registration under the Sex Offender Registration Program. It requires a judge, under certain conditions, to enter a statement in the file of a defendant who has been convicted of certain offenses that the victim was younger than 17 years of age at the time of the

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offense. It authorizes a judge to require a person who is convicted of certain offenses and granted community supervision to make a \$50 payment to a child advocacy center. The act prohibits a judge from reducing a defendant's term of community supervision or discharging a defendant before the expiration of the term of supervision if the defendant has been convicted of an offense that requires the defendant to register as a sex offender.

The act requires an offender who has a reportable conviction or adjudication, who resides in Texas, and is employed, carries on a vocation, or is a student in another state to register in the other state if it has a registration requirement for sex offenders. It requires a person who is subject to registration requirements in another state and resides in Texas to comply with the annual verification requirements under certain circumstances. It requires an offender who has a reportable conviction or adjudication, who resides in another state and is employed, carries on a vocation, or is a student in this state to comply with the registration requirements. The act expands the conditions requiring sex offenders to amend their registration information with a local law enforcement agency.

House Bill 2145 requires certain juvenile justice entities to fulfill the prerelease notification and registration requirements on the date a sex offender is placed under its supervision. The act expands the list of circumstances that require a local law enforcement authority to notify a school superintendent or administrator regarding a registered sex offender to include when the offender is 17 years of age or older and is enrolled as a student in a public or private secondary school. It requires a school superintendent to forward the notification information to the appropriate school district personnel, including peace officers, security personnel, principals, nurses, and counselors. The act expands the information a local law enforcement agency is required to publish in a local newspaper regarding a sex offender to include the offender's full name, numeric or physical address, and either a recent photograph of the person or the Internet address of a website on which the person's photograph is accessible. It requires a penal institution official to inform an inmate, before being released, of certain sex offender registration requirements.

The act expands the list of offenses that require a defendant to register as a sex offender and revises the penalty schedule for the offense of failing to comply with registration requirements. It amends the Penal Code to make it an offense for a person to intentionally attempt to induce a minor to engage in certain sexual activities and increases the penalty for possessing or promoting child pornography from a third degree to a second degree felony. The act expands the affirmative defenses to prosecution for the offenses of indecency with a child and sexual assault.

HOUSE BILL 2187
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hinojosa
SENATE SPONSOR: Nelson

House Bill 2187 amends provisions of the Code of Criminal Procedure relating to required counseling for individuals placed on community supervision for an offense involving family violence. The act specifies that the counseling program may be required if one is available that meets guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice and makes conforming changes.

HOUSE BILL 2205

EFFECTIVE: 9-1-99

House Bill 2205 amends the Health and Safety Code to make it a state jail felony to possess, maintain, or transport anhydrous ammonia in a container or receptacle that is not designed and manufactured to hold anhydrous ammonia. The act also makes it a state jail felony for a person to use, deliver, sell, or tamper with a container or equipment designed, manufactured, and used to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the container or equipment.

HOUSE AUTHOR: Hardcastle et al.

SENATE SPONSOR: Armbrister

HOUSE BILL 2231

EFFECTIVE: 9-1-99

House Bill 2231 amends the Penal Code to define a container or trailer carried on a rail car as a part of a rail car and makes it a state jail felony to burglarize a rail car.

HOUSE AUTHOR: Crabb

SENATE SPONSOR: Cain

HOUSE BILL 2825

EFFECTIVE: 9-1-99

House Bill 2825 amends provisions of the Penal Code to exclude a replica of an antique or curio firearm manufactured under certain conditions from being defined as a firearm. The act exempts an individual carrying a bowie knife or sword for the purpose of a ceremony or historical demonstration from the offense of carrying an illegal knife.

HOUSE AUTHOR: Isett et al.

SENATE SPONSOR: Bernsen

HOUSE BILL 2879

EFFECTIVE: 9-1-99

House Bill 2879 amends the Penal Code to make it a state jail felony for a person to transport an individual for pecuniary benefit in a manner that is designed to conceal the individual from law enforcement authorities and that creates a substantial likelihood the individual will suffer serious bodily injury or death.

HOUSE AUTHOR: Chavez

SENATE SPONSOR: Shapleigh

HOUSE BILL 2968

EFFECTIVE: 9-1-99

House Bill 2968 amends the Code of Criminal Procedure to increase from \$10 to \$20 the fee for records management and preservation services that a defendant must pay if convicted of an offense in a county court, a county court at law, or a district court.

HOUSE AUTHOR: Corte

SENATE SPONSOR: Wentworth

HOUSE BILL 2971

EFFECTIVE: 9-1-99

House Bill 2971 amends the Government Code to exempt a person who is trained and certified by the Texas Department of Criminal Justice to serve as a corrections officer in that agency's institutional or state jail division from certain training required to be appointed as a part-time county jailer.

HOUSE AUTHOR: Staples

SENATE SPONSOR: D. Nixon

HOUSE BILL 3173

EFFECTIVE: 9-1-99

House Bill 3173 amends the Code of Criminal Procedure to require county officers who collect recognizances, bail bonds, fines, forfeitures, judgments, jury fees, and other obligations recovered in the name of the state to deposit the money in the county treasury by the next regular business day or, if that is not practicable, not later than the third regular business day.

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: J. E. Brown

Criminal Justice and Procedure

The commissioners court may authorize an officer to deposit the money in the treasury not later than the seventh regular business day or, in a county with a population of less than 50,000, may authorize an officer to deposit the money not later than the 30th day after collection.

HOUSE BILL 3229

EFFECTIVE: 6-19-99

House Bill 3229 amends the Code of Criminal Procedure to clarify when contraband is subject to seizure under a search warrant.

HOUSE AUTHOR: Capelo

SENATE SPONSOR: Armbrister

HOUSE BILL 3255

EFFECTIVE: 6-19-99

House Bill 3255 amends the Code of Criminal Procedure to expand the list of expenses that may be paid through the Crime Victims' Compensation Program to include certain costs incurred by a victim of family violence for relocation and housing rental assistance.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Carona

HOUSE BILL 3265

EFFECTIVE: 8-30-99

House Bill 3265 amends the Code of Criminal Procedure to authorize a justice of the peace to use discretion when deciding if an autopsy is required, except under certain circumstances.

HOUSE AUTHOR: Uher

SENATE SPONSOR: Madla

HOUSE BILL 3324

EFFECTIVE: 8-30-99

House Bill 3324 amends the Code of Criminal Procedure to authorize the attorney general to use money appropriated from the compensation to victims of crime fund to support private Texas nonprofit corporations that provide victim-related civil legal services to victims, their immediate family members, or claimants.

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Carona

HOUSE BILL 3492

EFFECTIVE: 9-1-99

House Bill 3492 amends the Transportation Code and the Code of Criminal Procedure to establish that a previous alcohol-related conviction may not be used for the purposes of restricting a defendant to the operation of a motor vehicle equipped with an ignition interlock device if the previous conviction was for an offense committed more than 10 years before the instant offense. The act requires the Department of Public Safety to establish minimum standards for vendors of ignition interlock devices and to develop procedures to ensure compliance with those standards.

HOUSE AUTHOR: Dunnam

SENATE SPONSOR: Armbrister

HOUSE BILL 3775

EFFECTIVE: 9-1-99

House Bill 3775 amends the Code of Criminal Procedure to include a paramedic in the list of people a justice of the peace may order to take a specimen of blood from the body of a person who has died in a motor vehicle accident.

HOUSE AUTHOR: Olivo

SENATE SPONSOR: Armbrister

SENATE BILL 15

EFFECTIVE: 9-1-99

Senate Bill 15 amends the Tax Code to remove from the list of Class A misdemeanor offenses the sale of cigarettes in quantities less than an individual package of at least 20. Such a sale remains an offense and is subject to a \$100 fine.

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: McCall

SENATE BILL 23

EFFECTIVE: 9-1-99

Senate Bill 23 amends the Code of Criminal Procedure to establish that an emergency protection order issued by a magistrate is effective up to the 61st day, but not less than 31 days, after the date of issuance.

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Naishtat

SENATE BILL 24

EFFECTIVE: 9-1-99

Senate Bill 24 amends the Penal Code to enhance the penalty for an assault conviction if it is the defendant's second conviction for an offense against a family or household member. The act clarifies under what circumstances a defendant is defined as having a previous conviction.

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Hinojosa et al.

SENATE BILL 39

EFFECTIVE: 9-1-99

Senate Bill 39 amends the Code of Criminal Procedure to require a court, on the written request of the defendant's attorney, to provide a written charge to the jury in a capital case stating that, under a life sentence, the defendant is eligible for parole, but not until the actual time served equals 40 years. The charge must also include certain information relating to the application of state parole laws to the defendant.

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Naishtat et al.

SENATE BILL 46

EFFECTIVE: 9-1-99

Senate Bill 46 amends the Penal Code to make it a state jail felony for a person to obtain, possess, transfer, or use identifying information of another person without the other person's consent and with the intent to harm or defraud another. The act authorizes a court to order a defendant to reimburse the victim for lost income or other expenses, except for attorney's fees, incurred as a result of the offense.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hinojosa et al.

SENATE BILL 70

EFFECTIVE: 9-1-99

Senate Bill 70 amends the Code of Criminal Procedure to increase the statute of limitations for motor fuel tax felonies from three years to seven years.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Keel

SENATE BILL 114

EFFECTIVE: 9-1-99

Senate Bill 114 amends the Penal Code to reduce the alcohol concentration used in defining "intoxicated" from 0.10 or more to 0.08 or more.

SENATE AUTHOR: Gallegos et al.

HOUSE SPONSOR: Hochberg et al.

SENATE BILL 163

EFFECTIVE: 9-1-99

Senate Bill 163 amends the Code of Criminal Procedure to increase from \$35 to \$50 the fee a convicted defendant is required to pay for the execution or processing of an arrest warrant or capias.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Allen

Criminal Justice and Procedure

SENATE BILL 185

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Coleman

Senate Bill 185 amends the Code of Criminal Procedure to expand the list of conditions a court may require of a defendant placed on deferred disposition for offenses involving alcohol or drugs to include submitting to certain diagnostic and psychosocial testing, participating in an alcohol or drug abuse treatment or education program, and paying for the cost of the testing and treatment.

SENATE BILL 205

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: J. Jones

Senate Bill 205 amends the Code of Criminal Procedure to authorize a magistrate to require a defendant to pay a monthly fee, not to exceed \$10, to an agency designated to verify the installation of a motor vehicle ignition interlock device and to monitor the device.

SENATE BILL 247

EFFECTIVE: Vetoed

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Hinojosa

Senate Bill 247 amends provisions of the Code of Criminal Procedure relating to the appointment and compensation of counsel for an indigent defendant. The act provides that if the indigent defendant remains incarcerated pending trial, the appointment of counsel is required not later than the 20th day after the request is made. Failure to appoint counsel within this period may result in the required release of the defendant.

The act transfers the authority to appoint an attorney for an indigent defendant from the court to an appointing authority established by a county commissioners court. It establishes that the commissioners courts of two or more counties may enter into an agreement to jointly fund and appoint a regional public defender.

The act also amends the Government Code to require each county auditor to send an annual report on indigent defense information to the office of court administration of the Texas Judicial Council.

SENATE BILL 284

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: V. Luna

Senate Bill 284 amends the Code of Criminal Procedure to increase fees collected by a county attorney, a district attorney, or a criminal district attorney for collecting and processing a dishonored or forged check. The fee is increased from \$10 to \$15 if the face value of the check is greater than \$10 but does not exceed \$100.

SENATE BILL 306

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Keel et al.

Senate Bill 306 amends the Code of Criminal Procedure to prohibit a court from releasing a defendant on bail pending the appeal of a felony conviction if the punishment equals or exceeds 10 years confinement. Under previous law, the prohibition was in effect only when the punishment exceeded 15 years.

SENATE BILL 399

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Allen

Senate Bill 399 amends provisions of the Code of Criminal Procedure relating to the Sex Offender Registration Program. The act requires a judge, under certain conditions, to enter a statement in the file of a defendant who has been convicted of certain offenses that the victim was younger than 17 years of age at the time of the offense. The act adds a conviction or an adjudication of delinquent conduct for unlawful restraint, kidnapping, and aggravated kidnapping, if the victim was younger than 17 at the time of the offense, to the list of offenses that require a defendant to comply with the Sex Offender Registration Program. It also adds a conviction for certain offenses under federal law to the list of reportable offenses. Senate Bill 399 requires an official of a penal institution to inform an inmate who is subject to the Sex Offender Registration Program of certain registration requirements before releasing the inmate.

The act requires a Texas resident who has been convicted or adjudicated of an offense that requires registration as a sex offender and who is employed, carries on a vocation, or attends school in another state with a registration requirement for sex offenders to register with the other state's local law enforcement. It requires a person who has a reportable conviction or adjudication, who resides in another state and is employed, carries on a vocation, or attends school in Texas, to comply with certain registration and verification requirements.

SENATE BILL 403

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 403 amends the Code of Criminal Procedure to expand the requisites of a bail bond to include specifying that a surety is not bound after a defendant receives an order of deferred adjudication or is acquitted, sentenced, placed on community supervision, or dismissed from the charges. The act establishes that a surety is in default from the time execution is issued on a final judgment in a bond forfeiture proceeding unless the final judgment is superseded by the posting of a supersedeas bond. It permits a court to approve any proposed settlement of liability on the bond forfeiture if it is agreed to by the state and the defendant or surety. It establishes that a surety must notify a principal's attorney when desiring to surrender the principal. The act limits the length of time the state may bring a cause of action to forfeit a bail bond to the fourth anniversary of the date the defendant failed to appear in court. It establishes that a peace officer or a private investigator may execute an arrest warrant issued after a bond forfeiture. The act also establishes certain requirements and restrictions for a private investigator when executing an arrest warrant on behalf of a surety on a bail bond and creates a state jail felony offense for violations.

SENATE BILL 421

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Ehrhardt et al.

Senate Bill 421 amends the Code of Criminal Procedure to modify the criteria used in the determination of mental competency in the prosecution of criminal cases and in the disposition of defendants found to be incompetent before trial or after conviction. The act also makes conforming changes.

Criminal Justice and Procedure

SENATE BILL 430

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Coleman

Senate Bill 430 amends the Penal Code to enhance the penalty for a repeat and habitual offender of disorderly conduct and public intoxication statutes. The act amends the Code of Criminal Procedure to require a court to order a defendant convicted of an enhanced disorderly conduct and public intoxication offense and placed on community supervision to submit to diagnostic testing for substance abuse and psychological assessment, to participate in a treatment or education program if required, and to pay the associated costs of the testing, assessment, and treatment or education program.

SENATE BILL 461

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Howard

Senate Bill 461 authorizes a judge to require a person who is convicted of an offense that involves family violence and is granted community supervision to make one payment of not more than \$100 to a family violence shelter center that receives state or federal funds and that serves the county in which the court is located.

SENATE BILL 528

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Giddings

Senate Bill 528 amends provisions of the Alcoholic Beverage Code relating to the acquisition, possession, or use of alcohol by a minor to change a repeat offender's ineligibility for deferred adjudication to ineligibility for deferred disposition. The act establishes that a repeat offender who is not a child is not eligible to receive a deferral of final disposition on a subsequent alcohol offense. It requires a court to direct a minor who is placed on deferred disposition for certain offenses to attend an alcohol awareness program. The act establishes that a driver's license suspension takes effect on the 11th day after the date a minor is convicted for certain alcohol offenses.

SENATE BILL 557

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio et al.

HOUSE SPONSOR: Keel

Senate Bill 557 amends the Code of Criminal Procedure to authorize a court to require a defense attorney, on a motion from the prosecutor, to disclose the name and address of each person the defense may use at trial as an expert witness. The court is required to specify the time and manner of disclosure, but the disclosure must be not later than the 20th day before the date the trial begins.

SENATE BILL 577

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa et al.

Senate Bill 577 amends provisions of the Code of Criminal Procedure relating to the duties of a court clerk in a criminal proceeding. The act modifies the release of information from a grand jury report to coincide with a defendant being in custody. It establishes procedures for the electronic transmittal and acknowledgment of a subpoena. The act provides that a record in the custody of a court clerk regarding a person who is granted deferred adjudication is not confidential. Senate Bill 577 requires an instructor, rather than the defendant, to provide proof to the Department of Public Safety that the person successfully completed an education program that was required as a condition of community supervision.

SENATE BILL 579

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 579 amends the Code of Criminal Procedure to establish that, under certain circumstances, the clerk of a court in which a forfeiture proceeding was held is entitled to court costs when the forfeiture to the state is greater than \$2,500.

SENATE BILL 660

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: B. Brown

Senate Bill 660 amends the Code of Criminal Procedure and the Government Code to authorize a judge and a parole panel to create a child safety zone, as a condition of community supervision or parole, for persons convicted of certain violent offenses. The act prohibits such persons from supervising or participating in youth programs and from entering or going near places where youth commonly congregate. The act provides for modifications to the child safety zone if shown to be too broad or restrictive.

SENATE BILL 894

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ogden

HOUSE SPONSOR: Allen

Senate Bill 894 amends the Penal Code to make it a state jail felony for an official or employee of a correctional facility or a peace officer to engage in sexual contact with an individual in custody, including a juvenile offender in a facility operated by or under contract with the Texas Youth Commission. The act also makes it a state jail felony for an employee of the Texas Department of Criminal Justice to engage in certain sexual activity with an individual under the supervision of the department but not in custody.

SENATE BILL 1100

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 1100 amends the Penal Code to make it an offense for a person to administer or provide certain controlled substances to a victim with the intent of committing aggravated sexual assault. The act amends the Penal Code and the Code of Criminal Procedure to enhance the penalties for certain offenses if the court finds that a controlled substance was used to commit the offense.

SENATE BILL 1116

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Morrison

Senate Bill 1116 amends the Health and Safety Code to define "informant" and to exempt a person from the offense of contributing to the delinquency of a narcotic addict if the person is a law enforcement official and the narcotic addict is an informant.

SENATE BILL 1124

EFFECTIVE: 8-30-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 1124 amends the Code of Criminal Procedure to prohibit a court from referring or ordering a victim or a defendant in a case involving family violence to mediation, dispute resolution, arbitration, or other similar procedures.

Criminal Justice and Procedure

SENATE BILL 1180

EFFECTIVE: 8-30-99

Senate Bill 1180 amends the law to rescind a county bail bond board's duty to file reports and furnish information on the operation of the bonding business in the county at the request of the Texas Judicial Council.

SENATE AUTHOR: Harris

HOUSE SPONSOR: G. Lewis et al.

SENATE BILL 1215

EFFECTIVE: 9-1-99

Senate Bill 1215 amends the Code of Criminal Procedure to establish that information obtained in connection with presentence investigations and postsentence reports may be released under certain conditions to provide continuity of care for a special needs offender.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Farrar et al.

SENATE BILL 1224

EFFECTIVE: 9-1-99

Senate Bill 1224 amends the provisions of the Code of Criminal Procedure relating to the Sex Offender Registration Program. The act requires a sex offender who must register as a condition of parole, release to mandatory supervision, or community supervision to register with the local law enforcement agency in the county or municipality where the offender intends to reside within seven days after arrival. The act requires a person who is subject to registration requirements in another state and resides in Texas to comply with the annual verification requirements of the Sex Offender Registration Program under certain circumstances. It requires the local law enforcement authority to notify a school superintendent or administrator of a person who is registered as a sex offender, is 17 years of age or older, and is enrolled as a student in a public or private secondary school. The act requires a sex offender who changes addresses to provide proof of identity and residence to the local law enforcement agency within seven days and requires an offender who is not directly supervised by an officer to report a change in health or job status to a local law enforcement agency. It requires an offender who is subject to registration who regularly visits a location that is not in the municipality or county where the person is registered to report to the local law enforcement authority in the area regularly visited. The act revises the penalty schedule for failing to comply with the sex offender registration requirements.

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Allen

Senate Bill 1224 requires the Department of Public Safety to provide written notice to certain local residents when a person who is civilly committed as a sexually violent predator is due to be released and intends to reside in the neighborhood. The act establishes registration requirements for a person who is civilly committed as a sexually violent predator and makes it a second degree felony for a person not to comply with the requirements.

SENATE BILL 1230

EFFECTIVE: 9-1-99

Senate Bill 1230 amends the Code of Criminal Procedure to clarify and reorganize provisions relating to the procedures governing the prosecution of misdemeanors in justice and municipal courts.

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Thompson

The act establishes procedures relating to the deferred disposition of certain traffic offenses and authorizes a judge to require a defendant to submit to certain diagnostic and psychosocial testing, to participate in a treatment or education program, and to pay the associated costs. It increases from \$50 to \$100 the amount of misdemeanor fines that will be discharged for every eight hours of community service performed by an offender.

SENATE BILL 1558
EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Smith

Senate Bill 1558 amends the Penal Code to expand the criminal trespass offense to include entering or remaining in an aircraft of another without consent.

SENATE BILL 1579
EFFECTIVE: 9-1-99

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

Senate Bill 1579 amends the Penal Code to make it an offense for a person to recruit or solicit another person to become a member of a criminal street gang that, as a condition of membership, requires the commission of any conduct that constitutes an offense punishable as a Class A misdemeanor or a felony. A first offense is a third degree felony and a second or subsequent offense is a second degree felony.

SENATE BILL 1580
EFFECTIVE: 6-18-99

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

Senate Bill 1580 amends the Code of Criminal Procedure to create the Texas Violent Gang Task Force. The act includes provisions for establishing a statewide networking system to provide timely access to gang information and directs certain agencies to designate a representative to serve as a member of the task force not later than October 1, 1999.

SENATE BILL 1734
EFFECTIVE: 6-19-99

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Telford

Senate Bill 1734 amends the Code of Criminal Procedure to authorize the attorney general to award compensation up to \$50,000 to a dependent of a crime victim who died as a result of criminally injurious conduct occurring before September 1, 1997, if the application was filed in a timely manner and approved by the attorney general before the effective date of the act.

SENATE BILL 1789
EFFECTIVE: 6-19-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Keel

Senate Bill 1789 amends the Government Code to modify the duties, authority, and organization of the Crime Stoppers Advisory Council. The act increases the term limit of a member from two years to four years. It enhances the penalty for misusing certain information to a third degree felony if the offense was committed with the intent to obtain a monetary gain or other benefit. The act establishes procedures relating to the audit or review of certain crime stopper organizations.

ECONOMIC DEVELOPMENT

HOUSE BILL 64

EFFECTIVE: Vetoed

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Lucio

House Bill 64 amends the Government Code to require the Texas Department of Economic Development to establish a community investment program in which the department makes grants or interest-free loans to, or purchases stock of, eligible community development investors, who then make loans to or invest in businesses that are located in distressed areas of the state and that cannot otherwise qualify for conventional bank loans. The act establishes requirements and guidelines for the program, including provisions for the use of money, eligible investments, collaborative efforts, limitations relating to the loans and to equity investments, and ownership of income. The act requires each community development investor to submit a report to the executive director of the department that details the status of each investment or loan made under the program. In addition, the act requires that a participation agreement must provide for an annual audit of all amounts received by the community development investor under the program.

HOUSE BILL 313

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Giddings et al.

SENATE SPONSOR: R. West

House Bill 313 amends the Local Government Code to authorize a municipality to create a neighborhood empowerment zone to promote the creation or rehabilitation of affordable housing, economic development, the quality of social services, education, or public safety in the zone. A municipality is authorized to exercise any powers in the zone that are allowed for municipal planning and development, to waive or adopt fees related to construction permits and inspection, to enter into agreements to abate municipal property and sales taxes, and to set baseline performance standards to encourage the use of alternative building materials.

HOUSE BILL 1517

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Jim Solis et al.

SENATE SPONSOR: Lucio

House Bill 1517 requires the Texas Department of Economic Development to conduct a study of the apparel industry in the border region of Texas and Mexico for the purpose of preparing a strategic plan to promote the industry's development in the region. The act requires the department to submit a report detailing the strategic plan and the study results to the governor, lieutenant governor, and the speaker of the house not later than November 1, 2000.

HOUSE BILL 1543

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Keffer et al.

SENATE SPONSOR: Fraser

House Bill 1543 amends the Development Corporation Act of 1979 to change residency requirements for service on the board of directors of certain public development corporations based on the size of the city that created the corporation. The act requires that each director of a corporation created by a city with a population of 20,000 or more be a resident of the city. Each director in a city with a population of less than 20,000 must be a resident of the city or of the county in which the major part of the city is located.

HOUSE BILL 1687

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hunter et al.

SENATE SPONSOR: Armbrister

House Bill 1687 amends the Government Code to establish the Texas film industry development loan guarantee program administered by the comptroller. Eligible Texas films are those, for theater showing or telecast, with a budget of \$1 million to \$5 million. At least 70 percent of that budget must go to certain production costs, and at least 80 percent of the budget for production costs must go to goods and services of Texas derivation. Under the program, a Texas film producer obtains financing from a Texas lender, not to exceed 60 percent of the budget, and the state may guarantee up to 80 percent of the loan. The act requires a surety bond for film completion and an indemnity equal to the guarantee amount, designating the comptroller as beneficiary. Not more than \$50 million of guarantees may be outstanding at any one time. The act creates a third degree felony offense for certain false applications or submissions. It directs the comptroller to report quarterly on the program to the legislature. The program is subject to sunset review and, if not renewed, expires September 1, 2005.

HOUSE BILL 1916

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Lucio

House Bill 1916 amends the Development Corporation Act of 1979 to authorize certain industrial development corporations to spend sales and use tax revenue for job training offered through a business enterprise, provided that the business enterprise commits to creating new jobs that pay at least the average weekly wage for the county in which the jobs are to be located or, in counties with unemployment rates 1.5 times the state average unemployment rate or more, ones that pay at least 90 percent of the county's average weekly wage. The act prohibits corporations from spending sales and use tax revenue for more than half the actual cost of the job training. The act also provides that a corporation may not spend sales and use tax revenue for a job training project if other state and federal job training funds are used, unless the project is in a county with an unemployment rate that is 1.5 times the state average or more.

HOUSE BILL 2022

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Garcia

SENATE SPONSOR: Lucio

House Bill 2022 amends the Government Code to establish a small business advocate, designated by the governor, as the head of the Office of Small Business Assistance at the Texas Department of Economic Development. The act expands the duties of the office to include the development of a "one-stop" approach for all small business needs. It requires that the biennial report on the functions of the office be distributed to members of the department's governing board.

HOUSE BILL 2209

EFFECTIVE: 5-29-99

HOUSE AUTHOR: McClendon

SENATE SPONSOR: Madla

House Bill 2209 amends the Local Government Code to authorize a public housing authority that creates a public facility corporation to enter into various financial agreements with and make various loans and contributions to that corporation for promoting and developing affordable housing or housing projects, providing housing assistance, or to accomplish another public purpose. The act includes specific requirements relating to this authorization.

HOUSE BILL 2281

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Garcia et al.

SENATE SPONSOR: Lucio

House Bill 2281 amends the Government Code to require the Texas Department of Housing and Community Affairs to implement a program promoting the construction of affordable housing subdivisions for low and very low income home buyers. The act creates a builder incentive partnership program that requires the department to guarantee a negotiated portion of the purchase price for a certain number of homes that do not exceed \$70,000. The program may include a cost plus profit structure as well as a guaranteed purchase arrangement. Builders are directed to market the homes directly to buyers who qualify for housing assistance, and homes built under this program are required to meet housing and design standards developed by the department.

HOUSE BILL 2388

EFFECTIVE: Vetoed

HOUSE AUTHOR: Jim Solis

SENATE SPONSOR: Madla

House Bill 2388 amends the Local Government Code to authorize a commissioners court to sell or lease county-owned property as part of an economic development program. The act exempts such transactions from the competitive bidding process and authorizes the sale of such property for less than the appraised fair market value under limited circumstances.

HOUSE BILL 2614

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Counts

SENATE SPONSOR: Fraser

House Bill 2614 amends the Development Corporation Act of 1979 to allow two or more counties that are adjacent or in close proximity to create a county alliance to authorize the creation of a development corporation. The act includes requirements relating to the membership of the corporation's board of directors, procedures by which a county may join or leave an established county alliance, procedures for distribution of any net earnings among the counties in the alliance, and procedures for dissolution of a corporation authorized by a county alliance. It also includes procedures relating to delivery of certificates and restated certificates of incorporation and to approval of amendments to articles of incorporation.

The act also requires that a resolution to issue bonds be adopted by the commissioners courts of at least three-fifths of the members of a county alliance.

HOUSE BILL 2992

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Davis et al.

SENATE SPONSOR: J. E. Brown

House Bill 2992 amends the Education Code to require the University of Houston System board of regents to develop and establish a business technology outreach program to help businesses use technology developed by the National Aeronautics and Space Administration. The act allows the board to award grants to economic development organizations for recruitment of qualified program participants and to provide assistance to those participants. The act also requires the board of regents to appoint a technical advisory board and to adopt rules relating to the application and eligibility for grants.

HOUSE BILL 3029

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: J. E. Brown

House Bill 3029 amends the Development Corporation Act of 1979 to allow its provisions to apply to projects that include targeted infrastructure and improvements to promote new and expanded business development, job creation and retention, job training, and educational

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facilities. The act specifies that the costs of certain publicly owned and operated projects include maintenance and operating costs and authorizes the proceeds of sales and use taxes levied for the benefit of a public economic or industrial development corporation project to be used to pay for the project's maintenance and operating costs unless the governing body of the city receives a valid petition requesting an election on the issue.

The act also clarifies the exemption status of certain corporations relating to ad valorem taxation on projects that comprise publicly owned, used, or held real property; authorizes any city, county, or any combination of cities and counties to create a corporation for the promotion and development of a spaceport; and defines "defense base development corporation" and validates and confirms certain acts of such corporations.

HOUSE BILL 3161

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Sibley

House Bill 3161 amends the Government Code to allow the state, a municipality, or a county to sell surplus buildings and land in a defense economic readjustment zone without having to comply with notice or bidding requirements if that county or municipality has adopted criteria that specifies the conditions and circumstances under which the sale may occur and the public purpose served by the sale. If the surplus property is sold at a public auction, a county or a municipality may sell the property to a buyer who is not the highest bidder if the county or municipality has adopted the required criteria.

HOUSE BILL 3658

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Sibley

House Bill 3658 amends the Government Code to change the date by which the Texas Department of Economic Development is required to submit an annual report evaluating the effectiveness of the enterprise zone program to the governor, the Legislative Budget Board, and the legislature. The act establishes criteria that a business must meet to qualify for job retention benefits as a designated enterprise project, requires the department to establish a minimum scoring threshold that a business must meet to qualify for designation under the program, and removes a provision that limited the designation of a business as an enterprise project to five years. The act also amends the Tax Code to increase the number of hours of work that a new employment position must provide to a qualified employee for the job to qualify as a "new permanent job," and it deletes the requirement that a project be certified by the Legislative Budget Board.

SENATE BILL 269

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 269 amends the Development Corporation Act of 1979 to make an economic development corporation created by a city under Section 4B of that statute subject to dissolution by popular election and provides for the conduct of such an election by the city on receipt of a petition requesting the corporation's dissolution. If a city dissolves a corporation under Section 4A of the statute and creates one under Section 4B, Senate Bill 269 allows a person who served as a director of the first corporation at the time of its dissolution to serve as a director of the newly created corporation. The act also allows a corporation that holds an election to abolish or reduce a tax imposed under Section 4A to propose adoption of a tax under Section 4B in either the same proposition or a different proposition on the same ballot.

SENATE BILL 313**EFFECTIVE:** See below**SENATE AUTHOR:** Madla et al.**HOUSE SPONSOR:** Longoria

State law provides that the Texas Department of Economic Development may not designate more than two businesses in a single defense readjustment zone as defense readjustment projects. Senate Bill 313 amends the Local Government Code to increase that limit to six businesses, but it will not take effect because of a provision contained in Section 3.03 of House Bill 3211. A summary of House Bill 3211 may be found in this publication.

SENATE BILL 340**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Juan Solis

Senate Bill 340 amends the Local Government Code to authorize a municipality to convey property to a municipally created economic development corporation, under certain conditions, for any fair consideration approved by the municipality's governing body. The property must have been conveyed to the municipality by gift or as part of a legal settlement and must be adjacent to an area designated for development by the corporation. The act requires the municipality's governing body to adopt an ordinance for the conveyance to be effective and provides that the municipality does not have to comply with certain notice or bidding requirements before conveying the property.

SENATE BILL 495**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Truan et al.**HOUSE SPONSOR:** Hawley

Senate Bill 495 amends the Government Code to revise the duties of the Office of Defense Affairs in the Texas Department of Economic Development, as well as those of the office's advisory panel, the Texas Strategic Military Planning Commission. The act expands the focus of the office from assisting defense-dependent communities to also informing the legislature, the Texas congressional delegation, and state agencies of federal actions affecting military matters. New clearinghouse duties include providing information on the strategic value and operating costs of Texas federal military installations and the loss of jobs in defense-related businesses and defense-dependent communities. The act directs the office to assist such communities to retain and recruit defense-related businesses and to strengthen relationships with those businesses and with military installations. Additional provisions relate to reports, consulting agreements, state agency cooperation, and meetings with state officials.

SENATE BILL 607**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Fraser**HOUSE SPONSOR:** Juan Solis

Senate Bill 607 amends the Government Code to require the Office of Defense Affairs of the Texas Department of Economic Development to develop and maintain a database on prime contractors and subcontractors operating in Texas who perform defense-related work.

SENATE BILL 655**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Uresti

Senate Bill 655 adds a new Local Government Code chapter to authorize a city to create a defense base development authority with respect to a military installation or facility that is closed or realigned by the federal government. The city may designate the authority as the successor to a nonprofit corporation organized under the Development Corporation Act of 1979. An authority has various functions relating to the closure and its aftermath, including the pursuit of a base conversion and redevelopment plan, the oversight of base transition and

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development, the promotion of economic development, the reduction of unemployment, and the encouragement of new industry and the financing of redevelopment projects. The act itemizes related governmental powers and includes options for conveyance and operation of federal utilities. An authority may issue bonds if the city empowers it to do so.

SENATE BILL 748

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Najera

Senate Bill 748 amends the Labor Code to require the Texas Workforce Commission to provide certain displaced workers written notice in English and Spanish of their eligibility for home ownership counseling and to include in the notice a list of local organizations providing such counseling and any toll-free telephone number through which the list may be obtained. The act also requires a firm located in the state that requests a certification of eligibility for adjustment assistance under the federal Trade Act of 1974 to notify the commission of that request.

SENATE BILL 824

EFFECTIVE: 6-19-99

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: J. Moreno

Senate Bill 824 amends the Tax Code to define “educational facility” for purposes of a municipality’s tax increment financing of projects in a reinvestment zone and to limit a municipality’s authorization to acquire, construct, or reconstruct such facilities in a reinvestment zone to zones created on or before September 1, 1999, in accordance with a development or redevelopment project plan for the zone.

SENATE BILL 930

EFFECTIVE: 6-19-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: D. Jones

Senate Bill 930 amends Government Code provisions relating to Texas Department of Economic Development grants to local areas affected by defense reductions to revise certain eligibility determinations for cities and counties. It authorizes grants to a public junior college district or to a campus or educational extension center of the Texas State Technical College located in an adversely affected defense-dependent community. Grants may be awarded to such districts, campuses, or extension centers without regard to the availability or acquisition of matching funds and may be used to purchase or lease equipment to train defense workers whose jobs are threatened or have been lost.

SENATE BILL 1092

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown et al.

HOUSE SPONSOR: Oliveira et al.

Senate Bill 1092 amends the Development Corporation Act of 1979 to allow any county or any combination of cities and counties to create a corporation to undertake projects for the promotion or development of a spaceport.

SENATE BILL 1107

EFFECTIVE: 8-30-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Najera

Senate Bill 1107 amends the Government Code to require the Texas Business and Community Economic Development Clearinghouse to provide periodic written notice in English and Spanish regarding certain public and private programs that can assist communities and entities that have experienced significant job losses associated with the implementation of the North American Free Trade Agreement (NAFTA). The act requires the clearinghouse to notify the appropriate

city and county governing bodies, chambers of commerce, small business development centers, and economic development centers in the border region and to provide the same information on the department's Internet website.

SENATE BILL 1287

EFFECTIVE: 8-30-99

SENATE AUTHOR: Lucio et al.

HOUSE SPONSOR: Oliveira et al.

Senate Bill 1287 amends the Government Code to create an owner-builder loan program to provide for the development of affordable housing. The act requires the Texas Department of Housing and Community Affairs, through colonia self-help centers and nonprofit organizations identified by the department, to make loans to eligible owner-builders to enable them to purchase or refinance real property, build new residential housing, or improve existing residential housing. It requires the department to establish eligibility requirements for an owner-builder that include certain income and other criteria, sets a maximum loan amount from this program of \$25,000, sets the terms of a loan and the interest rates, and includes other program requirements. The act provides for funding of up to \$2.8 million from the housing trust fund, requires the department to use not less than \$2.8 million from other sources, and requires that at least two-thirds of the dollar amount of loans be in certain counties. The program expires September 1, 2005.

SENATE BILL 1703

EFFECTIVE: Vetoed

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Cuellar et al.

Senate Bill 1703 amends the Government Code to create a pilot interim construction loan program to provide for the development of affordable housing in the state. The bill directs the Texas Department of Housing and Community Affairs to cooperate with construction supply companies and nonprofit housing assistance organizations to provide interim construction loans for owner-builders and to provide assistance in refinancing interim construction loans to offer private market-rate mortgages to qualified owner-builders. The department is prohibited from spending state money to fund a loan guarantee under this program and must submit annual reports evaluating the program to the governor, lieutenant governor, and speaker of the house.

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HOUSE BILL 98

EFFECTIVE: 9-1-01

HOUSE AUTHOR: A. Reyna et al.

SENATE SPONSOR: Wentworth

House Bill 98 amends the Education Code to specify that a school district's fiscal year begins on either July 1 or September 1, as determined by the district's board of trustees, and to allow the commissioner of education to adopt rules for school district submission of information based on a district's fiscal year. House Bill 98 also amends the Tax Code to require a chief appraiser to prepare an estimate of school district taxable property value and certify the estimate to the assessor for each school district in an appraisal district by June 15. The act also requires the chief appraiser to help each district determine school district property values for budgetary purposes.

HOUSE BILL 211

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Sibley

House Bill 211 amends the Education Code to make Government Code open meetings and public information requirements that apply to school districts, school boards, and schoolchildren apply also to open-enrollment charter schools and charter school students. The act specifies the details of a charter school or program's governance structure that must be included in the charter; requires each entity granted a charter for an open-enrollment school to file a copy of its bylaws or a comparable document and an annual listing of officers and board members and their compensation with the State Board of Education; and requires the board to make this information available to the public on request. The act prohibits individuals convicted of a felony or certain misdemeanors from serving as charter school officers or board members and allows certain nonprofit corporations to issue bonds to finance or refinance facilities for use by a charter school.

House Bill 211 also amends the Government Code to protect from public disclosure the name of an individual or school district information that identifies an individual who has reported a possible criminal, civil, or regulatory law violation unless the informer participated in the possible violation or consents to the disclosure. The information may be made available to law enforcement or prosecutorial personnel upon request.

House Bill 211 further amends the Government Code to require a school district or charter school that seeks to withhold certain information about a child from the child's parent, and that challenges an attorney general decision denying its request to withhold the information, to file suit within 30 days of receiving the attorney general's decision, or comply with the decision. The act requires a court to grant such suit precedence over other matters to ensure prompt resolution of the issue and prohibits the district or school from appealing the court's decision.

HOUSE BILL 217

EFFECTIVE: See below

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: R. Ellis

House Bill 217 amends the Education Code to delete the requirement of a prior written request by a student's parent, guardian, or custodian for an excused absence from school for religious holy days.

House Bill 217 applies beginning with the 1999-2000 school year.

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HOUSE BILL 229

EFFECTIVE: See below

HOUSE AUTHOR: G. West

SENATE SPONSOR: Duncan

House Bill 229 amends the Education Code to allow The University of Texas System board of regents to charge students at The University of Texas of the Permian Basin a student union fee to finance construction, improvement, maintenance, and operation of a student union building on that campus. The maximum fee allowed by House Bill 229 is \$50 per student per regular semester, but any fee greater than \$39 per semester requires prior approval by majority vote at a general student election held for that purpose. Summer session fees may be prorated. The act includes standard provisions relating to the creation of a fee account and the general administration of fee revenues.

House Bill 229 applies to fees levied beginning with the 1999 fall semester.

HOUSE BILL 269

EFFECTIVE: See below

HOUSE AUTHOR: Flores

SENATE SPONSOR: R. West

House Bill 269 amends the Education Code to prohibit school districts from discharging, disciplining, reducing the salary or accumulated personal leave of, or otherwise penalizing district employees for complying with jury duty summons. The act requires districts to pay employees engaged in any phase of jury service at their normal rates of pay for each day of jury service that falls on a regular workday.

House Bill 269 applies beginning with the 1999-2000 school year.

HOUSE BILL 368

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Armbrister

House Bill 368 amends the Education Code to allow higher education employees to authorize payroll deductions for charitable contributions either to a public college or university or to a nonprofit organization created to support that institution's programs.

HOUSE BILL 565

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Lucio

House Bill 565 amends the Education Code to require the Texas Higher Education Coordinating Board to encourage public colleges and universities and other entities using state research or technology funds to use those funds to address environmental issues in a 43-county border region in West and South Texas, as defined in the act, to the extent consistent with the authorized use of those funds.

HOUSE BILL 597

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Flores et al.

SENATE SPONSOR: Lucio

House Bill 597 amends the Education Code to require school districts to give preference to competitively priced and comparable Texas-produced, Texas-grown, or Texas-processed agricultural products, and then, if competitively priced and comparable Texas agricultural products are not available, to give preference to U.S. products over foreign imports of comparable price and quality. House Bill 597 also requires the Texas Education Agency to analyze school district purchases to determine the effectiveness of these provisions and report its findings every two years to the governor, lieutenant governor, and speaker of the house. The act allows school districts to receive assistance from and use resources of the Texas Department of Agriculture, including product availability information, and prohibits school districts from adopting purchasing specifications that unnecessarily exclude agricultural products produced, grown, or processed in Texas.

HOUSE BILL 617**EFFECTIVE:** Vetoed**HOUSE AUTHOR:** Ehrhardt et al.**SENATE SPONSOR:** R. West

House Bill 617 amends the Education Code to require applications for school campus or district waivers to include the signature of the chair of the appropriate campus-level or district-level planning and decision-making committee indicating that a majority of the committee members has reviewed the application. Applications for district waivers must include the signature and written comments of the district-level committee chair and the signatures and written comments of the campus committee chair for each campus to be affected by the waiver.

HOUSE BILL 618**EFFECTIVE:** See below**HOUSE AUTHOR:** Dukes**SENATE SPONSOR:** Bernsen

House Bill 618 amends the Education Code to require a school district that assigns an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive class days in the same school year to provide written notice of the assignment to the parent or guardian of each child in that classroom. The act requires the district to make a good faith effort to ensure the notice is provided in a bilingual form to any parent or guardian whose primary language is not English, to keep a copy of the notice, and to make teacher certification information available to the public on request.

House Bill 618 takes effect beginning with the 1999-2000 school year.

HOUSE BILL 633**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Zaffirini

House Bill 633 amends the Education Code to require the Texas Education Agency to develop and disseminate standards for a school district's transfer of an assistive technology device used to increase, maintain, or improve functional capabilities of a student with disabilities to another district, a state agency, or the student's parents when the student transfers to another school or no longer attends school in the district that purchased the device.

HOUSE BILL 713**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Cuellar et al.**SENATE SPONSOR:** R. Ellis

House Bill 713 amends the Education Code to create the Toward Excellence, Access, & Success (TEXAS) and the Teach for Texas grant programs under the administration of the Texas Higher Education Coordinating Board to provide financial aid to eligible students. The act spells out student eligibility requirements and limits on grant amounts and directs the coordinating board and colleges and universities to give highest priority to students with the greatest financial need. TEXAS grants may be used by undergraduate students to pay tuition, fees, and other costs at any public or private postsecondary institution in the state; Teach for Texas grants are available only to upper division students who have received a TEXAS grant, apply for a Teach for Texas grant and who either are enrolled in a bachelor's degree program in a teaching field experiencing a critical teacher shortage or agree to teach in a community experiencing a critical teacher shortage. Teach for Texas grant recipients must agree to teach full-time at a public school in a field or community experiencing a teacher shortage. A person may receive both a TEXAS grant and a Teach for Texas grant simultaneously.

House Bill 713 requires the board to distribute copies of its program rules to each school district and to develop a financial aid information center to disseminate information about different types of financial aid available, eligibility requirements, and application procedures. It also requires districts to inform district students, teachers, school counselors, and parents of

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the program and program eligibility requirements and of other sources of information on higher education admissions and financial aid, and to address effective information dissemination strategies in their district improvement plans and in their staff development programs.

The act creates a legislative oversight committee to monitor the operation of the two grant programs, with an emphasis on the manner of awarding grants, the number of grants awarded, and the educational progress made by grant recipients.

House Bill 713 amends provisions of the Education Code relating to teacher recruitment programs and creates a Teach for Texas alternative certification pilot program to recruit persons interested in teaching and to support certification of those persons as teachers; to encourage the creation and expansion of educator preparation programs that recognize the knowledge and skills gained through previous educational and work experience and that recognize individual circumstances such as the need to continue working full-time while enrolled in the certification program; and to provide financial incentives and support to postbaccalaureate teacher certification candidates.

House Bill 713 also consolidates certain existing financial aid and tuition waiver programs under the new program by repealing their governing provisions and stipulating that money appropriated to them or held in accounts for their support be transferred to the coordinating board for use in the new program. Current scholarship or tuition waiver recipients continue receiving such assistance as long as they remain eligible under former provisions, with the costs covered by the new program.

The repeal of the Texas Educational Opportunity Grant Program and the Texas Tuition Assistance Grant Program is effective June 1, 1999. The coordinating board is required to adopt grant award rules by July 31, 1999, and both the board and the eligible colleges and universities must begin awarding grants under this program beginning with the 1999 fall semester.

HOUSE BILL 746
EFFECTIVE: 9-1-99

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

House Bill 746 amends the Education Code to require the Texas Higher Education Coordinating Board to submit an annual report to the governor, lieutenant governor, and speaker of the house regarding compensated service by faculty members or professional staff of public colleges or universities as consulting or testifying expert witnesses in suits in which the state is a party. The act requires the attorney general and the president of each public college or university to collect the data that the board must include in its annual report.

HOUSE BILL 772
EFFECTIVE: See below

HOUSE AUTHOR: Y. Davis
SENATE SPONSOR: Nelson

House Bill 772 amends the Education Code to allow a school district's board of trustees to charge a fee of up to \$50 for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class may receive instruction to make up for the missed instruction and satisfy minimum attendance requirements for receiving class credit. A district assessing the fee must provide a written form for the student's parent or guardian to sign stating that the fee would not create a financial hardship nor discourage the student from attending the program. The act also requires school districts to provide at least one option that does not require payment of a fee for students to make up work or regain credit lost because of absences.

House Bill 772 applies beginning with the 1999-2000 school year.

HOUSE BILL 888**EFFECTIVE:** 8-30-99

House Bill 888 amends the Education Code to allow Texas A&M University at Galveston to offer graduate level courses in marine and maritime studies, contingent on prior review and approval by the Texas Higher Education Coordinating Board of the university's plan to add graduate level instruction in those fields.

HOUSE AUTHOR: Gray et al.**SENATE SPONSOR:** Jackson**HOUSE BILL 889****EFFECTIVE:** 5-29-99

House Bill 889 amends the Education Code to require the Texas A&M University System board of regents to establish an institute for the preservation of Texas and American history and culture, with an emphasis on African-American contributions to Texas history and culture, at Prairie View A&M University. The act allows the institute to establish a museum, archives, and database system and facilities and to offer related educational programs for public school students.

HOUSE AUTHOR: G. Lewis et al.**SENATE SPONSOR:** Ogden**HOUSE BILL 907****EFFECTIVE:** See below

The Education Code requires public school districts to admit into district schools anyone between the ages of 5 and 21 who applies and is an eligible district resident, but the state's compulsory school attendance laws do not apply to anyone 18 years of age or older. House Bill 907 amends the code to require students 18 years of age or older who are voluntarily enrolled in a public school to attend school each school day that classes are held. The act allows school districts to revoke a student's enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester, and that individual is no longer authorized to enter school district property.

HOUSE AUTHOR: Siebert et al.**SENATE SPONSOR:** Wentworth

House Bill 907 applies beginning with the 1999-2000 school year.

HOUSE BILL 1027**EFFECTIVE:** See below

House Bill 1027 amends the Education Code to raise student center fees at Texas Woman's University. The act allows the university's board of regents to levy a fee of not less than \$25 nor more than \$40 per regular semester and a fee of not less than \$12.50 nor more than \$20 per summer session term.

HOUSE AUTHOR: Solomons et al.**SENATE SPONSOR:** Haywood

The increases authorized by House Bill 1027 apply to fees beginning with the 1999 fall semester.

HOUSE BILL 1049**EFFECTIVE:** 9-1-99

House Bill 1049 amends the Education Code to redesignate the Texas State Technical College System extension center in Marshall as a system campus and to give the campus a share in the system's annual allocation from the Higher Education Assistance Fund. House Bill 1049 also repeals a prohibition against the center's offering of general academic or technical courses or programs that duplicate courses or programs offered by community or junior colleges in the region.

HOUSE AUTHOR: Sadler**SENATE SPONSOR:** Ratliff

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HOUSE BILL 1104

EFFECTIVE: See below

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Cain

House Bill 1104 amends the Education Code to require each campus improvement plan to provide for a program to encourage parental involvement at the campus. The act also gives the commissioner of education, when taking action on a low-performing campus, two additional options: ordering the preparation of a report on the parental involvement program at the campus and a plan describing strategies for improving such involvement, or ordering the preparation of a report on the effectiveness of the district-level and campus-level planning and decision-making committees and a plan describing strategies for improving those committees' effectiveness.

House Bill 1104 applies beginning with the 1999-2000 school year.

HOUSE BILL 1224

EFFECTIVE: 6-19-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: R. West

House Bill 1224 amends the Texas Driver and Traffic Safety Education Act to require the Texas Education Agency to adopt rules that require the inclusion of information relating to alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle in the curriculum of driver education or driving safety courses. The act requires the agency to consult with the Department of Public Safety in developing those rules.

HOUSE BILL 1275

EFFECTIVE: 6-19-99

HOUSE AUTHOR: V. Luna

SENATE SPONSOR: Zaffirini

Federal law requires each student with disabilities qualifying for special education services to have an individualized education program for the delivery of those services. The program entails a written statement developed jointly by a school district specialist, the student's teacher, parents, and others. House Bill 1275 amends the Education Code to require school districts to provide those parents who are unable to speak English with a written or audiotaped copy of the student's program translated into Spanish if Spanish is the parent's native language or, if the parent's native language is a language other than Spanish, to make a good faith effort to provide a written or audiotaped copy of the program translated into the parent's native language.

HOUSE BILL 1297

EFFECTIVE: 6-19-99

HOUSE AUTHOR: R. Lewis et al.

SENATE SPONSOR: Bernsen

House Bill 1297 amends the Education Code to rename the Lamar University Institute of Technology as the Lamar Institute of Technology and to rename the Lamar University educational centers at Port Arthur and Orange as Lamar State College–Port Arthur and Lamar State College–Orange, respectively.

HOUSE BILL 1314

EFFECTIVE: 5-17-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: R. Ellis

House Bill 1314 amends the Education Code to allow The University of Texas System board of regents to prescribe courses and professional degree programs that may be offered by The University of Texas M. D. Anderson Cancer Center, subject to Texas Higher Education Coordinating Board approval and its finding that the center's role and mission should be changed to include degree-granting authority.

HOUSE BILL 1418**EFFECTIVE:** Vetoed**HOUSE AUTHOR:** Seaman et al.**SENATE SPONSOR:** Armbrister

House Bill 1418 amends the Education Code to allow local school boards to develop career and technology education programs, subject to Texas Education Agency review, that allow students to receive job-specific training in certain professions and earn district-issued career and technology certification. The act allows a board to contract with another district, a college or university, a state-approved trade or technical school, a local business, or a local workforce development board in developing these programs or in providing instruction and allows programs developed with help from a local business or workforce development board to focus on local technology workforce needs.

The act requires the Council on Workforce and Economic Competitiveness, the Texas Education Agency, and the Texas Workforce Commission to study the effectiveness of career and technology education programs in improving students' academic and professional success and to report their findings to the governor, lieutenant governor, and speaker of the house.

HOUSE BILL 1488**EFFECTIVE:** 5-17-99**HOUSE AUTHOR:** Oliveira**SENATE SPONSOR:** Lucio

House Bill 1488 amends the Education Code to allow The University of Texas System board of regents to charge students at The University of Texas at Brownsville a student union fee of not less than \$34.35 nor more than \$70 per student per semester or long summer session to finance construction, operation, maintenance, and improvement of a student union building owned by Texas Southmost College and used jointly by both institutions under a partnership agreement, but the act requires the fee amount and any increase in the fee to be the same as a similar student union fee charged students at the junior college by the Southmost Union Junior College District's board of trustees. The act prohibits university regents from increasing the fee by more than 10 percent in any academic year without the approval of the student body and the student government's legislative body.

The act includes provisions relating to the creation of a fee account and administration of fee revenues and allows the college district board of trustees to pledge revenue from fees charged students at the university campus for debt service on bonds issued to finance construction, operation, maintenance, and improvements of the student union building.

HOUSE BILL 1491**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Hochberg**SENATE SPONSOR:** R. Ellis

House Bill 1491 amends the Medical Practice Act to authorize a private nonprofit medical school accredited by the Liaison Committee on Medical Education to retain all or part of the professional income generated by a physician for medical services if the physician is employed as a faculty member of the school and provides medical services as part of the physician's responsibilities. The act requires a private medical school to establish a committee to approve or adopt policies to ensure that a physician who retains income relating to this act is exercising independent medical judgment in providing care to patients in the school's clinical programs. House Bill 1491 also adds requirements relating to private medical schools' responsibilities and authority under the act.

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HOUSE BILL 1504

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Harris

House Bill 1504 amends the Education Code to require the Texas Council on Alzheimer's Disease and Related Disorders to establish and fund a consortium of Alzheimer's disease centers, initially comprising those centers at the Baylor College of Medicine, the Texas Tech University Health Sciences Center, the University of North Texas Health Science Center at Fort Worth, and The University of Texas Southwestern Medical Center at Dallas. The act requires the consortium to (1) coordinate and direct programs to provide centralized uniform services among consortium participants; (2) offer clinical services to those centers' patients; (3) establish a database and a data coordinating center to serve participants, state agencies, and researchers; and (4) develop and distribute educational materials and services to patients, caregivers, and health care professionals, including information about research projects and clinical trials in which patients may participate. The act also requires the council to establish an advisory steering committee, which also is charged with review and evaluation of data dissemination activities, and to conduct a performance review of each participant at least every five years.

HOUSE BILL 1542

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Keffer

SENATE SPONSOR: R. West

House Bill 1542 amends the Education Code and the Local Government Code to make Education Code provisions governing school district purchases of goods and services under contract apply to similar junior college district purchases of goods and services and to make those provisions prevail over other conflicting laws.

HOUSE BILL 1615

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. E. Brown

In 1995, the legislature authorized medical and dental schools to acquire goods and services through methods that provide the best value, including competitive bidding, competitive sealed proposals, catalogue purchases, group purchasing programs, and open market contracts and scheduled those provisions to expire September 1, 1999. House Bill 1615 amends the Education Code to make the purchasing provisions permanent.

HOUSE BILL 1678

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Rangel et al.

SENATE SPONSOR: Barrientos

House Bill 1678 amends the Education Code to require the Texas Higher Education Coordinating Board to develop and annually update a uniform strategy to identify, attract, retain, and enroll students that reflect the population of this state. The act requires each public college and university to implement this strategy and report annually to the board on its implementation of the strategy. House Bill 1678 requires the board to adopt the identification, recruitment, and retention strategy by January 1, 2000.

HOUSE BILL 1689

EFFECTIVE: See below

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: R. Ellis

House Bill 1689 amends the Education Code to create a student loan repayment program for early childhood child-care workers, authorizing the Texas Higher Education Coordinating Board to provide loan repayment assistance to qualified child-care workers. The act establishes educational qualifications for aid recipients, student loan eligibility criteria, and employment

terms and conditions for the amount of assistance being sought. The act also creates a child-care worker student loan assistance trust fund outside the treasury under the comptroller's administration to fund the program.

House Bill 1689 applies beginning with the 1999 fall semester.

HOUSE BILL 1733

EFFECTIVE: Vetoed

HOUSE AUTHOR: V. Luna

SENATE SPONSOR: Zaffirini

House Bill 1733 amends the Education Code to clarify requirements for membership as a parent representative on a federally mandated special education continuing advisory panel. The act provides that a person who stands in parental relationship to a student receiving services under the federal Individuals with Disabilities Education Act (IDEA) is considered a parent of a child with disabilities. The act also provides that a parent who is a school district employee or an employee of a program that delivers services under IDEA is not considered a parent of a child with disabilities for purposes of panel membership.

House Bill 1733 also deletes a reference to the specific number of members required to be on the panel.

HOUSE BILL 1804

EFFECTIVE: See below

HOUSE AUTHOR: Morrison et al.

SENATE SPONSOR: Armbrister

In 1997 the Texas Legislature amended the Education Code to provide an automatic admission to the state's public colleges and universities for applicants who graduated in the top 10 percent of their high school graduating classes provided they graduated from a public school or accredited private school in this state. House Bill 1804 further amends the code to extend this automatic college admissions policy to include Texas residents graduating in the top 10 percent from a high school operated by the United States Department of Defense.

House Bill 1804 applies beginning with admissions for the 2000 fall semester.

HOUSE BILL 1869

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Nelson

House Bill 1869 amends the Education Code to expand junior college districts' annexation authority, allowing districts to annex territory in their service areas, regardless of whether the territory to be annexed is contiguous to a district's taxing jurisdiction boundaries or, if not contiguous, meets other proximity or location requirements. The act provides an exception to this authority by prohibiting annexation of territory that is located in the same county as any part of the junior college district and a Texas State Technical College System campus is located within the county and outside the junior college district.

HOUSE BILL 1874

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Lucio

House Bill 1874 amends the Education Code to delete a provision that previously restricted land acquisitions by The University of Texas System board of regents on behalf of The University of Texas–Pan American to land contiguous or adjacent to the university's main campus in Edinburg. The act also requires the International Trade and Technology Center at the university to develop and implement a small business videoconferencing pilot program to help small businesses establish international trade relationships by allowing them access to videoconferencing facilities to explore trade possibilities with a foreign country before traveling to the country.

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HOUSE BILL 1952

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Rangel

SENATE SPONSOR: Bivins

House Bill 1952 amends the Education Code to establish grievance rights for faculty members relating to nonrenewal or termination of employment. The act gives a full-time faculty member, other than one in a primarily managerial post such as a chancellor, provost, or dean, the right to present a grievance to the college's or university's administration on such matters; prohibits a school from restricting such right, either by contract, policy, or procedure; and allows each institution to adopt procedures for presenting, reviewing, and acting on such grievances.

HOUSE BILL 1961

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Grusendorf

SENATE SPONSOR: Barrientos

House Bill 1961 amends the Education Code to allow the portion of a fine collected for a violation of compulsory school attendance laws that normally is allocated to the school district where the truant student resides to be allocated to the juvenile justice alternative education program that the student has been ordered to attend if the student has been expelled from school and a court orders attendance in such program as a condition of probation or deferred adjudication.

HOUSE BILL 2011

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Zaffirini

The Education Code requires college-bound high school students taking the Texas Academic Skills Program (TASP) to pay for taking the test unless state funds are appropriated for that purpose. House Bill 2011 amends the code to give financially needy high school students priority when using state funds to defray test costs. The act also requires student authorization for disclosure of high school students' test scores to school administrators.

HOUSE BILL 2021

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Janek

SENATE SPONSOR: Lindsay

The Education Code establishes procedures school districts must follow when entering into purchasing contracts for goods and services and specifies certain contracting methods that are required for contracts valued at \$25,000 or more per year. House Bill 2021 amends the code to make district purchasing provisions applicable also to campus-level purchases in a school district with an average daily attendance of 190,000 or more if the district has adopted a site-based decision-making plan for decentralized purchases.

HOUSE BILL 2025

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

House Bill 2025 amends the Education Code to establish a Border Health Institute in El Paso as a collaboration or consortium of public and private entities to facilitate activities of international, national, regional, or local entities delivering health care or health education to border region residents and conducting research on regional public health issues. The institute initially is composed of The University of Texas at El Paso; Texas Tech University Health Sciences Center at El Paso; El Paso Community College District; R. E. Thomason General Hospital; El Paso City/County Health District; The University of Texas Health Science Center at Houston, School of Public Health; El Paso County Medical Society; Paso del Norte Health Foundation; and the Texas Department of Health. It is to be governed by a board consisting of

the member institutions' chief executives or presidents or their designees, but participating institutions that are subject to Texas Higher Education Coordinating Board supervision remain subject to that supervision as they participate in the border health institute and its activities.

The act requires the coordinating board to prepare an impact statement on the legislation's implementation for the institute's governing body and for the chairs of the legislative committees with primary jurisdiction over higher education or border health issues.

HOUSE BILL 2070

EFFECTIVE: See below

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Jackson

House Bill 2070 amends the Education Code to allow The University of Texas Medical Branch at Galveston to contract with a county, public hospital, or hospital district to treat county or district residents, including residents eligible under the Indigent Health Care and Treatment Act, provided the contracts include certain limitations on county, hospital, or district financial liability based on the medical branch's actual costs in providing services under contract. In the absence of such a contract, the act requires the medical branch to obtain county, hospital, or district approval, as appropriate, before providing residents nonemergency care, or else the county, hospital, or district is absolved of liability to the medical branch for the services rendered by the medical branch. The act authorizes the medical branch to offer employees incentive retirement plans and acquire goods and services by a variety of methods that provide the best value and provides for flexibility in management of funds.

House Bill 2070 repeals statutory provisions governing the Moody State School for Cerebral Palsied Children and requires that institution, the medical branch, and the medical branch's special school to enter into a memorandum of understanding to transfer control of property and assets of the Moody school and the special school to the medical branch and to dissolve both schools.

The act takes effect September 1, 1999, except for those provisions relating to the repeal and dissolution of the Moody school and the special school, which take effect September 1, 2000.

HOUSE BILL 2172

EFFECTIVE: 6-19-99

HOUSE AUTHOR: V. Luna et al.

SENATE SPONSOR: Cain

House Bill 2172 amends the Education Code to require the Texas Education Agency to develop a school district compliance monitoring system that will provide for ongoing analysis of district special education data and of complaints filed with the agency about special education services and for inspection of district facilities. The act requires the agency to use information obtained through its district data analysis and from its complaints management system to schedule and guide its facilities inspections; it also requires the agency's complaint management division to develop a system for expedited investigation and resolution of complaints about a district's failure to provide special education or related services to program-eligible students.

House Bill 2172 makes school district compliance with applicable state and federal laws governing special education programs a part of the state's public school accountability system by requiring a district's current special education compliance status to be included as a principal factor in TEA's determination of school district accreditation ratings and as a reporting item in the annual district and campus performance report cards published by local school boards and by requiring the agency to include a list of noncompliant school districts in its comprehensive biennial report to the legislature.

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HOUSE BILL 2181

EFFECTIVE: See below

HOUSE AUTHOR: Coleman

SENATE SPONSOR: R. Ellis

House Bill 2181 amends the Education Code to allow the University of Houston System board of regents to charge students at the University of Houston a recreational and wellness facility fee, not to exceed \$75 per student per regular semester or summer session, to finance construction, operation, maintenance, and improvement of recreational facilities at the university. The act makes imposition of the fee and any increase of more than 10 percent in an academic year subject to approval by a majority of the students voting in an election held for that purpose.

The act also allows the board of regents to prorate the fee amount for a summer session and make recreational facilities financed with the revenue from this fee available to nonstudents under certain conditions.

House Bill 2181 applies to fees imposed beginning with the 1999 fall semester.

HOUSE BILL 2202

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Tillery et al.

SENATE SPONSOR: R. West

House Bill 2202 amends the Education Code to allow a school district, on the basis of an identified need, to design a model for delivery of cooperative health care programs, including conventional health services and district-specific disease prevention programs, for students and families; establish a school-based health center at one or more campuses; and contract for provision of services at each center. The act requires written parental consent for a school-based health center to provide services to a student, either on an ongoing basis or limited to specific services on a single occasion, and requires the consenting adult and the center's staff jointly to identify any health-related concerns that may interfere with the student's well-being or school performance. A finding of need for mental health services also requires parental notification of and consent to a referral. The act lists categories of services that a center may provide but prohibits centers from using grant funds to provide reproductive services, counseling, or referrals; it also requires that services provided with grant funds must be provided by properly licensed, certified, or authorized professionals.

House Bill 2202 allows school boards to establish and appoint members to local advisory councils to make recommendations regarding the establishment of centers and to assist in ensuring that community values are reflected in each center's operation and health education programs. The majority of each council's members must be parents of students in the district, but its membership must also include representatives of different segments of the community.

House Bill 2202 provides for interagency cooperation in the establishment, operation, and funding of school-based centers, with specific provisions applying to centers in sparsely populated or medically underserved areas or communities to identify and coordinate with existing providers to preserve and protect existing health care systems and medical relationships in the area. It also requires the commissioner of public health to administer a grant program to help districts with center operation costs, but it limits the amount of grants, awarded through a competitive process, a district may receive to a maximum of \$250,000 per biennium and requires districts to provide matching funds, which may come from any public or private source. The act requires the commissioner to report annually to the legislature on the efficacy of school-based center services and any increased academic benefits related to those services.

House Bill 2202 requires a school district's board of trustees to hold a public hearing before the district or a district school expands or changes the health care services available at a school. The act also provides that a parent or guardian is entitled to access a student's medical records held by the district and requires a district to provide a copy of those records when requested by the parent or guardian.

HOUSE BILL 2260

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Noriega

SENATE SPONSOR: Gallegos

The Education Code requires school district contracts valued at \$25,000 or more to be made according to the method, from among a list of methods, that provides the best value to the district. House Bill 2260 amends the code to allow a school district board of trustees to choose an alternate method when contracting for the replacement or repair of school facilities destroyed or severely damaged, or the repair of school equipment or facilities experiencing a major unforeseen operational or structural failure if the board finds that the delay posed by a required contracting method would prevent or substantially impair the conduct of classes or other school activities.

HOUSE BILL 2307

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Sibley

House Bill 2307 amends the Education Code to establish a master reading teacher grant program to encourage teachers to become certified as master reading teachers and work with other teachers and with students to improve student reading performance. The act requires the commissioner of education to identify high-need schools based on various criteria, including student performance on the statewide reading tests; to rank schools in order of need; and to make grants to eligible school districts to pay \$5,000 year-end stipends to selected certified master reading teachers who teach reading and serve as reading teacher mentors at high-need schools. The act provides that each grant awarded is in addition to any other state aid a district may receive under the Foundation School Program, that a district subject to equalization of its per-pupil wealth level is entitled to master reading teacher grants, and that an individual stipend is not considered in determining whether a district is paying the teacher the minimum monthly salary.

House Bill 2307 requires the State Board for Educator Certification to establish a master reading teacher certificate and to issue such certificates to qualified individuals who are either certified reading specialists or certified teachers with at least three years of experience and who complete a knowledge-based and skills-based course of instruction on the science of teaching children to read, pass a master reading teacher certification examination and meet other board requirements.

The act also creates a staff development account in the general revenue fund from which the commissioner may pay regional education service centers to provide staff development resources to school districts that are rated academically unacceptable, have one or more low-performing schools, or otherwise need assistance as indicated by student performance. The act requires a district receiving resources to pay half the cost of the resources to the commissioner for deposit into the fund.

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HOUSE BILL 2359**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Olivo**SENATE SPONSOR:** R. West

The investment capital fund is used to provide grants to public schools to help them implement strategies to improve student achievement and encourage parent, school, and community partnerships in a deregulated and restructured school environment. House Bill 2359 amends the Education Code to delete a restriction that prohibited schools from using more than 25 percent of their grants to implement strategies to enrich or extend student learning experiences outside the regular school day.

HOUSE BILL 2415**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Keffer**SENATE SPONSOR:** Sibley

House Bill 2415 amends the Education Code to limit the authority of a junior college district to operate branch campuses or other facilities and to own or rent land and facilities to the district's service area. The act allows a district to offer a course in another district's service area only if that district is unable to offer the course. It also prohibits a district's service area from overlapping another district's taxing jurisdiction and requires a district operating a campus or facility within an area that, as a result of annexation or district creation, becomes part of another district's taxing jurisdiction to discontinue the campus or facility within one year of the annexation or creation. House Bill 2415 requires the annexing or newly created district to compensate the original district for unrecoverable capital improvements.

HOUSE BILL 2547**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Williams**SENATE SPONSOR:** Bernsen

House Bill 2547 amends the Education Code to specify that the research consortium of the Geo-Technology Research Institute includes The University of Texas at Austin, Texas A&M University, Rice University, and the University of Houston. The act also modifies the institute's duties, broadens access to research results, and clarifies the institute's authority to receive federal and state government funds and the use of state funds.

HOUSE BILL 2553**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Hochberg**SENATE SPONSOR:** Bivins

House Bill 2553 amends the Education Code to allow a school district, by a resolution of its board of trustees, to request a performance review of the district by the comptroller. The act requires a district that requests a performance review to pay 25 percent of the costs incurred in performing the review; it also requires the comptroller to prepare a report showing the results of each review; to file the report with the school district, the governor, lieutenant governor, speaker of the house, the chairs of the standing legislative committees with jurisdiction over public education, and the commissioner of education; and to post the report and a summary on the Internet.

HOUSE BILL 2555**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Cuellar**SENATE SPONSOR:** Zaffirini

Under the Texas prepaid higher education tuition program, the Prepaid Higher Education Tuition Board is required to provide prepaid tuition contracts for four types of plans: a junior college plan, a senior college plan, a junior-senior college plan, and a private college plan. House Bill 2555 amends the Education Code to allow the board to establish one or more plans for prepayment of graduate or professional school tuition and fees at public, private, or

independent colleges and universities in Texas if it determines a plan is feasible and demand warrants implementation. The act allows the board to limit fields of study, levels or types of degree, or number of hours financed and to modify the terms of any other prepaid tuition contract in conjunction with a plan authorized under this section.

HOUSE BILL 2568**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Cuellar**SENATE SPONSOR:** Zaffirini

The Texas Guaranteed Student Loan Corporation was created in 1979 to administer the federal Guaranteed Student Loan Program now known as the Federal Family Education Loan Program (FFELP) on behalf of the U.S. Department of Education for the State of Texas. House Bill 2568 amends the Education Code to conform the corporation's statutory authority to recent changes in the federal program. The act requires the corporation to participate in cooperative awareness efforts with other entities to disseminate information about the availability of student financial aid, the program, and student loan default prevention and to take an active role in coordinating, facilitating, and supporting related programs to help families obtain postsecondary education financing, prevent student loan defaults, and increase postsecondary student retention and graduation rates. The act removes certain prohibitions and restrictions on the corporation's use of funds and its authority to impose and collect insurance premiums and makes other conforming changes relating to corporation investments and the maintenance of reserve and operating funds.

HOUSE BILL 2622**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Chavez**SENATE SPONSOR:** Shapleigh

House Bill 2622 amends the Education Code to allow public college and university governing boards to waive a mandatory or discretionary student fee, other than a tuition or laboratory fee, for students who cannot participate in or use the activity, service, or facility financed by the fee. The act also allows such governing boards to waive fees for specific categories of students if the waiver is in an institution's best interest or is critical to the viability of an academic initiative. The act requires a board to ensure that such a waiver does not compromise an institution's debt service obligations arising from pledged fee revenues or its ability to support the activity, service, or facility financed by the fee.

HOUSE BILL 2664**EFFECTIVE:** 5-29-99**HOUSE AUTHOR:** George**SENATE SPONSOR:** Sibley

In 1995 the legislature authorized The Texas A&M University System and the Texas State University System boards of regents to establish student debit card programs that allowed students to purchase merchandise or services from their respective institutions or other board-authorized vendors. In 1997, the legislature extended this authority to all public college or university governing boards. House Bill 2664 further amends the Education Code to allow governing boards of private or independent colleges or universities to establish similar programs.

HOUSE BILL 2685**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Coleman**SENATE SPONSOR:** J. E. Brown

House Bill 2685 allows an independent school district with an average daily attendance of 190,000 or more to issue and sell both short term notes and obligations and anticipation notes with a maximum maturity of seven years to finance purchases of certain goods and services, provided that issuance of short term obligations is approved by the district's voters in an

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election held for that purpose and that the amount of an anticipation note does not exceed 75 percent of the district's income in the fiscal year preceding the year in which the attorney general approves the note.

HOUSE BILL 2806

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Garcia

SENATE SPONSOR: R. West

House Bill 2806 amends the Education Code to allow the University of North Texas board of regents to establish a program at the university to provide mentoring, tutoring, and other resources to students at all levels of school in the communities served by the university who are at risk of dropping out of school or are otherwise in need of services to help them complete their education and become productive community members. The act requires the board to establish, in connection with the program, a continuing study and evaluation of mentoring activities and research into the best practices and methods of mentoring and to prepare a report analyzing the program's effects on student performance, including dropout rates, school attendance, standardized test scores, graduation rates, and postsecondary enrollment.

HOUSE BILL 2867

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: R. West

House Bill 2867 amends the Education Code to require the Texas Higher Education Coordinating Board to adopt rules that would allow Texas colleges and universities to match nonathletic scholarships offered to Texas high school graduates by out-of-state institutions using appropriated funds or scholarship funds. The act requires board rules to provide for verifying that an out-of-state institution has made such an offer and the amount of the offer. It also requires Texas colleges and universities to report to the coordinating board all out-of-state scholarship offers for which they have made matching offers, all matching scholarships awarded, the methods used to encourage Texas high school graduates to attend in-state schools, the value and type of each award, the race/ethnicity and gender of each person offered or awarded a matching scholarship, the high school from which the person graduated, and the out-of-state school offering the scholarship.

HOUSE BILL 2898

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Whitmire

House Bill 2898 amends the law to authorize an independent school district with an average daily attendance of 50,000 or more, a municipality or county operating a sports or community venue, or an approved venue district to issue short term obligations.

HOUSE BILL 3138

EFFECTIVE: See below

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Bivins

House Bill 3138 amends the Education Code to allow college and university governing boards to reduce tuition charges below the minimum rate prescribed by statute as part of a plan to increase the average semester course load of students at their respective schools or to improve the schools' retention and graduation rates. The act conditions the reduction in tuition for certain students on the governing board's determination that those students are making satisfactory academic progress and are undertaking at least 15 hours of semester credit for the semester in which the lower tuition is offered. A board may reduce tuition by a fixed dollar amount, a percentage amount, or other manner and may prorate both tuition and fees. The act sets a maximum amount for the tuition reduction.

House Bill 3138 applies beginning with tuition and fees charged for the 1999 fall semester.

HOUSE BILL 3226
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo
SENATE SPONSOR: Truan

House Bill 3226 amends the Government Code to require the governing board of each university system or higher education institution or agency to establish written procedures for the disposition of surplus or salvage property. The act requires such procedures to allow for the direct transfer of materials or equipment that can be used for instructional purposes to a public school or school district, either on certain negotiated terms or for no consideration as the transferring party deems appropriate. It requires procedures to give preference to transferring property to a public school or school district and, if more than one school or district seeks to acquire the property on similar terms, to give preference to a low performing school or a low wealth district entitled to state aid under Tier 2 of the Foundation School Program.

House Bill 3226 also amends the Education Code to require the coordinating board to establish an Internet site or similar facility accessible to school districts that would allow colleges and universities to post notice of available surplus or salvage property that consists of instructional material or that may be used for instruction.

HOUSE BILL 3263
EFFECTIVE: 8-30-99

HOUSE AUTHOR: Uher et al.
SENATE SPONSOR: Ogden

House Bill 3263 amends the Education Code to allow certain junior college governing boards whose membership consists of four members elected from individual commissioner precincts and three members elected at large to order that those board members previously elected at large be elected by position instead.

HOUSE BILL 3295
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goolsby
SENATE SPONSOR: R. West

House Bill 3295 amends the Education Code to allow the Texas Workforce Commission to transfer to the proprietary school tuition protection fund any fee revenue it has collected in its regulation of proprietary schools that exceeds its administrative costs. The fund's balance may not exceed \$250,000. The act also excludes schools that offer intensive review of a student's acquired education, training, or experience to prepare the student for a degree program admissions examination or a required postdegree program examination from the definition of "proprietary school" and exempts them from regulation as such. The act similarly excludes and exempts certain courses of instruction in the use of technological hardware or software offered to the buyer of the hardware or software by the manufacturer or developer selling the product if providing such courses is not the seller's primary business.

HOUSE BILL 3319
EFFECTIVE: 5-24-99

HOUSE AUTHOR: Cuellar
SENATE SPONSOR: Bivins

House Bill 3319 amends the Education Code to raise the cost threshold for capital construction and improvement projects that public college or university governing boards may undertake without Texas Higher Education Coordinating Board approval from \$600,000 to \$2 million for renovation and from \$300,000 to \$1 million for new construction.

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HOUSE BILL 3420
EFFECTIVE: 9-1-99

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

House Bill 3420 amends the Education Code to prohibit school district employees from selling or distributing performance-enhancing dietary supplements to students with whom those employees have contact in their job capacities or endorsing or promoting the use of such items by those students, and it makes such a sale, distribution, endorsement, or promotion a Class C misdemeanor.

The act provides exceptions to this prohibition that allow a district employee to provide or endorse the use of performance-enhancing supplements to the employee's child or to sell or distribute supplements to students as part of off-campus or non-school-related activities that are independent of the employee's school district duties and that do not involve information about or contact with students to which the person has had access as a district employee.

HOUSE BILL 3447
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Swinford
SENATE SPONSOR: Bivins

House Bill 3447 amends the Education Code to create the Student Endowment Scholarship and Internship Program as an optional state grant program for all public colleges and universities in the state. The act requires participating institutions to provide financial assistance through scholarships based on leadership, financial need, and academic achievement and through internship programs and to determine eligibility requirements for scholarship recipients or interns. Participation requires election by the student body to approve an additional fee, the revenue from which goes to an institution's student endowment fund together with matching state funds. The act limits the number of years that an institution may receive matching state funds and the amount of each individual award.

HOUSE BILL 3480
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Sibley

House Bill 3480 amends the Government Code to provide that the representatives of educational agencies on a local workforce development board may include persons representing community colleges.

The change is contingent on it not invalidating a federal exemption.

HOUSE BILL 3544
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hodge
SENATE SPONSOR: Cain

House Bill 3544 amends the Education Code to establish a student loan repayment assistance program to help certain dentists pay off outstanding student loans. The act restricts eligibility for assistance from the Texas Higher Education Coordinating Board to dentists practicing in underserved areas of the state, provides for limitations on the amount of assistance provided to individual recipients and on the total amount distributed by the board, and grants the coordinating board the necessary authority to administer the program and to establish priorities in allocating loan repayment grants that take into account the severity of the shortage of dental services in areas in which applicants practice. It also requires the governing boards of the state's dental schools to set aside two percent of the tuition charged Texas residents in their degree programs and to remit that amount to the comptroller of public accounts for holding in the state treasury to fund the program. Other sources of funding include legislative appropriations and gifts and grants accepted by the coordinating board for that purpose.

HOUSE BILL 3573
EFFECTIVE: 6-19-99

HOUSE AUTHOR: R. Lewis
SENATE SPONSOR: Bernsen

House Bill 3573 amends the Education Code to allow a local school board to adopt a policy setting the number of excused absences a student may have to participate in an officially sponsored or sanctioned extracurricular activity. The act makes such local policy prevail over a conflicting State Board of Education policy but requires a local policy to permit at least 10 such absences during the school year.

House Bill 3573 also transfers education board authority over University Interscholastic League rules and procedures governing extracurricular activities to the commissioner of education and limits that authority to approval or disapproval of those rules and procedures without the authority to modify them, and clarifies that the minimum three-week suspension from school required under the code's no-pass/no-play provisions must span at least three school weeks, exclusive of school breaks.

These changes apply beginning September 1, 1999.

HOUSE BILL 3606
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Salinas et al.
SENATE SPONSOR: Zaffirini

House Bill 3606 amends the Education Code and the Health and Safety Code to set out additional requirements for alternative education treatment programs. It also requires school district alternative education programs that provide chemical dependency treatment services to be licensed under the Treatment Facilities Marketing Practices Act.

The act applies beginning with the 1999-2000 school year.

HOUSE BILL 3739
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg
SENATE SPONSOR: R. West

House Bill 3739 amends the Education Code to require the State Board of Education to adopt and enforce a permanent school fund ethics policy, after consideration of state auditor and Texas Ethics Commission comments, that provides standards of conduct relating to the fund's management and investment; that addresses specific issues such as manager or investor conflicts of interest, banned transactions and interests, acceptance of gifts and entertainment, and other policy-related matters; and that includes provisions applicable to board members, the education commissioner, Texas Education Agency staff, and persons providing fund management or investment services to the board. The act requires any of the above individuals who are engaged in a business or other relationship that presents a potential conflict of interest, as defined in the board's ethics policy, to disclose such relationship to the board, and it prohibits such persons from advising on or making decisions about matters that could be affected by such conflict, unless the board waives the prohibition. House Bill 3739 also requires consultants, advisors, brokers, or other fund management or investment services providers to report to the board any expenditures over \$50 made on behalf of a board member, the commissioner, or an agency employee.

HOUSE JOINT RESOLUTION 58
FOR ELECTION: 11-2-99

HOUSE AUTHOR: Junell et al.
SENATE SPONSOR: Ratliff

House Joint Resolution 58 proposes a constitutional amendment to redirect certain investments of the permanent university fund (PUF) from a prudent person standard to a prudent investor standard. Under the amendment, the available university fund consists of distributions from the total return on all PUF investment assets, including capital appreciation,

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rather than being restricted to dividends, interest, and income. The amendment gives The University of Texas board of regents authority to determine such distributions, so as to provide a stable and predictable stream to the available university fund while maintaining the purchasing power of PUF investments and distributions. The amendment establishes a minimum annual distribution equal to the amount necessary to pay principal and interest on issued bonds and notes and a maximum of seven percent of the average net fair market value of PUF investment assets except as necessary to make the bond and note payments. If the purchasing power of investments for any rolling 10-year period is not preserved, distribution increases are prohibited until the purchasing power is restored. Temporary provisions of the amendment preserve existing obligations on bonds or notes issued before January 1, 2000.

SENATE BILL 4

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Sadler

Senate Bill 4 amends Education Code, Government Code, and Tax Code provisions relating to school finance, school district property taxes, teacher salaries, social promotion, and other aspects of public education.

Article 1 amends those codes' school finance provisions to increase both state aid to public school districts and total school district revenues as follows.

Equalized wealth level. The act increases the maximum school district per pupil wealth allowed for equalization purposes to \$295,000, continues a hold harmless provision that was set to expire after the 1999-2000 school year for districts affected by the cap, and indexes that provision to the increase in the equalized wealth level.

The act allows a district that is required to reduce its per pupil property wealth, and that opts to contract with another district for the education of nonresident students in order to achieve that reduction, to include in its wealth reduction effort nonresident students who transfer into the district independent of an inter-district contract and who are not charged tuition. It also allows a district to pay tuition to another district for the education of its students and to apply the amount of tuition paid toward the cost of the option it chooses to reduce its per pupil wealth.

Foundation School Program financing. The act increases the per pupil basic allotment to \$2,537, increases the Tier 2 guaranteed yield level to \$24.99, and bases the computation of the Tier 2 allotment on district tax rates for maintenance and operation purposes only. It also creates a new instructional facility allotment for operational expenses associated with opening a new school facility that provides a school district \$250 per pupil in average daily attendance at a new facility in its first year of operation and \$250 for each new student at the facility in the second year. The act caps appropriations for the new facility allotment at \$25 million per school year. It also provides that a district otherwise ineligible for state aid under the Foundation school program is entitled to receive a new facility allotment or a credit against the cost of purchasing attendance credits under the per pupil wealth reduction provisions of Chapter 41.

In addition to creating the new instructional facility allotment above, the act also increases the guaranteed yield level for the school facilities allotment created in 1997 to \$35 per pupil per penny of tax effort, and it creates a separate guaranteed yield program to provide state aid for school districts with existing debt. Under the new program, a district is guaranteed at least \$35 per pupil per penny of tax effort in state and local funds, with a maximum existing debt tax rate of 12 cents per \$100 valuation, to pay the debt service on eligible bonds.

Teacher salaries. The act amends the minimum salary schedule, provides districts additional state aid to provide a \$3,000 salary increase for professional staff, places full-time counselors and nurses on the minimum salary schedule that previously applied only to classroom teachers and librarians, and requires districts to award the increases in actual pay in addition to any salary increases to which a teacher might be entitled as a result of any local supplement and any career ladder supplements the teacher would have received in 1999-2000 or 2000-2001. The act also includes a hold harmless provision to provide additional state aid for districts that experience additional salary costs as a result of the teacher pay raises that are not fully funded by an amount equal to 80 percent of the increases in Foundation School Program funding elements. The act sets the minimum days of service for an educator employed under a 10-month contract at 187 and deletes a previous provision that indexed the minimum days of service to increases in teacher salaries.

Property tax relief. The act amends various Education Code, Tax Code, and Government Code provisions relating to school district property taxes. To the extent that funds are available, the act allows exclusion of one-half of local optional homestead exemptions granted by taxing units other than a school district in the determination of school district property values and requires the comptroller to certify a final value for each district computed both with and without such local exemptions. The act establishes a rollback tax rate for school district property taxes at three cents per \$100 valuation above the sum of the base tax rate and debt tax rate for the 1999 tax year and six cents per \$100 valuation above the base tax rate and debt tax rate for subsequent years. The base tax rate is a rate that provides a district the same amount of state and local maintenance and operations revenue per student, plus any increases due to changes in funding elements under the Foundation School Program. The act reduces tax rates in the 1999 tax year by computing the base tax rate using a Tier 2 guaranteed yield of \$23.10 and compressing the base tax rate to generate the same amount of state and local revenue that districts would have received under a guaranteed yield level of \$21. (Because a district will actually receive a guaranteed yield under Tier 2 of \$24.99, not all of the increase is used for tax rate compression.)

The act also extends indefinitely a hold harmless provision for districts that otherwise would have been adversely affected by decreases in school district property tax revenue as a result of the 1997 increase in the constitutional homestead exemption.

Article 2 amends the Education Code to mandate and fund various programs to improve student performance to eliminate an educational practice known as social promotion.

Social promotion. The act requires students in grades 3, 5, and 8 to pass certain statewide tests (the reading test in grade 3 and reading and mathematics tests in grades 5 and 8) before they are allowed to advance to the next grade. The act requires that students who fail a test be given additional opportunities to retake the test before the start of the next school year, and it requires school districts to provide students failing a test accelerated instruction in the subject area failed, in small groups having a ratio of not more than 10 students per teacher, after each administration of the test. For a student who fails a test a second time, the district is required to establish a grade placement committee consisting of the school principal or principal's designee, the student's parent or guardian, and the student's teacher in the subject area failed to prescribe the accelerated instruction to be provided before the student takes the test a third time. The act requires that a student who fails a test for the third time be retained at the same grade level unless the parent or guardian appeals the retention to the grade placement committee and the committee determines that the student is likely to perform at the next grade level given accelerated instruction on promotion. The act provides that for a student in a special education

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program who fails one or more of the tests specified for that student, including an alternative test, the student's admission, review, and dismissal committee will determine the manner of participation in accelerated instruction and make decisions regarding the promotion or retention of such student.

For students in kindergarten or grade 1 or 2 who are determined to be at risk for dyslexia or other reading difficulties, the act requires each district to provide accelerated instruction in reading to students in kindergarten during the 1999-2000 school year, to students in kindergarten and grade 1 during the 2000-2001 school year, and to students in kindergarten and grades 1 and 2 during the 2000-2001 and subsequent school years. It also creates a grant program for school districts and open-enrollment charter schools to implement or expand kindergarten and prekindergarten programs, a grant program to provide an educational component to federal Head Start programs or other similar government-funded early childhood care and education programs, and a grant program to fund school district programs for students in grade 9 who are at risk of not being promoted to the next grade.

Miscellaneous provisions. The act creates a Texas Troops to Teachers Program to help former military personnel obtain teacher certification and to facilitate employment of such persons by school districts experiencing teacher shortages. Applicants selected to participate in the program receive a \$5,000 stipend. The act requires that preference be given to applicants who have significant educational or military experience in science, mathematics, engineering, or a field identified by TEA as important for state educational objectives.

The act requires the commissioner to evaluate each district's disciplinary alternative education program on an annual basis and to include in the evaluation TAAS performance of students in those programs.

The act also requires a school district employee serving as a head coach or chief sponsor of an extracurricular activity, including cheerleading, to be certified in first aid and cardiopulmonary resuscitation.

SENATE BILL 73

EFFECTIVE: 9-1-99

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Hinojosa

Senate Bill 73 directs the International Trade and Technology Center at The University of Texas—Pan American to develop and implement by January 1, 2000, a pilot program to assist small businesses in establishing international trade relationships by providing access to video teleconferencing facilities for a fee. The center may obtain federal foundation or private funds to cover administrative and implementation costs. The act requires reports to the governor and legislature on the program's effectiveness by January 15, 2001, and January 15, 2003. It expires September 1, 2004.

SENATE BILL 81

EFFECTIVE: 6-19-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: B. Turner

Senate Bill 81 amends the Texas Driver and Traffic Safety Education Act to authorize the Texas Education Agency to issue a temporary, nonrenewable driver education instructor license to certain qualified persons.

SENATE BILL 103

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Grusendorf et al.

Senate Bill 103 amends the Education Code to require that the exit-level tests necessary for high school graduation be given to students in grade 11. It also adds social studies and science to the exit tests, mandates specific content to be covered by each section of the exit-level tests,

and deletes the option of passing end-of-course tests in Algebra I and English II, plus either Biology I or United States History, in lieu of the exit-level test. The act further expands the current Texas Assessment of Academic Skills (TAAS) program by mandating a grade 5 science test, grade 8 social studies test, grade 9 math and reading tests, and grade 10 math, English language arts, social studies, and science tests, and it moves the grade 8 writing test to grade 7. The act allows the Texas Education Agency (TEA) to develop, as well as adopt, the prescribed tests, which must be designed to assess the essential knowledge and skills for each subject area, and it adds an additional requirement for the exit-level test to assess a student's readiness to enter a college or university. It requires that data on the numerical progress of students who fail any of these tests on subsequent testing be included among the academic excellence indicators used for district and campus performance reporting.

Senate Bill 103 requires the State Board of Education to adopt rules for the administration of Spanish-language versions of these tests to be given to certain limited English proficiency students in grades 3 through 6 whose primary language is Spanish. The act also exempts those students whose primary language is other than Spanish or who are recent unschooled immigrants; it requires the commissioner of education to develop a testing system to evaluate the academic progress, including reading proficiency in English, of all limited English proficiency students, and it further requires that their performance on these tests be included as an academic excellence indicator for reporting purposes in the public school accountability system.

Senate Bill 103 requires the board to administer the new tests added by this legislation, with some exceptions, not later than the 2002-2003 school year and the TEA to include student performance on those tests in the accountability system not later than the 2004-2005 school year. The act also requires the board to administer the Spanish-language tests beginning with the 1999-2000 school year.

SENATE BILL 104

EFFECTIVE: See below

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Coleman

Senate Bill 104 amends the Education Code to allow a school district board of trustees to adopt rules for keeping school campuses, including school libraries, open after school hours for recreational activities, latchkey programs, and tutoring. The act also amends the Civil Practice and Remedies Code to establish a municipality's liability for damages arising from its involvement in latchkey programs conducted exclusively on a school campus under an interlocal agreement with the school district in which the school is located.

Senate Bill 104 applies beginning with the 1999-2000 school year.

SENATE BILL 149

EFFECTIVE: See below

SENATE AUTHOR: Harris et al.

HOUSE SPONSOR: Goodman

Senate Bill 149 amends the Education Code to allow The University of Texas System board of regents to charge students at The University of Texas at Arlington a mandatory intercollegiate athletics fee not to exceed \$7.75 per semester credit hour for each regular semester, but imposition of the fee and any increase in the fee amount of more than five percent must be approved by a majority of the students voting in a referendum on the matter. The act allows for a smaller fee increase with the approval of the student government's legislative body. It also allows the board of regents to prorate the fee amount for a summer session. The mandatory intercollegiate athletics fee does not count toward the \$150 cap on the total of all compulsory fees that may be levied in a single semester or summer session.

Senate Bill 149 applies beginning with the 1999 fall semester.

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SENATE BILL 184

EFFECTIVE: See below

Senate Bill 184 amends the Education Code to authorize the Texas Higher Education Coordinating Board to issue \$400 million in general obligation bonds to fund additional student loans and to administer the student loan program funded by those bonds. The act takes effect on voter approval of Senate Joint Resolution 16.

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Hunter

SENATE BILL 192

EFFECTIVE: 9-1-99

Senate Bill 192 amends the Education Code to restrict employment contracts between public college or university governing boards and administrators, limiting such contracts to a maximum of three years; prohibiting provisions that would grant severance benefits exceeding certain amounts, development leave for a longer duration or with higher compensation than allowed by statute for faculty, or unusual awards of tenure; and making such contracts a matter of public record. The act also prohibits paying a person reassigned from an administrative post to a faculty or other post a salary that is greater than that of other similarly qualified persons in similar posts.

SENATE AUTHOR: Ogden et al.

HOUSE SPONSOR: Junell

SENATE BILL 210

EFFECTIVE: 6-19-99

Senate Bill 210 amends the Education Code to include basic research in environmental issues affecting the Texas-Mexico border region within the scope of research activities to be encouraged and supported by the advanced research and advanced technology programs.

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Hinojosa

SENATE BILL 260

EFFECTIVE: 8-30-99

Senate Bill 260 amends the Education Code to allow the expulsion of a student who assaults a district employee or volunteer while on school property or at a school-sponsored or school-related activity. The act also allows expulsion of a student for assaulting a district employee or volunteer, regardless of where or when the assault occurs, if the assault is in retaliation for, or as a result of, the victim's employment or association with the school district.

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Delisi et al.

SENATE BILL 315

EFFECTIVE: 9-1-99

Senate Bill 315 amends the Education Code to expand the prepaid higher education tuition program to allow prepaid tuition contracts to cover tuition and fees at proprietary schools that offer two-year associate degrees approved by the Texas Higher Education Coordinating Board. The act also allows a purchaser of a prepaid tuition contract for a private college plan to enter into a supplemental contract for the prepayment of tuition and fees for an additional year of undergraduate study beyond the term of the original contract.

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Dukes

SENATE BILL 332

EFFECTIVE: See below

Senate Bill 332 amends the Education Code to allow college and university governing boards to charge students at their institutions a fee not to exceed \$1 per semester or summer session to be deposited in each institution's Washington, D.C., internship financial aid fund. The imposition of the fee at each campus and any subsequent increase of more than 10 percent in an academic year are subject to approval by a majority vote of the students voting in a

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Cuellar

referendum on the fee or fee increase, and money in the fund may be used only to assist students participating in an institution's Washington, D.C., internship program. Senate Bill 332 also abolishes the Texas-Washington, D.C., Intern Scholarship Program.

The act's provisions relating to the imposition of student fees apply beginning with the 1999 fall semester; its repeal of statutory provisions relating to the Texas-Washington, D.C., Intern Scholarship Program takes effect September 1, 1999.

SENATE BILL 345**EFFECTIVE:** See below**SENATE AUTHOR:** Bivins**HOUSE SPONSOR:** Rangel et al.

In 1997 the legislature excluded coursework by certain longtime students from the formula funding for public colleges and universities, allowing institutions to charge resident undergraduate students higher tuition, up to the amount charged nonresident students, for credit hours beyond a 170 semester hour limit. Senate Bill 345 revises the limit on the number of semester hours that the state will subsidize through the funding formulas to allow students to take up to 45 semester hours beyond the number required by an individual degree plan at in-state tuition rates. The act requires colleges and universities to give entering undergraduate students written notice of these semester hour limits on in-state tuition rates.

These semester hour limits do not apply to formula funding or tuition charges for credit hours earned by undergraduate students enrolled before the 1999 fall semester, and the exclusion of excess credit hours from the funding formulas applies beginning with the funding recommendations made by the Texas Higher Education Coordinating Board to the governor and Legislative Budget Board for the 2001-2002 school year.

SENATE BILL 476**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** G. Luna**HOUSE SPONSOR:** Lengefeld

Senate Bill 476 amends the Education Code to require school district improvement plans to provide for a comprehensive needs assessment for students in special education programs to improve their performance on certain academic excellence indicators and other performance measures, and it requires district and campus improvement plans to provide for and set performance objectives for those students based on those indicators and measures. The act also expands the list of core services regional education service centers are required to maintain for purchase by school districts and campuses to include assistance specifically designed for school districts that are out of compliance with state or federal laws governing the delivery of special education programs.

SENATE BILL 481**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** McReynolds

The Education Code generally prohibits the use of money from the higher education assistance fund (HEAF) to prepay for goods or services. Senate Bill 481 amends the code to allow institutions to use such funds for prepayment for the purchase of books and other published library materials.

SENATE BILL 502**EFFECTIVE:** 5-29-99**SENATE AUTHOR:** Shapleigh**HOUSE SPONSOR:** Najera

Since 1975 the Education Code has prohibited the use of certain terms such as "college" or "university" in the official name of any new private postsecondary educational institution without a certificate of authority from the Texas Higher Education Coordinating Board. Senate

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Bill 502 amends the code to allow a person whose private institution was grandfathered by the law to use the term “college” in the official name of another private postsecondary institution if the person’s business name on September 1, 1995, included the term and if the second institution offers the same or similar educational programs as the institution that was established before September 1, 1975.

SENATE BILL 510

EFFECTIVE: See below

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Rangel

Senate Bill 510 amends the Education Code to require school district boards of trustees to require district high schools to post signs in each counselor’s office, principal’s office, and administration building informing students about the state’s automatic college admissions law for students in the top 10 percent of each graduating class. The act also requires a district to provide each high school counselor and class advisor with a detailed explanation of the law, to require that each counselor and senior class advisor explain the law to eligible students, and to provide each eligible senior at the beginning of the student’s senior year with written notice of the student’s eligibility and a detailed explanation of the law.

Senate Bill 510 applies beginning with the 1999-2000 school year.

SENATE BILL 526

EFFECTIVE: 1-1-00

SENATE AUTHOR: G. Luna et al.

HOUSE SPONSOR: Counts et al.

Senate Bill 526 amends the Education Code to create a higher education tuition assistance program for certain Texas Army National Guard, Texas Air National Guard, or Texas State Guard personnel to encourage enlistment in and diversification of those armed forces. The act requires the adjutant general to grant tuition assistance to a number of eligible persons based on the funding available and allows the adjutant general to apportion the awards among the three components as necessary to meet their recruitment and retention needs, except that the number of awards to Texas State Guard personnel may not exceed 30 in any semester unless the adjutant general finds a compelling need for additional awards. Awards may be used for undergraduate or graduate tuition at public or private schools, including vocational or technical schools, but the act limits the number of hours per semester and the total number of hours for which an individual may receive assistance.

If a person awarded tuition assistance attends a public college or university, the person is exempt from paying tuition, and the coordinating board is required to reimburse the school for the exempted amount; if the person attends a private institution, the coordinating board is required to make the grant directly to the recipient.

SENATE BILL 562

EFFECTIVE: 6-19-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: D. Jones

Senate Bill 562 amends the Education Code to allow the maximum student center fee that may be charged students at Texas Tech University to be increased to an amount not to exceed \$100 per semester or term, provided the new cap is approved by a majority of the students voting in a referendum on the increase and the amount of the new cap is stated in the ballot. The act provides that approval of the increase in the maximum allowable fee does not affect the requirement that any increase of more than 10 percent in the actual fee charged must be approved by the student body in a referendum on that fee increase.

Senate Bill 562 applies beginning with the 1999 fall semester.

SENATE BILL 576**EFFECTIVE:** See below**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Oliveira

Senate Bill 576 amends the Education Code to require that the annual campus performance report cards include information on the campus's average class size by grade level and subject. The act also requires the commissioner of education to adopt rules for dissemination of the class size information portion of the campus report cards to each student's parent, guardian, or conservator.

Senate Bill 576 applies beginning with the 1999-2000 school year.

SENATE BILL 590**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Truan et al.**HOUSE SPONSOR:** Rangel et al.

Senate Bill 590 amends the Education Code to require The Texas A&M University System board of regents to establish The Texas A&M University System Coastal Bend Health Education Center to develop and provide community-based instructional sites for the education of health care professionals. The act requires that responsibility for the center's management be given to The Texas A&M University Health Science Center and that its costs be paid from the health science center's operating funds and available funds from any public or private entity. It allows the health education center to include any public or private medical, dental, nursing, or other health care or educational institutions for participation in programs in its service area; to operate educational facilities throughout the Coastal Bend; to provide various types and levels of health care education for medical, dental, nursing, public health, or other health-related professionals in collaboration with any Texas A&M University System component; and to conduct research in related areas.

Senate Bill 590 requires the board of regents to establish and operate the Coastal Bend Health Education Center not later than January 1, 2001.

SENATE BILL 669**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Ratliff**HOUSE SPONSOR:** Dutton

Senate Bill 669 amends the Education Code to establish certain procedural requirements for school districts and public colleges and universities entering into facilities construction services contracts, adding certain public notice requirements for district school boards and college or university governing boards submitting requests for bids or proposals, including a requirement for such boards to issue requests for qualifications and other information when entering into design-to-build, construction manager-agent, and construction manager-at-risk contracts. The act requires a board to determine which of several methods provides the best value before advertising requests for bids, proposals, or qualifications, to base its selection on certain criteria provided in the code, to publish in its requests for bids, proposals, or qualifications the criteria to be used in evaluating offerors; and to document the basis of its selection and make the evaluation public within seven days after the contract is awarded. The act requires a board that is unable to negotiate a satisfactory contract to end the negotiations and go to the next highest ranked offeror until a contract is reached or negotiations with all ranked offerors end. The act prohibits a district or school engineer or architect from serving as the construction manager-agent unless hired to serve in that capacity under separate contract and prohibits a district or school engineer, architect, or construction manager-agent from serving as the construction manager-at-risk. The act includes bonding provisions for contracts when a fixed contract amount or guaranteed maximum price has not been determined at the time of contract

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award and specifies procedures by which a district, college, or university may establish contractual unit prices for a job order contract for minor construction, repair, or other facilities improvements.

SENATE BILL 724

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Lengefeld

Senate Bill 724 amends the Education Code to allow regional education service centers to contract with public or private entities for the delivery of core services, or any service requested and paid for by any district or school campus, to improve student and school district performance, including the provision of continuing education courses and programs for educators.

SENATE BILL 746

EFFECTIVE: 5-29-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Haggerty

Senate Bill 746 amends the Education Code to allow the cap on the total amount of compulsory student services fees charged at The University of Texas at El Paso to be raised to an amount not to exceed \$250 per semester or summer session if the new cap is approved by a majority of the students voting in a student referendum on the matter. An increase in the total amount that may be levied does not affect the requirement that each increase of 10 percent or more in the actual total fee amount charged be subject to approval in a separate student referendum on that fee increase. The act also allows The University of Texas System board of regents to charge students at The University of Texas at El Paso the same student union fee for each summer session of six weeks or more as it charges for a regular semester.

SENATE BILL 751

EFFECTIVE: 6-19-99

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Crownover

Senate Bill 751 amends the Education Code to establish the University of North Texas System consisting of the University of North Texas and the University of North Texas Health Science Center at Fort Worth, contingent on Texas Higher Education Coordinating Board approval of the system's creation.

SENATE BILL 777

EFFECTIVE: 6-18-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Sadler

Senate Bill 777 amends the Texas Driver and Traffic Safety Education Act to give the commissioner of education rulemaking authority previously granted to the State Board of Education to implement that act. It also requires the commissioner to adopt rules requiring that litter prevention information be included in each driver education and driver safety course curriculum and to consult with the Department of Public Safety in developing those rules.

SENATE BILL 848

EFFECTIVE: 6-19-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Averitt

Senate Bill 848 amends the Public Accountancy Act of 1991 to create a special fund outside the general revenue fund to provide scholarships for fifth-year accounting students with the portion of the license or license renewal fees for certified public accountants previously credited to a predecessor scholarship fund in the general revenue fund. The act requires the comptroller of public accounts to transfer the balance of the predecessor fund to the newly created fund.

SENATE BILL 858**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Shapleigh**HOUSE SPONSOR:** Gallego

Senate Bill 858 amends the Education Code to require a school district board of trustees to adopt a policy requiring the district to notify a parent or legal guardian, in writing, of a student's performance in a foundation curriculum subject at least once every three weeks or during the fourth week of a nine-week grading period if the student's performance is consistently unsatisfactory.

SENATE BILL 870**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Cain**HOUSE SPONSOR:** Olivo

Senate Bill 870 amends the Education Code to require the Texas Education Agency to produce a comprehensive and easily understood document explaining the process by which a special education student's individualized education program is developed, parental rights and responsibilities in the process, and information a parent needs to participate effectively in meetings of the child's admission, review, and dismissal committee. The act also requires the agency to provide the school district with sufficient copies for distribution and to ensure that each district provides the document to a parent as soon as practicable after a child is referred for admission to a special education program, but at least five school days before the committee's first meeting, or at any other time when requested by the parent.

SENATE BILL 875**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Shapiro**HOUSE SPONSOR:** Smith

Senate Bill 875 amends the Education Code to require the commissioner of education, in consultation with the comptroller, to develop proposals for a school district financial accountability rating system to be presented to the legislature no later than December 15, 2000.

SENATE BILL 931**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla et al.**HOUSE SPONSOR:** Van de Putte et al.

Senate Bill 931 amends the Education Code to establish the Roberta High Memorial Pharmacy Residency Program to support graduate pharmacy education and resident pharmacists. The act requires a pharmacy school to compensate a specified number of resident pharmacists in an approved postgraduate residency program, but provides that at least half of the resident pharmacist positions be in community pharmacy practice, and requires that priority be given to applicants willing to practice in medically underserved areas. A pharmacy school may receive a grant of up to \$10,000 per year for each resident pharmacist position, provided the school and the primary teaching pharmacy each contribute at least that amount toward the resident pharmacist's compensation.

Senate Bill 931 also provides for the allocation of grants or formula distribution of additional program funding to pharmacy schools to support graduate pharmacy education programs or activities for which adequate funds are not otherwise available and to foster new or expanded programs or activities to meet the state's need for graduate pharmacy education. The act establishes eligibility criteria for schools to receive grants or formula distributions from program funds and allows a pharmacy school to apply for and receive grants to support full-time faculty members who are residency preceptors supervising accredited pharmacy residencies.

Senate Bill 931 also amends the Texas Pharmacy Act to make the Texas State Board of Pharmacy responsible for determining and issuing standards for approval of pharmacy residency programs.

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SENATE BILL 940**EFFECTIVE:** See below**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Green

Senate Bill 940 amends the Education Code to raise the cap on the bus service fee charged students at Southwest Texas State University from \$30 to \$46 per semester and from \$15 to \$23 per six-week summer term. Senate Bill 940 applies beginning with the 1999 fall semester.

SENATE BILL 947**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Maxey

Senate Bill 947 amends the Education Code to allow The University of Texas System board of regents to increase the student union fee levied at The University of Texas at Austin by up to 10 percent with the concurrence of the student fees advisory committee or by more than 10 percent if that increase is approved by a majority of students voting in a referendum on the increase. The act prohibits an increase in the fee to an amount that is more than \$50 per semester or more than \$30 per summer session term. It also requires an external review of Texas Union operations by a three-member review panel selected by a student committee to ensure the appropriate use of the student union fee and makes provisions for nomination and appointment of the panel's membership.

SENATE BILL 955**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Bivins**HOUSE SPONSOR:** Greenberg

Senate Bill 955 amends the Education Code to require the commissioner of education to establish a competitive grant program to distribute at least 95 percent of the funds appropriated to support pre-reading instruction. The grants, worth between \$50,000 and \$150,000, may be awarded to public schools and charter schools that provide prekindergarten or preschool instruction programs if at least 75 percent of the children enrolled in the program are low income students. An applicant must commit public or private funds matching the grant in a percentage set for that applicant by the commissioner.

Senate Bill 955 also requires Head Start programs to provide specific pre-reading educational services to ensure that children are prepared to enter school when they complete the program.

SENATE BILL 979**EFFECTIVE:** See below**SENATE AUTHOR:** Haywood**HOUSE SPONSOR:** Farabee

Senate Bill 979 amends the Education Code to allow the Midwestern State University board of regents to charge students at the university a medical services fee of not more than \$30 per student per regular semester or 12-week summer session and not more than \$15 per summer session term of six weeks or less. Imposition of the fee and any fee increase of more than 10 percent in any academic year are subject to approval by a majority vote of the students voting in an election called for that purpose.

Senate Bill 979 applies to fees imposed beginning with the 1999 fall semester.

SENATE BILL 993**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Lindsay**HOUSE SPONSOR:** Yarbrough

Senate Bill 993 amends the Education Code to delete a provision that restricted the tuition and fee exemptions for children of disabled firemen and peace officers to four years at a single public four-year college or university, or to two years at a single public junior college and two years at a single public four-year institution. The act allows an eligible student to maintain the exemption when transferring from one public institution to another without exception.

SENATE BILL 1026
EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown et al.
HOUSE SPONSOR: J. Davis

Senate Bill 1026 amends the Education Code to allow the University of Houston–Clear Lake to establish and coordinate cooperative education programs under which it may employ high school and junior college students to work at the National Aeronautics and Space Administration’s Lyndon B. Johnson Space Center on either a full-time or part-time basis. The act requires the space center to ensure that students’ work is related to science, mathematics, or engineering to encourage study in those disciplines at a college or university, and it requires a school district or junior college district whose students participate in the program to determine, in cooperation with either the State Board of Education or the Texas Higher Education Coordinating Board, as applicable, the number and type of credit those students may earn toward a diploma, certificate, or associate degree.

Senate Bill 1026 also allows the coordinating board to establish and coordinate a similar cooperative education program for a public senior college or university that would allow undergraduate or graduate students to work at the space center on a part-time or full-time basis while earning college credits.

SENATE BILL 1088
EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Isett

Senate Bill 1088 amends the Education Code to create the Texas Tech University System consisting of Texas Tech University and the Texas Tech University Health Sciences Center and any other institutions and entities the legislature may assign to the governance of the Texas Tech University board of regents, contingent on Texas Higher Education Coordinating Board approval of the system’s creation. The act redesignates the Texas Tech University board of regents as the Texas Tech University System board of regents.

SENATE BILL 1089
EFFECTIVE: 6-19-99

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Hill

Senate Bill 1089 amends the Education Code to allow school districts and junior college or community college districts to contract for the purchase of certain authorized investments with proceeds from district debt service taxes. The act requires a district to solicit and receive at least three separate bids and to accept the qualifying bid that provides for the highest yield investments over the term of the contract, which may not exceed seven years.

SENATE BILL 1091
EFFECTIVE: 6-19-99

SENATE AUTHOR: Duncan
HOUSE SPONSOR: Hill

Senate Bill 1091 amends the Education Code to allow school district governing boards to issue negotiable coupon bonds to finance acquisition of school buildings and property and to sell such bonds at a public or private sale, and it allows school districts to issue interest-bearing time warrants to finance construction or equipment of school buildings and facilities.

Senate Bill 1091 also allows a school district or a junior college district that either has an average daily attendance or full-time equivalent enrollment of at least 2,000 students or has a total of \$50 million in outstanding bonds and approved but unissued bonds to issue and sell short term obligations and execute credit agreements, subject to approval by the district’s voters in an election held for that purpose and provided that the ballot proposition also asks voters whether the governing body may pledge and collect property taxes to service the debt

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incurred by the bond issue and any applicable credit agreement. The act places varying limits on the amount of short term debt a district may issue, based on the district's level of indebtedness and remaining bonding authority or its size.

SENATE BILL 1183

EFFECTIVE: 8-30-99

SENATE AUTHOR: Haywood

HOUSE SPONSOR: B. Turner

Senate Bill 1183 amends the Education Code to establish a rural veterinarian incentive program at The Texas A&M University College of Veterinary Medicine and a program-related fund in the state treasury outside the general revenue fund. The program provides incentives for veterinary school students and recent graduates to practice in rural counties by providing financial support through the rural veterinarian incentive fund. Financial aid may be used only to retire student loan debt or to pay tuition and fees, and participants must agree to practice in a rural county for one calendar year for each academic year for which they receive financial support. The act also allows qualifying rural communities and political subdivisions to sponsor eligible participants who agree to practice veterinary medicine in the sponsoring community or subdivision.

SENATE BILL 1261

EFFECTIVE: 6-20-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Rangel

Senate Bill 1261 amends the Education Code to require each public college or university to consult with its faculty before nominating or recommending a person to the Texas Higher Education Coordinating Board as its representative on any of the advisory committees assisting the board in the development of a recommended core curriculum and field of study curricula for common use by the state's colleges and universities. The act defines "faculty member," for purposes of service on an advisory committee, to exclude persons of faculty rank such as chancellors, presidents, provosts, or deans who spend a majority of their time in a managerial or supervisory capacity rather than on teaching, research, academic service, or administration.

Senate Bill 1261 also requires the coordinating board to study the need for and feasibility of developing a field of study curriculum in the various fields of study common to higher education institutions and to report its findings to the governing board of each public college and university and to the legislature.

SENATE BILL 1288

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Cuellar

Senate Bill 1288 amends the Education Code to provide for a Laredo campus extension of The University of Texas Health Science Center at San Antonio. The act requires The University of Texas System board of regents to establish and operate such an extension if other entities provide land for the campus and agree to fund construction of an administrative building. Senate Bill 1288 requires that campus management duties be given to The University of Texas Health Science Center at San Antonio and that its operating costs be paid from the center's operating funds and available funds from any public or private entity. The act allows the extension to be used for various levels of medical, dental, and health education, including residency training, in collaboration with Texas A&M International University or any component of The University of Texas or Texas A&M University systems.

Senate Bill 1288 requires the Texas Higher Education Coordinating Board to prepare an impact statement for The University of Texas System board of regents and the legislature not later than August 31, 2000.

SENATE BILL 1326
EFFECTIVE: 5-14-99**SENATE AUTHOR:** Gallegos
HOUSE SPONSOR: Coleman

Senate Bill 1326 amends the Education Code to increase the maximum allowable tuition rate that a college or university governing board can charge for an optometry program.

SENATE BILL 1352
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Barrientos
HOUSE SPONSOR: Greenberg

Senate Bill 1352 amends the Education Code to allow public junior colleges to offer courses to local high school students that provide simultaneous high school and college credits even if the high school credit is not a graduation requirement.

SENATE BILL 1363
EFFECTIVE: 6-19-99**SENATE AUTHOR:** Harris
HOUSE SPONSOR: McReynolds

Senate Bill 1363 amends the Education Code to allow junior college districts to acquire library goods and services in any manner authorized by law for similar acquisitions by public senior colleges and universities.

SENATE BILL 1378
EFFECTIVE: 8-30-99**SENATE AUTHOR:** Shapleigh et al.
HOUSE SPONSOR: Rangel et al.

Senate Bill 1378 requires the Texas Higher Education Coordinating Board, in consultation with the Texas Department of Health, the Health Education Training Centers Alliance of Texas, and the Area Health Education Centers, to conduct a review of medical training needs of health care professionals in a 43-county border region of West and South Texas. It requires the coordinating board to review current methods of medical training for health care professionals in the region and requires the Texas Department of Health to determine the region's future needs for medical and health care services and other needs. The act also requires the two agencies to make recommendations to address medical training needs in light of the region's future needs and requires the coordinating board to report its findings and recommendations to the governor and the legislature not later than January 1, 2001.

SENATE BILL 1451
EFFECTIVE: 9-1-99**SENATE AUTHOR:** R. West
HOUSE SPONSOR: Capelo

Senate Bill 1451 amends the Government Code to require the governing board of each university system or higher education institution or agency to establish written procedures for the disposition of surplus or salvage property. The act requires that such procedures allow for the direct transfer of materials or equipment that can be used for instructional purposes to a public school or school district, either at a price or for consideration to which the parties agree or for no consideration, as the transferring party deems appropriate. It requires procedures to give preference to transferring property to a public school or school district and, if more than one school or school district seeks to acquire the property on similar terms, to give preference to a low performing school or a low wealth district entitled to state aid under Tier 2 of the Foundation School Program.

Senate Bill 1451 also amends the Education Code to require the coordinating board to establish an Internet site or similar facility accessible to school districts that would allow colleges and universities to post notice of available surplus or salvage property that consists of instructional material or that may be used for instruction.

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SENATE BILL 1472

EFFECTIVE: See below

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Dutton

Senate Bill 1472 amends the Education Code to allow an individual who is 16 years old and enrolled in a Job Corps training program to take a high school equivalency examination. The act also exempts such individuals from the state's compulsory school attendance law as long as they are enrolled in a high school equivalency examination preparatory course.

The act applies beginning with the 1999-2000 school year.

SENATE BILL 1651

EFFECTIVE: 6-20-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: J. Davis

Senate Bill 1651 provides for the establishment of the Texas Chiropractic College, currently an independent institution governed by a Texas nonprofit corporation, as a public institution of higher education under the governance of a public college or university governing board. The act requires the Texas Higher Education Coordinating Board, if there is sufficient interest between a public college or university and the chiropractic college in establishing the chiropractic college as a component of the public institution, to review and, if it approves the transfer, to assist in the transition process. If the governing boards of both institutions affected by the transfer agree to the transfer, it becomes effective on the September 1 following coordinating board approval, and the receiving institution's governing board assumes complete responsibility for the chiropractic college's governance, management, and operation.

Senate Bill 1651 provides for the continuity of certain practices and procedures in the operation of Texas Chiropractic College and obligations of its former board. The act includes a statement of legislative intent that it 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. The act also adds a conforming chapter to the Education Code to reflect the chiropractic college's establishment as a public institution.

SENATE BILL 1724

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Dukes

Senate Bill 1724 amends the Education Code to require that each campus improvement plan include goals and methods for campus violence prevention and intervention. The act also requires that annual district and campus performance reports published by each school district include data on the number, rate, and type of violent or criminal incidents at each campus; information about the district's school violence prevention and intervention policies and procedures; and findings from evaluations conducted under the federal Safe and Drug-Free Schools and Communities Act of 1994.

SENATE BILL 1746

EFFECTIVE: 5-17-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Chisum

Senate Bill 1746 amends the law to create the Texas environmental education partnership (TEEP) fund and TEEP trust fund. The act provides that the TEEP fund will operate as a public/private education partnership to raise money from a diversity of resources to pay for development, implementation, and operation of environmental projects, activities, and programs.

Senate Bill 1746 establishes that the TEEP fund be administered by the board, sets forth the board's membership and duties, and provides that the TEEP fund expires September 1, 2009, unless continued by the legislature.

SENATE BILL 1747**EFFECTIVE:** See below**SENATE AUTHOR:** Jackson**HOUSE SPONSOR:** Gray

Senate Bill 1747 amends the Education Code to provide Foundation School Program funding for the Seaborne Conservation Corps program or a similar program administered by The Texas A&M University System board of regents. The act provides the funding on a per-pupil allotment basis similar to school district funding, except that the program has a local share applied that is equivalent to the local fund assignment of the district in which the program's principal facilities are located.

The funding authorized by Senate Bill 1747 for a Seaborne Conservation Corps program or its equivalent applies beginning with the 1999-2000 school year.

SENATE BILL 1763**EFFECTIVE:** See below**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Greenberg

Senate Bill 1763 amends the Education Code to require public college and university governing boards to prorate student fees charged for a summer session term of nine weeks or less based on the term's length unless the authorizing statute specifies a reduced amount for that term. The act also allows the maximum medical services fee that may be charged at a campus of The University of Texas System to be increased to an amount not to exceed \$75 per semester or term, provided the new cap is approved by a majority of students voting in a referendum on the increase and the amount of the new cap is stated in the ballot. Senate Bill 1763 provides that raising the maximum allowable fee does not affect a new requirement added by the act that any increase of more than 10 percent in the actual fee charged must be approved by the student body in a referendum on that increase, and any increase in the fee also must be approved first by a medical services fee committee. The act also allows the fee charged at The University of Texas at Austin for financing of a Student Health Services Building to also be used for student health center operations.

Senate Bill 1763 applies beginning with fees imposed for the 1999 fall semester.

SENATE BILL 1765**EFFECTIVE:** See below**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Naishtat

Senate Bill 1765 amends the Education Code to allow The University of Texas System board of regents to charge students at The University of Texas at Austin a fee not to exceed 85 cents per credit hour to finance construction, renovation, operation, and maintenance of an aquatics center at the Gregory Gymnasium complex. The act prohibits collection of the fee until the semester in which the facility is substantially completed and available for use and provides that the fee does not count toward the maximum allowable student services fee that may be charged students on that campus.

Senate Bill 1765 applies beginning with fees imposed for the 1999 fall semester.

SENATE BILL 1766**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Barrientos**HOUSE SPONSOR:** Naishtat

Senate Bill 1766 amends the Education Code to authorize the Texas School for the Deaf to employ security personnel and commission peace officers under certain circumstances.

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SENATE BILL 1780**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Fraser**HOUSE SPONSOR:** Jim Solis

Senate Bill 1780 amends the Education Code to create a high priority program fund administered by the Texas Higher Education Coordinating Board to support development, revision, or expansion of capital-intensive vocational and technical education programs at public junior colleges and technical institutes that meet specific workforce training demands of business and industry as determined by the board and that encourage location, retention, and expansion of business and industry in the state. The act requires a college or institute applying for an award from the fund to demonstrate to the board that a program proposed for funding meets an immediate business or industry need; that the award will enhance vocational and technical education in the state; that funding is necessary to develop, revise, or expand the program; and that the program will have broad economic benefits. It also requires each recipient to provide an annual progress report on its high priority program to the coordinating board.

SENATE BILL 1784**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Gallegos**HOUSE SPONSOR:** J. Moreno

The Education Code allows school districts to use private or public community-based dropout recovery education programs to serve at-risk students. Senate Bill 1784 amends the code to require those community-based alternative education programs to provide a minimum of four hours of instruction per day, to hire persons with bachelor or advanced degrees as teachers and administrators, to maintain a 28 to 1 or lower student-teacher ratio, to perform satisfactorily according to performance measures and accountability standards set by the commissioner of education for alternative education programs, and to comply with applicable Education Code provisions and rules adopted under the code.

SENATE BILL 1819**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** G. Luna**HOUSE SPONSOR:** Puente

Senate Bill 1819 amends the Education Code to require the Texas State Technical College System board of regents to develop and administer a program to forecast the types of technical education programs needed to maintain the state's economic and technological competitiveness. The act requires the program to review the state's workforce needs and to suggest specific technical education programs in specific areas of need, and it allows the board to recommend new programs or new methods of delivering technical education programs. It also requires the board to provide information and recommendations to any institution of higher education that provides technical education programs or that the board determines should provide such programs.

SENATE BILL 1841**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Ratliff**HOUSE SPONSOR:** Cuellar

Senate Bill 1841 amends the Education Code to abolish the Texas eminent scholars program and the Texas eminent scholars fund and provides for the disposition of any gifts made to a public college or university that cannot be returned to the donor, or are not requested to be returned, after a good faith effort by that institution to notify donors about the program's abolition.

SENATE BILL 1853

EFFECTIVE: 8-30-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Rangel

Senate Bill 1853 amends the Education Code to require junior college districts to report to the Texas Higher Education Coordinating Board on the enrollment status of district students. The act requires each report to include information on students pursuing various academic goals such as a degree or certificate, workforce continuing education, college credit alone, college credit for transfer to another institution, or developmental education, and information on students in other board specified categories. The act requires the coordinating board to consult with the governing boards of the state's junior college districts to determine the form, manner, and times for the required reports.

SENATE BILL 1861

EFFECTIVE: 6-19-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Rangel

Senate Bill 1861 amends the Education Code to redefine "private or independent institution of higher education" to include only those institutions specifically accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Liaison Committee on Medical Education.

SENATE JOINT RESOLUTION 16

FOR ELECTION: 11-2-99

SENATE AUTHOR: Barrientos et al.

HOUSE SPONSOR: Hunter

Senate Joint Resolution 16 proposes a constitutional amendment that would allow the legislature to give the Texas Higher Education Coordinating Board additional bonding authority to issue a maximum of \$400 million in general obligation bonds to finance educational loans to students.

ELECTIONS

HOUSE BILL 59

EFFECTIVE: Vetoed

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Duncan

House Bill 59 amends the Election Code to authorize the secretary of state to implement a voter information service program to compile certain information on judicial candidates in a voter information guide that may be posted on the Internet and that may be used at the polls to assist voters in marking their ballots.

HOUSE BILL 442

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Madden

SENATE SPONSOR: Shapiro

House Bill 442 amends the Education Code to clarify that write-in votes for a person in a general or special election for members of the governing body of a junior college district may not be counted unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers.

HOUSE BILL 833

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Denny

SENATE SPONSOR: Shapiro

A county chair must post notice of the address at which the county chair or the secretary will be available to receive applications for a place on the general primary election on the last day of the filing period. House Bill 833 amends the Election Code to require that the notice contain the addresses of both the county chair and the secretary if each will be available to receive applications.

HOUSE BILL 1053

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Bernsen

House Bill 1053 amends the Election Code to require voting systems that are acquired on or after September 1, 1999, to comply with federal law and provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

HOUSE BILL 1068

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: Harris

Candidates who seek public offices that they do not currently hold are required to use the word "for" in campaign advertisements that state the public office sought to clarify that they do not hold that office. House Bill 1068 amends the Election Code to require that the word "for" be in a type size that is at least one-half the type size used for the name of the office.

HOUSE BILL 1140

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Armbrister

Under previous law, both court clerks and the Texas Department of Criminal Justice were required to prepare and file with the appropriate county voter registrar an abstract of each final judgment convicting a person 18 years of age or older of a felony. House Bill 1140 amends the Election Code to delete the requirements for the court clerk.

Elections

HOUSE BILL 1545

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Danburg et al.

SENATE SPONSOR: Shapleigh

House Bill 1545 amends the Election Code relating to accessibility standards at polling places and precinct convention places for the elderly and persons with physical disabilities. The act increases the minimum width of elevator doorways and doors, entrances, and exits and requires that handrails be on each side of stairs.

HOUSE BILL 1814

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Harris

House Bill 1814 amends the Alcoholic Beverage Code to permit local option elections on the legalization or prohibition of the sale of mixed beverages in restaurants by a food and beverage certificate holder. The act creates an exception for this type of local option election by lowering the election petition signature requirements from 35 percent to 25 percent of registered voters. The act requires the petition to be filed not later than 30 days after it is issued. The act also requires that a local option election of this type that applies to a city or town located in more than one county be conducted by that city or town instead of the county. In addition, House Bill 1814 provides that the legal sale of mixed beverages by food and beverage certificate holders is not affected by the outcome of an election on the general sale of mixed beverages.

HOUSE BILL 2057

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Whitmire

House Bill 2057 amends the Election Code to prohibit a person from using an early voting ballot application form that is furnished to the applicant unless the form is printed or stamped with the name and official title of the early voting clerk as addressee and the clerk's official mailing address.

HOUSE BILL 2611

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Moncrief

House Bill 2611 amends the Election Code to establish procedures for the electronic reporting of political contributions and expenditures by officeholders, candidates, and political committees. The act requires that each report required to be filed with the Texas Ethics Commission be filed by computer diskette, modem, or other means of electronic transfer using computer software provided or approved by the commission. It allows exceptions to the electronic reporting requirement for: (1) candidates, officeholders, and political committees who do not use computer equipment to solicit, acknowledge, or keep records of contributions or expenditures; (2) candidates, officeholders, and political committees, other than those relating to statewide offices, who do not accept contributions or make expenditures that in the aggregate exceed \$20,000 in a calendar year; (3) candidates and certain specific-purpose committees in a political subdivision, situated in more than one county, for which the governing body has not been formed; (4) individuals whose direct campaign expenditures from their own property exceed \$100 and who report as if they are treasurers of political committees; and (5) persons required to file in connection with the office of district judge, district attorney, or judge of a multicounty statutory county court.

House Bill 2611 establishes requirements for electronic filing software, provides for use of publicly accessible computer terminals for preparation of reports, and sets deadlines for the commission to post reports on the Internet. The act further requires the commission to make

electronic reports accessible to the public by providing computer terminals in the commission's office, by preparing computer diskettes of the information for purchase, and by providing modem or other electronic access to the information. House Bill 2611 provides that a person who knowingly fails to file electronically if so required commits an offense.

HOUSE BILL 2785
EFFECTIVE: 1-1-00

HOUSE AUTHOR: Dunnam et al.
SENATE SPONSOR: Madla

Previous law provided that a change in certain political subdivision boundaries is not effective for an election unless the date of the action adopting the boundary change is more than five months before election day. House Bill 2785 changes the requirement to three months.

HOUSE BILL 2862
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher et al.
SENATE SPONSOR: J. E. Brown

Certain county chairs of political subdivisions are required to submit to the commissioners court a list of names of persons to serve as precinct election judges and alternates. The commissioners courts are authorized to reject the list if the persons whose names are submitted do not meet eligibility requirements.

House Bill 2862 amends the Election Code to require the county clerk to submit to the commissioners court a list of names of persons eligible for appointment as presiding judge and alternate presiding judge for each precinct in which an appointment is not made from the lists submitted by county clerks.

HOUSE BILL 3204
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Danburg
SENATE SPONSOR: R. Ellis

House Bill 3204 allows a school district with 140,000 or more students in average daily attendance in a city with a population of 1,590,000 or more residents to count write-in votes in school board elections and to require a person receiving write-in votes to have filed a timely declaration of the person's write-in candidacy with the secretary of the school district's board of trustees. The act also requires a person announcing candidacy and requesting that the person's name be printed on the official ballot to submit either a filing fee of \$300 or, in lieu of the fee, a petition signed by a sufficient number of registered voters.

HOUSE BILL 3257
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Homer
SENATE SPONSOR: Cain

House Bill 3257 amends the Election Code to extend from December 31, 1997, to December 31, 1999, the date that a political subdivision, other than a county, may change the date on which it holds its general election for officers, and provides that an election on the new date may not be held before 2000.

SENATE BILL 111
EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Smith

The Education Code allows candidates for local school boards to win election with a plurality of the votes cast. Senate Bill 111 amends the code to authorize the boards of districts in which the positions are designated by number or in which trustees are elected from single-member districts to require a majority vote for a candidate to win election.

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SENATE BILL 203**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Carona**HOUSE SPONSOR:** J. Jones

A county elections administrator is prohibited from being a candidate for a public office or an office of a political party, holding a public office, or holding an office of or position in a political party. An administrator who makes a political contribution or publicly supports or opposes a candidate commits a Class A misdemeanor; the employment of a convicted administrator is terminated; and the person is ineligible for future appointment as an elections administrator. Senate Bill 203 amends the Election Code to apply these restrictions to the full-time employees of a county elections administrator's office in a county with a population of one million or more.

SENATE BILL 752**EFFECTIVE:** 3-24-99**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Dunnam et al.

Senate Bill 752 amends the law to allow qualified persons residing in an area annexed by a home-rule municipality with a population of 105,000 or less to vote in city council elections and to file as candidates. The act extends the filing deadline for candidates in certain circumstances, limits application of provisions to certain annexations and elections, and provides that changes made by the act expire on January 1, 2000.

SENATE BILL 1726**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** R. Ellis**HOUSE SPONSOR:** Thompson

Senate Bill 1726 amends the Election Code to require a candidate for a judicial district office filled by voters of only one county to file a campaign treasurer appointment with the Texas Ethics Commission and to file certain other political reports with the county clerk.

SENATE BILL 1832**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Bivins**HOUSE SPONSOR:** Smithee

Senate Bill 1832 amends the Election Code to prohibit a polling place from being located at the residence of a person who is a candidate for an elective office or political party or who is related to a candidate within the third degree by consanguinity or the second degree by affinity. The act also requires the authority conducting the election to provide voters with a separate ballot for write-in candidates if an electronic system ballot includes a separate write-in part.

ENERGY AND UTILITY REGULATION

HOUSE BILL 1289

EFFECTIVE: 5-3-99

House Bill 1289 amends the Utilities Code to include a “limited liability company” in the definitions of “person” and “corporation.”

HOUSE AUTHOR: Cook et al.

SENATE SPONSOR: J. E. Brown

HOUSE BILL 1700

EFFECTIVE: 9-1-99

House Bill 1700 amends the Utilities Code to require the Public Utility Commission of Texas to adopt rules prohibiting telecommunications providers from disconnecting a lifeline or tel-assistance service customer’s local telephone service for nonpayment of charges for other services billed by the provider. The act provides for automatic enrollment of eligible low-income consumers for both lifeline and tel-assistance services and allows providers to block long distance service, excluding toll-free numbers, if the lifeline or tel-assistance service customer has an outstanding balance for that service. The act requires the provider to remove the block without additional cost to the customer on payment of the outstanding amount and to offer the customer, at no charge, the option of blocking all toll calls.

HOUSE AUTHOR: Danburg

SENATE SPONSOR: Barrientos

HOUSE BILL 1777

EFFECTIVE: 9-1-99

House Bill 1777 adds a new chapter to the Local Government Code to provide policies and guidelines relating to compensation that a municipality may receive from a telecommunications provider for the use of the public rights-of-way and the right to provide services within that municipality. The act sets forth the state’s policy on this issue, requires telecommunications providers to pay franchise fees to a municipality, and requires the Public Utility Commission to determine, not later than September 1, 2003, and at least once every three years after, whether changes in technology or facilities justify adoption of a definition of “access line.” The act also sets forth procedures for establishing a municipality’s “base amount” and requires the commission to prescribe categories of access lines and monthly rates for each category of access lines. Finally, House Bill 1777 establishes procedures for the payment of franchise fees and requires a telecommunications provider to indemnify and hold harmless a municipality for any harm incurred while the provider installed, repaired, or maintained facilities in the public right-of-way within the municipality.

HOUSE AUTHOR: Wolens et al.

SENATE SPONSOR: Lucio

HOUSE BILL 1985

EFFECTIVE: 9-1-99

House Bill 1985 amends the Utilities Code to allow a gas utility to recover its costs of relocating a facility to accommodate public infrastructure construction or improvements. The act authorizes a gas utility, over a period of one to three years, to recover the costs through imposition of a surcharge on gas sold and transported to customers in the service area where the relocation occurred. A gas utility is not required to file a statement of intent to increase rates to institute the surcharge but must apply to the appropriate regulatory authority for a new rate schedule or tariff. The act specifies the information that must be included in the application, requires the regulatory authority to grant or deny the application not later than the 30th day after the completed application has been received, and establishes bases on which the application may be denied.

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Armbrister

Energy and Utility Regulation

HOUSE BILL 2492

EFFECTIVE: 9-1-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Shapiro

House Bill 2492 amends the Education, Government, and Local Government codes to make uniform the statutory language governing energy savings performance contracting for institutions of higher education, school districts, state agencies, and local governments and to change certain contract term limits from 10 years to 15 years.

HOUSE BILL 2960

EFFECTIVE: 9-1-99

HOUSE AUTHOR: D. Jones

SENATE SPONSOR: Armbrister

House Bill 2960 amends the Education Code relating to the evaluation of proposals for contracts by institutions of higher education for energy conservation measures. The act removes provisions requiring the State Energy Conservation Office and the Texas Energy Coordination Council to review a selected proposal before the contract is awarded and stipulates that the contract is not required to be reviewed or approved by the office or the council. The act establishes that guidelines adopted by the Texas Higher Education Coordinating Board must require that projected cost savings be reviewed by a licensed engineer who is not an officer or employee of the offeror of the contract.

HOUSE BILL 3444

EFFECTIVE: 9-1-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Fraser

House Bill 3444 amends the Natural Resources Code to transfer certain penalties and fees currently deposited into the general revenue fund to the oil-field cleanup fund.

HOUSE BILL 3696

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Lucio

House Bill 3696 amends the Natural Resources Code to provide that a lessee intending to transfer an oil and gas lease must have the written consent of the commissioner of the General Land Office. The act provides that the commissioner may not withhold the consent unreasonably. The commissioner is authorized to require the transferee to demonstrate that it has the fiscal responsibility to discharge its obligations under the lease and to require the transferee to post a bond or provide other security to secure those obligations if the transferee is unable to demonstrate such financial responsibility to the commissioner's satisfaction.

SENATE BILL 7

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Wolens

Senate Bill 7 amends the Utilities Code to provide for the restructuring of the electric utility industry. The act deregulates the electricity generation market to allow for competition in the retail sale of electricity. The act freezes retail base rates until January 1, 2002, and then allows for a six percent reduction in rates, which are then frozen for three years or until a utility has lost 40 percent of its power load to competitors. Competitors entering a power region will have to serve residential as well as business customers and those that do not will have to pay penalties. The Public Utility Commission is authorized to delay competition and set new rates if it determines that a power region is unable to offer fair competition and reliable service to all retail customer classes by January 1, 2002. The act exempts municipally owned utilities and electric cooperatives from the deregulation provisions of the act unless they decide themselves to open up to competition and offer consumer choice.

Senate Bill 7 provides for the unbundling of services and the transmission of power at rates comparable to what a utility pays to use its own transmission system. The act authorizes the state to sell or convey power directly to public retail customers and prohibits the state from engaging in retail transactions that exceed 2.5 percent of the total power load in an area where customer choice has not been introduced. The act allows an electric utility to recover all its stranded costs, including environmental cleanup costs, and to securitize those stranded costs through the use of bonds secured by a fee collected on monthly electric bills. Utility power plants grandfathered from the Texas Clean Air Act are required to reduce emissions by May 1, 2003, or shut down unless the Texas Natural Resource Conservation Commission finds good cause for an extension.

Senate Bill 7 requires the Public Utility Commission to implement service quality and reliability standards relating to the delivery of electricity to retail customers and to ensure, before competition begins, that retail customer protections are established that entitle a customer to safe, reliable, and reasonably priced electricity, privacy, clear billing formats, billing options, metering and billing accuracy, and access to certain information. The act also requires the commission to promote customer education and to establish a “no-call” list of customers who do not wish to be contacted by competitors soliciting them for power sales. The commission must also designate a provider of last resort in areas where customer choice is in effect. In addition, the act creates a six member legislative oversight committee, to be abolished September 1, 2005, to monitor the effectiveness of electric utility restructuring.

SENATE BILL 86

EFFECTIVE: 8-30-99

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Danburg

Senate Bill 86 amends the Utilities Code to establish telecommunications and electric services customer protection standards to safeguard against fraudulent, unfair, misleading, deceptive, or anticompetitive practices. The act authorizes the Public Utility Commission to adopt and enforce rules as needed to ensure consumer protection and establish minimum service standards. The act requires the commission to promote public awareness of customer rights and options and to adopt rules relating to the certification, registration, and reporting requirements for telecommunications and electric services providers.

Senate Bill 86 establishes a utility customer’s bill of rights that includes protection from both the unauthorized switching of a selected service provider (slamming) and the imposition of unauthorized charges (cramming). The act also sets forth protections for customers of municipally owned utilities and requirements for a billing utility and streamlines administrative penalties.

SENATE BILL 115

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: G. West

Senate Bill 115 repeals the provision that sets an expiration date for certain fees imposed by the Railroad Commission of Texas for deposit in the oil-field cleanup fund. The fees include the drilling permit fee, the oil-field cleanup regulatory fee on oil, and the oil-field cleanup regulatory fee on gas. Those fees would have expired on August 31, 1999.

Energy and Utility Regulation

SENATE BILL 436

EFFECTIVE: 9-1-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: McReynolds

Senate Bill 436 amends the Property Code to require a person who offers to purchase mineral or royalty interests to include in the offer a conspicuous statement that the conveyor of the interest is selling all or a portion of the mineral or royalty interest in that property. The act also authorizes a conveyor of interest to bring suit against a purchaser if the purchaser fails to provide notice.

SENATE BILL 484

EFFECTIVE: 6-19-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: McCall

Senate Bill 484 amends the Health and Safety Code to require the Advisory Commission on State Emergency Communications to determine what constitutes a local exchange access line and an equivalent local exchange access line for all 9-1-1 emergency services fees imposed statewide. The act requires that the definitions adopted exclude certain telephone lines used to provide Internet access. The commission is required to annually review the definitions to address technical and structural changes in the provision of telecommunications and data services and authorizes the commission to include previously excluded Internet service provider data modem lines under certain circumstances.

SENATE BILL 560

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Van de Putte et al.

Senate Bill 560 amends the Utilities Code to provide for the regulation of telecommunications utilities. The act provides that it is the policy of this state that telephone services, including cable, wireless, and advanced telecommunications services, must be priced reasonably for all customers. The act sets parameters for introducing and pricing new telecommunications services, as well as for promotions for existing services, and prohibits predatory, anticompetitive pricing or discount practices. The act caps basic local service rates for residential and business customers at the current level until September 1, 2005, and reduces the switched-access rates charged to long distance companies for use of the local network and requires them to pass the savings on to customers. The act also repeals the requirement that companies competing with incumbent local exchange companies make major investments in new facilities and infrastructure.

Senate Bill 560 sets forth customer protection standards and requires the Public Utility Commission to promote customer education and awareness of the changes in the telecommunications market and to adopt and enforce rules requiring telecommunications utilities to provide clear, uniform, and understandable information to customers. The act also includes provisions relating to the unauthorized switching of a selected service provider (slamming) and the imposition of unauthorized charges (cramming). The commission is required to review, evaluate, and report to the legislature, not later than January 1, 2001, on the availability and pricing of telecommunications and information services in rural and high cost areas. The act also extends the sunset date of the commission and the Office of Public Utility Counsel to September 1, 2005.

SENATE BILL 792

EFFECTIVE: 9-1-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Isett

Senate Bill 792 amends the Natural Resources Code to require the payor of proceeds from the sale of certain gas to provide the payee a statement with the information necessary to compute the federal income tax credit for the gas for which payment was made in the preceding year. The act provides that the statement must include information about the lease, property, or well and the volume of gas measured.

SENATE BILL 812

EFFECTIVE: 5-10-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 812 amends the Natural Resources Code to authorize the Railroad Commission of Texas, by administrative order or by suit filed by the attorney general, to seek reimbursement of expenses incurred in the plugging or cleanup of an oil well.

SENATE BILL 813

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 813 amends the Natural Resources Code to provide that the Railroad Commission's lien on all well-site equipment at an abandoned or inactive well attaches at the time that the operator of the well is sent notice of the commission's intent to plug the well. This act prohibits a person from removing any of the well-site equipment as long as the lien is in effect.

SENATE BILL 814

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 814 amends the Natural Resources Code to require that all fees or costs incurred by the Railroad Commission of Texas relating to safety or pollution violations must be paid by the offender before an operation permit renewal may be issued by the commission. The act requires the commission to refund any proceeds from a bond or security deposit if the commission has been reimbursed for all cleanup or plugging costs incurred.

SENATE BILL 815

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 815 amends the Natural Resources Code to authorize the Railroad Commission of Texas to impose administrative penalties of up to \$1,000 per violation for falsification of reports or forms and for tampering with gauges.

SENATE BILL 816

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Hardcastle

Senate Bill 816 amends the Utilities Code to increase from \$100,000 to \$1,000,000 the minimum sale or lease price for a gas utility plant that triggers a reporting requirement. The act also repeals a provision that prohibits the transfer of gas rights by a gas utility without the prior approval of the commission.

Energy and Utility Regulation

SENATE BILL 1020

EFFECTIVE: 6-18-99

SENATE AUTHOR: Shapleigh et al.

HOUSE SPONSOR: S. Turner

Senate Bill 1020 amends the Utilities Code to authorize the Public Utility Commission to adopt rules to prescribe standards regarding the information a prepaid calling card company is required to disclose to customers in relation to the rates and terms of service for prepaid calling services offered in this state. The act provides that a violation of a commission rule adopted regarding this provision is subject to enforcement and penalties.

SENATE BILL 1070

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: R. Lewis

Senate Bill 1070 amends the Natural Resources Code to authorize the Railroad Commission of Texas to impose administrative penalties on a person who breaks or tampers with a seal on a well or who produces or transports oil or gas from a sealed well. The penalty for each violation may not exceed \$10,000, and the attorney general is authorized to sue to collect the penalty.

SENATE BILL 1184

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bivins

HOUSE SPONSOR: R. Lewis

Senate Bill 1184 amends the Natural Resources Code to specify that a category "E" licensee is not licensed to sell and install liquefied petroleum gas (LPG) motors or mobile fuel systems that have an engine rating of more than 25 horsepower. The act clarifies that such activity is classified with engine fuel in the category "L" application. The act also authorizes the Railroad Commission of Texas to permit a category "E" licensee whose LPG license was issued before September 1, 1999, to perform an activity described by category "L" for a reasonable period and provides that this provision expires September 1, 2001.

SENATE BILL 1297

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 1297 amends the Utilities Code to authorize the Railroad Commission of Texas, by rule, to require certain pipeline operators to provide operator organization information to the commission in the form of an application.

SENATE BILL 1427

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

This act amends the Local Government Code to direct the Public Utility Commission, before September 1, 2001, to study the electric utility infrastructure of the Lubbock Reese Redevelopment Authority and to determine a reasonable purchase price for that infrastructure. The authority may not accept an acquisition offer less than the commission price. Until the above date, the authority continues to be served by its current provider of electricity. The act grants the authority certain powers of municipal utility districts and certain general law water districts and empowers it to provide all other utility services on an immediate basis without the need for state regulatory approvals. The authority may delegate its powers and service provision, through a competitive sealed proposal procedure, to a neighboring city or other utility providers. The act empowers the authority to undertake certain improvement projects.

SENATE BILL 1441

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Naishtat

Senate Bill 1441 amends the Public Utility Regulatory Act to expand the specialized telecommunications assistance program to include persons with disabilities that impair their ability to effectively access the telephone network, in addition to persons with speech and hearing impairments previously included. The act authorizes the Public Utility Commission to contract for a special feature for the state's telecommunications relay access services if the commission determines the feature will benefit the communication of persons with a hearing or speech impairment, the installation will be of benefit to the state, and the feature will make the relay access service available to a greater number of users. The act adds requirements relating to the selection of a service carrier. It authorizes the commission and the Texas Commission for the Deaf and Hard of Hearing to jointly adopt rules that identify devices and services eligible for vouchers under the specialized telecommunications assistance program. It also adds and amends provisions relating to vouchers for basic specialized services to provide telephone network access from a home or business.

SENATE BILL 1731

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Hawley

Senate Bill 1731 amends the Natural Resources Code to remove the two-year limit on the School Land Board's authority to reduce royalty rates on state leases and allow the board to prescribe the duration of the royalty rate reduction.

SENATE BILL 1797

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Hawley

Senate Bill 1797 amends the Utilities Code to prohibit a gas utility or municipally owned utility from refusing to provide certain services to a school district unless the utility is prohibited by other law or sufficient pipeline capacity is not available on an existing facility of the utility to provide the service. The act also provides that if the utility and the state or state agency are not able to agree to a contract rate for the services provided, the railroad commission may determine a fair and reasonable rate for the school district as a rate for a separate class of service.

SENATE BILL 1883

EFFECTIVE: 6-19-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: R. Lewis

Senate Bill 1883 amends the Utilities Code to provide that a gross receipts assessment, regulatory assessment, or similar expense of a utility does not include a payment to a municipality under a contract, franchise, or other agreement.

FAMILY LAW AND JUVENILE JUSTICE

HOUSE BILL 32

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Cain

House Bill 32 amends the Family Code to change various deadlines for notification between parents of summer visitation dates. The act changes the date for notification by the possessory conservator from May 1 to April 1 and the date for notification by the managing conservator of weekend visitation dates from June 1 to April 15. The act permits the managing conservator to notify the possessory conservator by April 15, rather than May 15, or to give the possessory conservator 14 days' written notice on or after April 16, rather than May 16, of cancellation of one regularly scheduled weekend of possession during a child's summer vacation.

HOUSE BILL 145

EFFECTIVE: See below

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: Harris

House Bill 145 amends the Family Code to authorize a court to enforce an order for spousal maintenance by ordering garnishment of wages of the individual ordered to pay the maintenance.

The act takes effect only on voter approval of the constitutional amendment proposed by House Joint Resolution 16. If that amendment is not approved by the voters, the act has no effect.

HOUSE BILL 251

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Puente

SENATE SPONSOR: R. Ellis

House Bill 251 amends the Family Code to require a court, before accepting a child's plea or stipulation of evidence in a proceeding, to inform the child that the court's ruling cannot be appealed unless the court grants permission or the appeal is based on a matter that was raised by written motion before the plea or stipulation was entered.

HOUSE BILL 624

EFFECTIVE: 9-1-99

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: Harris

House Bill 624 transfers Chapter 153 of the Human Resources Code to Title 5, Family Code. The act deletes the minimum population requirement for counties seeking to contract with a private entity for child support collection services and makes conforming changes.

HOUSE BILL 625

EFFECTIVE: 9-1-99

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: R. Ellis

House Bill 625 amends the Family Code to delete the requirement that a court set the date for an adoption hearing before the 61st day after the necessary social study and criminal history record are ordered. The act allows the court to set the date for the adoption hearing before the 40th day after the studies are ordered if enough time has been provided for the necessary papers relating to the studies to be filed with the court.

HOUSE BILL 688

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: R. Ellis

House Bill 688 amends provisions of the Family Code, Alcoholic Beverage Code, Code of Criminal Procedure, and Education Code to clarify the jurisdiction and authority of justice and municipal courts relating to matters concerning a child and the parent, managing conservator, or guardian of the child.

Family Law and Juvenile Justice

The act clarifies the circumstances under which a child taken into custody may be released to a parent or guardian by replacing references to a traffic offense and offenses punishable by fine only with references to an offense, other than public intoxication, that comes under the jurisdiction of a justice or municipal court.

The act amends the law relating to truant conduct to allow a justice or municipal court to order a person found to have engaged in truant conduct, if the person is at least 16 years of age, to take the high school equivalency examination.

The act authorizes a justice or municipal court to require a child's parent, managing conservator, or guardian to attend a parenting class or parental responsibility program and a child's school class or functions if the court determines this will increase the likelihood that the child will comply with the orders of the court and is reasonable and necessary for the welfare of the child.

House Bill 688 amends the Alcoholic Beverage Code relating to punishment for alcohol-related offenses by a minor to allow the court to order community service that it considers appropriate if programs or services providing for education about or prevention of misuse of alcohol are not available in the community. It also allows the court, in addition to suspending a defendant's driver's license for failure to attend a court-ordered alcohol awareness course, to order the defendant or the parent to do any act or refrain from doing any act that would increase the likelihood that the defendant will complete an alcohol awareness program or required community service.

The act also amends the Code of Criminal Procedure to allow a justice or municipal court to hold a child in contempt or to refer a child to the appropriate juvenile court for failing to obey an order of the court.

HOUSE BILL 734

EFFECTIVE: See below

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Bill 734 amends provisions of the Family Code relating to marital property agreements to permit spouses to agree to convert separate property to community property. Currently, spouses are only allowed to enter into an agreement to convert community property to separate property. The act provides that the agreement to convert property is enforceable without consideration, must be in writing and signed by both spouses, must identify the property being converted, and must specify that the property is being converted to the spouses' community property. The act also sets out terms for the management of the converted property, enforcement of the agreement, and the rights of creditors.

House Bill 734 amends the Family Code to provide that the enhancement in value, during a marriage, of separate property owned by a spouse due to a financial contribution made with community property creates an equitable interest of the community estate in the separate property. The act establishes guidelines for equitable interest of the separate property estate and the use of community property to discharge debt on separate property.

The act takes effect September 1, 1999, except for the change in law made by the addition of Subchapter C, Chapter 4, Family Code. That subchapter takes effect January 1, 2000, if the constitutional amendment relating to the conversion of separate property to community property is approved by the voters. If the proposed constitutional amendment is not approved by the voters, that subchapter does not take effect.

HOUSE BILL 774

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Counts

SENATE SPONSOR: Haywood

House Bill 774 amends provisions of the Human Resources Code to change the composition and term limits of the Fisher, Mitchell, and Nolan counties juvenile board. The bill also provides that the Sweetwater City Commission and the Sweetwater Independent School District are authorized to appoint members to the juvenile board only if they contribute funding for salaries and other expenses necessary to provide juvenile services to Nolan County.

HOUSE BILL 797

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: Harris

House Bill 797 amends the Family Code to repeal the current Uniform Child Custody Jurisdiction Act adopted in 1983 and replace it with the Uniform Child Custody Jurisdiction and Enforcement Act approved by Congress in 1997. This act makes uniform the law of those states that enact it and promotes cooperation with the courts of other states in matters of jurisdiction and enforcement of child custody issues. The act combines child custody jurisdiction and enforcement, standardizes certain procedures, strengthens enforcement, and incorporates some of the provisions from the federal Parental Kidnaping Prevention Act.

HOUSE BILL 819

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 819 amends the Family Code to permit a party to a suit involving the dissolution of marriage or a suit affecting the parent-child relationship to file a written objection to referral of the suit to mediation based on the fact that the party has been a victim of family violence committed by the other party. The act provides for a hearing to be held at the request of a party to the suit to determine whether there is a preponderance of evidence to support the claim of family violence. The court is prohibited from requiring mediation unless it is determined at the hearing that there is not a preponderance of evidence of family violence. If the suit is referred to mediation the court is required to provide separate rooms for each party to the mediation so the parties do not have face-to-face contact.

HOUSE BILL 870

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Bill 870 amends the Local Government Code to exempt withdrawals from registry funds relating to cases arising under the Family Code from the standard fee deductions collected by the county clerk.

HOUSE BILL 912

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Whitmire

House Bill 912 amends the Government Code to authorize a domestic relations office to obtain from the Department of Public Safety criminal history information about a person for whom it is completing a social study and requires the department to provide the information within 10 days of receiving the request. The act requires the domestic relations office to keep confidential all information obtained from the department except on court order or by consent of the person who is the subject of the information. The act permits the commissioners court of a county to obtain criminal history information from the department relating to a person appointed by the commissioners court to the county child welfare board.

Family Law and Juvenile Justice

HOUSE BILL 955

EFFECTIVE: 9-1-99

House Bill 955 amends the Government Code to require the attorney general to provide each party or the party's attorney of record in child support cases with written notice of or a change in the name, address, telephone number, and facsimile number of the assistant attorney general who is the attorney of record in the case.

HOUSE AUTHOR: Uher

SENATE SPONSOR: R. Ellis

HOUSE BILL 1063

EFFECTIVE: 9-1-99

House Bill 1063 amends the Family Code to require a child who is adjudicated for graffiti-related offenses to pay a \$5 court fee to be placed in the county graffiti eradication fund. The act authorizes the court to waive the fee if it finds that the child, or person responsible for the child, is unable to pay the fee.

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

HOUSE BILL 1082

EFFECTIVE: 9-1-99

House Bill 1082 amends the Human Resources Code to include one justice of the peace from Harris County on the Harris County Juvenile Board and requires that the justice of the peace be elected by majority vote of all the justices of the peace in the county.

HOUSE AUTHOR: Bosse

SENATE SPONSOR: R. Ellis

HOUSE BILL 1188

EFFECTIVE: 9-1-99

House Bill 1188 amends the Government Code to expand the list of offenses that require an inmate of a penal institution or a juvenile committed to the Texas Youth Commission to provide a blood sample or other specimen for the purpose of creating a DNA record to include murder, aggravated assault, and certain burglary offenses.

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Shapiro

HOUSE BILL 1209

EFFECTIVE: 8-30-99

House Bill 1209 amends provisions of the Family Code to clarify typesetting requirements on legal agreements, orders, and petitions to create uniformity in their appearance and makes certain technical corrections.

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

HOUSE BILL 1269

EFFECTIVE: 9-1-99

House Bill 1269 amends the Family Code to require the court to detain a child taken into custody until a detention hearing is held if the child is alleged to have engaged in conduct involving the use, possession, or exhibition of a firearm. The act establishes guidelines relating to the type of facility in which a child may be detained and the length of time that a child may be detained.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Shapiro

HOUSE BILL 1322

EFFECTIVE: 9-1-99

House Bill 1322 amends the Family Code to waive the court fee for anyone requesting the recording or release of a child support lien as long as the lien is correctly titled as prescribed in the act.

HOUSE AUTHOR: P. King

SENATE SPONSOR: J. E. Brown

HOUSE BILL 1337
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uresti
SENATE SPONSOR: Madla

House Bill 1337 amends the Family Code to specify that a court is required to consider evidence of the intentional use of abusive physical force by a party against a parent of the child within the past two years, regardless of whether the parents were ever married, when appointing a managing conservator for a child.

HOUSE BILL 1348
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman
SENATE SPONSOR: Harris

House Bill 1348 amends the Texas Probate Code to provide that claims for delinquent child support and child support arrearages against an estate of a decedent have a Class 4 priority of payment.

HOUSE BILL 1387
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Van de Putte
SENATE SPONSOR: Madla

House Bill 1387 amends the Health and Safety Code to decrease from two years to 12 months or younger the age of a child upon whom the state must perform an autopsy under certain circumstances. The parents or guardians of the child must be notified that the autopsy will be performed. The act requires the state to reimburse a county \$500 for an autopsy of a child who is determined to have died of sudden infant death syndrome, subject to the availability of funds, and deletes the requirement that the coroner be notified of the child's death.

House Bill 1387 amends the Code of Criminal Procedure and the Family Code to require that an inquest be conducted if a child younger than six years of age dies unexpectedly or as the result of abuse or neglect.

HOUSE BILL 1411
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat
SENATE SPONSOR: Moncrief

House Bill 1411 amends the Family Code to prohibit a court from granting access to a parent for whom it is shown by a preponderance of evidence that there is a history or pattern of committing family violence during the previous two years except under certain conditions.

HOUSE BILL 1462
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Dunnam
SENATE SPONSOR: Shapiro

House Bill 1462 amends the Family Code to require the court, if both parents are appointed as conservators of a child, to order that each parent has the duty to inform the other parent if he or she resides with for at least 30 days, marries, or intends to marry a registered sex offender or a person charged with a sex offense. The notification must be made not later than the 40th day after the date the parent begins to reside with the person or the 10th day after the date the marriage occurs and must include a description of the offense. If a person fails to provide notice as required by this act, the offense is a Class C misdemeanor.

HOUSE BILL 1532
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Alexander
SENATE SPONSOR: D. Nixon

House Bill 1532 amends the Human Resources Code to add the 392nd district judge to the Henderson County Juvenile Board. The act also provides for compensation to be paid to the 3rd, 173rd, and 392nd district judges and requires the juvenile board to elect a chairman at the first board meeting of each fiscal year.

Family Law and Juvenile Justice

HOUSE BILL 1583

EFFECTIVE: 6-19-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: R. West

House Bill 1583 amends the Family Code to specify that the records of a child stored electronically or otherwise must be maintained and accessed separately from adult records to protect the confidentiality of a child's records.

HOUSE BILL 1723

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Lengefeld

SENATE SPONSOR: Sibley

House Bill 1723 amends the Human Resources Code to consolidate the juvenile boards of Bosque, Comanche, and Hamilton counties. It directs the 220th Judicial District judge to serve as the chairman of the consolidated juvenile board and prescribes the compensation of the board members.

HOUSE BILL 1749

EFFECTIVE: 5-24-99

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Armbrister

House Bill 1749 amends provisions of the Family Code and the Education Code to authorize a school district superintendent and the county juvenile probation department to enter into a written interagency agreement to share information about juvenile offenders. The act prescribes the actions that are to be taken by each entity to protect the confidentiality of the student.

HOUSE BILL 1851

EFFECTIVE: Vetoed

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

House Bill 1851 amends provisions of the Texas Probate Code to establish procedures for a guardian to change the guardian's resident agent, and procedures for a resident agent to resign. The act expands the conditions that authorize a court to remove an appointed guardian. It allows a guardian to establish a time limit for an unsecured creditor to file a claim against the estate, and if not filed within the prescribed time, the act bars the claim. The act establishes procedures to authorize the guardian of a ward's estate to request an in camera review of certain documents for the purpose of establishing an estate plan under certain conditions. It authorizes a court to establish a trust for the management of an incapacitated person's estate while the guardianship proceeding is pending and establishes the persons who may serve as a trustee. The act requires a person who serves as a trustee to file a bond with the county clerk for a certain amount, establishes procedures for the transfer of a guardianship to a foreign jurisdiction when a ward permanently moves to the foreign jurisdiction, and authorizes a court, on a petition of a party to the contract, to approve arts, sports, entertainment, and advertising contracts involving minors.

HOUSE BILL 1877

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Hope et al.

SENATE SPONSOR: D. Nixon

House Bill 1877 amends provisions of the Human Resources Code relating to the Montgomery County Juvenile Board to remove the maximum limit on the amount of annual compensation paid to juvenile board members and to repeal the restrictions on additional compensation paid to the judge of the County Court at Law No. 2 or No. 3. The act provides that the general provision relating to compensation does not apply to the juvenile board of Montgomery County and makes certain other provisions applicable to the board.

HOUSE BILL 1884

EFFECTIVE: 9-1-99

House Bill 1884 amends provisions of the Family Code relating to the collection and enforcement of child support. The act provides that an employer who fails to comply with a writ of withholding is liable to the obligor for the amount withheld but not remitted and interest on the outstanding amount.

House Bill 1884 authorizes a domestic relations office to provide an informal forum in which an obligor may negotiate an agreed repayment schedule for delinquent child support and to obtain certain information from the national directory of new hires and the state case registry records to aid in the collection and distribution of child support payments. The act expands the list of people and entities to whom the state case registry is required to provide information to include a domestic relations office or a friend of the court.

HOUSE AUTHOR: Grusendorf

SENATE SPONSOR: Harris

HOUSE BILL 2059

EFFECTIVE: 9-1-99

House Bill 2059 amends the Family Code to require a court to subtract any benefits received by a child as a result of a parent's disability when determining the amount of child support to be paid by the parent with the disability.

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. E. Brown

HOUSE BILL 2208

EFFECTIVE: 9-1-99

House Bill 2208 amends the Family Code to permit the office of the attorney general to enter into a contract with a statewide organization to establish and operate children's advocacy centers. The contract must provide that the organization may not annually spend for administrative purposes more than 12 percent of the annual amount appropriated to the attorney general for the purposes of the children's advocacy centers. The attorney general is required to establish standards for the centers.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Lindsay

HOUSE BILL 2353

EFFECTIVE: 9-1-99

House Bill 2353 amends the Family Code to delete the requirement that a court establish the county of residence of a child when designating the child's parents as joint managing conservators. The act requires the court's order to establish, until modified by further order, either the geographic area of the child's residence or specify that the conservator may decide where the child resides without geographic restrictions.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

HOUSE BILL 2421

EFFECTIVE: 1-1-00

House Bill 2421 amends the Family Code to provide that interest accrues on the portion of delinquent child support that is greater than the amount of the monthly support obligation at the rate of 12 percent.

HOUSE AUTHOR: Uresti

SENATE SPONSOR: Madla

HOUSE BILL 2441

EFFECTIVE: 9-1-99

House Bill 2441 amends provisions of the Family Code to authorize a court to order parents who are parties in a suit affecting the parent-child relationship to attend a parent education and family stabilization course if the court determines that it is in the best interest of the child. The

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: R. Ellis

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act establishes certain criteria the course must meet including the content and who may offer the course. House Bill 2441 authorizes the court to invoke sanctions against a parent who fails to attend the course, but the court is prohibited from delaying the rendering of a judgment because of this noncompliance. The court may not require the parents to attend the course together but may prohibit them from attending together if there is a history of family violence. The act limits the amount that a party may be required to pay for the course to \$100 and limits the number of times a party may be required to attend the course.

HOUSE BILL 2442
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Wentworth

House Bill 2442 amends provisions of the Family Code and the Local Government Code to require a county clerk to distribute a premarital education handbook provided by the office of the attorney general to all applicants for a marriage license. The act provides that each person applying for a marriage license be encouraged to attend a four-hour premarital education course during the year preceding application for the license and prescribes certain criteria for the course. The county clerk is authorized to maintain a list of providers who meet the requirements for instructing the course.

House Bill 2442 creates a family trust fund to pay for publication of the premarital education handbook and certain other family assistance programs. The act increases the fee for a marriage license from \$25 to \$30 and directs that \$3 of the fee be used to create the family trust fund.

HOUSE BILL 2455
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Edwards
SENATE SPONSOR: R. Ellis

House Bill 2455 amends the Family Code to permit a nonparent, a licensed child-placing agency, or an authorized agency appointed as a sole or joint managing conservator of a child to have access to the child's medical records.

HOUSE BILL 2594
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uresti
SENATE SPONSOR: Madla

House Bill 2594 amends the Family Code to require an obligee to return any child support payments made after the child support order has terminated if the obligor is not in arrears. The act permits the obligor to file a suit to recover the overpayments if the obligee fails to return the payments. The court is required to order the obligee to return the payments and pay the obligor's attorney's fees and all court costs if the court finds on behalf of the obligor. The act permits the court for good cause shown to waive the requirement that the obligee pay the obligor's attorney's fees and all court costs if the court states the reasons for doing so.

HOUSE BILL 2671
EFFECTIVE: 9-1-99

HOUSE AUTHOR: S. Turner et al.
SENATE SPONSOR: Shapleigh

House Bill 2671 amends provisions of the Family Code relating to the admissibility of a statement made by a child. The act expands the circumstances under which a written or oral statement of a child is admissible in evidence to include one made during or after the interrogation of the child by an officer if the child is in the possession of the Department of Protective and Regulatory Services and is suspected to have engaged in conduct that violates the Penal Code.

HOUSE BILL 2724

EFFECTIVE: 9-1-99

House Bill 2724 amends the Human Resources Code to include a municipal judge and a justice of the peace from El Paso County on the El Paso County Juvenile Board. The act provides for the additional judges to be selected by the chairman of the juvenile board.

HOUSE AUTHOR: Pickett

SENATE SPONSOR: Shapleigh

HOUSE BILL 2869

EFFECTIVE: 9-1-99

House Bill 2869 amends the Family Code to mandate a court to require a child, as a condition of probation for certain offenses involving a handgun, to notify the supervising juvenile probation officer of how the handgun was obtained, including the date, place, and name of the supplier of the weapon. The juvenile probation officer is required to promptly notify the appropriate local law enforcement agency. The act prohibits this information from being used as evidence against the child in any juvenile or criminal proceeding.

HOUSE AUTHOR: Capelo et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 2870

EFFECTIVE: 9-1-99

House Bill 2870 amends the Family Code to prohibit a child from bringing an appeal or post-conviction writ of habeas corpus based on a court's decision not to follow progressive sanction guidelines or the court's failure to report the deviation from the guidelines as required.

HOUSE AUTHOR: Capelo et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 2947

EFFECTIVE: 9-1-99

House Bill 2947 amends the Family Code to limit the circumstances under which a court may commit a child to the Texas Youth Commission if the child is found to have engaged in delinquent conduct. The conduct must be a felony or, if it is a misdemeanor, the child must have previously been adjudicated for felonies or misdemeanors on at least two separate occasions and the conduct that was the basis for the adjudications occurred after the date of another previous adjudication.

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

HOUSE BILL 2990

EFFECTIVE: 9-1-99

House Bill 2990 amends the Family Code to require that additional periods of possession or access authorized by the court to compensate a parent for the denial of access to a child must occur within two years rather than one year of the anniversary of the date that the court found that court-ordered possession or access was denied.

HOUSE AUTHOR: J. Davis

SENATE SPONSOR: Harris

HOUSE BILL 3093

EFFECTIVE: 6-19-99

House Bill 3093 amends the Family Code to authorize a person who is a relative of a child within the third degree by consanguinity to file an original suit for custody of the child if the child's parents are deceased.

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: R. Ellis

HOUSE BILL 3130

EFFECTIVE: 9-1-99

House Bill 3130 amends the Family Code to include county judges among those with jurisdiction to waive the required 72-hour waiting period between the issuance of a marriage license and the marriage ceremony.

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Gallegos

HOUSE BILL 3271

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Bill 3271 amends provisions of the Family Code to require the office of the attorney general to share all information resources pertaining to child support collections with the Department of Protective and Regulatory Services for the purpose of collecting support for children in the care of the department.

The act requires the attorney general's office to establish a work group composed of certain representatives of the involved agencies to facilitate the sharing of information.

House Bill 3271 requires the department to create a division dedicated to the location of parents and relatives of children throughout the state and to employ outside contractors to increase the collection of support for children in the care of the state.

HOUSE BILL 3272

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman et al.

SENATE SPONSOR: Harris

House Bill 3272 amends the Family Code to authorize the appointment of a child support court monitor to serve each child support court master and prescribes duties of a court monitor. The act further requires the attorney general's office to contract with the office of court administration to provide state and federal funds under the Social Security Act to fund child support court monitor positions. The act requires the office of court administration, in collaboration with the attorney general's office, to develop and implement guidelines for the duties of child support monitors and a procedure to evaluate the rate of success of the monitors in increasing child support compliance.

The act requires the attorney general's office to refer an underemployed obligor who is in arrears in court-ordered child support payments to the appropriate state and local entities that provide employment services. In addition, the act deletes the requirement that a child be eligible to receive public assistance in order for an obligor who is in arrears to be referred. The act authorizes the state disbursement unit to transmit a child support payment electronically to an obligee who maintains an account at a financial institution and provides for a work group to assess the feasibility and cost effectiveness of a state electronic benefits transfer system. The attorney general's office, in coordination with the Texas Department of Human Services and the comptroller of public accounts is required to study the use of an existing electronic benefits transfer system to determine the method for implementation of a debit card child support system. The act amends the Labor Code to require the Texas Workforce Commission to provide employment assistance services to individuals referred to the commission by the attorney general's office. The act requires the attorney general's office, the workforce commission, and the office of court administration to conduct a study to determine the effectiveness of referring child support obligors to the employment assistance programs and to submit, not later than January 31, 2001, a joint report to the 77th Legislature on the results of the study.

HOUSE BILL 3423

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Morrison

SENATE SPONSOR: Nelson

House Bill 3423 amends provisions of the Family Code relating to certain abandoned children. The act allows a court to order involuntary termination of the parent-child relationship if the parent voluntarily delivered the child to an emergency medical services provider without expressing an intent to return for the child. The act requires an emergency medical services provider, without a court order, to take possession of a child who is 30 days old or younger if

the child is voluntarily delivered by the child's parent and the parent does not express an intent to return for the child. It also requires the provider to protect the health and safety of the child and to notify the Department of Protective and Regulatory Services of the child's abandonment within the first business day after the provider takes custody of the child. The department is required to take possession of the child immediately and to file the appropriate petitions to take court-ordered custody of the child.

House Bill 3423 amends the Penal Code to create an affirmative defense to prosecution for the abandonment of a child if the child was voluntarily delivered to an emergency medical services provider.

HOUSE BILL 3517
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Harris

House Bill 3517 amends provisions of Title 3 of the Family Code relating to the detention, adjudication, and disposition of certain persons in the juvenile justice system. Listed below are some of the changes.

1. Allows a juvenile law referee or master to perform the duties imposed on a magistrate relating to admissibility of a statement of a child.
2. Allows a juvenile court at any stage of the proceedings under the juvenile justice code to order a child referred to the court or alleged to have engaged in delinquent conduct to be examined by an appropriate expert, including a physician, psychiatrist, or psychologist.
3. Authorizes a prosecuting attorney, before filing a petition stating that further proceedings are authorized, to refer an offense to a grand jury in the county in which the offense is alleged to have been committed.
4. Sets out requirements for a court to release a child from detention.
5. Provides for the results of a diagnostic study of a child ordered by a juvenile court to be transferred to the appropriate criminal prosecutor when the juvenile court waives jurisdiction.
6. Allows a juvenile court to waive its exclusive original jurisdiction and transfer a person to the appropriate district or criminal district court if the person was between the ages of 10 and 17 at the time the person is alleged to have committed a capital felony or the offense of murder.
7. Sets out requirements for the detention of juveniles in certain discretionary transfer proceedings.
8. Permits a court or jury to place a child who has been sentenced to commitment in the Texas Youth Commission for a term of 10 years or less on probation as an alternative to being committed to the commission. Provides for the modification of a disposition to commit a child who has violated a condition of probation to the commission.
9. Provides for a hearing to be held by the juvenile court to determine whether to transfer a child who is placed on probation for certain offenses that will continue after the child's 18th birthday to the appropriate district court.
10. Amends provisions relating to proceedings concerning children with mental illness or mental retardation. Defines "having a mental illness." Gives the juvenile court jurisdiction to order mental health or mental retardation services for a child or for the commitment of a child. Sets out the terms, conditions, and requirements for the detention, determination, commitment proceedings, standards of care, examination to determine unfitness to proceed, transportation to and from a designated facility of placement, and transfer of the child to a criminal court on the child's 18th birthday.

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11. Amends provisions relating to the photographing or fingerprinting of a child and the records and files of a juvenile court, a juvenile probation department, or a prosecuting attorney that relate to a child who is a party to a proceeding.

12. Authorizes a juvenile court to disseminate certain identifying information to the public relating to a child who is the subject of a directive to apprehend or a warrant of arrest and who cannot be located.

13. Prohibits a child from bringing an appeal or a postconviction writ of habeas corpus based on the failure of a juvenile court or probation department to report a deviation from the progressive sanctions guidelines in addition to the failure to provide a service or assignment under the guidelines.

14. Adds the Texas Juvenile Probation Commission to the list of licensing authorities subject to the law relating to the suspension of licenses for failure to pay child support.

15. Allows for an exception to the requirement that reports of abuse or neglect be made to certain entities in order to permit the report to be made to the Texas Youth Commission if it is based on information that is provided by a child while under the supervision of the commission and that concerns the child's alleged abuse of another child. Requires the Department of Protective and Regulatory Services and the commission to adopt guidelines for identifying a report that should be referred to the department or a law enforcement agency for investigation. The bill requires the commission to conduct an investigation if it receives a report of alleged abuse or neglect in any program operated by a local juvenile probation department or a private vendor under the authority of a county juvenile board and allows the investigating agency access to medical and mental health records relevant to the investigation.

16. Establishes guidelines relating to the education of certain incarcerated children by a school district.

17. Modifies the punishment for certain offenses relating to the operation of a motor vehicle by a minor.

HOUSE BILL 3778
EFFECTIVE: 9-1-99

HOUSE AUTHOR: V. Luna
SENATE SPONSOR: Gallegos

House Bill 3778 amends the Family Code to require the Department of Protective and Regulatory Services to employ in each region of the department at least one investigations coordinator to focus only on child abuse and neglect investigation issues and on assessing and improving the department's effectiveness in providing for the protection of children in the region. The act specifies certain duties of an investigations coordinator.

HOUSE BILL 3786
EFFECTIVE: 9-1-99

HOUSE AUTHOR: A. Reyna
SENATE SPONSOR: R. Ellis

House Bill 3786 amends the Family Code to authorize a court, in a suit affecting the parent-child relationship, to transfer a proceeding based on a subsequent motion to enforce or suit to modify only if the proceeding could have been transferred by the court when the original motion or suit was filed.

HOUSE BILL 3815
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray
SENATE SPONSOR: Jackson

House Bill 3815 amends the Human Resources Code to add a municipal judge and a justice of the peace from Galveston County to the Galveston County Juvenile Board and provides for their selection.

HOUSE BILL 3821
EFFECTIVE: 9-1-99

House Bill 3821 amends the Human Resources Code to create the Duval County Juvenile Board to be composed of the county judge, the district judge in Duval County, and a citizen of Duval County appointed by the county and district judge of Duval County.

HOUSE AUTHOR: Salinas
SENATE SPONSOR: Zaffirini

HOUSE BILL 3832
EFFECTIVE: 8-30-99

House Bill 3832 amends the Human Resources Code to add the judge of each county court at law in Bell County to the Bell County Juvenile Board.

HOUSE AUTHOR: Delisi
SENATE SPONSOR: Fraser

HOUSE BILL 3838
EFFECTIVE: 9-1-99

House Bill 3838 amends provisions of the Family Code relating to procedures for transfer of proceedings regarding children, investigations of child abuse, access to mental health records, investigations of abuse or neglect in juvenile facilities and schools, possession and delivery of a missing child, and hearing procedures relating to taking custody of a child by the Department of Protective and Regulatory Services. In the event that all reasonable efforts have been made to return the child to a parent or that the parent has subjected the child to aggravated circumstances, the act allows a court to waive the requirement of a service plan and to accelerate the trial schedule to result in a final order for a child under the care of the department. For a child who is not in the possession of a governmental entity, the act provides procedures and requirements for a court hearing, a temporary restraining order, removal of the child for cause, and the issuance of a protective order if the court finds that the child requires protection from family violence.

HOUSE AUTHOR: Goodman et al.
SENATE SPONSOR: Harris

HOUSE JOINT RESOLUTION 16
FOR ELECTION: 11-2-99

House Joint Resolution 16 proposes a constitutional amendment to permit an individual's wages to be garnished for the enforcement of court-ordered spousal maintenance.

HOUSE AUTHOR: Thompson et al.
SENATE SPONSOR: Harris

SENATE BILL 30
EFFECTIVE: 9-1-99

Senate Bill 30 amends the Family Code to limit the performance of abortions on unmarried pregnant minors without parental notice. A physician who intentionally performs an abortion in violation of the new law commits an offense punishable by a fine of up to \$10,000. The act applies to abortions on or after January 1, 2000, and to fetuses from fertilization forward. Coverage excludes certain 17-year-old resident minors who are self-supporting and 16-year-old resident minors who are self-supporting and living separately. For other minors, a physician normally must give 48 hours' advance notice to a parent, conservator, or guardian. If an intended recipient cannot be reached, the physician may perform the abortion, but not until 48 hours after sending notice by certified mail to the last known address. An abortion is permitted without notice if the physician concludes that medical complications necessitate immediate action. Indications supporting that conclusion must be certified to the Texas Department of Health and included in the medical record.

SENATE AUTHOR: Shapiro et al.
HOUSE SPONSOR: Delisi

The act establishes procedures by which a minor wanting to bypass parental notice may seek a court order from a probate court, county court at law, or district court. The judge must appoint a guardian ad litem and an attorney to represent the minor if none has been retained.

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The guardian ad litem may be a grandparent, an adult aunt or uncle, an adult brother or sister, a member of the clergy, a psychiatrist or psychologist, an employee of the Department of Protective and Regulatory Services, or another appropriate person. The guardian ad litem, if qualified, may also serve as the attorney. Abortion approval by the court requires a determination that the minor is mature and sufficiently well informed, that notice would not be in the minor's best interest, or that notice may lead to physical, sexual, or emotional abuse of the minor. Denial of approval may be appealed. Court failure to reach a timely determination effectively grants the minor's application and permits an abortion.

A physician who suspects certain physical or sexual abuse of the minor must report those suspicions to the department and refer the minor to that agency for related services or intervention. A court or the minor's attorney or guardian ad litem must similarly report certain cases of sexual assault or prohibited sexual contact to the department, law enforcement officials, or other authorities. The act establishes confidentiality provisions relating to court procedures, reports to the department, and certifications of medical complication.

SENATE BILL 50

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson et al.

HOUSE SPONSOR: Naishtat et al.

Senate Bill 50 amends provisions of the Family Code to modify certain procedures related to the renewal of a protective order by including threatened harm as cause for the renewal of a protective order. The act sets forth requirements for renewing an unexpired protective order and increases the duration of a protective order from one to two years, with certain exceptions. It also authorizes a person who is the subject of a protective order to file a motion that the court review the order after one year to determine whether it is still necessary. The act requires the court to order the protective order expired if the court determines there is no longer a need for the order. The act establishes that if a person who is the subject of an order is confined or imprisoned on the date that the order would expire, the order remains in effect until the first anniversary of the person's release from confinement. The act further requires that certain additional information be prominently displayed on a protective order.

SENATE BILL 118

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 118 amends the Code of Criminal Procedure to require a district or county attorney to transfer payments of court-ordered child support to the appropriate entity when received from a person who is required to pay the child support through a local registry or the office of the attorney general. The act requires a person who is convicted of or receives deferred adjudication for failure to pay child support and is ordered to pay restitution to make the payments to the community and supervision department for transfer to the appropriate entity if the person is under community supervision or directly to the local registry or office of the attorney general if the person is not under supervision.

SENATE BILL 160

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Goodman

Senate Bill 160 amends the Family Code to establish that the release of a child support obligor from incarceration is a change of circumstances that warrants modification of the child support order if the obligor's child support obligation was abated, reduced, or suspended during the period of incarceration.

SENATE BILL 187

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Keel

Senate Bill 187 amends the Family Code to authorize the Department of Public Safety to disseminate certain identifying information relating to a juvenile offender when notified by a law enforcement agency that the offender is suspected of having committed certain violent felonies and that the agency is authorized to arrest the offender or the offender has fled from arrest for committing such an offense.

SENATE BILL 283

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Goodman

Senate Bill 283 amends provisions of the Family Code to require the juvenile board of each county to adopt informal guidelines for the disposition of juvenile cases. The act authorizes a law enforcement officer to dispose of the case of a child taken into custody without referral to the juvenile court if the county juvenile board has adopted these guidelines. The act provides that guidelines adopted for the disposition of a child cannot be mandatory.

SENATE BILL 368

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Bosse et al.

Senate Bill 368 amends provisions of the Family Code relating to the child support enforcement functions of the office of the attorney general. Listed below are some of the changes.

1. Directs the legislative members of the standing family law committees, rather than the advisory committee appointed by the supreme court, to review and revise the guidelines for the possession of, access to, and support of a child. Establishes the composition of a committee to review and make recommendations to the legislature concerning the possession of, access to, and support of a child.

2. Requires the attorney general's office to update the state case registry and disbursement unit to comply with federal requirements.

3. Establishes procedures for the acknowledgment or denial of the paternity of a child. Provides for the notice of proposed child support review order to a person who has acknowledged paternity and establishes a procedure for the negotiation of support.

4. Authorizes the attorney general's office to issue an order requiring an unemployed noncustodial parent to work, to have a plan to pay overdue child support, or to participate in certain work activities to pay overdue child support.

5. Establishes procedures for an employer who withholds and remits child support payments from an employee's earnings. Requires the attorney general's office to maintain a toll-free customer service line for employers who are responsible for withholding child support.

6. Requires the attorney general's office to file a child support lien if an obligor is \$5,000 or more in arrears and resides or owns property in Texas. Adds a depository account, a mutual fund money market account, and a retirement plan to the list of property to which a child support lien may be attached.

7. Requires the attorney general's office to maintain and to report to the legislature data sufficient to evaluate the use and effectiveness of all tools available to enforce child support.

8. Requires the attorney general's office to develop an interagency work group, a county advisory work group, and an information resources steering committee and provides for the composition and duties of the various groups.

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9. Requires the attorney general's office to develop and implement an ombudsman program to receive and resolve complaints against the child support division.

10. Establishes the duties of the attorney general's office's parent locator service and the person who is authorized to receive the information from the service.

11. Expands the memorandum of understanding on child support for children receiving public assistance.

12. Authorizes the attorney general's office to enter into an agreement with one or more states to create a consortium for financial institution data matches to enforce child support obligations.

13. Provides guidelines for supervising the child support masters program and for the judicial review of a recommendation of a master.

SENATE BILL 391

EFFECTIVE: 6-19-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Truitt

Senate Bill 391 amends the Family Code to authorize a domestic relations office to provide an informal forum in which an obligor may negotiate an agreed repayment schedule for delinquent child support as an alternative to the office filing a suit for a motion to enforce. The act authorizes a domestic relations office to obtain certain information from the federal National Directory of New Hires and the state case registry records to aid in the collection and distribution of child support payments.

SENATE BILL 422

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: P. King

Senate Bill 422 amends the Family Code to require that all juvenile records ordered sealed be sent to the court issuing the order and that all index references to those records be deleted before the 61st day after the order is received. Verification of the deletion must be sent before the 61st day after the deletion. This act also establishes a procedure and time frame for handling orders that cannot be sealed because of incorrect or insufficient information in the order.

SENATE BILL 581

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: P. King

Senate Bill 581 amends the Family Code to provide that an employer is responsible to an obligor for any amount of child support that is withheld but not remitted and for a certain amount of interest on the unpaid amount.

SENATE BILL 609

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Woolley

Senate Bill 609 amends the Family Code to clarify that an attorney ad litem acting on behalf of a child in a suit affecting the parent-child relationship is required to interview a foster parent that may have significant knowledge of the child's history and condition.

SENATE BILL 686

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Goodman et al.

Senate Bill 686 amends the Family Code to waive the court fee for anyone requesting the recording or release of a child support lien as long as the lien is correctly titled as prescribed by the act.

SENATE BILL 804

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Naishtat

Senate Bill 804 requires the Texas Department of Public Safety to collaborate with the Texas Council on Family Violence and the Texas District and County Attorneys Association to develop a standard format for protective orders issued in cases of family violence. The department must make a recommendation to the legislature on the format not later than December 1, 2000.

SENATE BILL 996

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Coleman

Senate Bill 996 amends the Family Code to require the Department of Protective and Regulatory Services to request that the parents of a child for whom it has been appointed managing conservator and who dies in foster care pay reasonable and necessary burial expenses for the child. The act does not apply to foster parents. The department is authorized to request that if the parents have an insurance policy or a bank account for the child, the parents spend the proceeds from the policy or money in the account on the burial expenses. If the parents cannot pay all or part of the burial expenses, the department must spend funds appropriated for the child protective services program to pay reasonable and necessary expenses. The department is authorized to accept contributions to cover the costs of the burial expenses.

SENATE BILL 1141

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Naishtat

Senate Bill 1141 amends the Education Code and the Family Code to require the Texas Education Agency to ensure that an individual assigned to act as a surrogate parent for a child with a disability meet certain standards, including completion of a training program. The act requires a school district to give preferential consideration to a foster parent of a child with a disability when assigning a surrogate parent, sets forth requirements a foster parent must meet in order to be authorized to act as a parent of a child with a disability, and authorizes a foster parent denied the right to act as a surrogate parent to file a complaint with the agency. In addition, the act authorizes a court-certified volunteer advocate appointed for a child with a disability to act as a surrogate parent, subject to certain requirements.

SENATE BILL 1192

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: P. King

Senate Bill 1192 amends the Family Code to repeal the requirement that a person alleged to be in violation of an order involving the possessory right of a child receive notice that a motion to enforce will be filed 31 days before the suit is filed. The act deletes a defendant's affirmative defense that the defendant fully complied with the notice upon its receipt.

SENATE BILL 1571

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Goodman

Senate Bill 1571 amends the Family Code to require a juvenile delinquency proceeding to be held in the county in which the delinquent conduct occurred unless certain conditions are met allowing the proceeding to take place in the county in which the child resides at the time the petition is filed.

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SENATE BILL 1607

EFFECTIVE: 8-30-99

SENATE AUTHOR: Whitmire

HOUSE SPONSOR: Allen

Senate Bill 1607 amends the Human Resources Code to authorize the Texas Youth Commission to establish an infant care and parenting program for children who are parents. The act permits, under certain conditions, a child who is the mother of an infant younger than 36 months to have possession of her infant in a residential program that has an infant care and parenting program.

SENATE BILL 1670

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bonnen

Senate Bill 1670 amends the Family Code to authorize a court to modify an existing child support order to extend past a child's 18th birthday if the child is enrolled in a joint high school and junior college program.

SENATE BILL 1735

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Van de Putte

Senate Bill 1735 amends the Family Code to provide for the appointment of full-time or part-time associate judges to hear substitute care and child protective services cases in courts within an administrative judicial region that have family law jurisdiction and a substitute care caseload. The act also makes a number of clarifying and conforming amendments to sections relating to associate judges and child support masters.

SENATE BILL 1741

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: P. King

Senate Bill 1741 amends the Family Code to authorize the Texas Supreme Court by rule or order to remove certain restrictions imposed on a minor if the court finds that is in the best interest of the petitioner.

SENATE BILL 1816

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goodman

Senate Bill 1816 amends the Family Code to increase from 5 years to 10 years the maximum community supervision period for the violation of an order affecting the parent-child relationship.

GOVERNMENT—CITY

HOUSE BILL 247**EFFECTIVE:** Vetoed

House Bill 247 amends the Local Government Code to authorize a municipality to use volunteers from a neighborhood association to help enforce certain municipal health and safety ordinances in the association's neighborhood. The municipality is required to establish a training program for the volunteers and to place restrictions on the authority of the volunteers.

HOUSE AUTHOR: Puente**SENATE SPONSOR:** Wentworth**HOUSE BILL 485****EFFECTIVE:** 6-19-99

House Bill 485 amends the Local Government Code to validate municipal acts or proceedings if three years have passed since the effective date of the act or proceeding and there has not been litigation filed to annul or invalidate the act or proceeding within those three years. The act does not apply to an act or proceeding that was void, was a misdemeanor or felony, was an actual or attempted incorporation or annexation of a territory by a municipality within the city limits or extraterritorial jurisdiction of another city without that city's consent, was an ordinance that was preempted by state or federal statute, or is a matter that is in litigation when this act is passed and is ultimately held invalid by a court.

HOUSE AUTHOR: Hill et al.**SENATE SPONSOR:** Madla**HOUSE BILL 516****EFFECTIVE:** 5-29-99

House Bill 516 amends the Transportation Code to authorize a municipality with a population greater than 30,000 to enforce an administrative order finding that a person has a parking or stopping violation by impounding or placing a boot on the person's vehicle, imposing additional fines, or denying parking permits. Current law applies only to municipalities with a population of 500,000 or more or to those with a population greater than 125,000 if they operate under a council-manager form of government.

HOUSE AUTHOR: Gray**SENATE SPONSOR:** Jackson**HOUSE BILL 963****EFFECTIVE:** 9-1-99

House Bill 963 amends the Local Government Code to authorize the governing body of a home-rule municipality with a population of 185,000 or more to regulate the filling of a playa lake within the municipality's extraterritorial jurisdiction for certain purposes.

HOUSE AUTHOR: D. Jones**SENATE SPONSOR:** Duncan**HOUSE BILL 1100****EFFECTIVE:** 6-19-99

House Bill 1100 amends the Transportation Code to allow all home-rule municipalities to contract for the enforcement of warrants and delinquent traffic violations by deleting the population requirement.

HOUSE AUTHOR: Tillery**SENATE SPONSOR:** Carona

HOUSE BILL 1110

EFFECTIVE: 9-1-99

House Bill 1110 amends the Health and Safety Code to authorize local governments to take action to clean up property within seven days of sending a notice of violation to a property owner rather than 10 days. The act also reduces the publication requirement from twice within 10 days to a one-time publication.

HOUSE AUTHOR: Smith

SENATE SPONSOR: R. Ellis

HOUSE BILL 1149

EFFECTIVE: 5-21-99

House Bill 1149 amends the Local Government Code to increase the number of consecutive terms that a tenant representative may serve as a commissioner of a local housing authority.

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Jackson

HOUSE BILL 1345

EFFECTIVE: 5-10-99

House Bill 1345 adds a new section to the Local Government Code limiting regulation of amateur radio antennas by cities and counties. House Bill 1345 prohibits a city or county from adopting any ordinance or order that does not comply with certain Federal Communications Commission rulings and federal regulations regarding amateur radio service. The act also requires that any city or county regulation regarding screening, placement, or height of antennas enacted for health, safety, or aesthetic reasons be implemented in a way that accommodates amateur radio communications. The act does not prohibit a municipality or county from taking action to protect or preserve a historic, historical, or architectural district established under state or federal law.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Jackson

HOUSE BILL 1362

EFFECTIVE: 9-1-99

House Bill 1362 amends the Water Code to provide methods for appointing appraisers to calculate the amount of compensation owed to a retail public utility as a result of land in the utility's service area being lost to municipal incorporation, or voluntary or involuntary annexation. The act sets forth procedures and time lines for appointing an independent appraiser, lists requirements that the independent appraiser must meet, and contains provisions for appointing additional independent appraisers in situations where the municipality and the utility cannot agree on either an independent appraiser or the compensation amount determined by an appraiser.

HOUSE AUTHOR: Clark

SENATE SPONSOR: Ogden

HOUSE BILL 1380

EFFECTIVE: 6-19-99

House Bill 1380 amends the Local Government Code to expand the definition of "venue" to include a municipal parks and recreation system or improvements or additions to a parks and recreation system or facility. The act permits local voters to decide whether to authorize taxes and fees to be imposed in order to operate and improve a city's parks and recreation system. The act requires that the name and location of parks or facility improvement projects be identified if the venue project does not include all parks and recreation facilities in the municipality. The act prohibits the collection of short term motor vehicle rental taxes and hotel occupancy taxes for the purpose of financing a venue project that is part of the municipal parks and recreation system.

HOUSE AUTHOR: Allen

SENATE SPONSOR: R. West

HOUSE BILL 1413**EFFECTIVE:** 8-30-99

House Bill 1413 amends the Tax Code to authorize a municipality to sell any land acquired by the municipality, rather than only land acquired following the foreclosure of a tax lien, to a nonprofit organization that develops housing for low income individuals.

HOUSE AUTHOR: Ehrhardt et al.**SENATE SPONSOR:** Carona**HOUSE BILL 1575****EFFECTIVE:** 6-19-99

House Bill 1575 amends the Transportation Code to allow a municipality to adopt an ordinance relating to double parking in the municipality's central business district. The act provides that the ordinance would take precedence over any other laws governing double parking.

HOUSE AUTHOR: Maxey**SENATE SPONSOR:** Barrientos**HOUSE BILL 1982****EFFECTIVE:** 9-1-99

House Bill 1982 amends the Local Government Code to clarify that a colonia that is annexed by a municipality remains eligible for five years after the date of annexation for the same types of assistance it would have received prior to annexation. This provision applies to a geographic area that either fits the definition of a "colonia" in accordance with certain provisions of the Government Code or that has the same physical and economic characteristics of a colonia, as determined by the Texas Department of Housing and Community Affairs.

HOUSE AUTHOR: Hill et al.**SENATE SPONSOR:** Truan**HOUSE BILL 2235****EFFECTIVE:** 9-1-99

House Bill 2235 repeals a section of the Government Code to eliminate the requirement that a municipality with a population under 50,000 submit any installment sale or lease-purchase obligation transaction with a principal amount of \$1 million or more for approval by the attorney general's office.

HOUSE AUTHOR: Truitt et al.**SENATE SPONSOR:** Nelson**HOUSE BILL 2374****EFFECTIVE:** 9-1-99

House Bill 2374 amends the Local Government Code to authorize a municipality to require owners, lienholders, or mortgagees of certain buildings that exceed \$100,000 in total value to post a cash or surety bond or a letter of credit, within 30 days, to cover the cost of repairing, removing, or demolishing the building.

HOUSE AUTHOR: Burnam**SENATE SPONSOR:** Moncrief**HOUSE BILL 3809****EFFECTIVE:** 8-30-99

House Bill 3809 adds provisions to the Local Government Code placing limitations on the extraterritorial jurisdiction (ETJ) of certain municipalities. The act applies only to an area that is located in the ETJ of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less, that is located outside the county in which a majority of the land area of the municipality is located, and that is separated from the municipality's corporate boundaries by a navigable stream.

HOUSE AUTHOR: R. Lewis**SENATE SPONSOR:** Bernsen

The act requires a municipality that includes such an area in its ETJ as of August 31, 1999, to either adopt an ordinance removing the area from its ETJ or to transfer the area to the ETJ of a municipality located in the county in which the area is located. If the municipality fails to either remove or transfer the area by January 1, 2000, the area is automatically removed from the ETJ as of that date.

SENATE BILL 89

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Bosse et al.

Senate Bill 89 amends provisions of the Local Government Code relating to municipal annexation. The act sets forth requirements and time frames for municipal annexation plans, revises requirements for provision of services to annexed areas, establishes negotiation and arbitration procedures, and makes additional changes regarding strategic partnership agreements and continuation of land use in annexed areas. The act contains two separate sets of annexation and service requirements depending on whether an annexation is or is not subject to a municipal annexation plan.

Senate Bill 89 requires municipalities wishing to annex an area containing a municipal utility district, water control and improvement district, or other special district to formulate a municipal annexation plan three years in advance. The municipality is allowed to annex an area contained in its initial annexation plan three years after the plan is adopted and may annex an area included as an amendment to the original plan three years from the date of amendment. The act prohibits a special district from taking certain actions without the municipality's consent after being notified of annexation, including lowering tax rates, divesting assets, and entering into certain contracts.

The act provides that annexation must be completed before the 31st day after the third anniversary of the date the area was included in the plan, and if the municipality fails to meet this deadline, it is prohibited from annexing the area for five years from the last date eligible for completion. The municipality must have a complete service plan formulated by the first day of the 10th month after an inventory of services is completed. The plan must include provisions for full services to be in place by 2½ years after the effective date of the annexation; however, the municipality may propose to extend the period up to 4½ years after the effective date. The act also changes requirements regarding the level of services that must be achieved or maintained in the annexed area. In addition, Senate Bill 89 requires a municipality that maintains a website to post information regarding its municipal annexation plan, any amendments to the plan, and notice of public annexation hearings on the website.

Senate Bill 89 restricts a municipality's taxing authority in strategic partnership agreements, places restrictions on strip annexations and annexations in which the municipality is annexing property it already owns and allows a municipality with a population of less than 1.6 million to enter into a contract for services in lieu of annexation.

Senate Bill 89 prohibits a municipality from changing land use under certain conditions and establishes that if an area is disannexed due to the municipality's failure to provide services, the municipality may not reannex the area for 10 years. If an area is disannexed for any reason, the municipality must refund certain taxes and fees to area landowners. In addition, a seller of property must notify the buyer that the property is currently or could be subject in the future to municipal annexation. Finally, the act requires a municipality to apply for preclearance from the U.S. Department of Justice under Section 5 of the Voting Rights Act of 1965 for a

proposed annexation plan by the 90th day before the effective date of annexation and prohibits a municipality from preventing a qualified voter from voting in a municipal election if the municipality has obtained preclearance.

SENATE BILL 212**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Duncan**HOUSE SPONSOR:** Siebert

Senate Bill 212 amends the Local Government Code to require a municipality with a population of less than 1.5 million to hold an examination for beginning police positions at one or more locations in the municipality and allow examinations to be held at additional locations outside of the municipality as long as they are administered on the same day and at the same time.

SENATE BILL 221**EFFECTIVE:** 5-17-99**SENATE AUTHOR:** Lindsay**HOUSE SPONSOR:** Farrar

Senate Bill 221 amends the Health and Safety Code to provide that an owner of a dangerous dog is required to pay any cost or fee assessed by a municipality or county related to the acceptance of the dog, in addition to being responsible for fees assessed for the seizure, impoundment, or destruction of the dog. The act provides that a court, in determining that the dog is dangerous, may order the animal control authority to continue to impound the dog in secure and humane conditions until the court orders the disposition of the dog and the dog is returned to its owner or destroyed. Senate Bill 221 allows the governing body of the municipality or county to set the amount of the fees.

SENATE BILL 1073**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Gallegos**HOUSE SPONSOR:** Noriega

Senate Bill 1073 adds provisions to the Local Government Code relating to the construction or operation of a shelter for homeless individuals proposed to be located in a municipality with a population of 1.6 million or more. The act prohibits construction of a shelter within 1,000 feet of another homeless shelter or a primary or secondary school and requires the person who intends to construct or operate the shelter to comply with certain notice and posting requirements. The act also provides that municipal consent to the construction or operation of the shelter is granted unless the governing body of the municipality, before the 61st day after receiving notice of the proposed shelter, passes a resolution finding that the shelter at the proposed location is not in the best interest of the municipality.

SENATE BILL 1154**EFFECTIVE:** 5-29-99**SENATE AUTHOR:** Bernsen**HOUSE SPONSOR:** Williams

Senate Bill 1154 amends the Local Government Code to authorize a conservation and reclamation district located entirely within the boundaries of a planned community and entirely within the jurisdiction of a municipality with a population of 1.6 million or more to enter into a regional development agreement with the municipality. The act provides that the regional development agreement may include terms for provision of municipal services in lieu of annexation and requires the agreement to be in writing, approved by both the municipality and the district, and recorded in the property records of any county in which any part of the district is located. Senate Bill 1154 sets forth certain other conditions for such regional agreements, prohibits the municipality from annexing an area covered by an agreement, and validates certain regional development agreements entered into before the effective date of the act.

Government—City

SENATE BILL 1257
EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Truitt

Senate Bill 1257 amends the Local Government Code to decrease the minimum population requirement that a municipality must meet in order to contract with a developer of a subdivision or land in the municipality to construct public improvements without complying with the sealed bidding procedure.

SENATE BILL 1443
EFFECTIVE: 6-18-99

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: Dukes

Senate Bill 1443 amends provisions of the Local Government Code to establish that certain municipal zoning requirements concerning open space, building height, or required unoccupied lot space apply to a privately owned building or other structure and privately owned land, when leased to a state agency.

GOVERNMENT—COUNTY

HOUSE BILL 108**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Alvarado**SENATE SPONSOR:** Madla

House Bill 108 amends the Local Government Code to require a county with a population of more than 1,185,000, rather than 1.4 million, to provide liability insurance at the county's expense for its sheriff, constables, and full-time deputies who use either county or privately owned vehicles to perform county business or law enforcement duties. The act authorizes the county commissioners court to adopt rules prohibiting or regulating the use of a privately owned vehicle for county business or law enforcement duties.

HOUSE BILL 614**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** George**SENATE SPONSOR:** Carona

House Bill 614 amends the Local Government Code to allow a county commissioners court to accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county for the purpose of performing a function conferred by law on the county or a county officer.

HOUSE BILL 649**EFFECTIVE:** 5-17-99**HOUSE AUTHOR:** Flores**SENATE SPONSOR:** Truan

House Bill 649 amends the Local Government Code to authorize a county commissioners court to direct the county clerk to waive fees for filing real property records for persons of low or moderate income who are buying or improving their home with federal or state grants or aid programs that promote home ownership or home improvement. The commissioners court is required to specify the grant and aid programs that qualify a person for a fee waiver.

HOUSE BILL 780**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Thompson**SENATE SPONSOR:** R. Ellis

House Bill 780 amends the law relating to the licensing and regulation of bail bondsmen to permit a presiding municipal judge who serves on the County Bail Bond Board to designate a municipal judge to serve in the presiding judge's absence.

HOUSE BILL 822**EFFECTIVE:** 5-24-99**HOUSE AUTHOR:** Maxey et al.**SENATE SPONSOR:** Cain

House Bill 822 creates a task force on federal reimbursements to counties to study the changes needed to increase federal reimbursements to county governments, identify ways to increase the reimbursement the federal government pays for the indirect costs that counties incur in administering aid programs, and identify methods of training employees on ways to increase federal reimbursements.

HOUSE BILL 960**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Counts et al.**SENATE SPONSOR:** Duncan

House Bill 960 amends the Local Government Code to authorize the Garza County Commissioners Court to zone land in the Sam Wahl Recreation Area adjacent to Lake Alan Henry for commercial or residential development. The act also allows a municipality owning property in the Sam Wahl Recreation Area to develop, dispose of, or change the use of the property.

HOUSE BILL 1138

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

Provisions of the Local Government Code allow a county to operate branch offices of the county clerk for the purpose of issuing marriage licenses. Previous law required that original records made at the branch office during the previous year be filed with the county clerk's office at the county seat on a regular basis.

House Bill 1138 expands the services that can be offered in a branch office to include any business as determined by the county clerk, and requires that instruments or documents filed in a branch office be recorded by electronic means and made available without delay to the public in the county clerk's office at the county seat. The act requires all original records made at the branch office to be filed at the county seat no later than the start of the next business day.

HOUSE BILL 1159

EFFECTIVE: 9-1-99

HOUSE AUTHOR: D. Ellis et al.

SENATE SPONSOR: Cain

House Bill 1159 amends provisions of the Health and Safety Code relating to public nuisances in unincorporated areas of a county. The act removes the minimum population bracket and makes public nuisance provisions applicable to all counties. The act expands the list of actions constituting a public nuisance to include discarding refuse on county-owned land and certain other land and easements. House Bill 1159 also clarifies that public nuisance provisions do not apply to agricultural land, land permitted and regulated by a state agency, or land licensed and permitted under the Solid Waste Disposal Act.

In addition, the act establishes provisions authorizing a county commissioners court to describe special exceptions to public nuisance provisions, to apply those descriptions to individual cases, and to authorize individual variances for similar situations not directly described by special exception provisions. The commissioners court is required to keep an official record and explanation of decisions made on special exceptions and variances.

HOUSE BILL 1168

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1168 amends the Local Government Code to provide that a county commissioners court in a county with a population of 2.8 million or more may authorize the issuance of identification cards to persons to permit them to enter a county building that houses a justice court, county court, county court at law, or a district court without passing through certain security devices. The commissioners court may charge a fee for identification cards issued to persons who are not county employees and is required to adopt standards for issuing the cards to ensure public safety and security. The act provides a penalty for a person who possesses a firearm in any court without the court's written authorization or without complying with any written regulation of the court.

HOUSE BILL 1189

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

House Bill 1189 amends the Local Government Code to establish certain guidelines for a petition for the creation of a civic center authority located in a county with a population under 15,000.

HOUSE BILL 1219

EFFECTIVE: 8-30-99

House Bill 1219 amends the Local Government Code to provide that the accounting system adopted by the county auditor for a county with a population of 190,000 or more cannot be inconsistent with the generally accepted accounting principles established by the Governmental Accounting Standards Board.

HOUSE AUTHOR: Keel

SENATE SPONSOR: Wentworth

HOUSE BILL 1506

EFFECTIVE: 5-28-99

House Bill 1506 amends the Local Government Code to allow a county commissioners court to periodically sell the county's surplus or salvage property without competitive bidding or an auction to a political subdivision within the county that is selling the surplus or salvage property, as well as to other counties.

HOUSE AUTHOR: McCall

SENATE SPONSOR: Shapiro

HOUSE BILL 1588

EFFECTIVE: 9-1-99

House Bill 1588 amends the Health and Safety Code to require a county judge to forward to each appraisal district and emergency communication district in the county the weekly list of addresses at which a utility company has established new electric service connections.

HOUSE AUTHOR: Hope

SENATE SPONSOR: D. Nixon

HOUSE BILL 1797

EFFECTIVE: 6-19-99

House Bill 1797 amends the Health and Safety Code to authorize a county mental health facility to transfer a person admitted for emergency detention to an appropriate hospital.

HOUSE AUTHOR: Tillery

SENATE SPONSOR: Carona

HOUSE BILL 1933

EFFECTIVE: 6-19-99

House Bill 1933 amends the Local Government Code to authorize a county clerk to collect a fee of not more than \$2 for conducting a mental health background check of a person who applies for a license to carry a concealed handgun. The check must be done at the request of the Texas Department of Public Safety, and the license applicant shall pay the fee.

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: Shapiro

HOUSE BILL 2034

EFFECTIVE: 6-19-99

Under previous law, counties with a population of more than 500,000 may give notice of a proposed traffic regulation by posting a conspicuous sign in any location to be affected by the regulation, in lieu of publishing notice in the newspaper. House Bill 2034 amends the Transportation Code to make this provision applicable to counties with a population of more than 200,000.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Jackson

HOUSE BILL 2110

EFFECTIVE: 9-1-99

House Bill 2110 amends the Local Government Code to authorize a county commissioners court to obtain insurance or similar coverage from certain sources for county officers or employees insuring them from liability for losses resulting from the performance of official duties, including losses resulting from errors or omissions of the officer or employee or from crime, dishonesty, or theft. The insurance policy may be a blanket insurance policy that covers some or all of the county's officers or employees. The county commissioners court may

HOUSE AUTHOR: Bonnen et al.

SENATE SPONSOR: Jackson

Government—County

self-insure for part or all of any deductible required under a blanket insurance policy. The act specifies that a blanket insurance policy authorized under its provisions may be used to satisfy any requirement for insurance required of a county officer by any law.

HOUSE BILL 2200

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Bivins

House Bill 2200 amends the Government Code to entitle a county to obtain criminal history record information on an applicant for county employment from the Texas Department of Public Safety.

HOUSE BILL 2265

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hamric

SENATE SPONSOR: J. E. Brown

House Bill 2265 makes changes to the Harris County Road Law to modernize the language and specifically authorize a civil penalty of not more than \$200 or an injunction for a violation of that law.

HOUSE BILL 2301

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Farabee

SENATE SPONSOR: Moncrief

House Bill 2301 amends the Health and Safety Code to authorize a county commissioners court to adopt rules that provide for the disposition of the body of a deceased pauper by the county. The act requires the commissioners court to consider any information, including the religious affiliation of the pauper, provided by certain family members in determining the final disposition of the body, and deletes a provision that prohibits the interment or cremation of a pauper if objected to by a relative or friend of the pauper.

HOUSE BILL 2469

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Ramsay

SENATE SPONSOR: Shapiro

House Bill 2469 amends provisions of the Local Government Code relating to the square feet space requirements and the basic amenities for jail cells, housing areas, and day rooms in a county jail facility.

HOUSE BILL 2536

EFFECTIVE: Vetoed

HOUSE AUTHOR: Y. Davis

SENATE SPONSOR: R. West

House Bill 2536 amends the Local Government Code to require the Commissioners Court of Dallas County to set the annual salary of the county judge at an amount that is not less than \$1,000 more than the total annual salary received by a county criminal court at law judge in the county.

HOUSE BILL 2603

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Nelson

House Bill 2603 amends the Local Government Code to increase from 200,000 to 600,000 the maximum population of a county authorized to appropriate money from the county's general fund to a historical foundation or organization in the county.

HOUSE BILL 2620**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Ramsay**SENATE SPONSOR:** Armbrister

House Bill 2620 amends the Local Government Code to authorize a county commissioners court to prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in the unincorporated part of the county if drought conditions have been determined to exist and if the court finds that a public safety hazard would be exacerbated by outdoor burning. Upon request by the court, the Texas Forest Service is required to determine whether drought conditions exist using certain measurement index guidelines. The provisions of the act do not apply to outdoor burning activities related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for firefighter training, for public utility, natural gas pipeline, or mining operations, or for the harvesting of agricultural crops. The act entitles a person to injunctive relief to prevent a violation and makes violation of the act a Class C misdemeanor.

HOUSE BILL 2626**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Palmer**SENATE SPONSOR:** Harris

House Bill 2626 amends the Local Government Code to establish that provisions regarding construction and renovation work on county-owned buildings and facilities within the limits of a municipality apply to counties with a population of 250,000 or more.

HOUSE BILL 2662**EFFECTIVE:** 5-29-99**HOUSE AUTHOR:** Ramsay**SENATE SPONSOR:** Madla

House Bill 2662 amends the Local Government Code to include, as additional functions required to be carried out by purchasing agents in counties of more than 100,000, the functions prescribed by the code for purchasing agents in general.

HOUSE BILL 2663**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Ramsay**SENATE SPONSOR:** Moncrief

House Bill 2663 amends the Local Government Code to authorize a county commissioners court to make payment for expenses for continuing education incurred by a county or precinct officer if the expenses are related to the officer's official duties, including expenses incurred by the officer after being elected to office and prior to beginning the term of office.

HOUSE BILL 2725**EFFECTIVE:** Vetoed**HOUSE AUTHOR:** Pickett et al.**SENATE SPONSOR:** Lucio

House Bill 2725 amends the Code of Criminal Procedure to authorize a county to contract with a public or private vendor for collection services. The act authorizes a commissioners court that enters into a collection contract with a private attorney to add attorney's fees of 28 percent on past due debts or accounts referred to the attorney for collection. The act provides that an indigent defendant is not liable for the attorney's fees.

HOUSE BILL 2846**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Brimer**SENATE SPONSOR:** Harris

House Bill 2846 amends the Local Government Code to require a county sheriff, in a county containing two or more municipalities each with a population of 250,000 or more, to provide to the county commissioners court each contract that the sheriff makes that relates to the operation of a county jail commissary within 10 days after the date the contract is made.

HOUSE BILL 3114

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Uresti

SENATE SPONSOR: Madla

House Bill 3114 amends the Local Government Code to authorize a county commissioners court to adopt procedures that permit former prisoners of war or recipients of the Purple Heart or a Congressional Medal of Honor to park free of charge in any county parking facility.

HOUSE BILL 3185

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gray

SENATE SPONSOR: Jackson

Previous law provided that a county commissioners court may use county road and construction equipment and employees to operate the equipment to assist another governmental entity on a project if the cost does not exceed \$3,000 and the use does not interfere with the county's work schedule. House Bill 3185 amends the Transportation Code to increase the allowable cost to \$15,000.

HOUSE BILL 3191

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Moreno

SENATE SPONSOR: R. Ellis

House Bill 3191 amends the Local Government Code to authorize the board of parks commissioners in a county with a population of 2.8 million or more to adopt, with approval from the county commissioners court, reasonable rules concerning the use of any park in the board's jurisdiction. The act creates a Class C misdemeanor for violations of a rule approved by the county commissioners court.

HOUSE BILL 3211

EFFECTIVE: See below

HOUSE AUTHOR: McCall

SENATE SPONSOR: Duncan

House Bill 3211 is divided into four articles, the first two of which amend various laws on matters of fiscal and tax administration, respectively. The act modifies the formula dollar allocations for specified institutions of higher education and requires that tax incidence and tax provision analyses by the comptroller or Legislative Budget Board evaluate tax effects on total income by income group. It elaborates on sales and use tax exemptions as they apply to electricity and gas, manufacturing and industrial equipment and processes, and the production of motion pictures or videos or audio recordings and broadcasts. Other key provisions relate to court salaries and fees, permanent university fund investments and distributions, tax-free sales and auctions, the tax exemption qualification of charity hospitals, city recordkeeping on municipal hotel occupancy tax revenue and expenditures, tax reporting on assorted tobacco products, retention of sulphur production and oil well service records, and controls on warrant issuance to those who owe the state money.

The third article makes appropriations for the FY2000-FY2001 biennium to the Texas Department of Human Services: \$24 million to pay for increases in reimbursement rates for nursing homes under the medical assistance board and \$13.2 million to pay for increases in the personal needs allowance of those who receive medical assistance and are residents of nursing homes or other itemized facilities or institutions. The article also addresses enactments of the 76th Legislature that contain provisions making their effectiveness contingent on appropriations. It clarifies which measures do and do not take effect, listing House Bill 1933, Senate Bill 313, Senate Bill 840, and Senate Bill 1650 as ineffective. The last article concerns implementation of the act and establishes different effective dates for its various provisions.

HOUSE JOINT RESOLUTION 71
FOR ELECTION: 11-2-99

HOUSE AUTHOR: Homer et al.
SENATE SPONSOR: Ratliff

House Joint Resolution 71 proposes a constitutional amendment to allow a county with a population of 18,000 or more but less than 50,000 to be divided into not less than two and not more than eight justice of the peace and constable precincts. The current constitutional requirement is that counties of 30,000 or more must be divided into not less than four or more than eight precincts and counties between 18,000 and 30,000 be divided into between two and five. The resolution also proposes that Randall County be divided into not less than two and not more than six precincts and that any county divided into four or more precincts on November 2, 1999, shall continue to be divided into not less than four precincts.

SENATE BILL 141
EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief
HOUSE SPONSOR: G. Lewis

Senate Bill 141 amends the Local Government Code to authorize certain county commissioners courts to lease real property owned or controlled by the county to a for-profit entity to conduct health and human service activities without using the sealed-bid or sealed-proposal process, or any other competitive bidding process.

SENATE BILL 142
EFFECTIVE: 5-20-99

SENATE AUTHOR: J. E. Brown
HOUSE SPONSOR: Bosse

Senate Bill 142 amends the Flood Control and Insurance Act to provide a county that has a population of 2.8 million or more, or that has a population of 270,000 or more and is adjacent to two or more counties each of which has a population of 1 million or more, the power to enforce county flood plain regulations through the assessment of civil penalties and injunctive relief.

SENATE BILL 144
EFFECTIVE: 5-3-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: E. Reyna

Senate Bill 144 amends the Health and Safety Code to permit a county judge to designate a county officer or employee to which an electric utility company may submit a list of new utility connections in the unincorporated area of a county.

SENATE BILL 338
EFFECTIVE: 6-18-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Siebert

Under previous law, a county commissioners court in a county with a population of more than 225,000 or in a county with a population of more than 125,000 that chooses an alternate method of budget preparation was required to hold a hearing on a proposed budget within seven calendar days after the date the proposed budget is filed but before the last day of the first month of the fiscal year. Senate Bill 338 amends the Local Government Code to require the hearing to be held within 10 calendar days after the proposed budget is filed.

SENATE BILL 339
EFFECTIVE: 6-18-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Uresti

Senate Bill 339 amends the Texas Mass Gathering Act to require the county fire marshal or another person designated by the commissioners court to investigate preparations for a mass gathering and to submit a report to the county judge stating whether the preparations meet minimum standards for ensuring safety and order. The act also authorizes the county health

authority, the county fire marshal, and the sheriff to inspect the mass gathering while it is in progress and authorizes a commissioners court to establish and collect a fee for such inspections. Finally, Senate Bill 339 reduces the amount of time a gathering must last to qualify as a “mass gathering” under the Act from 12 to 5 continuous hours.

SENATE BILL 395

EFFECTIVE: 4-22-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: J. Jones

Senate Bill 395 amends the Local Government Code to exclude a person employed under a county civil service system from the requirement that, in a county with a population of 500,000 or more, employment be by written contract.

SENATE BILL 507

EFFECTIVE: 6-18-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: G. West

Senate Bill 507 amends the Local Government Code to decrease the population requirement from 100,000 or more to 75,000 or more for a municipality that must use the competitive sealed proposal procedure for the purchase of insurance.

SENATE BILL 709

EFFECTIVE: 6-19-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Keffer

Senate Bill 709 adds provisions to the Local Government Code authorizing the Commissioners Court of Hood County to regulate development in unincorporated areas of the county located in the watershed of Lake Granbury and the Brazos River. The act lists the types of development regulations that the county may adopt, establishes procedures for the adoption and the setting of boundaries for districts within the area, and authorizes the commissioners court to appoint a development committee to assist in implementation and enforcement of regulations.

Senate Bill 709 requires development regulations to be consistent with comprehensive growth and development plans of both the county and any municipalities located in the county, sets forth penalties for violating development regulations, and provides certain procedures for granting special exceptions to regulations.

SENATE BILL 710

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth et al.

HOUSE SPONSOR: B. Turner et al.

Senate Bill 710 amends the Local Government Code to require a plat to be filed with the county commissioners court if an owner divides land outside the limits of a municipality for certain purposes. The act establishes certain exceptions to the platting requirement, requires the county commissioners court to issue a written list of materials to be submitted with a plat application, and creates a time frame for decisions on applications. If a decision is not reached within the time frame, the application is automatically granted, certain application fees must be refunded to the applicant, and the county commissioners court may be forced to issue documents recognizing the plat’s approval.

In addition, if a plat application is denied, a complete list of the reasons for denial must be given to the applicant. The time frame applies only to plat applications for land wholly within the county and the deadline may be extended at the request of the applicant or to allow for a takings impact assessment, if required.

Senate Bill 710 also authorizes counties to adopt certain drainage and runoff specifications and to deny the cancellation of a subdivision under certain circumstances. The act requires that funding for drainage infrastructure be included in any bonds the county requires of landowners, and clarifies that a county is not required to give notice of a plat revision that only combines existing tracts of land.

The act authorizes a commissioners court to impose a fee for certification regarding compliance with plat requirements for a subdivision that is located partially in and partially outside of the extraterritorial jurisdiction (ETJ) of a municipality. The fee may not exceed the fee charged by the municipality for a similar certificate for a subdivision located wholly within the municipality's ETJ. Finally, provisions regarding the time frame for approval of plat applications apply only to an application submitted on or after October 1, 1999.

SENATE BILL 712

EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: McClendon

Senate Bill 712 amends provisions of the Local Government Code relating to county regulation of manufactured home rental communities. The act authorizes a county commissioners court to adopt certain minimum infrastructure standards for such communities located in unincorporated areas of the county. The commissioners court must follow certain public notice and hearing requirements before adopting the standards, and the standards must be reasonable requirements that address only certain issues.

Senate Bill 712 provides that if a county adopts minimum infrastructure standards, then a landowner who intends to use land in an unincorporated area for a manufactured home rental community must prepare an infrastructure development plan that complies with the standards. The act requires the county engineer or other individual designated by the commissioners court to either approve or reject the plan and creates a time frame for decisions on submitted plans. Construction may not begin until the plan is approved, and if a plan is rejected, a complete list of the reasons for rejection must be given to the applicant.

The act also provides for inspection of the community after construction, and requires the commissioners court to issue certificates of compliance for communities constructed in compliance with the infrastructure development plan. Finally, the act prohibits certain municipal, public, and nonprofit utilities from providing water, sewer, gas, and electric services to a manufactured home community or individual home within the community unless the owner provides a copy of the certificate of compliance issued by the county.

SENATE BILL 778

EFFECTIVE: 8-30-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Ramsay

Previous law required a county treasurer to execute a bond before being sworn in and within 20 days after the date the certificate of election is received. Senate Bill 778 amends the Local Government Code to remove the provision requiring that a bond be executed within 20 days after the date the certificate of election is received.

SENATE BILL 821

EFFECTIVE: 5-24-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Olivo

Senate Bill 821 amends the Local Government Code to authorize a county to acquire, own, operate, or contract for the operation of a water or sewer utility system to serve an unincorporated area of the county. It authorizes a county to issue bonds payable solely from the revenue generated by the water or sewer utility system. Senate Bill 821 provides that the county is not

authorized to issue general obligation bonds that are payable from ad valorem taxes to finance the water or sewer utility system. The act authorizes a county to acquire interest in property necessary to operate the system through any means, including eminent domain, but prohibits the use of eminent domain to acquire property in a municipality. Senate Bill 821 authorizes the use of eminent domain by a county with a population of 2.8 million or more and any adjoining county to acquire property within a municipality, with the municipality's approval, and also authorizes such counties to serve an area within a municipality, also with the municipality's approval.

SENATE BILL 888

EFFECTIVE: 5-10-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Ramsay

Senate Bill 888 adds new provisions to the Local Government Code authorizing a county clerk to accept instruments by electronic filing and to record the instruments electronically and authorizing certain persons to file documents electronically for recording with a county clerk that accepts electronic filing and recording. The Texas State Library and Archives Commission is required to adopt rules for instruments that can be filed, the means by which instruments may be transmitted and recorded, and security standards to prevent the filing of fraudulent instruments or the alteration of instruments already filed.

The act sets forth provisions for notice of confirmation or rejection of instruments that are filed electronically, the time at which instruments are considered filed or recorded, and public access to those instruments and records, and it prohibits additional fees for electronic filings.

Senate Bill 888 creates the Electronic Recording Advisory Committee to recommend rules to the Texas State Library and Archives Commission regarding the electronic filing of records with a county clerk. The advisory committee is required to make written recommendations on statutory changes necessary to allow for digital signatures on real estate transactions and the electronic filing and recording of instruments executed by digital signature and to send the recommendations to the legislature and the commission. The act also designates the membership of the advisory committee and sets time limits for certain actions.

SENATE BILL 939

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Goolsby

Senate Bill 939 amends the Local Government Code to authorize a county commissioners court to restrict or prohibit not only the use of fireworks, but also the sale of fireworks, during drought conditions. Amendments to the Insurance Code instruct the insurance commissioner to establish a fireworks safety and education program administered by the advisory council on fireworks. The act provides for funding of the program through new fees applicable to fireworks retailers, jobbers, distributors, and manufacturers. The fee for retail permit holders is \$10. The fee for the other permit holders is \$250.

SENATE BILL 1421

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio et al.

HOUSE SPONSOR: Cuellar et al.

Senate Bill 1421 amends provisions of the Local Government Code relating to subdivision platting requirements and utility connections in certain counties. The act adds a new subchapter to authorize the county commissioners court of certain counties to create a planning commission vested with certain oversight authority regarding land use, health and safety, planning, and development. Senate Bill 1421 requires a county planning commission to comply with certain composition and functional guidelines, sets time frames for issuing decisions on plat applications, and authorizes the commissioners court to impose a fee on subdividers to fund inspections to ensure compliance with subdivision requirements.

The act also amends subdivision platting requirements for economically distressed counties to authorize a commissioners court to grant a delay or variance from certain platting requirements under certain circumstances and in accordance with certain notification provisions. Senate Bill 1421 expands the list of instances in which certain public and private entities may serve or connect land in economically distressed areas with water, sewer, electricity, gas, or other utility services.

The act amends provisions of the Water Code to require the Texas Natural Resource Conservation Commission (TNRCC) to comply with certain guidelines when choosing between two or more public utilities who seek to provide water supply or wastewater services in an economically distressed area. Senate Bill 1421 requires the Texas Water Development Board (TWDB) to promulgate rules regarding the selection of engineering services by a political subdivision and authorizes TWDB to terminate a contract if a political subdivision that has received project funds from TWDB does not provide service that is either satisfactory or provided in a timely manner. The act makes certain changes regarding the approval and denial of applications for assistance from the TWDB and makes the Texas Department of Health (TDH) responsible for determining the level of nuisance or danger due to water supply and sanitation problems in economically distressed areas.

Senate Bill 1421 places restrictions on the use of revenue by a political subdivision for water supply or wastewater services constructed with TWDB funds and creates civil penalties for violations of provisions governing water development and subdivision requirements in economically distressed areas. It expands the authority of the attorney general to enforce rules, obtain relief, and recover damages and certain fees, and places venue restrictions on actions brought to enforce certain provisions governing subdivision and utility service activities in economically distressed areas. The act amends the Government Code to allow the governor to designate an agency as the state's colonias initiative coordinator, gives the coordinator certain powers, and requires TNRCC, TDH, TWDB, the attorney general's office, and the Texas Department of Housing and Community Affairs to each appoint a high ranking official as liaison to work with the coordinating agency.

Finally, Senate Bill 1421 authorizes the TNRCC to conduct certain grant programs with state or federal funds, including federal pass-through grant programs, programs for pollution prevention, energy or resource conservation, or waste management, programs for national estuaries, and certain programs regarding air pollution and air quality. The act establishes requirements for grant applications, selection of grant recipients, and funding.

SENATE BILL 1511
EFFECTIVE: 6-19-99

SENATE AUTHOR: Ogden
HOUSE SPONSOR: Williams

Senate Bill 1511 amends the Local Government Code to authorize a county commissioners court in certain counties to call an election in any portion of the county not included in an authority to create a county assistance district for the purpose of constructing and maintaining roads and highways, providing law enforcement and detention services, maintaining and improving libraries, museums, parks, or other recreational facilities, or providing services that benefit the public health or welfare. The commissioners court is authorized to impose a sales and use tax, on approval by voters in the district, to finance the operation of the district. This act applies only to a county with a population of less than 45,000 in which a rapid transit or regional transit authority is located.

SENATE BILL 1669

EFFECTIVE: 9-1-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Hamric

Senate Bill 1669 amends the Local Government Code to require a county purchasing agent to complete not less than 25 hours in courses relating to the duties of the county purchasing agent during each two-year term. The courses must be accredited by a nationally recognized university or college or recognized by a national purchasing association, such as the National Association of Purchasing Management, or related courses offered by state agencies. Senate Bill 1669 increases from \$15,000 to \$25,000 the maximum amount a county may spend under a contract without being subject to competitive bidding requirements and prescribes a method for extending the date on which a county opens the bids.

SENATE BILL 1730

EFFECTIVE: 6-19-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Hinojosa

Senate Bill 1730 amends the Local Government Code to provide that certain requirements for contracts between commissioners courts and private vendors for certain correctional facilities apply only if the contract includes operation or management of the facility by the private vendor.

SENATE BILL 1807

EFFECTIVE: 6-19-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Williams

Senate Bill 1807 amends provisions relating to the administration, powers, operations, and financing of the Town Center Improvement District of Montgomery County.

SENATE BILL 1896

EFFECTIVE: 6-19-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Gray

Senate Bill 1896 amends the Local Government Code to authorize a county commissioners court to contract with a real estate broker, rather than a person licensed under the Real Estate License Act, to sell property that is owned by the county. The act provides that if a contract requires a real estate broker to list the tract of real property for sale for 30 days with a multiple listing service used by other real estate brokers in the county, the commissioners court may, on or after the 30th day, sell the property to any buyer who is produced by any real estate broker using the multiple listing service and who submits the highest cash offer. In addition, the act authorizes the commissioners court to sell the property without having to comply with requirements for conducting a public auction.

GOVERNMENT—GENERAL

HOUSE BILL 156

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Wolens et al.

SENATE SPONSOR: Wentworth

House Bill 156 amends the Government Code to apply open meetings requirements to gatherings called and conducted by, and attended by a quorum of members of, a governmental body, during which the members receive information from, give information to, receive questions from, or ask questions of a third party about the public business or public policy over which the governmental body has supervision or control. The act deletes provisions specifying that conferences conducted only to receive information from employees, and not for the deliberation of public business, do not require open meetings. It provides, however, that the Texas growth fund board of trustees is not required to confer openly with its employees or a third party if the conferral involves certain fund investment matters the disclosure of which might give advantage to the competitor of a business that is the object of an investment or potential investment. The act declares that it is an affirmative defense to prosecution for an illegal closed meeting if action is taken in reasonable reliance on a court order or the written opinion of the governmental body's legal counsel, the attorney general, or a court of record.

HOUSE BILL 469

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wise et al.

SENATE SPONSOR: Fraser

House Bill 469 amends the Government Code to make clarifying changes relating to the Texas Code of Military Justice and to remove the requirement that judge advocates, legal officers, military judges, trial counsel, defense counsel, judges of the Texas Court of Military Appeals, and the state judge advocate general be members of a federal bar. It provides that a special or summary court-martial may be convened by a commander of lieutenant colonel or higher rank. The act repeals various punitive articles relating to enemy confrontation, which normally would involve federal mobilization and thus be covered by the Uniform Code of Military Justice.

HOUSE BILL 508

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wohlgenuth

SENATE SPONSOR: Sibley

House Bill 508 amends the Government Code to authorize a local government, with the approval of the governing body of a municipality, to enter into an interlocal contract with the municipality to finance the construction and improvements of certain streets in the municipality. The act also amends the Transportation Code to allow a county commissioners court to spend county money to finance the construction and improvements of certain streets in a county that is located in the municipality, if the court finds that the county will benefit as a result of the work.

HOUSE BILL 595

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Wentworth

House Bill 595 amends the Government Code to provide that a governmental body is not required to conduct an open meeting to deliberate test item matters if it believes that the test item may be included in a test administered by the governmental body for licensing or certification purposes.

HOUSE BILL 662

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Wentworth

House Bill 662 amends the Code of Criminal Procedure by deleting a county population restriction of 2.8 million to allow all district and county attorneys, district and county court clerks, sheriffs, constables, justices of the peace, court officers, or a community supervision and corrections department to assess a \$2 administrative fee relating to the collection of fines, fees, restitution, or other costs imposed by a court, except the collection of child support.

HOUSE BILL 1137

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. Ellis

House Bill 1137 amends the Property Code to exempt local governmental entities and an officer or employer of a local governmental entity from the imposition of a penalty for failure to deliver certain abandoned or unclaimed property to the comptroller as required by law.

HOUSE BILL 1184

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: Gallegos

House Bill 1184 amends provisions of the Labor Code relating to regulation of staff leasing services by adding a professional employer organization service to the definition of “staff leasing services.” The act establishes that in certain contracts between a client company and the state or a political subdivision, a client company contracting with a staff leasing service retains its status or certification as a small, minority-owned, disadvantaged, woman-owned, or historically underutilized business. The state or political subdivision is required to accept a certificate of insurance from a staff leasing service license holder as proof of workers’ compensation coverage. A client company with employees who are not under the staff leasing service agreement may be required to prove it has workers’ compensation coverage for those employees. House Bill 1184 stipulates that a client company is not relieved of its rights and obligations under certain state and federal labor laws.

The act requires that after a license application is denied, the Department of Licensing and Regulation must provide an applicant 30 days to correct the cause of the denial and may grant an extra 30 days if it is determined that a good faith effort is being made to correct any deficiencies. The department is further required to establish a written enforcement plan, provide notice to license holders as to the application of the plan, and when assessing an administrative penalty, to consider certain intentions and past histories of the violators.

House Bill 1184 requires a staff leasing service and a client company to share certain rights relating to employee control, employee assignments, hiring, firing, discipline, employment and safety policies, and the management of workers’ compensation claims. However, the act specifies that a client company retains the responsibility for certain activities and outcomes of assigned employees related to the company’s business.

HOUSE BILL 1353

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Deshotel et al.

SENATE SPONSOR: Bernsen

House Bill 1353 amends the Government Code to clarify that information concerning individuals with physical, mental, or medical disabilities that is retained for disaster or emergency planning is confidential and is not considered public information.

HOUSE BILL 1704

EFFECTIVE: 5-11-99

HOUSE AUTHOR: Kuempel et al.

SENATE SPONSOR: Shapiro

House Bill 1704 adds a chapter to the Local Government Code regarding uniformity of requirements for permits issued by local regulatory agencies. The act establishes that a permit or series of permits for a project is subject only to the orders, regulations, ordinances, rules, expiration dates, and other requirements that are in effect at the time the original permit application is filed. House Bill 1704 prohibits a regulatory agency from shortening the duration of any permit after the filing of the original permit application, but provides that a permit holder may take advantage of certain records or regulatory changes to enhance or benefit the holder's project without giving up any rights established by the chapter.

In addition, the act authorizes a regulatory agency to enact an ordinance, rule, or regulation that places an expiration date on a permit if, as of the first anniversary of the effective date of the act, the permit does not have an expiration date and no progress, as defined by the act, has been made toward completion of the project. The regulatory agency may enact such a measure after the first anniversary of the effective date of the act, and must place an expiration date that is not earlier than the fifth anniversary of the effective date.

Finally, House Bill 1704 establishes legislative intent, exempts certain types of permits from the requirements of the chapter, establishes that the chapter applies only to projects either in progress on or begun after September 1, 1997, and limits enforcement of the chapter to certain legal procedures.

HOUSE BILL 2557

EFFECTIVE: Vetoed

HOUSE AUTHOR: Glaze

SENATE SPONSOR: Ratliff

House Bill 2557 amends the Government Code to apply the open meetings and open records laws to a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and is authorized by the state to serve a geographic area within Texas.

HOUSE BILL 2787

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Eiland et al.

SENATE SPONSOR: Jackson

House Bill 2787 amends the Local Government Code to authorize the local government of a municipality with a population of 100,000 or less, a county with a population of 300,000 or less, or another authorized political subdivision to enter into contracts with local bidders whose bids are within three percent of the lowest bid price from a bidder who is not a resident of the local government. The local government must determine that the local bidder offers the best combination of contract price and additional economic development opportunities.

HOUSE BILL 2890

EFFECTIVE: 9-1-00

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: Madla

House Bill 2890 amends the Property Code to include school districts among the governmental entities to which Chapter 76, relating to the report, delivery, and claims process for abandoned property valued at \$100 or less, applies.

HOUSE BILL 3009

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Sibley

House Bill 3009 amends the Public Funds Investment Act to authorize the governing body of a local government, a state agency, a nonprofit corporation, or an investment pool acting on their behalf to contract with a registered investment management firm to provide for the investment and management of its funds. Such a contract may not be for longer than two years and may be renewed or extended only by order, ordinance, or resolution of the governing body. The act decreases the frequency of required compliance audits for state agencies from annually to at least once every two years; reduces the length of or eliminates required training sessions relating to an officer's investment responsibilities under the Public Funds Investment Act for officials of certain political subdivisions; requires the training to be conducted by an independent source approved by the local government and to include training in diversification of investment portfolios; and requires each provider of that training to report to the comptroller each year a list of the governmental entities for which it provided training. The act includes as authorized investments bonds issued, assumed, or guaranteed by the State of Israel and removes the cap on the proportion of an entity's monthly average fund balance that may be held in certain no-load money market mutual funds. Finally, the act extends requirements previously applicable to state agencies' guaranteed investment contracts as authorized investments to local government contracts.

HOUSE BILL 3157

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wolens

SENATE SPONSOR: Harris

House Bill 3157 is a nonsubstantive revision of statutes relating to public securities. The core of the act adopts a new Public Securities title of the Government Code. Some revisions affect other parts of that code, as well as the Local Government Code, Transportation Code, Water Code, and Revised Statutes.

HOUSE BILL 3224

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo

SENATE SPONSOR: R. West

House Bill 3224 amends a nonsubstantive revision of laws relating to the issuance of public securities by or on behalf of the state and political subdivisions as adopted by House Bill 3157. The act consolidates various provisions relating to the issuance of bonds and other obligations for certain utilities and makes conforming changes to a variety of statutes. The act authorizes the governing body of an issuer of refunding bonds to delegate to an officer or employee certain authority relating to the characteristics and sale of those bonds and specifies the types of noncallable obligations in which certain escrow deposits may be invested. The act requires the attorney general to deliver to the comptroller a copy of the attorney general's legal opinion concerning the approval of certain obligations, credit agreements, and contracts, and requires the comptroller to register the record of the proceedings relating to issuance of the obligations or execution of the credit agreements. The act authorizes river authorities to engage in the distribution and sale of electric energy to the public through a nonprofit corporation created by the authority; provides that the authority and the corporations may share personnel and facilities and provide goods and services to each other at cost and without competitive bidding; and authorizes the transfer of the authority's assets to the corporation. Finally, the act authorizes a river authority to provide electric transmission services on a regional basis and to acquire, lease, construct, operate, or sell electric transmission facilities at any location within or outside the authority's boundaries.

HOUSE BILL 3262
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher et al.
SENATE SPONSOR: Madla

House Bill 3262 amends the Health and Safety Code to establish that the personal information of an animal's owner that is contained in a rabies vaccination certificate or in a registry of dogs and cats that is maintained by a county or municipality is confidential and not subject to disclosure under public information provisions. The act permits disclosure of the information to a governmental entity for purposes related to the protection of public health and safety. A person who violates those provisions commits a misdemeanor punishable by a fine or confinement or both.

HOUSE BILL 3598
EFFECTIVE: 9-1-99

HOUSE AUTHOR: McClendon
SENATE SPONSOR: Cain

House Bill 3598 amends the Alcoholic Beverage Code and the Local Government Code to establish requirements and deadlines for posting outdoor signs containing certain information relating to the intended operation of a business serving alcoholic beverages, a sexually oriented business, or the construction and operation of a correctional or rehabilitation facility.

HOUSE JOINT RESOLUTION 69
FOR ELECTION: 11-2-99

HOUSE AUTHOR: G. Lewis
SENATE SPONSOR: Harris

House Joint Resolution 69 proposes a constitutional amendment to permit counties, cities, and other political subdivisions to use public funds to purchase nonassessable property and casualty insurance from authorized mutual insurance companies in the same manner that the political subdivision purchases life, health, and accident insurance.

SENATE BILL 77
EFFECTIVE: 8-30-99

SENATE AUTHOR: Truan et al.
HOUSE SPONSOR: Cuellar

Senate Bill 77 adds a Government Code chapter to authorize a state agency or political subdivision to enter into a cooperation agreement with Mexico, a political subdivision of Mexico, a United States federal agency, or an agency or entity created under a treaty or executive agreement between the two nations, if the agreement is for the accomplishment of an otherwise statutorily authorized function of the state agency or political subdivision. An agreement may not provide for the liability of the state or a Texas political subdivision on a bond or other obligation issued by Mexico or a Mexican political subdivision. However, a Texas political subdivision or the Texas Public Finance Authority, Texas Turnpike Authority, Texas Department of Housing and Community Affairs, Texas Department of Economic Development, Texas Water Development Board, or Texas Department of Agriculture may issue bonds or other evidence of indebtedness to provide financing for an agreement, if the issuer is authorized to do so in the performance of an activity on its own behalf. A state agency or political subdivision under an agreement may acquire or dispose of real property in Texas or Mexico. It may use any of its property, equipment, or facilities and may use any undedicated funds, for purposes of the agreement, except that a state agency agreement involving use of funds appropriated from the treasury requires the approval of the governor and Legislative Budget Board.

SENATE BILL 138

EFFECTIVE: 8-30-99

SENATE AUTHOR: Sibley et al.

HOUSE SPONSOR: Hochberg et al.

Senate Bill 138 amends the Civil Practice and Remedies Code and other state law to prohibit actions by the state and its political subdivisions that substantially burden the free exercise of religion unless the governmental entity demonstrates the action to be in furtherance of a compelling governmental interest and the least restrictive means to further that interest. The act preserves city powers relating to zoning, land use, traffic, nuisances, and historic preservation. Laws are exempt if expressly made so, and the act does not affect religious tax exemptions or the grant or denial of benefits to religious organizations. Certain correctional actions are unaffected or presumed to meet the compelling interest standard. Otherwise, courts are to give weight to federal case law interpretation. A person may assert religious freedom violation as a defense in a judicial or administrative proceeding, but with certain exceptions the act does not establish or eliminate a civil or criminal defense under federal or state civil rights laws. It waives sovereign immunity and allows lawsuits except for suits brought by citizens of another state. The act establishes procedures and criteria by which a notified governmental entity may remedy a substantial burden. If the remedy cures the burden, no suit may be brought.

SENATE BILL 191

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ogden

HOUSE SPONSOR: Junell

Senate Bill 191 adds a new Government Code chapter to set restrictions on contracts with, or reassignment of the executive heads of state agencies in the executive branch, university systems and public institutions of higher education other than public junior colleges, and river authorities. An entity may not contract with its current executive head, with a former executive head from the preceding four years, or with the executive head of an entity affected by the act unless its governing body gives the Legislative Budget Board advance notice of the contract terms and votes to approve the contract in an open meeting. The act provides also that an executive head may not be reassigned to another position within the entity except by governing body approval in an open meeting. Contract terms or reassignments are subject to public disclosure under the open records law, as are any records relating to monetary or other consideration granted in connection with the settlement, compromise, or other resolution of a difference between an entity and its current or former executive head. Withholding such records is a Class A misdemeanor.

SENATE BILL 214

EFFECTIVE: 6-19-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

The Airport Zoning Act provides that the joint airport zoning board for a military airport that is closed by the federal government may allow zoning regulations adopted by the board to continue in effect for two years following closure. Senate Bill 214 amends the Act to increase that period to four years.

SENATE BILL 744

EFFECTIVE: 5-21-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Haggerty

The Government Code provides that a governmental body is not required to accept or comply with a request for public information from an individual who is imprisoned or confined in a correctional facility. Senate Bill 744 amends the code to include in this provision a request from an agent of the incarcerated individual, unless the agent is the individual's attorney requesting information that is subject to disclosure.

SENATE BILL 757**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Duncan et al.**HOUSE SPONSOR:** Cuellar

Senate Bill 757 amends provisions of the Government Code relating to the duties, powers, and organization of the State Office of Administrative Hearings (SOAH). The act clarifies the independence of SOAH and the office's administrative law judges, and requires SOAH to conduct any administrative hearings as required by law in addition to contested case hearings. Senate Bill 757 also requires the agency to conduct certain voluntary alternative dispute resolution proceedings and expands the list of facilities authorized to provide training to new administrative law judges.

In addition, the act sets forth the duties and responsibilities of the chief administrative law judge regarding supervision, organization, and administration of the agency, and prohibits the chief administrative law judge from engaging in the private practice of law during his or her term. Senate Bill 757 creates new positions of senior and master administrative law judges and sets forth appointment criteria, allows SOAH to adopt an official seal, and establishes certain provisions regarding agency hearing fees charged to the Texas Natural Resource Conservation Commission and the Public Utility Commission. The act also prohibits a state agency from taking any adjudicative action on a matter pending before SOAH.

SENATE BILL 1133**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Lengefeld

The Professional Services Procurement Act requires state agencies, political subdivisions, and publicly owned utilities to procure certain types of professional services on the basis of demonstrated competence and qualifications and a fair and reasonable price, rather than by competitive bidding. Senate Bill 1133 expands that Act's applicability to include nursing and landscape architecture services.

SENATE BILL 1175**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Wentworth**HOUSE SPONSOR:** Krusee

Senate Bill 1175 amends the law regarding land development by political subdivisions. The act provides that if, after March 9, 1999, and before March 9, 2019, a political subdivision changes land development regulations that apply to more than 20 percent of the land in an assessment road district in a manner that reduces the amount of impervious cover or the total allowable floor area of a building on developed land, the political subdivision must pay the outstanding bonded indebtedness of the road district. The payment must occur before the regulation change takes effect, and provisions do not apply to an affected landowner who agrees in writing to the change in regulation.

Senate Bill 1175 also provides that a person who owns land within 1,500 feet outside the boundaries of an assessment road district may request the governing body of the district to annex any part of the owner's land that is within two miles of the district's boundaries. The governing body may annex the land by resolution and, after annexation, must reapportion the remaining assessment on a per-acre basis for all of the owner's land in the district. Provisions of the act expire March 10, 2019.

SENATE BILL 1185**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** McClendon

Senate Bill 1185 amends the Local Government Code to establish guidelines relating to the number of commissioners of certain public housing authorities and the length of the terms for those commissioners.

SENATE BILL 1252
EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West
HOUSE SPONSOR: McClendon

Senate Bill 1252 amends the Government Code to authorize governmental bodies to broadcast open meetings over the Internet. For the meetings, it requires placement on the Internet, by the same statutory posting deadline, of a meeting notice identical to that required for regular meeting notice posting. The act directs the Department of Information Resources to form a task force to determine the feasibility of real-time Internet testimony for such meetings and of public comment on meeting issues via the Internet and to examine associated issues relating to the quality of Internet audio and video signals. The department must report findings to the legislature no later than September 1, 2000.

SENATE BILL 1290
EFFECTIVE: 6-18-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Cuellar

Senate Bill 1290 amends the Local Government Code to authorize a political subdivision to donate, exchange, convey, sell, or lease land or any interest in land to an institution of higher education to promote a public purpose related to higher education. The political subdivision is required to determine the terms and conditions of the transaction to ensure the public purpose and may perform the transaction for less than fair market value and without complying with certain notice and bidding requirements.

SENATE BILL 1512
EFFECTIVE: 9-1-99

SENATE AUTHOR: Ogden
HOUSE SPONSOR: Krusee

Senate Bill 1512 amends the Local Government Code to remove population bracket provisions and authorize the commissioners court of any county and the governing body of a municipality in that county to jointly erect, acquire, equip, maintain, and operate certain recreational or cultural facilities, including an auditorium, civic center, convention center, or exposition center.

SENATE BILL 1520
EFFECTIVE: 8-30-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Elkins

Senate Bill 1520 amends the Local Government Code to authorize certain political subdivisions and governmental entities to sell, lease as a lessee or lessor, or otherwise transfer property in the same manner as a regional transportation authority. The act requires such transactions to be approved by a majority of the voters in the subdivision under certain circumstances. Senate Bill 1520 also amends the Transportation Code to allow, rather than require, a regional transportation authority to deposit, guarantee, or insure amounts sufficient to pay costs, including rents, any optional purchase price or other obligation due under such transaction and eliminates the requirement that such amounts be certified in advance by an independent financial expert.

SENATE BILL 1846
EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown
HOUSE SPONSOR: Brimer

The open records law excepts from public availability information relating to the home address, home telephone number, social security number, and family members of certain public officials. Senate Bill 1846 amends that law to apply the exception to peace officers, reserve law enforcement officers, commissioned deputy game wardens, and state and local corrections officers who are killed in the line of duty.

SENATE BILL 1851

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth et al.

HOUSE SPONSOR: S. Turner

Senate Bill 1851 amends the Government Code to require governmental bodies to post a sign prescribed by the General Services Commission, informing the public of its rights and responsibilities under the open records law. An entity that withholds requested information and seeks an open records decision must provide the requestor a notice of those actions and a copy of its submission to the attorney general. A good faith effort must be made to send notice also to anyone whose proprietary information potentially is affected by the request. The act reduces the attorney general's required response time from 60 to 45 working days and sets a deadline of 30 calendar days for any suit brought by the governmental body challenging the attorney general's decision. If the courts rule that an item is public information, the governmental body must release it and may not resubmit the issue to the attorney general. The act details procedures and establishes venue for actions brought against a governmental body for a declaratory judgment or injunctive relief.

It establishes an Open Records Steering Committee to advise the commission and directs certain committee members to study the types of public information for which electronic availability would be cost-effective and to report to the governor and legislature on the subject. State entities must send to the Legislative Budget Board related data on open records request numbers and response costs. Other provisions clarify whether certain information is open or not open, and addresses copy fee and access charge determination and related reporting, and miscellaneous matters. A crime victim may elect whether to allow access to certain personal information. Access to judicial information is governed by rules of the Texas Supreme Court or other applicable laws or rules.

GOVERNMENT—SPECIAL DISTRICTS AND AUTHORITIES

HOUSE BILL 641

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Howard

SENATE SPONSOR: Lindsay

House Bill 641 amends the Water Code to modify the contents of certain notices issued by a municipal utility district and provided by a seller to a purchaser of real property within the district. The act prescribes statutory language concerning the potential for annexation and dissolution of the district by a municipality if the property is located in the extraterritorial jurisdiction of a municipality, within the corporate boundaries of a municipality, or neither. The act exempts from notice requirements a transaction that transfers a title for real property to a governmental entity, prohibits certain persons from being held liable for damages for unintentionally providing an incorrect notice, and adds real estate brokers to the list of parties exempt from liability.

HOUSE BILL 794

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: Bernsen

House Bill 794 amends the boundaries of the Chambers County-Cedar Bayou Navigation District.

HOUSE BILL 846

EFFECTIVE: 9-1-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: J. E. Brown

House Bill 846 amends provisions of the Water Code relating to the administration, management, operation, and authority of water districts and authorities. The act authorizes water districts and authorities to establish sick leave pools for their employees, authorizes certain individuals to go on any land to inspect, make surveys, or perform tests to determine certain information about the property, and authorizes a district to sue and be sued on written contracts of the district. The act also provides that if a water board appoints a director to serve as treasurer, the director is not subject to investment officer training requirements unless the director is also appointed as the district's investment officer.

House Bill 846 requires a vacancy on the board to be filled for the unexpired term by appointment by a certain date and authorizes a petition signed by a certain number of registered voters to be presented to the board if the board has not filled a vacancy by a certain date. The act also prohibits a water district's fees of office from increasing unless the district's board by resolution authorizes payment of the higher fees.

HOUSE BILL 952

EFFECTIVE: 5-6-99

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Whitmire

House Bill 952 creates the Spring Meadows Municipal Utility District in Harris County, subject to voter approval at a confirmation election.

HOUSE BILL 962

EFFECTIVE: 8-30-99

HOUSE AUTHOR: D. Jones et al.

SENATE SPONSOR: Duncan

House Bill 962 authorizes the board of managers of the Lubbock County Hospital District by resolution, and with approval by the county commissioners court, to order the sale or lease of a facility owned by the district that is located on the campus of Texas Tech University. The sale or lease of a facility is contingent on approval by voters in the district in an election called by the Commissioners Court of Lubbock County.

Government—Special Districts and Authorities

HOUSE BILL 1031

EFFECTIVE: 8-30-99

House Bill 1031 amends the Water Code to clarify that a sworn statement made by a newly elected or appointed director of certain water districts shall be filed with the secretary of state as prescribed by the Texas Constitution.

HOUSE AUTHOR: Hunter

SENATE SPONSOR: R. Ellis

HOUSE BILL 1069

EFFECTIVE: 8-30-99

House Bill 1069 amends the Water Code to allow water supply or sewer service corporations created after January 1, 1985, to convert to special utility districts.

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: J. E. Brown

HOUSE BILL 1111

EFFECTIVE: 6-19-99

House Bill 1111 provides procedures for an election to dissolve the Montgomery County Hospital District and for the transfer of its assets and obligations to the county.

HOUSE AUTHOR: Williams et al.

SENATE SPONSOR: Bernsen

HOUSE BILL 1303

EFFECTIVE: 9-1-99

House Bill 1303 authorizes the San Leon Municipal Utility District of Galveston County to install street lighting and assess customers for the cost.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Jackson

HOUSE BILL 1304

EFFECTIVE: 9-1-99

House Bill 1304 authorizes the Baycliff Municipal Utility District of Galveston County to install street lighting and assess customers for the cost.

HOUSE AUTHOR: Gray

SENATE SPONSOR: Jackson

HOUSE BILL 1374

EFFECTIVE: 9-1-99

House Bill 1374 changes the filing deadline for a write-in candidate for the board of directors of the Val Verde County Hospital District and makes contracts for purchases that exceed \$15,000 subject to the advertising requirements of the competitive bidding provisions of the Local Government Code.

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

HOUSE BILL 1437

EFFECTIVE: 8-30-99

House Bill 1437 authorizes the Brazos River Authority to enter into an interbasin transfer agreement with the Lower Colorado River Authority and provides that revenues generated from that agreement may only be used for the development of water resources or other water use strategies to replace or offset the amount of surface water to be transferred.

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Ogden

HOUSE BILL 1495

EFFECTIVE: 9-1-99

House Bill 1495 amends the Health and Safety Code provisions relating to a requirement for a person to reside in or own real property in a rural fire prevention district in order to be eligible for appointment to the board.

HOUSE AUTHOR: Alexander

SENATE SPONSOR: D. Nixon

HOUSE BILL 1618

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Keel et al.

SENATE SPONSOR: Wentworth

In 1997 the Texas Legislature authorized the creation of library districts in counties of populations greater than 100,000, but limited to areas outside cities that operate municipal libraries. House Bill 1618 removes the population limit and allows the districts to include any contiguous territory within a county. However, before the inclusion of any territory in a city that already has a municipal public library, that city must consent to the inclusion by resolution of its governing body.

HOUSE BILL 1625

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Armbrister

House Bill 1625 amends the Water Code to authorize nonprofit water supply or sewer service corporations to invest funds in instruments authorized by the Texas Public Funds Investment Act and by a written investment policy approved by its governing board.

HOUSE BILL 1666

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Green

SENATE SPONSOR: Armbrister

House Bill 1666 authorizes the Nixon Hospital District of Gonzales and Wilson Counties and the Gonzales Healthcare Systems to contract for Gonzales Healthcare Systems to lease, manage, or operate a health care facility located in the Nixon Hospital District.

HOUSE BILL 1847

EFFECTIVE: Vetoed

HOUSE AUTHOR: Hill

SENATE SPONSOR: Madla

House Bill 1847 amends the Water Code to validate district governmental acts or proceedings if one year has passed since the act or proceeding occurred and there has not been a lawsuit filed to annul or invalidate the act within that year. The bill also provides that this section does not apply to an act or proceeding that was void at the time it occurred, was a misdemeanor or felony, was a rule that was preempted by state or federal statute, or is a matter that is in litigation or that has been held invalid by a final judgment of a court on the effective date of the bill.

HOUSE BILL 1889

EFFECTIVE: 5-17-99

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Sibley

House Bill 1889 authorizes the dissolution of the Ranger Hospital District of Eastland County and the transfer of certain of its assets and obligations to the county or another governmental entity in the district.

HOUSE BILL 1984

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Madla

House Bill 1984 amends the Health and Safety Code to allow two or more emergency communication districts to consolidate into a single district. The act provides for a consolidation procedure and planning, and for the governance of the consolidated district. It requires the board of managers of an emergency communication district to submit a draft of the annual budget to the governing body of the district by a certain date and establishes that the budget is approved by operation of law if the governing body does not approve or disapprove the budget within a certain number of days.

Government—Special Districts and Authorities

HOUSE BILL 2122

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

House Bill 2122 amends the Health and Safety Code to increase from \$15,000 to \$25,000 the expenditure amount required to be submitted for competitive bids by the board of an emergency services district in a county with a population of 125,000 or less. The act establishes new procedures for the board to notify suppliers and vendors of its request for bids and exempts from the competitive bidding process contracts for fire extinguishment and suppression services, emergency rescue services, or ambulance services.

HOUSE BILL 2199

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 2199 deletes “Number Three, South of the Canadian River, in Texas” from the name of the Panhandle Groundwater District and grants the district the authority to regulate any underground water resources inside its boundaries.

HOUSE BILL 2219

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: Lindsay

House Bill 2219 amends the Health and Safety Code to exempt officers and employees of emergency services and rural fire prevention districts from investment training required for certain local government personnel. It specifies that the districts may invest funds only in authorized investments unless the investment officers of the districts successfully complete the training.

HOUSE BILL 2274

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Keel

SENATE SPONSOR: Barrientos

House Bill 2274 amends the Local Government Code to authorize the Wells Branch Municipal Utility District to enter into a contract with a municipality to provide for certain payments to be made to the municipality. The act permits a municipality to enter into a contract allowing the district to be exempt from annexation for the term of the contract.

HOUSE BILL 2275

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Keel

SENATE SPONSOR: Wentworth

House Bill 2275 amends the law relating to the Southwest Travis County Water District. The act requires the board of directors to be elected rather than appointed, changes the number of board members from nine to five, and changes the maturity date of bonds from 50 years to 40 years.

HOUSE BILL 2332

EFFECTIVE: 9-1-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Armbrister

House Bill 2332 amends the Water Code to eliminate statutory inconsistencies relating to the administration and consolidation of drainage districts. The act provides that a drainage district is governed by a board of three directors, unless special law provides otherwise, and transfers certain authority from the commissioners court of each board’s respective county to that board and the Texas Natural Resource Conservation Commission. The act also sets forth new procedures for the consolidation of districts and makes conforming changes.

HOUSE BILL 2416

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Fraser

House Bill 2416 amends provisions relating to the North Runnels County Hospital District. The act includes provisions relating to the services the district is required to provide; membership and election of the board of directors; powers and duties of the board, including changes relating to the authorization to issue bonds, levy taxes, and borrow money; and dissolution of the district.

HOUSE BILL 2490

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: R. Ellis

House Bill 2490 enlarges the district boundaries of the Houston Downtown Management District.

HOUSE BILL 2542

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hupp

SENATE SPONSOR: Fraser

House Bill 2542 amends state law regarding the McCulloch County Hospital District. It includes provisions relating to eligibility and elections of board members, contracts, and dissolution of the district.

HOUSE BILL 2891

EFFECTIVE: Vetoed

HOUSE AUTHOR: Bailey

SENATE SPONSOR: Gallegos

House Bill 2891 provides for the creation, administration, powers, duties, operation, and financing of the Aldine Community Improvement District.

HOUSE BILL 2894

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: R. Ellis

House Bill 2894 provides for the creation, administration, powers, duties, operation, and financing of the Midtown Management District in Houston. The district is authorized to impose an ad valorem tax and issue bonds to provide certain improvements and services that will promote the economic health and vitality of the area as a community and business center and provide for the general welfare of the public.

HOUSE BILL 2926

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Walker

SENATE SPONSOR: Bivins

House Bill 2926 amends the Water Code to establish guidelines for the consolidation of two or more groundwater conservation districts into a single district. The act requires that an election be held in each district that initiates consolidation.

HOUSE BILL 2961

EFFECTIVE: 9-1-99

HOUSE AUTHOR: D. Jones

SENATE SPONSOR: Duncan

Under previous law, the Lubbock County Commissioners Court appointed all members of the board of hospital managers of the Lubbock County Hospital District. House Bill 2961 requires that the Texas Tech University board of regents appoint one ex officio member.

HOUSE BILL 2965

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: Lindsay

House Bill 2965 creates the North Harris County Regional Water Authority, subject to approval at a confirmation election.

Government—Special Districts and Authorities

HOUSE BILL 2966

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: Lindsay

House Bill 2966 amends the Health and Safety Code to prohibit a hospital authority, in a municipality with a population of less than 12,000 and a county with a population of 2.5 million or more at the time the authority begins operating a facility for the elderly or disabled, from owning or operating more than 50 licensed nursing home beds. The act also exempts such an authority from certain prohibitions against issuing revenue bonds to own or operate a facility that caters to the elderly or disabled if there is a private provider in the area.

HOUSE BILL 3122

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 3122 authorizes the Dallam-Hartley Counties Hospital District to contract or have an ownership interest in a managed care system, a preferred provider organization, a health maintenance organization, a medical services organization, another provider of alternative health care, or a private hospital to provide health care services to the district. The act also authorizes the district to sponsor, create, and have a membership interest in a nonstock, nonprofit corporation and specifies the use of corporation funds.

HOUSE BILL 3133

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 3133 increases from \$2,000 to \$15,000 the maximum contract amount that the board of directors of the Stratford Hospital District is authorized to enter into for construction or purchases without being subject to advertising requirements.

HOUSE BILL 3232

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Keffer

SENATE SPONSOR: Sibley

House Bill 3232 amends state law regarding the Eastland Memorial Hospital District. It includes provisions relating to elections, the district administrator, district responsibilities, contracts, authority to borrow money, and dissolution of the district.

HOUSE BILL 3299

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Lindsay

House Bill 3299 authorizes a hospital district in a county with a population of more than two million to issue short-term obligations.

HOUSE BILL 3300

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman et al.

SENATE SPONSOR: Whitmire

House Bill 3300 amends the Local Government Code to prohibit sports and community venue districts in a county with a population of 2.4 million or more from owning or acquiring real property, whether by eminent domain or otherwise, except for a facility site or related infrastructure as part of an approved venue project. The act applies certain nepotism, disclosure, and conflict-of-interest laws to district employees and requires the board of directors to adopt and maintain a code of conduct for employees, directors, and vendors. The board must design a disclosure statement for employees and directors and a questionnaire for vendors to identify potential conflicts of interest or other relevant interrelationships. Vendors must file an update questionnaire annually, or more frequently to maintain the integrity of the information, and a vendor contract may be voided for noncompliance. A director, and in some cases an employee,

may seek a written advisory opinion on a potential violation from the district's general counsel. Other provisions relate to board of director appointments and to ballot language on the use of district revenue to finance certain projects.

HOUSE BILL 3401

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hardcastle

SENATE SPONSOR: Haywood

House Bill 3401 creates the Wilbarger County Stormwater Control District, composed of all the territory in Wilbarger County, subject to voter approval at a confirmation election.

HOUSE BILL 3448

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Bivins

House Bill 3448 amends state law regarding the Moore County Hospital District. The act includes provisions relating to board membership and elections, the district administrator, contracts, powers and duties of the board, types of financing authorized, district taxes, and authorization to sell or lease property.

HOUSE BILL 3463

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Cain

House Bill 3463 provides for the dissolution of the Cedar Creek Hospital District. It requires the board of directors either to transfer, upon dissolution of the district in an election, all of its assets and obligations to Kaufman County, Van Zandt County, Henderson County, or another governmental entity in the district or to administer the assets and obligations until all funds have been disposed of and all district debts have been paid or settled.

HOUSE BILL 3481

EFFECTIVE: 6-19-99

HOUSE AUTHOR: T. King

SENATE SPONSOR: Madla

House Bill 3481 amends the law to validate certain acts and to make technical corrections to the numbering of precincts of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

HOUSE BILL 3554

EFFECTIVE: 6-20-99

HOUSE AUTHOR: Deshotel

SENATE SPONSOR: Bernsen

House Bill 3554 corrects the statutory description of the boundaries of the Port Arthur Navigation District.

HOUSE BILL 3568

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: Jackson

House Bill 3568 creates the Office of District Treasurer of Brazos River Harbor Navigation District of Brazoria County and provides for the treasurer to perform all of the duties for the district previously performed by the county treasurer.

HOUSE BILL 3620

EFFECTIVE: 8-30-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Bernsen

House Bill 3620 removes a population bracket to provide that any navigation district has the authority to exchange lands with public or private entities. The act also provides that this provision does not affect a limitation of condition contained in a lease of land by the state to a navigation district, a conveyance of land from the state to a navigation district under Article 8225, Vernon's Texas Civil Statutes, any other general or special law, or in any way affect the lease, sale, or use of state-owned land and flats.

Government—Special Districts and Authorities

HOUSE BILL 3771

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

House Bill 3771 changes the name of the Hospital District of Maverick County to the Maverick County Hospital District. The act also includes provisions relating to the purpose of the district, election and qualifications of board members, powers and duties of the board, including the authority to issue revenue bonds, and the district's budget.

HOUSE BILL 3772

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Madla

House Bill 3772 changes the terms of the board of directors of the Big Bend Regional Hospital District from two-year to four-year terms and makes a person who is a district employee, a party to a contract with the district to perform services for compensation, or a physician who has staff privileges at a district facility ineligible to serve on the board.

HOUSE BILL 3776

EFFECTIVE: 6-19-99

HOUSE AUTHOR: V. Luna

SENATE SPONSOR: Truan

House Bill 3776 amends the Health and Safety Code to authorize the board of the Nueces County Hospital District, with the approval of the Nueces County Commissioners Court, to use funds from sources other than a tax levy to fund health care services, including public health, mental health and mental retardation, emergency medical services, health care services provided to incarcerated persons, and for other health-related purposes. The act also authorizes the hospital district to use any funds available to the district to fund health care services provided to indigents.

HOUSE BILL 3793

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Sibley

House Bill 3793 amends the powers, duties, and financing authority of the Brazos River Authority. The act establishes the authority as a district and a river authority as defined in the Regional Waste Disposal Act, authorizes the authority to enter into contracts and issue bonds, and removes the aggregate value cap of \$100,000 from property that the authority is authorized to sell in one year.

HOUSE BILL 3799

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Gallegos

House Bill 3799 provides for the creation, administration, powers, duties, operation, and financing of the East Downtown Management District in Houston. The district is authorized to impose an ad valorem tax and issue bonds to provide certain improvements and services that will promote the economic health and vitality of the area as a community and business center and provide for the general welfare of the public.

HOUSE BILL 3804

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Crownover

SENATE SPONSOR: Nelson

House Bill 3804 modifies the territorial boundaries, annexation, disannexation, and eminent domain provisions of the Lake Cities Municipal Utility Authority to bring them into statutory compliance. The act also authorizes the assessment of an ad valorem tax and grants the authority to issue bonds.

HOUSE BILL 3814

EFFECTIVE: 6-19-99

House Bill 3814 creates the Salt Fork Water Quality District, composed of all the territory in Stonewall County.

HOUSE AUTHOR: Counts

SENATE SPONSOR: Haywood

HOUSE BILL 3817

EFFECTIVE: 6-19-99

House Bill 3817 amends the law to make certain modifications relating to the boundaries, confirmation election, administration, duties, and financing of the Guadalupe County Groundwater Conservation District.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

HOUSE BILL 3818

EFFECTIVE: 6-19-99

House Bill 3818 amends the law to change the terms of the trustees of the Canyon Regional Water Authority from one-year terms to two-year staggered terms.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

HOUSE BILL 3823

EFFECTIVE: 1-1-00

House Bill 3823 amends the law to provide for the appointment of the navigation and canal commissioners of the Chambers-Liberty Counties Navigation District. The act requires the commissioners court of each county in the district to appoint members to the commission on January 15, 2000.

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: Bernsen

HOUSE BILL 3845

EFFECTIVE: 9-1-99

House Bill 3845 provides for the creation, administration, powers, duties, operation, and financing of the Southeast Texas Agricultural Development District. The district is a conservation and reclamation district that is authorized to issue bonds to provide certain improvements and services that will foster the growth of enterprises based on certain types of agriculture.

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: Bernsen

HOUSE BILL 3846

EFFECTIVE: 6-19-99

House Bill 3846 modifies the composition of the Sabine River Authority board of directors to require that four members reside in the upper basin and four members reside in the lower basin.

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Bernsen

HOUSE BILL 3847

EFFECTIVE: 9-1-99

House Bill 3847 updates the statutory authority of the Jefferson County Drainage District No. 7 by requiring the district to comply with Chapter 49 of the Water Code.

HOUSE AUTHOR: Ritter

SENATE SPONSOR: Bernsen

HOUSE BILL 3849

EFFECTIVE: 6-19-99

House Bill 3849 changes the name of the North Plains Ground Water Conservation District No. Two to the North Plains Groundwater Conservation District, validates certain district acts, and modifies the regulatory duties of the district. The act also adds Dallam County to the district and increases the number of directors from five to seven.

HOUSE AUTHOR: Swinford

SENATE SPONSOR: Bivins

Government—Special Districts and Authorities

SENATE BILL 124

EFFECTIVE: 9-1-99

Senate Bill 124 provides for a seven-member board of directors of the Booker Hospital District to be elected at large.

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Chisum

SENATE BILL 189

EFFECTIVE: 9-1-99

Senate Bill 189 modifies certain election provisions for members of the board of directors of the Burluson County Hospital District.

SENATE AUTHOR: Ogden

HOUSE SPONSOR: C. Jones

SENATE BILL 201

EFFECTIVE: 6-18-99

Senate Bill 201 amends the Water Code to authorize a navigation district to contract with any person, foreign or domestic, necessary or convenient to the operation or development of the district's ports and waterways.

SENATE AUTHOR: Truan

HOUSE SPONSOR: Seaman

SENATE BILL 276

EFFECTIVE: 5-10-99

Senate Bill 276 provides for the creation, administration, powers, duties, operation, and financing of the Greater East End Management District in Houston. The district is authorized to impose an ad valorem tax and issue bonds to provide certain improvements and services that will promote the economic health and vitality of the area as a community and business center and provide for the general welfare of the public.

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Noriega

SENATE BILL 296

EFFECTIVE: 6-18-99

Senate Bill 296 validates and confirms all acts and governmental proceedings, officials, bonds, and obligations of navigation districts and port authorities.

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Uher

SENATE BILL 392

EFFECTIVE: 5-3-99

Senate Bill 392 amends the Water Code to repeal the authority of the Texas Natural Resource Conservation Commission to approve the issuance of tax-supported bonds by navigation districts.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bonnen

SENATE BILL 417

EFFECTIVE: 9-1-99

Senate Bill 417 amends the Health and Safety Code to exempt the boards of emergency services districts and rural fire prevention districts that are wholly located in one county from the requirement to file a report by February 1 of each year with the county commissioners court regarding a district's administration for the preceding calendar year and the district's financial condition.

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Hamric

SENATE BILL 533

EFFECTIVE: 5-10-99

Senate Bill 533 amends the Water Code to set forth guidelines for written procedures for conducting annual or special meetings and elections for water supply and sewer service corporations.

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Denny

SENATE BILL 624

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Palmer

Senate Bill 624 amends the Local Government Code relating to crime control and prevention districts. The act establishes alternate forms for appointing a district's board of directors by authorizing the governing body of a municipality or county to appoint themselves as the board of directors and allowing each member of the governing body to appoint one director to the board, subject to confirmation by the governing body. It provides that the administrative procedure law does not apply to a crime control and prevention district that contains only one municipality.

The act also permits district funds to be used to pay obligations related to financing the construction or equipping of police facilities. The act also amends provisions relating to the continuation and dissolution of a district by voters in an election.

SENATE BILL 769

EFFECTIVE: 5-21-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 769 amends the Transportation Code to authorize the creation of an advanced transportation district in a metropolitan transit authority (MTA) in which the sales and use tax is imposed at a rate of one-half of one percent and in which the principal municipality has a population of more than 700,000. The act authorizes the board of the MTA to order an election to create an advanced transportation district within the MTA's boundaries and, if the measure is passed, to impose a local sales and use tax of one-fourth of one percent. The act requires that the election results for each municipality and unincorporated area be tabulated separately. If the principal municipality in the MTA approves the measure, the district is created, and each of the other municipalities and unincorporated areas in the MTA that pass the measure are also included in the district. Senate Bill 769 prescribes the contents and disposition of an order to adopt a district and makes provision for holding subsequent elections in the other municipalities and unincorporated areas if the measure is not initially approved. The act sets forth a maximum allowable combined tax rate of sales and use taxes imposed by the district and political subdivisions of two percent for a location within a district and provides a method to determine which taxes to repeal if the imposed limit is exceeded. The act also authorizes the board and general manager of the MTA to conduct the business of a district, but the district otherwise has the same powers as the MTA.

SENATE BILL 968

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Farrar

Senate Bill 968 amends the Government Code to entitle a public hospital or hospital district to obtain from the Texas Department of Public Safety a criminal history record for an applicant, employee, volunteer, or contractor of the hospital or district and to authorize the hospital or district to obtain certain personal information from such persons. The act authorizes the hospital or district to dismiss any person from employment who fails to provide the information or who has been convicted or placed on deferred adjudication for a crime that renders the person unqualified or unsuitable for employment or a volunteer position. The act provides for the confidentiality of all criminal background check information. The hospital or district is not civilly liable for failure to comply with all guidelines if it shows that a good faith effort was made.

Government—Special Districts and Authorities

SENATE BILL 995

EFFECTIVE: 6-19-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Coleman

Senate Bill 995 creates a review commission for the Harris County Hospital District to assist the state in reviewing the district. It requires the commission to file a report of the review, which must include any recommendations for necessary changes to the district's enabling legislation, with the governor and legislature no later than November 1, 2000. The act requires appointments to the review commission to be made by July 1, 1999, and abolishes the commission on January 1, 2001.

SENATE BILL 1171

EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hilderbran

Senate Bill 1171 increases from \$1 million to \$55 million the maximum amount of a note issued by the Upper Guadalupe River Authority and authorizes the notes to mature over a 40-year term, rather than in 20 years.

SENATE BILL 1277

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Cook

Senate Bill 1277 amends the Water Code to require a municipal utility district that charges an impact fee to use the fees collected and any interest accrued on the fees collected only for payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the district to finance certain capital improvements or facility expansions.

SENATE BILL 1426

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 1426 amends the Local Government Code to establish staggered terms for members of the board of directors of the Lubbock Reese Redevelopment Authority and to change the term length from two years to four years.

SENATE BILL 1428

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

Senate Bill 1428 amends the Local Government Code to modify the legal description of the land included in the Lubbock Reese Redevelopment Authority and to make certain associated legislative findings.

SENATE BILL 1442

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Greenberg

Senate Bill 1442 adds provisions to the Health and Safety Code to require the board of emergency services commissioners, upon request of a municipality, to remove territory from an emergency services district if the territory was included in the corporate limits of the municipality when it was first included in the district, if it is included in any part of a district that is composed of two or more territories that are not contiguous to each other, and if it is surrounded on at least three sides by territory inside the municipal boundaries of a municipality with a population of 400,000 or more.

The act requires the board to immediately disannex such territory from the district and to stop providing emergency services to residents in the territory. If the municipality so requests, the board must also disannex all territory in the district that is included in the municipality's extraterritorial jurisdiction and must stop providing services to the residents of this additional

territory. Senate Bill 1442 requires the municipality to compensate the emergency services district for certain property and other expenses related to outstanding indebtedness of the district.

SENATE BILL 1593

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Counts

Senate Bill 1593 creates a water supply reservoir project at the Allens Creek Reservoir site in Austin County, Texas, and provides for the issuance of certain water rights permits to the Texas Water Development Board.

SENATE BILL 1595

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bonnen

Senate Bill 1595 amends state law regarding the Angleton-Danbury Hospital District of Brazoria County. The act includes provisions relating to the facilities and equipment of the hospital system, eligibility of members of the board, powers and duties of the board, services of the district, taxes and revenue bonds, authority to borrow money, and dissolution of the board.

SENATE BILL 1609

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Hamric

Senate Bill 1609 amends the Health and Safety Code relating to administration of emergency services districts. The act authorizes districts to borrow money to purchase emergency services equipment, sets forth qualifications for and grounds for removal of board members, authorizes the board of a district to adopt and enforce a fire code, and exempts certain meetings of board members from open meetings laws. The act authorizes a district to collect delinquent fees by filing a complaint in court and removes the requirement that certain districts prepare an annual budget and submit the budget to the commissioners court for approval.

SENATE BILL 1615

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Jim Solis

Senate Bill 1615 adds a chapter to the Health and Safety Code to authorize hospital districts and certain counties to create health services districts with one or more other counties or hospital districts by concurrent order. The act requires a health services district to provide health care services to the indigent residents of the district, to manage funds contributed by each county or hospital district it contracts with, and to coordinate with health care providers for the long-term provision of health care services. A health services district is authorized to provide services to nonindigent residents on a sliding fee scale and to manage facilities and assets. The act prohibits a health services district from establishing or maintaining a convalescent or nursing home or from establishing or operating a personal care facility.

The act requires the creating counties and hospital districts to contract with the health services district to provide, at a minimum, the health care services the county or hospital district is required to provide. The creating counties and districts are authorized to transfer management and operation of land, buildings, and equipment and operating funds and reserves to the district on its creation. For the operation of the district, contracting counties and hospital districts are required to contribute certain funds, including funds received under the Indigent Health Care and Treatment Act and from the state's tobacco settlement. Health services

Government—Special Districts and Authorities

districts are prohibited from issuing general obligation bonds but may issue revenue bonds for specified purposes. The act limits the term of contracts for health services districts to six years and includes other contract requirements.

Senate Bill 1615 also includes detailed provisions concerning district administration; powers and duties of the health services districts and the creating counties and hospital districts, including the districts' authority concerning the financial circumstances of patients and relatives legally responsible for the patients' support; district finances, including the authority of the districts relating to bonds; and the dissolution of the districts.

SENATE BILL 1624
EFFECTIVE: 9-1-99

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Hardcastle

Senate Bill 1624 amends state law regarding the Hardeman County Hospital District. It includes provisions relating to elections of directors, powers and duties of the board, the annual budget, tax levies and revenue bonds, contracts, authorization to borrow money, and dissolution of the district.

SENATE BILL 1626
EFFECTIVE: 9-1-99

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Hardcastle

Senate Bill 1626 amends state law regarding the Chillicothe Hospital District. The act includes provisions relating to elections of directors, powers and duties of the board, the annual budget, revenue bonds and tax levies, contracts, authorization to borrow money, and dissolution of the district.

SENATE BILL 1627
EFFECTIVE: 5-20-99

SENATE AUTHOR: Haywood
HOUSE SPONSOR: Chisum

Senate Bill 1627 amends state law regarding the Castro County, Hansford County, and Ochiltree County hospital districts. It includes provisions relating to elections and to the powers and duties of the boards and districts. It also includes a number of provisions relating only to Castro County.

SENATE BILL 1628
EFFECTIVE: 9-1-99

SENATE AUTHOR: Haywood
HOUSE SPONSOR: P. King

Senate Bill 1628 amends election provisions for the board of directors of the Muenster Hospital District to conform the provisions with the Election Code.

SENATE BILL 1665
EFFECTIVE: 6-18-99

SENATE AUTHOR: Lindsay et al.
HOUSE SPONSOR: J. Moreno

Senate Bill 1665 amends the Water Code to authorize a navigation district in a county with a population of more than 2.8 million to acquire land, equipment, or improvements and to issue bonds.

SENATE BILL 1684
EFFECTIVE: 9-1-99

SENATE AUTHOR: Bernsen
HOUSE SPONSOR: Hope

Senate Bill 1684 grants the East Montgomery County Improvement District the economic development powers and authority conferred on a home-rule city with a population of more than 100,000 and expands the ability of the district to issue bonds.

SENATE BILL 1755

EFFECTIVE: 5-21-99

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Puente

Senate Bill 1755 authorizes the board of directors of the Edwards Aquifer Authority to modify the district's lines to provide that the lines do not divide a county election precinct except as necessary to follow the authority's jurisdictional boundaries. The act also prohibits a county election precinct from containing territory from more than one authority district.

SENATE BILL 1770

EFFECTIVE: 6-19-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Hartnett

Senate Bill 1770 amends the powers, administration, and financing of the Dallas County Utility and Reclamation District. The act changes the board from an elected one to an appointed one, modifies director eligibility requirements, and validates certain actions of the district.

SENATE BILL 1771

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Hartnett

Senate Bill 1771 revises the tax abatement procedures and agreements of the Dallas County Utility and Reclamation District.

SENATE BILL 1794

EFFECTIVE: 6-19-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Telford

Senate Bill 1794 amends provisions relating to the powers and duties of the Red River Redevelopment Authority. It authorizes Bowie County to transfer certain assets from the U.S. Department of the Army or the State of Texas to the authority. It authorizes the authority to repair and improve natural gas, electricity, solid waste disposal, steam generation, communications, and other utility facilities and services. The act also validates the creation, establishment, and organization of the authority, adds Red Lick to the list of participating cities, and includes a land description of the authority's property.

SENATE BILL 1822

EFFECTIVE: 6-19-99

SENATE AUTHOR: Fraser

HOUSE SPONSOR: B. Turner

Senate Bill 1822 creates the Horseshoe Bay Water Control and Improvement District No. 1, the Horseshoe Bay Water Control and Improvement District No. 2, and the Horseshoe Bay Water Control and Improvement District No. 3, in Llano and Burnet counties, subject to approval at confirmation elections.

SENATE BILL 1840

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Homer

Senate Bill 1840 amends state law regarding the Hopkins County Hospital District. It includes provisions relating to board member eligibility, district taxes, duties of the board, revenue bonds, joint ownership arrangements, authority to borrow money, provision of services by the district, and dissolution of the district.

SENATE BILL 1855

EFFECTIVE: 6-19-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Zbrank

Senate Bill 1855 creates the Tarkington Special Utility District, subject to approval at a confirmation election.

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SENATE BILL 1866

EFFECTIVE: 6-19-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Elkins

Senate Bill 1866 provides for the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Management District No. 1. The district is authorized to impose an ad valorem tax and issue bonds to provide certain improvements and services that will promote the economic health and vitality of the area as a community and business center and provide for the general welfare of the public.

SENATE BILL 1870

EFFECTIVE: 9-1-99

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Hardcastle

Senate Bill 1870 requires the Stamford Hospital District to provide for the payment of all its debts and obligations prior to the dissolution of the district.

SENATE BILL 1881

EFFECTIVE: 6-19-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Christian

Senate Bill 1881 amends state law regarding the Nacogdoches County Hospital District. The act includes provisions relating to the issuance and sale of bonds; authority of the board to acquire, lease, or sell property and to acquire goods and services; and other powers and duties of the board.

SENATE BILL 1911

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown et al.

HOUSE SPONSOR: Walker et al.

Senate Bill 1911 creates the following groundwater conservation districts: Cow Creek, Brazos Valley, Crossroads, Hays Trinity, Lone Wolf, Lost Pines, McMullen, Middle Pecos, Red Sands, Refugio, Southeast Trinity, Texana, and Tri-County. The act sets out the boundaries of each district, establishes the authority of temporary directors, and establishes provisions regarding voter confirmation and election of the initial permanent directors.

Senate Bill 1911 prohibits a temporary board of directors from holding a confirmation and initial directors election and from adopting a comprehensive management plan before September 1, 2001. The act also prohibits an election from being held unless the 77th Legislature ratifies the creation of the groundwater conservation district. Any district created by this act and not ratified by the 77th Legislature is dissolved as of September 1, 2001, unless a district must be maintained after that date until all its debts are paid, after which it is then dissolved.

GOVERNMENT—STATE

HOUSE BILL 81

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Moncrief

House Bill 81 amends the Government Code to replace the State Conservatorship Board with individual conservators appointed by the governor with the advice and consent of the senate to administer conservatorships of specific state agencies or public junior colleges. The board is abolished on the act's effective date or on dissolution of an existing conservatorship that continues beyond that date. A conservator has powers similar to the board, including rulemaking.

The legislative audit committee, in lieu of recommending to the governor the appointment of a conservator, may recommend to a state agency that it enter into a rehabilitation plan. This same option does not apply to a public junior college. The agency must engage the services of an independent consulting team approved by the governor and the presiding officer and assistant presiding officer of the legislative audit committee. The team, which may include the state auditor, one or more state agencies, and private consultants, assists the agency in developing a rehabilitation plan for approval by the agency's governing body, the governor, and the legislative audit committee. If the agency does not adopt the plan within a reasonable time or if the state auditor informs the governor that the agency is not making sufficient progress toward plan implementation, the governor may appoint a conservator.

HOUSE BILL 221

EFFECTIVE: 5-18-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: R. Ellis

House Bill 221 amends the Government Code to add color, disability, and age to the list of characteristics that cannot be considered when reviewing the person's qualifications for appointment to the Board of Law Examiners.

HOUSE BILL 510

EFFECTIVE: 5-21-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Cain

House Bill 510 amends the Government Code to expand the eligibility criteria for election to a life membership on the Commission on Uniform State Laws to include residents of this state who have at least 15 years of service as a member of the commission and at least five years of combined service as a judge or justice of a trial or appellate court of this state.

HOUSE BILL 550

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Shapiro

House Bill 550 amends the Government Code to allow the executive director of the Texas Lottery Commission to award a contract for the purpose of conducting certain promotional events related to the lottery to persons who would otherwise be prohibited from doing so. The act provides that only members, officers, or employees who are directly involved in selling or leasing the goods and services that are the subject of a contract with the commission are prohibited from purchasing a lottery ticket or claiming or receiving a share of a lottery prize.

HOUSE BILL 558

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hunter et al.

SENATE SPONSOR: Truan

House Bill 558 amends the Government Code to prohibit state agencies in all three branches of government from hiring anyone subject to selective service unless the prospective employee submits proof of selective service registration or exemption.

HOUSE BILL 564

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Shapleigh

House Bill 564 amends the Government Code to require the governor to designate a border commerce coordinator in the governor's office or secretary of state's office. The coordinator serves at the will of the governor, and the secretary of state is eligible for the position. Responsibilities include examining trade issues involving Mexico and Canada and acting as an ombudsman for governments in the Texas-Mexico border region to improve intergovernmental communication and cooperation. In addition, the coordinator is charged to work with federal officials to resolve border transportation issues and streamline border crossings, to explore the sale of excess Texas electric power to Mexico, and to seek increased funding for the North American Development Bank to assist in the financing of water and wastewater facilities.

HOUSE BILL 826

EFFECTIVE: See below

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Wentworth

House Bill 826 amends the Governmental Dispute Resolution Act to make that Act applicable not only to state agencies, as under current law, but also to other governmental bodies except for the judiciary. Amendments provide that the Act may not be applied to deny a right granted under a local charter, ordinance, or similar provision and clarify that a final written agreement under the Act's dispute resolution process is either open or excepted from required disclosure in accordance with the open records law. Related changes affect Government Code provisions concerning records management. Amendments to the Act and to records management provisions take effect September 1, 1999. A party to a dispute is not required to participate in the dispute resolution process and is not precluded from seeking other legal remedy.

A new Government Code chapter establishes procedures for claims by a contractor against a unit of state government for breach of contract, other than claims for personal injury or wrongful death arising from such breach. The procedures provide for a negotiation of claims and counterclaims and a partial settlement or resolution of those issues, if any. If a claim is not entirely resolved within 270 days of its filing and the parties do not agree in writing to an extension of time, the contractor may file a request for a contested case hearing. An administrative law judge from the State Office of Administrative Hearings must conduct the contested case, and the attorney general is responsible for defending the state. The resultant decision is not subject to appeal or judicial review. If the administrative law judge finds that a claim involves damages of \$250,000 or more, he or she must forward a written report of findings and recommendations to the legislature. Provisions of the act relating to the new chapter take effect August 30, 1999.

HOUSE BILL 844

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Wilson

SENATE SPONSOR: Armbrister

House Bill 844 amends the Government Code to eliminate the limit on the total amount of lottery prizes that may be awarded in a fiscal year. The act provides for limits to the advertising budget for the lottery based on certain gross revenues from the sale of lottery tickets.

HOUSE BILL 875**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Zaffirini

House Bill 875 amends the Government Code to direct the Health and Human Services Commission to use an automated fraud investigation tracking system to monitor the progress of investigations of suspected fraud, abuse, or insufficient quality of care under the state Medicaid program and lists specific functions of the system. The act directs the commission to require each health and human services agency performing any aspect of the state Medicaid program to participate in the implementation and use of the automated fraud investigation tracking system. For settled cases of fraud, abuse, or insufficient quality of care, the act directs the commission to use an automated recovery monitoring system to monitor the collections process.

House Bill 875 amends the Human Resources Code to direct the Department of Human Services to ensure that the department's telephone collection program attempts to collect reimbursement for all delinquent payments for which 15 days or more have elapsed since an initial notice of delinquency was sent. It also directs the department to use an automated collections system to monitor the results of its telephone collection program.

HOUSE BILL 985**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** Zaffirini

House Bill 985 amends the Government Code to require any state agency that delivers public benefits through electronic benefits transfers to comply with the guidelines adopted by the Interagency Task Force on Electronic Benefits Transfers.

HOUSE BILL 1016**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Maxey**SENATE SPONSOR:** R. Ellis

House Bill 1016 amends the Government Code to provide that a state agency must make statutorily required reports available to legislators electronically. It establishes procedures for legislative notice of such availability and requires an agency to promptly forward a printed copy if a legislator requests a report in that form. The act's procedures supersede other reporting statutes, except for those that specifically require a report to be sent to a legislative officer or committee. In such cases, the agency need not comply with the act before sending the officer or committee the report.

HOUSE BILL 1033**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Bosse et al.**SENATE SPONSOR:** Madla

House Bill 1033 amends the Health and Safety Code to provide for the continuation of the Texas Cancer Council until September 1, 2011, and includes across-the-board sunset provisions.

HOUSE BILL 1085**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Hunter**SENATE SPONSOR:** Shapleigh

House Bill 1085 amends the Government Code to assign the Texas State Library and Archives Commission two new records management program responsibilities. It directs the commission to provide training and continuing education to state agency records management officers and, with the cooperation of the Department of Information Resources, to provide training to records management and information technology staff in electronic records management. The act provides that an agency employee qualifies for the position of records management officer only if he or she reports directly to the agency head or to the equivalent of a deputy executive director.

HOUSE BILL 1148

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Madla

House Bill 1148 amends the Government Code to change the deadline for submitting the biennial reports from the Office of Rural Affairs and the Office of Small Business Assistance to the governor and the legislature from September 1 of each even-numbered year to October 15 of each even-numbered year.

HOUSE BILL 1196

EFFECTIVE: 8-30-99

HOUSE AUTHOR: A. Reyna

SENATE SPONSOR: Madla

House Bill 1196 amends the Government Code to designate the second Sunday in August each year as Texas Parents Day to celebrate the family and emphasize the importance of parents to the upbringing of children.

HOUSE BILL 1223

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Seaman et al.

SENATE SPONSOR: Armbrister

House Bill 1223 creates the Texas Historical Artifacts Program fund as an account in the general revenue fund. The fund consists of appropriations, grants and donations, and interest from investments. It is administered by the Texas Historical Commission and is used to assist cities, counties, museums, and county historical commissions to develop or improve museum facilities for the display of significant historical artifacts that are discovered in the state.

HOUSE BILL 1341

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Fraser

House Bill 1341 amends the Government Code to establish a historic courthouse preservation program to be administered by the Texas Historical Commission and supported by grants and loans from a new account in the general revenue fund. To be eligible, county courthouses must be at least 50 years old. Preference, however, is given to buildings that are likely to become historic structures and that were built before 1875, are still functioning as courthouses, and are the subject of a conservation easement held by the commission. Preference extends also to counties that provide at least 15 percent of a preservation project's costs. The act includes various factors to be considered in evaluating grant applications and sets other requirements, including development of a master preservation plan, use of recognized preservation standards, oversight by the commission, and potential audit of county expenditures by the state auditor. The commission may require a conservation easement and other appropriate covenants in favor of the state. The act requires the commission to appoint a Texas Courthouse Preservation Advisory Committee. A grant for any one project may not exceed \$4 million, or two percent of biennial appropriations for the program, whichever is greater. Commission administrative expenses may not exceed one percent of biennial appropriations for the program. The General Appropriations Act appropriates \$50 million to the commission for the courthouse initiative for the FY2000-FY2001 biennium.

HOUSE BILL 1355

EFFECTIVE: 5-24-99

HOUSE AUTHOR: Ramsay et al.

SENATE SPONSOR: Haywood

House Bill 1355 adds a chapter to the Natural Resources Code regarding the proposed Red River Boundary Compact between Texas and Oklahoma. The act contains provisions for adoption of the compact, the full text of the compact, and requirements for negotiation and implementation.

By the terms of the act, the purpose of the compact is to establish a visible boundary between the two states that would help to quickly solve disputes regarding legal jurisdiction and sovereignty issues. Both states are to agree that the boundary is the uniform line of vegetation along the south bank of the Red River, except for provisions regarding the Lake Texoma area, with the boundary being subject to change as a result of natural erosion, accretion, and avulsion. Land to the north of the boundary is in Oklahoma, and land to the south is in Texas.

House Bill 1355 provides that the compact takes effect after it is enacted by both states and receives congressional approval. The compact is not binding until enacted, does not bar either state from taking legal action to enforce provisions, does not change the sovereignty rights of federally recognized Indian tribes, and may be amended only in the same manner it was created. The compact does not change the venue for pending litigation, the title to or boundaries of any land, current riparian rights of adjacent landowners, water rights, or enforcement of water rights. Land is subject to taxation by the county and state in which it is located as of January 1 of the taxing year.

In addition, the act authorizes the land commissioner to negotiate with Oklahoma and in cooperation with the Red River Boundary Commission to resolve differences and to establish procedures for implementation. The land commissioner must report to the governor on the status of negotiations, and the governor must approve the procedures for implementation.

HOUSE BILL 1368**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Edwards**SENATE SPONSOR:** Harris

House Bill 1368 amends the Government Code to designate the State Capitol Grounds as the site for the Texas Emancipation Juneteenth memorial monument, subject to approval of the monument's location and design by the State Preservation Board.

HOUSE BILL 1432**EFFECTIVE:** 6-19-99**HOUSE AUTHOR:** Grusendorf et al.**SENATE SPONSOR:** Shapiro

House Bill 1432 amends provisions of the Government Code to define "Internet" and to prohibit the Texas Department of Public Safety from charging a fee for processing an electronic inquiry made through the use of the Internet if the inquiry is for public information contained in the sex offender registration database maintained by the department.

HOUSE BILL 1433**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Hunter et al.**SENATE SPONSOR:** Lucio

The Texas Legislature in 1997 established the TexShare library consortium, administered by the Texas State Library and Archives Commission, for cooperative library resource sharing among academic libraries at public senior colleges and universities, junior colleges, and private institutions of higher education. House Bill 1433 amends the Government Code to authorize an expansion of consortium membership to include public libraries. The commission may phase in the expansion only to the extent that appropriations are available to efficiently do so without a reduction of services to the academic libraries. The act enlarges the TexShare advisory board from 9 to 11 members to include at least two public library representatives. It clarifies that the consortium is exempt from normal General Services Commission purchasing procedures.

HOUSE BILL 1513

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 1513 amends the Health and Safety Code to require the Texas Health Care Information Council to establish guidelines for a public use data file minimum data set that maintains patient confidentiality and establishes data accuracy and consistency. The act provides that the data set is subject to review by the council to evaluate requests to modify the data set and editing process. It adds circumstances under which the council is required to release public use data and provider quality data and amends requirements relating to the release of patient and physician identifying information in the data sets.

The council is required to establish a scientific review panel to review and approve requests for information other than public use data and must adopt rules similar to the federal Health Care Administration's guidelines on releasing data. The act establishes Travis County as the venue for an action brought for a civil penalty relating to council responsibilities and provides that a person who knowingly accesses data in violation of council guidelines commits a state jail felony.

HOUSE BILL 1611

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

House Bill 1611 amends the Human Resources Code to continue the Governor's Committee on People with Disabilities until 2011. The act amends requirements relating to the functions of the committee, including requiring it to serve as a central source of information and education on the abilities, rights, problems, and needs of persons with disabilities and, as necessary, issue reports. It requires the committee to provide information to and advise the governor and the governor's staff on matters relating to the full participation of persons with disabilities in all aspects of life. It requires the committee to evaluate the state's compliance with federal and state statutes relating to rights and opportunities for persons with disabilities and to provide information and technical assistance to public and private agencies and businesses in order to promote and facilitate implementation of those statutes.

HOUSE BILL 1722

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Counts et al.

SENATE SPONSOR: Shapleigh

House Bill 1722 amends the Natural Resources Code to allow veterans' land fund money to be invested in revenue bonds issued under the Veterans' Financial Assistance Program, but it prohibits the Veterans' Land Board from investing more than \$50 million in those bonds. The act requires the board to report on the status of these investments and all related debt service to the governor, the senate committee on finance, and the house committee on appropriations on or before December 1, 2000.

HOUSE BILL 1799

EFFECTIVE: 9-1-99

HOUSE AUTHOR: P. King et al.

SENATE SPONSOR: Armbrister

House Bill 1799 amends the State Lottery Act to repeal the prohibition against the assignment of lottery prizes and allow a lottery winner to assign prize payments by an order of a district court of Travis County except payments due within the final two years of the payment schedule. The district court is required to approve a voluntary assignment of payments and to order the lottery commission to direct payments to the assignee after certain clerical, legal, tax, and advisory obligations are completed.

In addition, the act requires that unclaimed money, up to \$40 million each biennium, is to be deposited to the credit of the Texas Department of Health state-owned multicategorical teaching hospital, with any additional amount in excess of \$40 million to be deposited in the tertiary care facility account.

HOUSE BILL 1865**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Edwards**SENATE SPONSOR:** R. West

House Bill 1865 amends the Government Code to change the sunset date for the Texas Emancipation Juneteenth Cultural and Historical Commission from 2001 to 2011 and to eliminate the required annual election of the commission's presiding officer. It expands the commission's duties to include the preparation and distribution of promotional publications, requires establishment of the Juneteenth memorial monument on the Capitol grounds to be undertaken with the cooperation of the State Preservation Board, and authorizes the commission to establish other monuments elsewhere throughout the state.

HOUSE BILL 1895**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Maxey et al.**SENATE SPONSOR:** Barrientos

House Bill 1895 amends the Information Resources Management Act to direct the Department of Information Resources, General Services Commission, state auditor, and comptroller to create an interagency panel to establish a training program to assist state agencies in performing software audits, managing software, and purchasing software and software licenses. The panel's initial focus is to be on the 20 agencies that have the largest amounts budgeted for software. Each agency must perform a biennial audit of its software licenses and report the results to the department, which must compile and submit a summary as part of its legislative appropriations request. The legislation directs the department to negotiate with information systems vendors to obtain favorable prices for commodity software licenses, on terms no less favorable than those between a vendor and retailers, compile and maintain a list of commodity software items available for discount purchase through the department, and, if possible, make the list available on the world wide web.

HOUSE BILL 1912**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Cuellar**SENATE SPONSOR:** Shapiro

The Government Code requires an interagency work group to maintain a list of unfunded state mandates applicable to political subdivisions. House Bill 1912 requires the group to add to the list any mandate from a previous legislative session for which state reimbursement was provided in that session but has since been discontinued.

HOUSE BILL 1925**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Carter**SENATE SPONSOR:** Duncan

House Bill 1925 amends the Government Code to require that both the Texas and United States flags be flown on the same pole above the south door of the Capitol and that the Texas flag alone be flown above the north door. The act also prescribes the proper display of the United States and Texas flags over the Capitol when they are flown at half staff and on those occasions when the POW/MIA flag is also flown.

HOUSE BILL 1976

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Madla

House Bill 1976 amends the Government Code to continue the Commission on Human Rights until 2011. It requires the commission to use various outreach methods to inform the public about the complaint process, including a toll-free telephone number, the publication of plain-language information on the complaint process, and inclusion of that information, with details, on an Internet site. Across-the-board sunset provisions give special attention to the maintenance of complaint files and the provision to a complainant of investigatory policies and procedures and quarterly updates on the status of an investigation. The commission must collect and analyze information on employment and housing discrimination in Texas and include results of the analysis in its annual report to the governor and legislature. The act requires development and regular update of an investigation procedures manual and mandates comprehensive investigator training and education, including annual continuing education.

Labor Code amendments codify and elaborate on provisions relating to employment nondiscrimination by state agencies that were formerly contained in riders to general appropriations legislation. The commission must biennially analyze the demographics of the Texas civilian workforce. State agencies must compare their own workforces to the statewide workforce to determine the degree of exclusion or underutilization of African Americans, Hispanics, or women, and must implement a plan to recruit qualified personnel in those categories if they are underrepresented or a court order or settlement agreement requires such recruitment. Other provisions relate to commission review of agency personnel policies, nondiscrimination training for agency employees, agency equal opportunity reporting, and other matters. The legislation amends the Fair Housing Act to require the commission to provide landlords with technical and other assistance relating to building and facility accessibility for the physically disabled.

HOUSE BILL 1983

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Madla

House Bill 1983 amends the Health and Safety Code to continue the Advisory Commission on State Emergency Communications until September 1, 2011, and changes the name to Commission on State Emergency Communications. The act changes the commission's composition and decreases its membership from 16 to 12 members. It establishes the commission as the state's authority on emergency communications and expands its duties to include coordinating services and providers, arranging cooperative purchases of equipment, and disseminating information on 9-1-1 services.

The act directs the Councils of Government (COGs) to update regional plans submitted to the commission every biennium and to include two years of projected financial operating information and five years of strategic planning information. The act requires the commission to biennially prepare a state 9-1-1 strategic plan based upon information contained in the COGs' regional plans and information provided by the emergency communication districts and home-rule municipalities that operate 9-1-1 systems independent of the state systems and to submit it to the Legislative Budget Board and the governor. The act requires the commission to establish guidelines for districts and home-rule municipalities to submit information to be included in the strategic plan for statewide 9-1-1 services.

House Bill 1983 establishes requirements for the commission's contracts with the COGs. The act requires telephone companies to remit the revenue collected from the emergency service fee directly to the commission instead of to the regional COGs. In addition, it requires telephone companies to submit collected surcharges to the commission in 30 days instead of

the previous 60 days and decreases the administrative fee retained by the telephone companies from two percent to one percent. It further requires a dedicated account to be established in the state treasury for the revenue collected from the wireless service fee and the emergency service fee and specifies that the 9-1-1 fees are subject to the legislative appropriations process. The act transfers the responsibility of performing audits and collections from the commission to the comptroller.

The act establishes that participation in a regional plan by a public agency or group of public agencies operating as an emergency communication district does not affect its authority to set its own fee under certain circumstances. It also establishes that a public agency or group of public agencies may withdraw from a regional plan and will be recognized and operate as an emergency communication district in the agency's or group's geographic jurisdiction.

The act requires a service provider to provide to a poison control center the telephone number and address associated with the number for each call to the emergency line of the center. It establishes that the information provided is confidential and is not available for public inspection. The act establishes that the service provider is not liable for the release of information unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In addition to these substantive changes, the act updates sections relating to sunset recommendations that are applied to all agencies.

HOUSE BILL 2008

EFFECTIVE: 5-17-99

HOUSE AUTHOR: Walker

SENATE SPONSOR: Fraser

House Bill 2008 amends the Transportation Code to repeal the requirement that contracts entered into by the Texas Department of Transportation for the development of aeronautics be submitted to the attorney general for approval.

HOUSE BILL 2299

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Barrientos

House Bill 2299 names a classroom building on the campus of the Texas School for the Blind and Visually Impaired in Austin as the Ann P. Silverrain Building.

HOUSE BILL 2429

EFFECTIVE: 6-19-99

HOUSE AUTHOR: T. King

SENATE SPONSOR: Zaffirini

House Bill 2429 amends the Government Code to give a vendor or other person the option to receive payment from the comptroller by warrant. Previous law limited vendor payments to electronic funds transfers and restricted warrant payments to other persons.

HOUSE BILL 2511

EFFECTIVE: See below

HOUSE AUTHOR: Giddings

SENATE SPONSOR: Armbrister

House Bill 2511 amends the Texas Workers' Compensation Act to authorize the Texas Workers' Compensation Commission to permit or require the use of electronic transmission of data and to designate and contract with a data collection agent to implement data collection requirements. The act requires the executive director of the commission to appoint a task force, hold public hearings, and conduct studies necessary to develop and publish a plan to incorporate electronic reporting of information and financial exchanges between the parties in the workers' compensation system. The act sets paper reduction requirements by certain dates and requires the plan to be published by October 1, 2000.

House Bill 2511 also expands the list of entities required to file certain notices to include certified self-insurers and political subdivisions and allows the commission by rule to extend the deadline for filing these notices. Finally, the act establishes an administrative penalty for an employer or insurance carrier that fails to identify or confirm an employer's coverage status and claim administration contract information.

The act takes effect September 1, 1999, except for provisions requiring certified self-insurers and political subdivisions to file notices of coverage, which take effect January 1, 2000.

HOUSE BILL 2641
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.
SENATE SPONSOR: J. E. Brown

House Bill 2641 continues the Health and Human Services Commission until September 1, 2007. The act requires the commissioner of health and human services to manage and direct the operations of each health and human services agency and supervise and direct the activities of each agency director. It also provides that the directors of the following agencies are to be employed by the commissioner, subject to certain restrictions: Texas Department of Health, Texas Department of Human Services, Department of Protective and Regulatory Services, Interagency Council on Early Childhood Intervention, Texas Commission for the Deaf and Hard of Hearing, Texas Commission for the Blind, Texas Department on Aging, Texas Rehabilitation Commission, Texas Juvenile Probation Commission, Texas Commission on Alcohol and Drug Abuse, and Texas Department of Mental Health and Mental Retardation.

House Bill 2641 requires the commission to manage the Medicaid program and supervise information systems planning and management in each health and human services agency. The act authorizes the commission to take certain measures to improve the regional management of human services agencies, consolidate agency support services, and implement an annual business services plan for each region. The act authorizes the commission to transfer funds among human services agency budgets to maximize federal funds. The act further requires the commission to monitor and ensure the effective use of federal funds received by human services agencies and implement Texas Integrated Enrollment Services. The act also makes the commission responsible for strategic planning and management of information resources at each health and human services agency.

House Bill 2641 requires the commission to develop a statewide procedure to reduce fraud and waste in human services agency contracts. It further requires the commission to establish consistent contracting policies and practices among agencies and to compile a contract management database in cooperation with the comptroller. The act authorizes the commission to approve procurement and rate-setting procedures used by human services agencies, and it prohibits an agency from using a disapproved procedure. The act also requires the commission to report annually to the governor and presiding officers of the legislature regarding each agency's compliance with contracting standards.

The act requires the commission and human services agencies to assist local communities in developing comprehensive support systems for health and human services. It also requires the commission to appoint advisory committees for local governmental entities that deliver health and human services, and the commission must ensure that local entities get information about sources of federal money. The act directs the commission, the Texas Information and Referral Network, and the Records Management Interagency Coordinating Council to improve public access to health and human services information. The act also requires the commission to convene a working group, made up of affected agencies and client advocates, on abuse, neglect, and exploitation.

House Bill 2641 requires the Guardianship Advisory Board to propose a statewide guardianship program. The act also expands the duties of the Health Care Information Council to include gathering data from Medicaid managed care organizations and evaluating the effectiveness of the Medicaid managed care system. It requires the Texas Department of Health to contract with an independent auditor to perform annual external audits of any Medicaid contractor and adds requirements relating to managed care organization contracts. The act creates a moratorium on certain Medicaid pilot programs and creates a Medicaid managed care advisory committee. The act changes the name of the Health and Human Services Transportation and Planning Office and directs the office to create a statewide plan to coordinate transportation services. House Bill 2641 transfers the administration of the Empowerment Zone and Enterprise Communities Program to the Department of Economic Development. The act creates the Health and Human Services Legislative Oversight Committee to monitor the commission's implementation of the act, to recommend adjustments to the implementation of certain provisions, and to report on the statewide health and human services system. In addition, the act requires the commission to study the feasibility of a subacute care pilot project.

HOUSE BILL 2824**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** Gray**SENATE SPONSOR:** Lucio

House Bill 2824 authorizes certain governing bodies to issue a subpoena, with the approval of the commissioner of public health, and provides for the confidentiality of materials subpoenaed or compiled in connection with a complaint and investigation. The governing bodies are as follows: the Texas State Board of Social Worker Examiners; the Interagency Council on Sex Offender Treatment; the Texas State Board of Examiners of Marriage and Family Therapists; the Advisory Board of Athletic Trainers; the Texas State Board of Examiners of Licensed Professional Counselors; the Texas State Board of Examiners of Dietitians; the State Committee of Examiners for Speech-Language Pathology and Audiology; the Texas Board of Licensure for Professional Medical Physicists in the Texas Department of Health; the Texas State Board of Examiners of Perfusionists; the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; and the Texas Board of Orthotics and Prosthetics.

The act adds requirements relating to the handling of complaints by the Advisory Board of Athletic Trainers and the Texas Board of Examiners of Licensure for Professional Medical Physicists in the Texas Department of Health and provides for the confidentiality of information obtained by the Texas Department of Health in connection with a complaint or investigation relating to hospitals and mental hospitals.

HOUSE BILL 2835**EFFECTIVE:** 10-1-99**HOUSE AUTHOR:** S. Turner**SENATE SPONSOR:** Shapleigh

House Bill 2835 amends the Information Resources Management Act to require each state agency, other than an institution of higher education, whose biennial budget in the General Appropriations Act exceeds \$175 million, to post on an Internet site a brief description of the agency's duties, a link to an electronic version of its Texas Administrative Code rules, a link to any written procedure on agency hearings that is not contained in the electronic version of the code, and a listing and description of all agency contracts with a vendor in excess of \$100,000. The site must also contain an analysis, by county, of agency expenditures or, if that information is not available, an expenditure analysis by geographic region, to the extent possible, and by agency field office.

HOUSE BILL 2840

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Keffer et al.

SENATE SPONSOR: Sibley

The Government Code authorizes the General Services Commission to provide by rule for sales or transfers of surplus or salvage state property to assistance organizations, political subdivisions, or state agencies. Except for the house and senate, legislative agencies disposing of such property must give priority to transfers to such entities. House Bill 2840 amends the definition of “assistance organization” to include a group, including a faith-based group, that enters into a financial or nonfinancial agreement with a health or human services agency to provide services to the agency’s clients.

HOUSE BILL 2925

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: J. E. Brown

House Bill 2925 amends the Government Code to require the Texas Department of Public Safety, no later than September 1, 2000, to make criminal history information available by electronic means to municipalities requesting the information for employment applicant screening and provides for a fee to be paid by a municipality obtaining the information.

HOUSE BILL 2954

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray

SENATE SPONSOR: J. E. Brown

House Bill 2954 amends provisions of the law relating to application of the sunset review process to certain state agencies. It abolishes the Texas Low-Level Radioactive Waste Disposal Authority and transfers its functions to the Texas Natural Resource Conservation Commission. The act repeals sunset provisions for the State Law Library, Texas Judicial Council, Office of the State Prosecuting Attorney, and Office of the Secretary of State. It moves sunset review forward from 2003 to 2001 for the General Services Commission and establishes a standardized sunset review date beginning with 2003 for metropolitan transit authorities that are subject to such review. The act postpones sunset review for the Texas Ethics Commission from 2001 to 2003, for the Texas-Israel Exchange Fund Board from 2001 to 2007, and for the Official Cotton Growers’ Boll Weevil Eradication Fund board of directors from 2003 to 2007. It eliminates the 1999 sunset expirations of the Texas Department of Human Services and Children’s Trust Fund of Texas Council, giving those agencies new sunset dates of 2003 and 2007, respectively. However, the act mandates a special-purpose review of the latter agency before 2001, focused on management, administrative costs, interagency relations, and compliance with legislative directives and requirements. Sunset review of the Parks and Wildlife Department during the upcoming legislative biennium must include examination of appropriate sources of dedicated funding for financing departmental programs. If the Sunset Advisory Commission, as part of its upcoming review of the Texas Natural Resource Conservation Commission, studies groundwater districts, it must coordinate its efforts with any interim legislative committees also studying that subject.

HOUSE BILL 2997

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Culberson

SENATE SPONSOR: Lindsay

House Bill 2997 gives the state flower, bird, and motto, previously designated by legislative resolution, statutory status. It expresses legislative intent that state agencies give consideration to the state flower and tree when planning beautification projects. The act establishes February 19 as State of Texas Anniversary Remembrance Day (STAR Day) in honor of Texas joining the Union and inaugurating its first governor in 1846. It provides, with certain exceptions, for display of the Texas flag at half staff on Peace Officers Memorial Day.

HOUSE BILL 3059
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Hill et al.
SENATE SPONSOR: Lucio

House Bill 3059 amends the Government Code relating to the operations of the Texas State Affordable Housing Corporation. The act redefines the corporation's purpose to be the promotion of housing primarily for individuals and families of low, very low, and extremely low income rather than of low, very low, and moderate income and authorizes the corporation to make first lien, single family purchase money mortgage loans for single family homes.

The membership of the corporation's board of directors is reduced from six to five members, all of whom are appointed by the governor. The two board members who were presiding officers of the Texas Department of Housing and Community Affairs board of directors are no longer members, and the governor is directed to appoint a fifth member to serve on the corporation's board of directors as soon as possible after the act becomes effective. The act deletes the provision that the executive director of the department serve as the corporation's president and instead requires the corporation to employ a qualified individual to serve in that capacity.

House Bill 3059 prohibits the corporation from actively competing with private lenders and from originating or making a loan that would be made under the same circumstances by a private lender within the submarket and deletes the requirement that the corporation rely on private mortgage companies, banks, savings banks, or other similar entities to originate loans. Finally, the corporation is required to distribute excess earnings to further the corporation's new or existing affordable housing initiatives rather than to deposit them with the department to the credit of the housing trust fund.

HOUSE BILL 3084
EFFECTIVE: 6-19-99**HOUSE AUTHOR:** Junell
SENATE SPONSOR: Ratliff

House Bill 3084 provides that a fund or account created or re-created in the state treasury by an act of the 76th Legislature, or a dedication or rededication accomplished by an act of the 76th Legislature, is abolished on the later of August 30, 1999, or the effective date of such act. It exempts from this abolishment certain funds, accounts, dedications, and revenue in certain 1999 legislation. The exemptions include federal funds for which separate accounting is required by federal law, trust funds or dedicated revenue deposited to trust funds, bond funds and pledged funds, license plate fees, court costs, and funds or accounts created or re-created, or revenue dedicated or rededicated, by proposed constitutional amendments. The act amends the Government Code to make temporarily available, for general government purposes, dedicated revenues that exceed appropriated amounts on the final day of FY2001. It abolishes the Fund Review Advisory Committee and amends the Health and Safety Code to make certain corrections regarding the funding of emergency medical services and trauma care. The act prevails over any contrary legislation of the 76th Legislature.

HOUSE BILL 3125
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Chisum
SENATE SPONSOR: Fraser

House Bill 3125 amends the Government Code to increase oversight of vehicle purchasing by certain state agencies. Under an existing vehicle reporting system, agencies must submit information to the office of vehicle fleet management at the General Services Commission. The act requires the office to file an annual report with the legislature containing the vehicle information and identifying any nonreporting agencies. It directs the office to review the operation of each agency's vehicle fleet and report biennially to the legislature on agency fleet status and recommendations for improvements in agency fleet operation.

The office, as directed by the State Council on Competitive Government, must develop a management plan containing specified elements for the state's vehicle fleet by May 31, 2000. Five other agencies are to participate in plan preparation. The act directs the commission to sell excess vehicles and directs agencies to adopt vehicle assignment rules consistent with the plan. A temporary provision requires the commission to approve any vehicle purchase before June 1, 2000, and requires vehicle purchases on or after that date to be in conformity to the plan. Exceptions apply to vehicles for law enforcement, emergency, and safety purposes and to certain heavy equipment for which an agency has a record of past purchasing.

HOUSE BILL 3294

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Armbrister

House Bill 3294 amends the Government Code to allow either house of the legislature to acquire and sell Texas flags and other items carrying state symbols and, if those articles are produced by inmates in a Texas Correctional Industries program, to exempt such sales from the prohibition against reselling prison-made products.

HOUSE BILL 3425

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Najera

SENATE SPONSOR: Shapleigh

House Bill 3425 amends the Government Code to make any recipient of the Congressional Medal of Honor eligible for the Texas Legislative Medal of Honor.

HOUSE BILL 3431

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Delisi et al.

SENATE SPONSOR: Fraser

House Bill 3431 amends the Government Code to provide that the Council on Workforce and Economic Competitiveness acts as a state workforce investment board, in addition to acting as a state human resource investment council. The agencies represented on the council must fund the maintenance and operation of the evaluation system by using funds available to the agencies for evaluation of each agency's workforce development programs. The act requires that evaluation data include public welfare dependency factors. The council is required to report periodically to the governor and the legislature and provide annual reports analyzing work development programs that focus on welfare-to-work initiatives.

The act also provides that if any change it makes invalidates an exemption under the Workforce Investment Act of 1998, the council may not operate under that change.

HOUSE BILL 3682

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Shapleigh

House Bill 3682 amends the Uniform Grant and Contract Management Act to allow a state agency, in awarding a grant or providing other financial assistance, to waive or adjust any otherwise applicable matching funds requirement for an economically disadvantaged county or census tract. Such areas are defined as a county that has above average unemployment and below average per capita income and per capita taxable property value, a county whose per capita taxable property tax value is less than half the average for Texas counties, or a census tract in which the median family income is less than 80 percent of the area median family income based on U.S. Bureau of the Census figures. The act does not apply to certain transportation assistance. Agencies that use waivers or adjustments must annually report such use.

HOUSE BILL 3740**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Greenberg**SENATE SPONSOR:** Zaffirini

House Bill 3740 amends the Human Resources Code to require a hearing held by the State Office of Administrative Hearings on behalf of the Department of Protective and Regulatory Services to be held in the department's administrative region in which the conduct at issue occurred, unless otherwise agreed to by all parties.

HOUSE JOINT RESOLUTION 29**FOR ELECTION:** 11-2-99**HOUSE AUTHOR:** Gallego**SENATE SPONSOR:** Shapiro

House Joint Resolution 29 proposes a state constitutional amendment to authorize the legislature to provide by law for an odd number of three or more members for boards of statutory state agencies and institutions, including university regents. A temporary provision establishes a transitional period for necessary statutory revisions, which must accomplish the change by September 1, 2003. Existing board members may continue to serve until a quorum of the members under the new system have qualified. The temporary provision expires two years after the 2003 deadline. For constitutional boards, the legislature may provide by statute for staggered six-year terms and a membership total divisible by three.

HOUSE JOINT RESOLUTION 44**FOR ELECTION:** 11-2-99**HOUSE AUTHOR:** Ramsay et al.**SENATE SPONSOR:** Truan

House Joint Resolution 44 proposes a constitutional amendment relating to succession to the office of the governor and the duties of the lieutenant governor. The amendment provides that if the governor's office becomes permanently vacant or a governor-elect is permanently prevented from taking office, the lieutenant governor or lieutenant governor-elect becomes governor, serves for the remainder of the governor's term, and vacates the lieutenant governor's office. The lieutenant governor or lieutenant governor-elect acts as governor only in cases of temporary absences, disabilities, or conditions. Preceding constitutional language has treated both situations alike, with no succession to the governor's office for permanent vacancies. The amendment clarifies that the senate president pro tempore assumes the lieutenant governor's duties in cases of temporary absences, disabilities, or conditions and assumes the governor's powers if the two top executive officers are both temporarily unavailable to serve. It retains the provision that a Committee of the Whole Senate elects a senator to perform the lieutenant governor's duties in the event of a permanent vacancy in that office.

HOUSE JOINT RESOLUTION 62**FOR ELECTION:** 11-2-99**HOUSE AUTHOR:** Mowery et al.**SENATE SPONSOR:** Shapiro

House Joint Resolution 62 proposes a state constitutional amendment that eliminates various duplicative, obsolete, archaic, ineffective, and already executed constitutional provisions. Temporary transition provisions clarify that the amendment does not impair existing debt obligations or the issuance of previously authorized but unissued bonds and does not affect certain tax practices, pension rights, county powers, and hospital district dissolution proceedings. The amendment repeals provisions relating to disclosure of Texas growth fund investments in South Africa or Namibia. A change applicable to permanent university fund, permanent school fund, and teacher retirement fund administrators eliminates their preferential right of purchase for Veterans' Land Board bonds and obligations.

HOUSE JOINT RESOLUTION 74
FOR ELECTION: 11-2-99

HOUSE AUTHOR: Gray
SENATE SPONSOR: J. E. Brown

House Joint Resolution 74 proposes a state constitutional amendment to provide that the governor's appointee to the statutory office of commissioner of health and human services serves at the pleasure of the governor.

HOUSE JOINT RESOLUTION 95
FOR ELECTION: 11-2-99

HOUSE AUTHOR: Gray
SENATE SPONSOR: J. E. Brown

House Joint Resolution 95 proposes a state constitutional amendment to provide that the governor's appointee to the statutory office of adjutant general serves at the pleasure of the governor.

SENATE BILL 79
EFFECTIVE: 6-18-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Ehrhardt et al.

Senate Bill 79 amends the Government Code to authorize the governing board of the Texas Department of Housing and Community Affairs, with the consent of the governor, to employ the director of the department and set the director's salary. The act permits a newly elected governor, within 90 days of taking office, to remove a director and require the board to employ a new director.

SENATE BILL 100
EFFECTIVE: 6-18-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Hunter

Senate Bill 100 adds a Government Code provision to designate the governor as the state official authorized to consult with the United States secretary of the treasury on the design of a Texas quarter dollar commemorative coin. The governor may establish an advisory committee, in which case the chair of the Committee on State, Federal, and International Relations of the Texas House of Representatives serves as a member. Provisions of the act expire January 1, 2005.

SENATE BILL 107
EFFECTIVE: 9-1-99

SENATE AUTHOR: Truan et al.
HOUSE SPONSOR: Chavez

Senate Bill 107 amends the Government Code to designate March 31 as Cesar Chavez Day, an optional state holiday. State agencies remain open on the holiday. However, the administrative head of an agency may allow an employee to take it as a paid holiday in lieu of any other weekday state holiday, other than an election day, on which the state agency remains open.

SENATE BILL 183
EFFECTIVE: 9-1-99

SENATE AUTHOR: D. Nixon
HOUSE SPONSOR: Alexander

Senate Bill 183 amends the Government Code to replace the requirement that an agency's governing board, if any, approve acceptance of a gift with a requirement that the board acknowledge acceptance of a gift within 90 days of the acceptance.

SENATE BILL 223
EFFECTIVE: 9-1-99

SENATE AUTHOR: Ogden
HOUSE SPONSOR: Junell

Senate Bill 223 amends the Government Code to require university systems, institutions of higher education, and certain state agencies to notify the Legislative Budget Board, Senate Finance Committee, and House Appropriations Committee of membership dues that it pays to an organization with a paid lobbyist. The act also requires, before any expenditure on certain

employee training that enhances job performance but is not required by state or federal law, the adoption of a policy that establishes a linkage between the training and subsequent employee duties. If an employee receives state-paid training while deferring his or her regular duties for three or more months, the employee must agree in advance to work for the agency at least one month for every month of training or alternatively to pay all training costs—including paid salary costs not covered by vacation or compensatory leave—for the training period. An employee who fails to uphold the agreement remains liable for repayment of training costs, plus reasonable attorney's fees incurred in collecting such repayment. The act, however, authorizes the governing body of the agency to waive the work or cost payment obligation in certain circumstances. An agency must report training expenditures annually to the Legislative Budget Board.

SENATE BILL 355**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Bosse

Senate Bill 355 amends the Government Code to continue the Texas Incentive and Productivity Commission through September 1, 2003. It enlarges the commission, replacing the administrator of the Texas Workforce Commission with two state agency chief executives, one from smaller agencies and one from larger agencies. The act abolishes the productivity bonus program but retains provision for productivity ideas from multiple employees acting in concert, through group and joint suggestions under the state employee incentive program. The act eliminates the formula distribution of savings or revenue, including transfers to a special fund controlled by the commission and used for program administration and bonus awards. Instead, an agency certifies and retains the savings or revenue, to the extent that savings come from its appropriations, and pays bonuses from that money, as granted by the commission. Delayed hirings by agencies are no longer eligible as suggestions, and commission employees may not participate in the program or obtain bonuses. The act allows recognition awards for suggestions that conserve energy, enhance safety, improve customer service, or yield other innovations or improvements, but do not qualify for bonuses. A maximum of 150 recognition awards may be granted in any one year. The act also includes various standard sunset provisions.

SENATE BILL 356**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** J. E. Brown**HOUSE SPONSOR:** McCall et al.

Senate Bill 356 repeals sections of the Health and Safety Code and the Tax Code to abolish the Texas Hospital Equipment Financing Council.

SENATE BILL 382**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Duncan**HOUSE SPONSOR:** Smithee

Senate Bill 382 repeals a 1997 law providing that state agency rules not adopted in conformity with certain Texas Register notice content requirements are null and void. It amends the Administrative Procedure Act to limit the reasoned justification accompanying final rule adoption to listed statutory elements, including a summary of the factual basis for the rule that demonstrates a rational connection between the adopted rule and that factual basis. The Administrative Procedure Act is not to be construed to require additional analysis of alternatives rejected by a state agency, other than a disagreement statement responding to submissions and proposals. Senate Bill 382 sets criteria for substantial compliance with the requirements for rule adoption orders and provides that a nonprejudicial technical defect is not grounds for rule invalidation. If a court finds that an agency has not substantially complied

with procedural requirements relating to rule proposal and adoption, the court may remand the rule to the agency for revision or readoption. The rule remains effective in the meantime unless the court finds good cause to invalidate all or a portion of it. Other provisions of the act authorize a state agency to take administrative action or adopt certain rules preparatory to the implementation of a new law whose effectiveness is pending. The rules, however, may not take effect before the new law does.

SENATE BILL 440

EFFECTIVE: 9-1-99

Senate Bill 440 moves the sunset review of the Texas Funeral Services Commission from 2003 to 2001.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Capelo

SENATE BILL 456

EFFECTIVE: 8-30-99

Senate Bill 456 provides assurances required by site selection organizations in support of the candidacy of Texas cities for the 2007 Pan American Games or the 2012 Olympic Games. It authorizes trust funds of up to \$20 million and \$100 million, respectively, supported primarily by incremental tax receipts resulting from the games. The state contribution is 86 percent; the municipal contribution, 14 percent. Revenue sources include state and local sales and use taxes and local fee surcharges, and in the case of the Pan American Games, include state and local hotel occupancy taxes, motor vehicle taxes, and alcoholic and mixed beverage taxes. However, city voters must approve any local tax contributions unless the established election schedule is inconsistent with federal voting rights preclearance requirements. Voter rejection eliminates most state financial or contractual involvement in a games or games bid. The act details the responsibilities of the comptroller, the Texas Department of Economic Development, and certain other state agencies. It sets various ethics, reporting, filing, auditing, and oversight responsibilities for a local organizing committee for the games, and makes bribery involving local organizing committee or site selection organization officials a felony of the second degree. A local organizing committee is tax-exempt and is subject to the open records law, except that its final bid may not be disclosed until the applicable games site is selected. The open meetings law applies to a local organizing committee, with certain exceptions. No money may be disbursed from the Olympic Games trust fund to solicit the relocation of a professional sports franchise.

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: A. Reyna et al.

SENATE BILL 483

EFFECTIVE: 6-19-99

Senate Bill 483 amends the Texas Flag Code to provide that a state flag, when no longer used or useful for display purposes, should be destroyed in a dignified manner, preferably by burning. The act establishes procedures appropriate for a flag retirement ceremony.

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Hunter

SENATE BILL 494

EFFECTIVE: 5-21-99

Senate Bill 494 amends the Government Code to reassign and expand certain powers and duties of the State Preservation Board and its executive director relating to the preservation, maintenance, and operation of Capitol complex buildings and grounds and extend their jurisdiction to include the Pease/Shivers Mansion. The act establishes the Bob Bullock Texas State History Museum under the board's governance and prescribes specific powers and duties relating to the museum's operation.

SENATE AUTHOR: Harris

HOUSE SPONSOR: Goolsby et al.

Senate Bill 494 also creates a Capitol renewal account in the general revenue fund to support the maintenance and preservation of the Capitol and the General Land Office and their contents and grounds and a Bob Bullock Texas State History Museum fund as a trust fund outside the treasury to be managed and invested by the comptroller in the museum's behalf. The Capitol renewal account consists of appropriations and proceeds from services and activities at the Capitol Complex and the Pease/Shivers Mansion; the museum fund consists of net revenues from admissions, parking and transportation fees, facility rentals, vending enterprises, and gifts. To the extent possible, museum operating costs are to be paid from revenues generated by the museum.

SENATE BILL 501**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Shapleigh et al.**HOUSE SPONSOR:** Oliveira

Senate Bill 501 amends the Government Code to require that state agency strategic plans identify each geographic region served by the agency, including the Texas-Mexico and Texas-Louisiana border regions. If appropriate, a strategic plan also must identify the agency's means and strategies for serving each geographic region. The act specifies the counties in the two border regions.

SENATE BILL 529**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Haywood**HOUSE SPONSOR:** T. King

Senate Bill 529 amends the Property Code to authorize the comptroller to adopt rules concerning the signature requirement for unclaimed property reports. The rules may be designed to maximize the use of future developments in electronic filing technology. The act eliminates certain verification requirements, modifies due date provisions relating to the delivery of safe deposit box contents, and repeals certain filing requirements for those who have no unclaimed property to report.

SENATE BILL 555**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Ogden**HOUSE SPONSOR:** Hamric

Senate Bill 555 amends the Transportation Code to provide that if the lowest bidder for a maintenance contract involving less than \$100,000 withdraws its bid before the contract is awarded or fails to execute the contract, the director of the Texas Department of Transportation may recommend to the Texas Transportation Commission that the maintenance contract be awarded to the next lowest bidder, and the commission may award the contract to the second lowest bidder if the bidder accepts the unit bid prices of the lowest bidder. The act requires the commission to adopt rules governing the withdrawal of bids and the award of a maintenance contract to the second lowest bidder.

SENATE BILL 570**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Shapiro**HOUSE SPONSOR:** Brimer

Senate Bill 570 amends the Government Code to increase the maximum fee that the secretary of state may charge from \$5 to \$15 for the expedited handling of a certified record search or expedited filing of a document relating to a security interest and to increase the maximum fee for expedited filing or reviewing of a document relating to certain corporations, associations, partnerships, or companies from \$10 to \$25. The act also authorizes the secretary of state to revoke the filing of any document under certain circumstances.

SENATE BILL 583

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: S. Turner

State law prohibits issuance of warrants by the comptroller to anyone who owes delinquent taxes to, or administered by, the state. Senate Bill 583 amends the Government Code to require a state agency, before signing a contract with a vendor, to check with the comptroller to see if warrants to the vendor are prohibited under that law. If so, the state agency may not sign the contract unless a clause is included guaranteeing that contractual payments will be applied to the vendor's tax debt until that debt is retired.

SENATE BILL 616

EFFECTIVE: 6-18-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Gray

Senate Bill 616 amends the Government Code relating to the termination of certain contracts between the executive director of the lottery commission and a lottery operator. Currently, contracts between those two parties terminate September 1, 2004. The act repeals the 2004 termination date and requires a contract to contain a provision that allows the contract to be terminated, without penalty, should the lottery division be abolished.

SENATE BILL 620

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Truitt

Senate Bill 620 amends the Family Code to authorize a state agency to accept a bid for a contract, grant, or loan that does not include all of the required identifying information, as long as the information is collected before the contract, grant, or loan is executed.

SENATE BILL 640

EFFECTIVE: 6-18-99

SENATE AUTHOR: Fraser

HOUSE SPONSOR: Uher

Senate Bill 640 amends the Government Code to require that state offices display the POW/MIA flag, as identified by federal law, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, and National POW/MIA Recognition Day.

SENATE BILL 643

EFFECTIVE: 5-24-99

SENATE AUTHOR: Truan

HOUSE SPONSOR: Wise

Senate Bill 643 amends the Government Code to create the Texas Humanitarian Service Medal to recognize those who do not meet the criteria for an award of the counterpart federal medal. The state medal goes to a member of the state military forces who, while serving in state active duty, participates satisfactorily in the accomplishment of missions to protect life or property during or soon after a natural disaster or civil unrest. The act also lowers the minimum service requirement eligibility for the Federal Service Medal from nine months to 90 days.

SENATE BILL 691

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Pitts et al.

Senate Bill 691 amends the Government Code to establish a Texas public library endowment fund, earnings from which are directed to a Texas public library fund for grants to public libraries for facility construction, book acquisition, collection development, and library administration. The endowment fund, held outside the treasury and administered by the Texas State Library and Archives Commission with professional investment assistance, consists of donations of money, securities, and other property. Investment proceeds are transferred annually to the grant fund, which may also accept legislative appropriations and net sales from promotional

items. The grant fund is within the state treasury but separate from general revenue and dedicated wholly to public library purposes. The commission may make matching grants for facility construction projects and direct grants for other library purposes authorized by the act. Participant public libraries must satisfy specified minimum local funding levels. The act also amends the Local Government Code to authorize a library district to accept and administer gifts, grants, and donations.

SENATE BILL 734**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** B. Turner

Senate Bill 734 amends the Government Code to delete the limit of five people as the maximum number of persons the attorney general may employ and commission as peace officers.

SENATE BILL 735**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Armbrister**HOUSE SPONSOR:** Uher

Senate Bill 735 amends the Transportation Code to increase the minimum amount the Texas Department of Transportation is required to spend each fiscal year on contracts with private entities for vehicle maintenance and repair from 25 percent to 35 percent of the total amount the department spends for maintenance and repairs in that year and repeals a provision relating to the vehicle maintenance and repair outsourcing pilot project.

SENATE BILL 801**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** R. Ellis**HOUSE SPONSOR:** Maxey

Senate Bill 801 requires a state agency to make available, on a generally accessible Internet site, the text of its rules and any supportive explanatory or interpretive material that the agency has issued for general distribution to parties affected by such rules. Compliance may be achieved through another agency. The site must be accessible to people with disabilities and must be designed so that the public may electronically submit rules questions and receive responses from the agency. An agency that receives payment from the public or regulated parties or that receives information from the public or regulated parties by means of a form must include in its strategic plan a plan for receiving the payments or forms through the Internet or other electronic means. The act sets forth various plan requirements. It directs all agencies that maintain generally accessible Internet sites to cooperate toward the provision of useful electronic links among the sites. The Department of Information Resources must assist agencies in fulfilling these linkage requirements and in developing the payment and form portion of their strategic plans.

SENATE BILL 805**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** R. Ellis**HOUSE SPONSOR:** Greenberg

Senate Bill 805 amends the Education Code to provide the comptroller with the same investment authority over the Higher Education Fund that the board of regents of The University of Texas System has over the Permanent University Fund.

SENATE BILL 853**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Shapleigh**HOUSE SPONSOR:** S. Turner

Senate Bill 853 amends the Government Code to require that reports published by the comptroller be published electronically on the comptroller's Internet site if they are public information subject to disclosure under the open records law.

SENATE BILL 916

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth et al.

HOUSE SPONSOR: Danburg

Senate Bill 916 amends Government Code provisions relating to meetings for which the secretary of state posts notice. It requires that such postings be accomplished through the Internet and that the secretary of state provide during regular office hours a computer terminal for use by the public in viewing the posted notices. The act does not affect publication of open meetings notices in the Texas Register.

SENATE BILL 959

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: J. Moreno

Senate Bill 959 amends the law relating to standards for the elimination of architectural barriers. The act changes the oversight and rulemaking authority for architectural barrier standards from the commissioner of licensing and regulation to the Texas Commission of Licensing and Regulation. The act applies the standards from the Americans with Disabilities Act to any facility covered by this article that is renovated, rather than substantially renovated on or after a specific date. The act prohibits the commission from waiving or modifying a standard or specification that would result in any violation of the Americans with Disabilities Act and its subsequent amendments. The act also adds interior designer and landscape architect to the list of definitions covered by this article.

The act provides new guidelines for the submission of plans and specifications to the commission, eliminates automatic approval of submitted plans, and eliminates the requirement that a municipality be contracted to perform reviews and inspections of certain facilities.

SENATE BILL 974

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh et al.

HOUSE SPONSOR: Solomons

Senate Bill 974 amends the Information Resources Management Act to direct the Department of Information Resources to establish a two-year task force to study the feasibility of a common Internet system through which state agencies and local governments can send documents to the regulated public, receive payments from the regulated public, and receive electronically signed license and permit applications, as well as document filings, from the regulated public. The act directs the department and task force to implement a demonstration project for accomplishable transactions. The department must report the findings of the task force and the results of the demonstration project to legislative officials no later than November 1, 2001.

SENATE BILL 983

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Uresti

Senate Bill 983 requires the commissioner of health and human services, after consulting with the Texas Department of Health, the Texas Department of Human Services, and providers and consumers of home health and personal assistance services, to request that the Federal Health Care Financing Administration adopt rules to allow a home and community support services agency to use modern methods of communication in the supervision of the agency's branch offices and eliminate the driving distance requirements for a branch office of a home and community support services agency or allow the state to set its own requirements.

SENATE BILL 1112
EFFECTIVE: 9-1-00

SENATE AUTHOR: Shapleigh et al.
HOUSE SPONSOR: Gallego

Senate Bill 1112 amends the Government Code to require the Texas Department of Housing and Community Affairs to use a formula based on housing assistance need to allocate certain housing finance funds to each uniform state service region. The act requires that any excess funds allocated for a region be used for all other regions based on identified need and financial feasibility. The department is required to publish its formula and allocation targets in its annual low income housing plan and to include the amounts of funds and credits allocated to each region in its annual low income housing report.

SENATE BILL 1127
EFFECTIVE: 6-18-99

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Brimer

Senate Bill 1127 directs the state auditor to contract with The University of Texas System to conduct a review of General Services Commission processes and procedures to identify ways to improve that agency's efficiency and effectiveness. The contractual report is due by December 1, 2000. The act provides for the appointment of an interim legislative oversight committee to monitor the review and advise the state auditor. Amendments to Government Code procurement provisions require that the commission and state agencies give preference to remanufactured and environmentally sensitive products in addition to the recycled products covered by existing law. The act authorizes the commission, in coordination with the Recycling Market Development Board, to annually designate purchasing goals for those products and requires a written justification when an agency opts to buy equivalent competing products. It eliminates the previous eight percent recycled content requirement. The act authorizes the commission to enter into purchasing compacts or agreements with other states or governmental entities. Other provisions relate to vendor training, the state's master bidders list, competitive sealed proposals, catalogue purchases, use of consulting services, automated information systems, and other subjects.

SENATE BILL 1136
EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh et al.
HOUSE SPONSOR: Pickett

Senate Bill 1136 amends the Government Code to require the governor to designate a border commerce coordinator whose duties are to study the flow of commerce at ports of entry between Texas and Mexico and to establish a plan to aid that commerce and improve the movement of commercial vehicles. The coordinator serves at the will of the governor.

SENATE BILL 1320
EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Junell

Senate Bill 1320 amends the Government Code to cap at \$5 million the amount retained in the lottery pooled bond fund, a reserve account created to cover potential state losses resulting from any retailer defaults, and provides for the transfer of the excess above that amount to the foundation school fund.

SENATE BILL 1327
EFFECTIVE: 9-1-99

SENATE AUTHOR: Gallegos
HOUSE SPONSOR: Hunter

Senate Bill 1327 amends the Government Code to assign to the Texas Historical Commission the duty to promote heritage tourism through assistance in the preservation, enhancement, and promotion of Texas cultural and heritage attractions. The act sets forth associated powers and

requirements. It makes minor changes relating to the commission's use of the Texas preservation trust fund and removes a provision requiring trust fund advisory board approval for financial assistance for a project in excess of \$20,000.

SENATE BILL 1346

EFFECTIVE: 6-18-99

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Deshotel

Senate Bill 1346 amends provisions of the Government Code relating to the State Commission on Judicial Conduct to improve their consistency and clarity and to make conforming changes. The act provides the commission and its members, executive director, employees, special masters, and special counsel with immunity from liability for their official acts. The act authorizes the commission to conduct preliminary investigations relating to allegations of misconduct or disability, to request the judge to submit responses to such allegations or appear informally before the commission, to order the deposition of any person other than the judge, and to petition a district court for an order compelling a judge under investigation to submit to a physical or mental examination. The act provides that a judge is not entitled to a jury trial in formal proceedings before a special master or the commission. The act also excludes certain information from discovery in formal proceedings or proceedings before a special court of review, provides that the disciplinary record of a judge is admissible in a subsequent proceeding, authorizes the release of certain information, excluding the identity of a complainant, to be released upon a written request by a judge, and provides that evidence introduced during a hearing is public. Finally, the act authorizes a court of review to grant continuances not to exceed 30 days in a proceeding to review the imposition of a sanction by the commission.

SENATE BILL 1367

EFFECTIVE: 6-20-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Wolens

Senate Bill 1367 amends the Government Code to authorize the Texas Legislative Council to gather and analyze information relating to public education and other public services in order to conduct statistical and demographic research and produce reports. It requires state agencies to cooperate with the council in the gathering and sharing of information, the handling of confidential data, and the production of reports. Agencies must comply with council information requests to the maximum extent permitted by state or federal law. Council entitlement extends to data that is confidential under state or federal law, but shared data does not lose its confidential character, and the council may not release personally identifiable data to a legislator or any other person. The act extends to legislative agencies and committees the privilege, currently enjoyed by legislators, to receive a copy of information free of charge. An Election Code amendment entitles the council to receive voter turnout information free of charge from county and city custodians of such information. Amendments to the Tax Code entitle the council to receive free of charge requested information or data from appraisal records maintained electronically by an appraisal district. On receiving a written request, the district must provide the information or data as soon as practicable but not later than 30 days after the date the request is received.

SENATE BILL 1368

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Wolens

Senate Bill 1368 contains nonsubstantive additions and corrections to existing codes and statutes, including the codification of various laws and conforming codifications to reflect changes enacted by the 75th Legislature in 1997.

SENATE BILL 1379
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Shapleigh
HOUSE SPONSOR: Haggerty et al.

Senate Bill 1379 requires the adjutant general to study the Texas National Guard's use of the Fort Bliss Military Reservation for training activities. Study findings must be reported to the governor and legislative presiding officers not later than January 1, 2001. The act expires September 1, 2001.

SENATE BILL 1382
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Shapleigh
HOUSE SPONSOR: Uher

State law requires, as a component of certain state contracts for automated information systems, the inclusion of a technology access clause relating to system accessibility by those with visual impairments. Senate Bill 1382 amends the Government Code to define statutorily the exact wording of that clause.

SENATE BILL 1387
EFFECTIVE: 6-18-99**SENATE AUTHOR:** Shapleigh
HOUSE SPONSOR: Burnam

Senate Bill 1387 requires the Texas Department of Housing and Community Affairs to contact the owners of property who have contracted to provide housing assistance under Section 8, United States Housing Act of 1937 and whose contracts have expired or will soon expire and attempt to restructure the contracts to ensure permanent affordability for those properties.

SENATE BILL 1419
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Lucio
HOUSE SPONSOR: McCall

Senate Bill 1419 amends the Government Code to revise state agency reporting requirements regarding uncollected and delinquent obligations owed the state. Except for certain cases involving the comptroller, such obligations must be reported to the attorney general by the 120th day after the date the obligation becomes delinquent or past due, or by the 30th day after the comptroller's office determines that its collection efforts have failed. The act requires agency filing of an annual report on the subject with the attorney general not later than the 90th day after the end of the fiscal year.

SENATE BILL 1434
EFFECTIVE: Vetoed**SENATE AUTHOR:** Duncan
HOUSE SPONSOR: Puente

Senate Bill 1434 amends Government Code provisions relating to the comptroller's refund of money mistakenly collected or received by the state to require that the amount due the claimant be credited against any amount due the state and that only the remainder be refunded.

SENATE BILL 1438
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Duncan et al.
HOUSE SPONSOR: Wilson

Senate Bill 1438 adopts the Self-Directed Semi-Independent Agency Project Act, under which budgets of the Texas State Board of Public Accountancy, Texas Board of Professional Engineers, and Texas Board of Architectural Examiners are approved only by their governing boards, rather than by the legislature, and the agencies retain and administer most fee revenue, except for certain annual remittances to the general revenue fund. Other provisions of the act clarify the limits of state liability and the applicability of open government laws, state auditor audits, attorney general representation in lawsuits, and Employee Retirement System participation. The act addresses contracting and property lease and management powers and

requires biennial reports to the governor and legislature on budgetary and spending matters and on agency activities, respectively. It appropriates to each agency, for transition purposes, a repayable amount equal to half the agency's FY1999 appropriation. The new act has the status of a pilot project and is subject to sunset review. Unless continued, it expires September 1, 2003. Minor conforming amendments address two of the agencies' enabling statutes.

SENATE BILL 1457

EFFECTIVE: 6-18-99

SENATE AUTHOR: R. West et al.

HOUSE SPONSOR: Hunter

Senate Bill 1457 amends the Government Code to recognize July as Buffalo Soldiers Heritage Month.

SENATE BILL 1545

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Hunter

Under previous law, when the legislature is not in session, the State Cemetery Committee could authorize burial in the state cemetery if it found that the deceased made a significant contribution to Texas history. Senate Bill 1545 expands that power to allow the committee to act during legislative sessions as well.

SENATE BILL 1546

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Hunter

Senate Bill 1546 amends the Government Code to revise the legal boundaries of the state cemetery.

SENATE BILL 1560

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Swinford

Senate Bill 1560 amends the Natural Resources Code to allow, rather than require, the School Land Board to meet on the first and third Tuesdays of each month when necessary and authorizes the chairman of the board to call special meetings when necessary by giving notice to other board members.

SENATE BILL 1563

EFFECTIVE: See below

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Cuellar

Senate Bill 1563 adds a Government Code chapter relating to customer service, applicable to nonlegislative state agencies and certain institutions of higher education. An affected entity must create an inventory of its external customers for each budget strategy in the General Appropriations Act and must obtain information from those customers through survey techniques, focus groups, or other methods. The act specifies the customer service issues to be addressed in the information gathering and evaluation. It requires biennial reports on the subject to the Legislative Budget Board and governor's budget and planning office. Each entity also must establish a "Compact with Texans" that sets customer service standards and describes customer service principles. A compact requires board and office approval and must be published on a website if the entity has one. The act directs the LBB to create performance measures relating to customer service and authorizes the GOBP in consultation with the LBB to develop and adopt implementation rules for the legislation. The board and the office may issue a "Texas Star" award to an entity that provides exemplary customer service. They must file a report on customer service matters with the lieutenant governor and speaker of the house by the end of calendar year 2000. The above provisions take effect September 1, 1999. Effective September 1, 2001, the act authorizes the board and the office to conduct customer service inspections and analyses through the use of incognito visitors.

SENATE BILL 1589**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Maxey

Senate Bill 1589 amends the Government Code to require the comptroller to conduct its study to determine the number and type of fraudulent claims for medical or health care benefits submitted under certain state programs in consultation with the office of the state auditor. When reporting the results of the study to each agency that administers a program, the comptroller must indicate whether the level of fraud in each program has increased, decreased, or remained constant since the last report. The act requires a state agency administering one of the programs to provide information relating to the comptroller's study in a format agreed to by the comptroller and the agency to permit examination of both patient and health care provider histories to identify unusual or suspicious claims.

The act authorizes the comptroller or, at the request of the comptroller, a state agency that administers one of the programs, to make telephone contact with a person identified as receiving services for which benefits are provided under one of the programs to confirm the delivery of services to the person. The agency must establish performance measures to be used to evaluate its fraud control procedures.

SENATE BILL 1591**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Maxey

Senate Bill 1591 amends the Government Code and the Health and Safety Code to require each health and human services agency and every other agency acting as a health care provider or a claims payer for the provision of health care to process information related to health care in compliance with certain national data interchange standards or demonstrate reasons they cannot comply. The act requires the commission and the Texas Health Care Information Council to develop a plan to make information about health care claims paid with state money and information about other health care claims that is collected by the state available through the Internet, to the extent that the information is not identifiable to any individual.

Senate Bill 1591 creates the National Data Interchange Standards Task Force to develop a coordinated strategy for the state's implementation of the standards.

SENATE BILL 1613**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Lucio**HOUSE SPONSOR:** Chavez

Senate Bill 1613 amends the Government Code to provide for a border and rural community arts initiative. It directs the Texas Commission on the Arts to develop a program for financial and on-site technical assistance to promote the development of the arts in the 25 counties located on or nearest to an international border and in counties with a population of less than 50,000. The act directs the commission to reserve, from appropriations that may be used for this purpose, \$3,000 per county annually for fiscal years 2000 through 2004. It may not require a county to provide matching funds. The act expires September 1, 2004.

SENATE BILL 1656**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Jackson**HOUSE SPONSOR:** Eiland

Senate Bill 1656 amends the Government Code to establish February 19 as State of Texas Anniversary Remembrance Day (STAR Day) in honor of Texas joining the Union and inaugurating its first governor in 1846.

SENATE BILL 1677

EFFECTIVE: 6-18-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Hawley

Senate Bill 1677 amends the Transportation Code to authorize the Texas Transportation Commission to adopt rules for the payment of goods and services sold by the Texas Department of Transportation or for the administration of any department program. The rules may authorize the use of electronic fund transfer or credit card and require the payment of a discount or service charge for a credit card payment. The revenue generated from the payment of discount or service charges is required to be deposited in the state highway fund.

SENATE BILL 1862

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: T. King et al.

Senate Bill 1862 amends the Water Code to authorize the Texas Water Development Board to charge an administrative fee to a political subdivision in conjunction with the state participation program for water development projects. The act directs the board by rule to set the fee to recover administrative costs over the life of the project. It directs the state auditor to review such fees for consistency with the recovery requirement.

HEALTH

HOUSE BILL 27

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Goolsby

SENATE SPONSOR: Jackson

House Bill 27 amends the Medical Practice Act to require a physician, on written request by a subsequent or consulting physician, to provide a copy of the complete medical records of a patient to the requesting physician, notwithstanding provisions requiring written consent from the patient or guardian. The act requires that information released by a physician be provided no later than 15, rather than 30, days after receiving a request.

House Bill 27 requires the Texas State Board of Medical Examiners to establish conditions under which the board may appoint a custodian of a physician's medical records, subject to certain considerations.

HOUSE BILL 494

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Moncrief

House Bill 494 amends the Human Resources Code and the Health and Safety Code to require the Texas Department of Health to develop a voluntary drug manufacturer rebate program for drugs purchased by or on behalf of a client of the Kidney Health Care Program or the Chronically Ill and Disabled Children's Services Program, for which rebates are not available under the Medicaid drug manufacturer rebate program.

The act requires the department to consolidate with the Medicaid Vendor Drug Program the drug benefits components of the Kidney Health Care Program and the Chronically Ill and Disabled Children's Services Program to develop reimbursement rates for drugs purchased by or on behalf of a client of either program that are not included in the Medicaid Vendor Drug Program's list of reimbursable drugs and to obtain drug manufacturer rebates for drugs.

Drug benefits available under the Medicaid program must be exhausted before a recipient, pharmacist, or other health care provider may be reimbursed for drugs purchased by or on behalf of the recipient under the Kidney Health Care Program or the Chronically Ill and Disabled Children's Services Program.

HOUSE BILL 580

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Janek et al.

SENATE SPONSOR: Nelson

House Bill 580 adds a chapter to the Health and Safety Code relating to automated external defibrillators (AEDs). The act requires each person or entity that acquires an AED to ensure that each user receives certain training, given or approved by the Texas Department of Health, that involves a licensed physician. The department must adopt rules establishing minimum requirements for the training and consider guidelines for AED training approved by nationally recognized associations. A person or entity that owns or leases an AED is required to maintain and test it according to the manufacturer's guidelines. The act requires a person or entity that acquires an AED to notify the local emergency medical services provider of its existence, location, and type and requires a person or entity that provides emergency care using an AED to promptly notify the local emergency medical services provider that it was used.

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House Bill 580 provides that a prescribing physician who authorizes acquisition of, a person or entity that provides approved training for, and any person or entity that acquires the AED are not liable for civil damages for such prescription, training, or acquisition unless an act is performed in a wilfully or wantonly negligent manner. The act adds requirements relating to authorized possession of an AED. Provisions of the act do not apply to hospitals.

The act also amends the Civil Practice and Remedies Code's Good Samaritan Law to provide that a person who uses an AED at the scene of an emergency is not liable for civil damages unless the act is wilfully or wantonly negligent.

HOUSE BILL 714

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Moncrief

House Bill 714 amends provisions of the Health and Safety Code, the Human Resources Code, and the Insurance Code to require certain birthing facilities in counties with a population of 50,000 or more to offer hearing screenings for newborns. The Texas Department of Health is required to approve program protocols and ensure that certain intervention services are available. The act includes provisions relating to certification of screening programs, information concerning screening results, technical and information systems assistance to be provided by the department, confidentiality of information and immunity from liability. The act does not apply to a facility operated by a midwife.

House Bill 714 requires a health benefit plan that provides benefits for a family member to provide coverage for the screening test for hearing loss and necessary diagnostic follow-up care and includes related requirements. The screening test and follow-up for hearing loss are also required for a child younger than 30 days who receives Medicaid.

HOUSE BILL 749

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: Nelson

House Bill 749 amends the Business & Commerce Code to prohibit the sale at a flea market of packaged food of a type usually consumed by children under the age of two, certain drugs, cosmetics, or devices, or items that have an expiration date. The act provides a defense to prosecution if the seller is authorized in writing by the manufacturer to sell the item or if only a sample of the item or a catalog is available at the flea market and the item is not delivered at the flea market. Violation of the section is a misdemeanor punishable by a fine of not more than \$100.

HOUSE BILL 765

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 765 amends the Health and Safety Code to require the commissioner of the Texas Department of Health to establish a system for processing licensing fees of food manufacturers and food wholesalers, including vended water facility licensing fees, and food salvage establishments. The act sets forth a maximum time for processing a fee payment and requires the comptroller to cooperate with the commissioner in developing the fee processing system.

HOUSE BILL 811

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Nelson

House Bill 811 amends provisions of the Health and Safety Code relating to home and community support services licenses to expand the definition of "home health care services" to include the provision of blood pressure monitoring and diabetes treatment.

HOUSE BILL 836**EFFECTIVE:** 8-30-99**HOUSE AUTHOR:** T. King**SENATE SPONSOR:** Zaffirini

House Bill 836 amends the Government Code to add birth and death records maintained by a local registration official to exemptions from open records requirements. The act establishes that a general birth or death index and a summary birth or death index maintained by the Bureau of Vital Statistics or a local registration official is public information and available to the public. A general or summary birth index is not public if it can reveal an adoption or paternity determination or if it contains specific identifying information relating to the parents of a child who is the subject of an adoption placement.

HOUSE BILL 1398**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Coleman et al.**SENATE SPONSOR:** Zaffirini

House Bill 1398 amends provisions of the Indigent Health Care and Treatment Act, the Government Code, and the Tax Code relating to the indigent health care system. The act adds primary and preventive health care services to the list of basic health care services to be provided by each county and specifies optional services that a county may provide and credit toward its eligibility for state assistance under certain conditions. The act limits the amount of state assistance provided to counties for a fiscal year to the amount appropriated for that fiscal year. The act raises the percentage of the health care costs that the state must pay, lowers the county general revenue tax levy threshold for state assistance, creates a waiver process for counties that may never reach the threshold, and sets forth procedures for tax rate adjustment for indigent health care. The act provides that the intent of the 76th Legislature is for the Health and Human Services Commission to pursue waivers and take other action to expand Medicaid eligibility. The act contains provisions relating to minimum eligibility standards. It requires the Texas Department of Health to adopt standards and procedures to determine eligibility that are consistent with and not more restrictive than those established by the Temporary Assistance for Needy Families-Medicaid program.

The act establishes a tertiary care facility account in the state treasury composed of appropriated and other funds to reimburse entities that provide certain amounts of out-of-county unreimbursed tertiary care. It requires the department to certify to the comptroller for certain facilities the cost of unreimbursed tertiary medical and stabilization services provided to persons residing outside a certain service area. It requires the commission to establish a regional health care delivery system pilot program to coordinate the use of health care resources. It requires the department to study the provision of and cost of providing basic health care services by counties, hospital districts, and public hospitals, the threshold for county eligibility for state assistance, and the feasibility of uniform identification cards. The act requires the Texas Integrated Enrollment Services Legislative Oversight Committee to provide an analysis of the feasibility of including local indigent health care programs in the Texas Integrated Enrollment Services.

The act amends provisions relating to rural county indigent health care and requires the commissioner of health and human services to establish an advisory committee to assist the commission in developing telemedical consultations policies. In addition, the act adds provisions relating to a teaching hospital account, assets transferred on dissolution of a hospital district, and the Harris County Hospital District's authority to contract for indigent health care services.

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HOUSE BILL 1444

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Delisi et al.

SENATE SPONSOR: Moncrief

House Bill 1444 amends the Health and Safety Code to direct the Texas Department of Health to administer a program of grants for counties, municipalities, public health districts, and other political subdivisions to provide or pay for essential public health services. The act requires equal distribution of the grants between urban and rural areas of the state. The program is subject to the availability of appropriated funds. The act directs the Texas Board of Health to adopt rules relating to grant formulas, application procedures, and minimum requirements for receiving grants. It also includes requirements for grant recipients to develop plans to evaluate the services provided through the grant funds and includes provisions relating to the administration of the grant funds.

The department is authorized, subject to the availability of funds, to provide essential public health services for a population not receiving a grant. It is directed to establish a public health consortium, composed of specified university medical centers and other public institutions of higher education that elect to participate, to develop curricula for public health workers, conduct research for improving health status outcomes, develop standards for local health entities and workers, and study the technology infrastructure. The department, in cooperation with grant recipients and the consortium, is directed to evaluate the effectiveness, accessibility, and quality of services provided under the grant program.

The act also includes provisions concerning the designation of health authorities, removes listed minimum requirements for a local health department, authorizes certain counties to require a trained food manager to be on duty during the operating hours of a food establishment, and repeals provisions concerning the appointment of temporary regional directors.

HOUSE BILL 1652

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Nelson

House Bill 1652 amends the Health and Safety Code to require the Texas Department of Health to develop a program to increase awareness and understanding of hepatitis C. The department is required to conduct a study to estimate the current and future impact of the disease on the state and to conduct certain public awareness activities and public health care staff training. The act requires a prevention program to be included in the activities. The department is required to offer voluntary hepatitis C testing programs at facilities providing voluntary HIV testing. The act prohibits the use of test results for insurance or certain employment purposes, provides a civil penalty for violations of this prohibition, and authorizes action to restrain a violation or threatened violation.

The department is directed to develop a training course for persons providing hepatitis C counseling and to maintain a registry of all persons completing the course. The department is authorized to charge a fee for the training program to persons other than employees of certain entities receiving state or federal funds for hepatitis C testing or counseling programs. The act permits the department to contract for the training of counselors.

HOUSE BILL 1677

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Janek

SENATE SPONSOR: Moncrief

House Bill 1677 amends the Health and Safety Code to authorize the Texas Board of Health to establish rules to require nursing homes to offer immunizations against certain infectious, potentially deadly, and preventable diseases to elderly residents or to staff who are in contact with elderly residents. The act requires that nursing homes offer pneumococcal vaccines to

elderly residents and influenza vaccines to elderly residents and staff. In developing related rules, the board must coordinate with the Texas Department of Human Services to ensure that the agency's guidelines are not inconsistent with federal and state laws and regulations related to nursing home infection control programs and to ensure that new nursing facility documentation requirements developed by the agencies to comply with the act are developed with nursing home industry input and are promptly disseminated to nursing homes upon adoption by the agencies.

HOUSE BILL 1748

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Van de Putte et al.

SENATE SPONSOR: Madla

House Bill 1748 requires the Texas Board of Health to contract for the renovation of existing facilities or the construction of new facilities for the Texas Center for Infectious Disease and includes specifications relating to the structure and design of the renovated or new facilities.

House Bill 1748 authorizes the board to contract with the board of regents of The University of Texas System or any other public or private health care entity to provide health care professionals who will provide tuberculosis health care services and communicable infectious disease health care services at the center or at another health care facility in proximity to the center.

The act requires the board to contract for the renovation of existing or construction of new facilities for the mycobacterial-mycology research laboratory located at the Texas Center for Infectious Disease or the construction of facilities by The University of Texas System for a mycobacterial-mycology research laboratory located at The University of Texas Health Science Center at San Antonio to replace the laboratory located at the Texas Center for Infectious Disease. It includes provisions relating to the transfer, reassignment, and early retirement options for employees.

The act authorizes the Texas Board of Health to contract with the board of regents of The University of Texas System for statewide coordination of medical management of tuberculosis by The University of Texas Health Science Center at Tyler. The act requires the Texas Department of Health, in cooperation with the office of the governor, to collaborate with the United States Immigration and Naturalization Service to develop a formal agreement for transportation of communicable disease patients through INS checkpoints to the Texas Center for Infectious Disease. The act requires the board of health to collaborate with the Texas Department of Mental Health and Mental Retardation and the General Services Commission to prepare for future uses of existing facilities if new facilities are constructed and sets September 1, 2000, as the deadline for required contracts.

HOUSE BILL 1860

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Madla

House Bill 1860 requires the Texas-Mexico Border Health Coordination Office of The University of Texas System to establish an acanthosis screening pilot program, to apply in El Paso, Hudspeth, Cameron, Hidalgo, Jim Hogg, Starr, Webb, Willacy, and Zapata counties. The act directs the executive council of the office to require by rule that students attending public or private school be screened for acanthosis nigricans at the same time they undergo hearing and vision tests. The act requires students to receive the screening unless it conflicts with their religion's tenets and practices. The person performing the screening is required to send a

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report to the person responsible for the student if it is found that the student may have acanthosis nigricans; the report must explain the condition and related conditions and information on access to financial assistance or medical assistance for treatment.

The act requires the office to monitor the quality of screening activities and includes other provisions and requirements relating to the administration of the program.

HOUSE BILL 1864

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo et al.

SENATE SPONSOR: Shapleigh

House Bill 1864 directs the Texas Department of Health to establish a temporary promotora program development committee to study issues related to the development of outreach and education programs for promotoras or community health workers and advise the department, the governor, and the legislature of its findings. The act authorizes the committee to establish a series of neighborhood-based peer health outreach and education pilot projects to demonstrate the feasibility and benefits of employing promotoras to assist beneficiaries of the Medicaid managed care and Children's Health Insurance Program programs.

House Bill 1864 requires the department to establish and operate a program designed to train and educate persons who act as promotoras by using as a resource the uniform curriculum for training and educating promotoras developed by the Health Education Training Centers Alliance of Texas. The department must also establish and operate a certification program for persons who act as promotoras.

HOUSE BILL 2171

EFFECTIVE: 6-19-99

HOUSE AUTHOR: V. Luna et al.

SENATE SPONSOR: Truan

House Bill 2171 amends the Health and Safety Code and the Medical Practice Act to authorize the governing body of a hospital, medical organization, university medical school or health science center, health maintenance organization, extended care facility, hospital district, or hospital authority to form a medical peer review committee or a medical committee to evaluate medical and health-care services provided or paid for by the entity.

The act provides that reporting and confidentiality requirements for a medical peer review committee or a health care entity do not impose liability or waive immunity for a hospital district or hospital authority that has common-law, statutory, or other immunity.

HOUSE BILL 2296

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: Jackson

House Bill 2296 amends the Health and Safety Code to revise the regulations governing the installation and inspection of boilers. The act adds "process steam generator" to the definition of "boiler," clarifies that a certificate of inspection applies to either an internal or external required inspection, and specifies that an internal inspection includes a waterside and fireside area inspection. The act also adds definitions for "potable water heater," "process steam generator," "safety appliance," and "standard boiler" and amends the definition of "unfired steam boiler." The act creates an exemption for certain types of boilers designed to operate only at atmospheric pressure and for parts of process generators and removes an exemption for certain unfired steam boilers.

House Bill 2296 adds a requirement for inspection of a boiler at the time of the initial installation. Unfired steam boilers and steam collection and liberation drums of process steam generators are added to the lists of boilers that must have annual certificate and external inspections and for which the commissioner may extend the inspection interval. In addition,

the act removes stated requirements and provides that the department specifies the contents of required certificate inspection reports. It also requires that, for a certificate of operation to be awarded, the owner or operator must have paid certain fees. The act also repeals the commissioner's authority to adopt rules to establish inspection procedures for the use of nondestructive examination equipment.

HOUSE BILL 2636
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray
SENATE SPONSOR: Carona

House Bill 2636 amends the Medical Radiologic Technologist Certification Act to authorize the Texas Department of Health to set fees necessary to register persons, other than practitioners and medical radiologic technologists, who take certain minimum training in order to administer radiation for medical purposes and to process applications for hardship exemptions from this registration requirement.

HOUSE BILL 2759
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Deshotel
SENATE SPONSOR: Moncrief

House Bill 2759 amends the Health and Safety Code relating to the prostate cancer education program to add as a finding of the legislature that African Americans have the highest incidence of prostate cancer in the state. The act requires the program to include components designed to reach high-risk populations that reflect the nature of and trends in prostate cancer morbidity and mortality rates in high-risk groups in the state.

HOUSE BILL 2827
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Isett et al.
SENATE SPONSOR: Nelson

House Bill 2827 amends the Health and Safety Code to clarify that an authorization to disclose health care information to a hospital is valid only if the authorization is not contained in the same document that contains a consent to medical treatment.

HOUSE BILL 2866
EFFECTIVE: 5-28-99

HOUSE AUTHOR: Kuempel
SENATE SPONSOR: Wentworth

House Bill 2866 amends the Indigent Health Care and Treatment Act to change certain eligibility standards under which the Texas Department of Health distributes funds to a county for providing mandatory health care services.

HOUSE BILL 3216
EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall
SENATE SPONSOR: Cain

House Bill 3216 amends the Medical Practice Act to authorize the Texas State Board of Medical Examiners to establish forms and guidelines for and administer a standardized physician credential verification program. It sets forth requirements relating to the furnishing of data to a health care entity, the review of data by a physician, and the prohibition of data duplication. It establishes that information collected, maintained, or stored by the board is privileged and confidential and not subject to means of legal compulsion for its disclosure. It provides that a physician is not required to resubmit core credential data when supplying for practice privileges with a health care entity and establishes a time frame within which a physician must maintain and update data.

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HOUSE BILL 3504

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Jim Solis et al.

SENATE SPONSOR: Lucio

House Bill 3504 requires the Texas Department of Health to contract for construction of an initial, new physical facility for outpatient health care services to be located at the site of the South Texas Hospital or with the Regional Academic Health Center in Harlingen. The department is required to contract with public or private health care providers or entities for inpatient health care services, including tuberculosis and related laboratory services provided by the South Texas Hospital. The act specifies that the Texas Department of Mental Health and Mental Retardation be given the first option to lease the current South Texas Hospital facilities, which are to be renovated to meet Americans with Disabilities Act standards, and provides for continuation of support services and retirement and reassignment options for displaced employees.

House Bill 3504 also authorizes the department to construct additional outpatient health care facilities in McAllen and Brownsville.

SENATE BILL 43

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro et al.

HOUSE SPONSOR: Hodge

Senate Bill 43 adds a section to the Health and Safety Code to require a physician or medical health institution to report the treatment of an overdose of a controlled substance to the Texas Department of Health. The act requires certain information, including demographic information about the individual treated, to be included in the report. The act prohibits any person or institution making a report from revealing the name or address of the person seeking treatment. The act exempts any individual or institution reporting the information from civil or criminal liability for damages resulting from the report.

Senate Bill 43 requires the department to maintain a central repository of the reported information concerning controlled substance overdose and to release statistical information to a medical professional or representative of a law enforcement agency on request.

SENATE BILL 99

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: McCall

Senate Bill 99 amends the Communicable Disease Prevention and Control Act to require a hospital, in a case of accidental exposure of a health care worker to blood or other body fluids of a patient in a licensed hospital and following a report of the exposure incident, to take reasonable steps to test the patient for hepatitis B or hepatitis C. The test may be performed without the patient's specific consent. The act requires a facility to have a policy concerning the disclosure of the result of the testing as authorized or required by law and to abide by patient confidentiality standards.

SENATE BILL 254

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 254 amends the Texas Controlled Substances Act to authorize the director of the Texas Department of Public Safety to permit the use of triplicate or single prescription forms rather than stickers. The act removes requirements relating to the retention of patient identification numbers and an exception to certain notification requirements.

SENATE BILL 354**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** McCall et al.

Senate Bill 354 amends the Health and Safety Code to continue the Center for Rural Health Initiatives until 2011. The act requires the center to develop, implement, and update a rural health work plan to identify how the center and the state will assist rural communities in meeting rural health care needs, ways to address unmet needs, ways to coordinate the administration and delivery of rural health care service with other programs providing similar services, and the center's priorities to accomplish objectives of the plan. The act requires the center to work with health care providers, rural communities, universities, the Texas Department of Health, and all other health and human service related state agencies to develop the plan, to solicit public comment on the plan, and to submit the plan to its executive committee for approval. The act provides for the restructuring of the center's executive committee.

In addition, the act requires the center to conduct a study on the establishment of a visiting physician program to provide temporary relief to rural physicians and includes certain sunset provisions that are applied to all agencies.

SENATE BILL 445**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Moncrief et al.**HOUSE SPONSOR:** Gray et al.

Senate Bill 445 amends the Health and Safety Code to create a child health plan (CHIP) to provide primary and preventive health care for certain low-income, uninsured children, subject to the availability of federal funds and appropriated money. At the implementation of the program, a child who is younger than 19 and whose net family income is at or below 200 percent of the federal poverty level, in addition to other requirements, is eligible for health benefits coverage.

The act directs the Health and Human Services Commission to develop and coordinate a state-designed child health plan program that maximizes the use of private resources, allows a parent's employer or others to contribute to the program, and qualifies for federal funding under Title XXI of the Social Security Act. The act specifies that CHIP is not an entitlement and sets out requirements and procedures for the program. It also specifies that at the time the plan is first implemented it must provide covered benefits in substantial compliance with the recommended benefits package described in certain interim reports to the 76th Legislature and prohibits the plan's benefits from including certain reproductive services. Eligibility screening and enrollment procedures must ensure that Medicaid-eligible children are identified and referred to that program.

The act requires the commission, or the Texas Department of Health in consultation with the commissioner, to select the health plan providers through a competitive procurement process.

The commission is required to consider the health care needs of healthy children and children with special health care needs in developing coverage. To the extent permitted by law, the plan must include a waiting period and require enrollees to share costs of the program. The act also authorizes inclusion of other provisions to discourage individuals with access to adequate benefits from electing not to obtain or continue that coverage and to discourage employers from electing to discontinue offering coverage.

The commission is authorized to direct the Texas Department of Health, the Texas Department of Human Resources, and the Texas Department of Insurance to perform certain duties relating to developing and administering the plan. It may contract for the implementation of the plan with third party administrators or other entities, including the Texas Healthy Kids Corporation. The act includes provisions authorizing the corporation to perform certain functions under the

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program. The commission is directed to conduct a community outreach and education campaign, to appoint regional advisory committees, and to develop and implement rules for the prevention and detection of fraud. The commission is required to provide coverage for certain qualified aliens by September 2000, and the act includes related requirements.

Senate Bill 445 specifies that the first money becoming available to the state each fiscal year from the tobacco settlement must be used to fund the child health plan program and that the program terminates on the date that funding is no longer available, unless the legislature authorizes the use of other revenue. It requires the commission to develop the plan by September 1, 1999, and to establish the coverage program for qualified aliens by September 1, 2000, or when approved by Congress.

SENATE BILL 519

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Gray

Senate Bill 519 amends the Communicable Disease Prevention and Control Act to require a person permitted by law to attend a pregnant woman during gestation or at delivery of an infant to take or cause to be taken a sample of a mother's blood on admission for delivery, to be submitted to a laboratory for a standard serologic test, approved by the Texas Board of Medical Examiners, for hepatitis B infection. If test results reveal the woman to be infected with hepatitis B or syphilis, the person who submitted the sample for the test must provide the woman with disease-specific information on the disease diagnosed, including counseling for HIV infection or AIDS, and may refer the woman to an entity that provides treatment for the disease diagnosed. Before the sample is taken, the health care provider must distribute printed materials, provided by the Texas Department of Health, designed to educate the patient about hepatitis B.

SENATE BILL 602

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Capelo

Senate Bill 602 amends provisions of the Human Resources Code to provide that the membership of the Interagency Council for Genetic Services include a representative of the Texas Department of Insurance rather than the Texas Department of Human Resources. The act requires member agencies to work in coordination with the council when developing rules relating to human genetics.

SENATE BILL 656

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hilbert

Senate Bill 656 amends the Health and Safety Code to provide that a person who knowingly sells, transfers, or otherwise furnishes a product containing ephedrine to a person 17 years of age or younger commits an offense, with certain exceptions. A first offense is a Class C misdemeanor, and a subsequent offense is a Class B misdemeanor. The act requires a nonprescription product containing ephedrine to meet certain labeling standards stating that sale of the product to a person 17 years of age or younger is prohibited.

SENATE BILL 785

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: S. Turner

Senate Bill 785 amends the Health and Safety Code to define "autopsy report." The act clarifies provisions relating to the release of an autopsy report and directs the commissioners court to establish certain fees to be charged for a copy of the report, including written portions, x-rays, and photographs. It establishes that, with certain exceptions, an autopsy report is subject to the open records law.

SENATE BILL 862**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Gallegos et al.**HOUSE SPONSOR:** Janek et al.

Senate Bill 862 amends the Texas Anatomical Gift Act to authorize a qualified organ procurement organization that is certified by the appropriate federal agency to be a donee of gifts of bodies or body parts to be used for transplantation. The act designates a qualified organ procurement organization as the specified donee when a person dies and does not specify the donee and the gift is a vascular organ that is suitable for transplantation. In such circumstances, the organization is required to distribute the organ to an individual on the waiting list to receive a transplant at a transplant center in this state, with certain exceptions. In addition, the act provides for the creation of a public multidisciplinary task force on organ allocation to examine issues surrounding current organ allocation policy and to implement an optimum organ allocation policy.

SENATE BILL 982**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Van de Putte

Senate Bill 982 amends the Insurance Code to expand the availability of health professionals allowed to train a person in diabetes self-management. The act requires coverage for diabetes self-management training provided by certain health benefits plans to include coverage for training programs recognized by the American Diabetes Association, training provided by a certified diabetes educator or by a multidisciplinary team coordinated by a certified or trained diabetes educator, or training in which one or more components are provided by dietitians, pharmacists, physician assistants, and registered nurses to perform diabetes self-management training if they are properly trained and acting within the scope of practice authorized by the practitioner's or provider's license, registration, or certification.

SENATE BILL 1131**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Capelo

Senate Bill 1131 amends the Texas Hospital Licensing Law, the Insurance Code, the Texas Pharmacy Act, and the Physician Licensing Act to authorize the governing body of a hospital to establish policies to grant certain clinical privileges to advanced practice nurses and physician assistants. The act authorizes a medical practitioner to designate a licensed vocational nurse or a person with an education equivalent to or greater than that required for a licensed vocational nurse to communicate authorized prescriptions of an advanced practice nurse or physician assistant.

Senate Bill 1131 establishes that any person who is issued, who is a party to, or who is a beneficiary under a health insurance policy is authorized to select a licensed chemical dependency counselor, an advanced practice nurse, or a physician assistant to perform services or procedures scheduled in the policy that fall within the scope of the license of the practitioner, and includes provisions relating to payment and reimbursement by the insurance company, association, or organization for those services or procedures.

In addition, the act authorizes a licensed advanced practice nurse to sign a certificate of health required by an applicant for a cosmetology license.

SENATE BILL 1232**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Nelson**HOUSE SPONSOR:** Capelo

Senate Bill 1232 amends the Texas Birthing Center Licensing Act to authorize the Texas Department of Health to appoint a monitor for a birthing center when it finds a center's failure to comply with requirements of the act has created a serious threat to the health and safety of

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the public. The act authorizes the department to issue an emergency order to suspend a center's license if it believes that the conduct of a license holder creates an immediate danger to the public health and safety and to deny, suspend, or revoke a license for a history of continuing noncompliance with the act. The act also includes provisions concerning filing of complaints against centers.

SENATE BILL 1236
EFFECTIVE: 5-20-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Uresti

Senate Bill 1236 amends the Health and Safety Code to require a wholesale distributor of a product that is determined by the United States Food and Drug Administration to be a combination of a device and a drug to be licensed either as a wholesale drug distributor or as a device distributor and manufacturer based on the FDA's determination of the product's primary mode of action.

SENATE BILL 1238
EFFECTIVE: 6-18-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Capelo

Senate Bill 1238 adds provisions to the Health and Safety Code relating to the accreditation of environmental testing laboratories. The act requires the Texas Board of Health to set minimum performance and quality assurance standards for accreditation and to set accreditation fees and allows the board to provide for the accreditation of a laboratory that is accredited or licensed by another state. The act requires the Texas Department of Health to administer the voluntary accreditation program, including requirements for the content and form of the application, and authorizes the department to grant accreditation to a laboratory that complies with certain minimum requirements or to suspend or revoke accreditation for facilities failing to meet such standards.

SENATE BILL 1239
EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Gray

Senate Bill 1239 amends the Health and Safety Code to authorize the commissioner or an agent of the Texas Department of Health to detain an article of food located on the premises of, and authorizes the department to suspend the license of and issue an order for the closure of, certain food service establishments, stores, units, and vendors under certain circumstances. The act also authorizes additional inspections of food establishments and adds provisions authorizing the department to seek injunctive relief for violations of food establishment regulations.

SENATE BILL 1248
EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson
HOUSE SPONSOR: Maxey

Senate Bill 1248 amends the Human Resources Code to increase the amount of information a health insurer maintains for each subscriber or policyholder it covers under the state Medicaid program. The act provides that a plan administrator is subject to certain requirements regarding identification of Medicaid recipients with third-party health care coverage and that the insurers be reimbursed for necessary and reasonable costs incurred in providing identification information. It provides for the imposition of an administrative penalty on health insurers and plan administrators failing to comply with an information request and provides certain measures for enforcement of the penalty. It also provides for a report to the legislature relating to third-party Medicaid recoveries.

SENATE BILL 1249
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Nelson
HOUSE SPONSOR: Gray

Senate Bill 1249 amends the Texas Ambulatory Surgical Center Licensing Act to provide that an ambulatory surgical center licensed by the Texas Department of Health and certified under Social Security Act provisions relating to health insurance for the aged and disabled is subject to an on-site licensing inspection once every three years while the center maintains the certification. The act authorizes the department to issue an emergency order to suspend a license if it has reasonable cause to believe that the conduct of a license holder creates an immediate danger to the public health and safety and provides that such suspension is effective immediately without a hearing on notice to the license holder. The department is required to conduct a hearing on request of the license holder.

SENATE BILL 1260
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Moncrief
HOUSE SPONSOR: Coleman et al.

Senate Bill 1260 amends the Health and Safety Code to consolidate provisions concerning advance directives to physicians, medical powers of attorney (formerly called durable power of attorney for health care decisions), and out-of-hospital do-not-resuscitate orders in a new Advance Directive Act. The act amends provisions relating to all three types of directives and requires health care providers to reevaluate policies and procedures relating to the directives.

SENATE BILL 1477
EFFECTIVE: 8-30-99**SENATE AUTHOR:** J. E. Brown
HOUSE SPONSOR: Hilbert

Senate Bill 1477 amends the Health and Safety Code to authorize a county with a population of at least 2.8 million to require a trained food manager to be on duty during the operating hours of a food service establishment and provides that food manager training requirements not exceed those required under existing law. A food service establishment that handles only prepackaged food and does not prepare or package food may not be required to have a certified food manager on duty.

SENATE BILL 1588
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Zaffirini
HOUSE SPONSOR: Maxey

Senate Bill 1588 amends the Government Code to require each managed care organization contracting with the Texas Health and Human Services Commission to provide health services under the state Medicaid managed care program to submit certain information to the commission for it to review, as appropriate, in the investigation of fraud in the program. Information submitted is confidential and not subject to open records requirements. The comptroller is authorized to review the information in connection with the health care fraud study conducted by the comptroller. The act provides that a contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain a requirement that the organization provide the information and otherwise comply and cooperate with the commission's office of investigations and enforcement. In addition, it exempts certain subcontractors from the submission requirement.

SENATE BILL 1685
EFFECTIVE: 6-19-99**SENATE AUTHOR:** Bernsen et al.
HOUSE SPONSOR: Zbranek et al.

Senate Bill 1685 amends provisions of the Health and Safety Code, the Agriculture Code, and the Education Code relating to the regulation and promotion of the oyster industry.

Health

The act establishes an oyster program in the Texas Department of Health and includes requirements for surveys, sampling, and other activities to classify bays. It sets temperature requirements and requirements concerning the department's authority to close an area for temperature abuse. It creates the Texas Oyster Council to advise the Texas Board of Health.

The act authorizes the Texas Department of Agriculture to promote the Texas oyster industry and directs the commissioner to appoint an Oyster Advisory Committee.

The act also authorizes the marine biology department of Texas A&M University at Galveston to investigate and provide information about oyster diseases and organisms associated with human illness that can result from consumption of oysters.

SENATE BILL 1833
EFFECTIVE: 9-1-99

SENATE AUTHOR: Jackson et al.
HOUSE SPONSOR: J. Davis

Senate Bill 1833 amends the Health and Safety Code to require a home and community support services agency that generates special or medical waste while providing home health services to dispose of the waste in the same manner that it disposes of special or medical waste generated in the agency's office location. The agency must also provide both verbal and written instructions to its clients regarding the proper procedure for disposing of sharps.

SENATE BILL 1857
EFFECTIVE: 8-30-99

SENATE AUTHOR: Shapleigh
HOUSE SPONSOR: McClendon

Senate Bill 1857 requires the Texas Department of Health to study federal and state laws inhibiting the exchange of information on disease and epidemiological reporting between Texas and Mexico and the exchange of equipment and personnel to provide technical assistance and to enhance the exchange of information.

SENATE BILL 1906
EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Gray

Senate Bill 1906 provides that dental records and communications between a dentist and the patient relating to a professional service provided by the dentist are confidential. The act adds provisions relating to consent to disclosure of privileged information, limits on disclosure, requests for dental records, transfer of dental records, exceptions to privilege for certain proceedings, certain disclosures by a dentist, and certain legislative inquiries.

HUMAN SERVICES/MENTAL HEALTH AND MENTAL RETARDATION

HOUSE BILL 143

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson et al.

SENATE SPONSOR: R. West

House Bill 143 amends the Human Resources Code to authorize the Texas Department of Human Services to increase the personal needs allowance above the minimum of \$30 a month, subject to the availability of funds, for a resident of a long-term care facility who is a Medicaid recipient. The act authorizes the department to send the allowance directly to a resident who receives Supplemental Security Income. The act does not apply to a resident participating in a Medicaid waiver program administered by the department.

HOUSE BILL 330

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Moncrief

House Bill 330 amends the Health and Safety Code to authorize a judge to order a person to receive extended outpatient mental health services if certain criteria are met and the person has an inability to participate in outpatient treatment services effectively and voluntarily rather than effectively or voluntarily, as the code read previously.

HOUSE BILL 670

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wise et al.

SENATE SPONSOR: Truan

House Bill 670 amends the Health and Safety Code to exempt veterans from fees required for copies of medical or mental health records to support claims for federal veterans' benefits and provides that a health care provider or health facility is not required to provide more than one complete record for a patient or former patient without charge.

HOUSE BILL 677

EFFECTIVE: 5-12-99

HOUSE AUTHOR: Janek

SENATE SPONSOR: Nelson

House Bill 677 amends the Texas Mental Health Code to include in the definition of "physician" a person authorized to perform medical acts under an institutional permit at an approved Texas postgraduate training program.

HOUSE BILL 820

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Zaffirini

House Bill 820 amends the Human Resources Code to require the Texas Department of Human Services to establish and implement procedures under which it automatically reviews a child's eligibility for Medicaid if the child originally establishes eligibility for it as a Temporary Assistance for Needy Families (TANF) recipient and TANF assistance ends. If the review indicates that the child may be eligible for Medicaid, the department is authorized to provide for provisional eligibility, not to exceed one month, for Medicaid for the child pending a recertification review. In addition, the act requires the department to promote continued Medicaid coverage for a child who may be eligible and adds procedures the department must follow to meet this goal.

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HOUSE BILL 897

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: Carona

House Bill 897 amends the Human Resources Code to require a medical assistance program to pay the Medicare deductibles and coinsurance for ambulance service provided to an individual who is eligible for both Medicare and the medical assistance program.

HOUSE BILL 908

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Coleman et al.

SENATE SPONSOR: Zaffirini

House Bill 908 amends the Human Resources Code to require the Texas Department of Protective and Regulatory Services to adopt rules to ensure that children in certain licensed day-care facilities are screened for vision, hearing, and any other communications or special senses or communication disorders in compliance with the Special Senses and Communication Disorders Act. The act requires each day-care center and group day-care home to maintain individual screening records and authorizes the department to inspect the records. The department must coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and the Texas Department of Health relating to the regulation of child-care services facilities, homes, and agencies.

HOUSE BILL 937

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: R. Ellis

House Bill 937 amends the Human Resources Code to require the Texas Department of Human Services to develop and implement an outreach program to increase participation of children from low-income families in the Summer Food Service Program; increase the number of programs across the state, particularly in poor communities; and encourage formation of partnerships among school districts and public and private nonprofit agencies to develop summer programs that combine educational activities with provision of meals.

The act also requires the department to submit proposed changes to rules or policies relating to the federal Child and Adult Care Food Program to its program advisory committee for comment before taking action unless immediate action is required by federal law, in which case the action must be submitted to the committee at the earliest possible date; to notify program sponsors in writing of any modification or clarification of program-related rules or policies; and by January 1, 2001, to provide for electronic filing of applications and other required information by sponsors of and participants in that program. The advisory committee may conduct public hearings, refer issues to the board for discussion, and recommend changes to training programs for program sponsors and participants.

HOUSE BILL 1151

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

House Bill 1151 amends the Human Resources Code to continue the Office for the Prevention of Developmental Disabilities until September 1, 2001. The act establishes that the office is to be administratively attached to the Texas Department of Mental Health and Mental Retardation and sets forth requirements related to the administrative duties of the department. The act directs the Sunset Commission, in its review of the office in 2001, to specifically address the issue of whether the office should continue to be administratively attached to the department or whether the functions of the office should be transferred to that department. In addition, the act implements standard sunset provisions that are applied to all agencies.

HOUSE BILL 1285

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Janek

SENATE SPONSOR: Nelson

House Bill 1285 amends the Human Resources Code to direct the Texas Department of Human Services to require, as a condition for physician reimbursement under the state Medicaid program, that a child under the age of 15 who attends a well-child examination under the program be accompanied by the child's parent, guardian, or other authorized adult. The provisions of the act do not apply to services provided by a school health clinic, Head Start program, or child-care facility if the clinic, program, or facility obtains written consent to the services from the child's parent or guardian under certain circumstances and if the clinic, program, or facility encourages parental involvement in and management of the health care of children receiving services offered by these entities.

HOUSE BILL 1396

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Zaffirini

House Bill 1396 requires the Texas Department of Human Services to evaluate the department's approach to licensing intermediate care facilities for the mentally retarded and consider appropriate distinctions between nursing and intermediate care facilities. In conducting its evaluation, the department must consult with the Texas Department of Mental Health and Mental Retardation, facility providers and staff, advocates for facility residents, and facility residents and their families. The department must present a report, to include any recommendations it has based on its evaluation, to the governor, lieutenant governor, and speaker of the house by October 1, 2000.

HOUSE BILL 1400

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Zaffirini

House Bill 1400 amends the Human Resources Code to continue the Texas Commission for the Blind until 2011. The act directs the commission to establish guidelines for the delivery of services. It also directs the commission to establish written procedures for the evaluation of services to provide guidance to counselors and staff. The act requires the commission to establish the income level that would trigger Medicaid eligibility for applicants for its children's program services and to verify Medicaid eligibility for these clients, and it establishes the confidentiality of these clients' records. The act requires the commission to establish a rate-setting methodology for all medical services, to compare proposed rates to Medicare and Medicaid rates, to document why any rate exceeds the Medicare and Medicaid rates, and to establish a schedule for the periodic reevaluation of rates. It directs the commission to include provisions in its service provider contracts regarding performance standards, penalties for nonperformance, and accounting, reporting, and auditing requirements and to monitor the performance of service providers. It requires commission contracts with suppliers of adaptive technology equipment to include provisions that require the supplier to provide training for clients in the use of the equipment.

The act authorizes the commission to obtain criminal history information for a person applying for employment with the commission. It requires the commission to post the commission report on the Internet, after removing confidential information. It also includes standard sunset provisions that are applied to all agencies.

HOUSE BILL 1401

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Harris

House Bill 1401 amends the Human Resources Code to continue the Texas Commission for the Deaf and Hard of Hearing until 2011. The act changes requirements and certain commission responsibilities relating to fees and adds sections relating to certificate renewal and provisional certificates. It also requires the commission to develop guidelines and training programs for trilingual interpreter services, removes the cap on fees for certain motor vehicle symbols and devices, and prohibits the commission from advertising, distributing, or publishing names and personal information regarding individuals who apply for telecommunications device assistance. In addition, the act includes standard sunset provisions that are applied to all agencies.

HOUSE BILL 1402

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Madla

House Bill 1402 amends the Human Resources Code to continue the Texas Rehabilitation Commission until September 1, 2011. The act requires the commission to establish guidelines for providing vocational rehabilitation services. The guidelines must address the eligibility for and organization of delivery of vocational rehabilitation services, including requirements for the rehabilitation planning process, types of services available, and requirements for client contribution to the costs of the services. The act also requires the commission to establish provisions for guidance to and oversight of vocational rehabilitation counselors in determining client eligibility, conducting rehabilitation planning, providing services, and monitoring client progress, including recognizing and documenting a client's impediments to employment. The board must assess the effectiveness of the vocational rehabilitation program annually. The act authorizes the commission to obtain criminal history record information from the Texas Department of Public Safety that relates to an applicant for employment with the commission whose potential duties include direct contact with clients.

The act directs the commission to work with the Texas Department of Mental Health and Mental Retardation, the Texas Workforce Commission, and local workforce development agencies to reduce duplication and fragmentation of employment services. The act directs the commission to assess its transition planning services for disabled students by determining the statewide need for such services, developing strategies for identifying and reaching students in need of the services, and establishing collaborative relationships with each school district with education service centers to the maximum extent possible.

The act requires the commission to meet health care industry standards in the approval of medical services for clients, including the use of second opinions, to ensure that approval of services includes an assessment of whether they will benefit the client's ability to return to work, and to adopt a system of quality control. The board must adopt rules, after holding a public hearing, to govern the determination of rates the commission will pay for the services. The act requires the commission to conduct an analysis of any risk associated with funding medical procedures and to maintain a risk management plan. It requires the commission to post its annual reports of activities and expenditures on the Internet.

The act requires the commission to implement procurement procedures to create consistency between commission rules and actual purchasing processes followed by the commission and to ensure compliance with best-value purchasing requirements. The act also directs the board to adopt rules requiring advisory committees established to advise the commission to report their activities to the board. In addition, the act updates sections to include sunset recommendations that are applied to all agencies.

HOUSE BILL 1459

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Sibley

House Bill 1459 amends the Health and Safety Code to authorize certain municipal hospital authorities in counties with a population of 225,000 or less to provide facilities and services for the care of elderly and disabled persons. Current law provides this authorization in counties with a population of 35,000 or less.

HOUSE BILL 1503

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Harris

House Bill 1503 amends the Human Resources Code to provide for the continuation of the Interagency Council on Early Childhood Intervention until 2011. The act directs the council to develop policies to improve coordination with the Department of Protective and Regulatory Services to serve clients who are vulnerable to abuse or neglect and, when cost effective, to use the automated systems of the Texas Rehabilitation Commission to carry out administrative functions. It directs the council to ensure that the parents of a child receiving treatment are included in all decisions relating to services provided to the child. The act clarifies the council's responsibilities regarding programs for children with developmental delay and directs the council to select service providers on a "best value" basis and to seek funding to maximize amounts available from federal, private, and local sources. The act also establishes that the governor, rather than the board members, appoints the presiding officer of the board and includes other sunset recommendations that are applied to all agencies.

HOUSE BILL 1514

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Zaffirini

House Bill 1514 amends the Government Code to require the Health and Human Services Commission to ensure that the Medicaid database system is used each month to match Bureau of Vital Statistics death records with a list of Medicaid-eligible individuals and that each person who is deceased is promptly removed from the list of persons eligible for assistance. If the commission determines that a provider has filed a claim for services provided to a person after the person's date of death, the commission must refer the case for investigation to its office of investigations and enforcement.

HOUSE BILL 1610

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

House Bill 1610 amends the Human Resources Code to continue the Texas Planning Council for Developmental Disabilities until 2011 and changes its name to the Texas Council for Developmental Disabilities. The act lists agencies that may be designated by the governor, in accordance with federal law, to provide administrative support and fiscal management services to the council and directs the council, unless it serves as the designated agency for such purposes, to enter into a memorandum of understanding with the agency to delineate the responsibilities of the agency.

The act removes the requirement that the designated state agency provide staff for the council and requires the council to hire an executive director and staff. It limits the designated agency's involvement in the development of a state plan for developmental disabilities to consultation to ensure that the plan meets federal and state laws.

The act also includes standard sunset provisions that are applied to all agencies.

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HOUSE BILL 1715

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Denny

SENATE SPONSOR: Carona

House Bill 1715 amends the Health and Safety Code to provide that the Texas Department of Human Services should include the address and phone number of a person making a report of abuse or neglect in a convalescent or nursing home in the department's official report, unless the report is made anonymously. The act requires the department to delete the name, address, and phone number of the person making the report before the report may be released to the public or to any agent of the institution about which the report contains information.

HOUSE BILL 2017

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Christian et al.

SENATE SPONSOR: Carona

House Bill 2017 amends the Human Resources Code to require the commissioner of human services to designate one employee in each of the Texas Department of Human Services administrative regions to serve as a liaison to faith-based organizations in the region. The liaison is to communicate with the organizations regarding the need for private community services for individuals who would otherwise require public assistance and promote the involvement of the organizations in meeting this need.

House Bill 2017 amends the Government Code to add charitable and religious organizations to the list of organizations for which a local workforce development board is required to promote cooperation and coordination, and it directs a board to do so in a manner consistent with the nondiscrimination principles and safeguards of the federal Temporary Assistance for Needy Families program.

HOUSE BILL 2037

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gray

SENATE SPONSOR: Carona

House Bill 2037 amends the Health and Safety Code to add certain requirements for the renewal of a license of a home and community support services agency. It prohibits a person whose license has expired from engaging in activities that require a license until the license has been renewed.

HOUSE BILL 2085

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: J. E. Brown

House Bill 2085 amends the Health and Safety Code to provide for the continuation of the Texas Board of Health and Texas Department of Health until 2011.

The act directs the department to create a comprehensive strategic and operational plan and to integrate the functions of its health care delivery programs, consisting primarily of services to pregnant women and children and including all aspects of health care delivery under the state Medicaid program, to provide for continuity of care, reduce administrative duplication, reduce the burden on providers, and determine the extent to which the existing health care delivery programs can be integrated into a single delivery system. It calls for a pilot project integrating both Medicaid and non-Medicaid programs in a managed care model and a study of the impact of the state's Medicaid managed care program. The act requires the department, at the direction of the board, to employ a medical director to serve as the director for the children's health insurance program and the Medicaid managed care program.

The act directs the department to contract for external financial and performance audits, based on risk, of any Medicaid contractor used by the department in its operation of a part of the state Medicaid program.

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The act requires the department to implement policies to encourage the use of electronic transactions in relation to the operation of the Medicaid program and to publish information regarding final enforcement actions taken against a person or facility regulated by the department in which any kind of sanction is imposed. It also directs the department to identify the persons who will be most affected by proposed rules and to maximize input from them and from experts.

The act includes provisions relating to certain licensure and fees and grants the department authority to impose administrative penalties on persons violating rules regarding ambulatory surgical centers, birthing centers, special care facilities, abusable glue and aerosol paints, and hazardous substances. It directs the department to evaluate its regulatory functions with the assistance of the State Auditor's Office.

The act removes authority for the Texas Commission on Alcohol and Drug Abuse to regulate narcotic treatment programs and leaves the department as the sole state authority for regulating such programs. It repeals the expiration date for the Toxic Substances Coordinating Committee and directs the governor to appoint an emergency medical services advisory council. The act creates a council on cardiovascular disease and stroke to develop an effective and resource-efficient plan to reduce the morbidity, mortality, and economic burden of cardiovascular disease and stroke. It directs the department to establish an exposure control plan designed to minimize exposure of certain employees to bloodborne pathogens. It adds requirements relating to medical information provided by certain emergency medical services operators. In addition, the act amends provisions relating to abortion facilities, cancer registries, and certain education programs for minors.

House Bill 2085 amends the Government Code to transfer the department's administrative hearing function to the State Office of Administrative Hearings.

The act also includes standard sunset recommendations that are applicable to the department and the following:

- Radiation Advisory Board
- Council on Alzheimer's Disease
- Statewide Health Coordinating Council
- Texas Diabetes Council
- Advisory Board of Athletic Trainers
- Respiratory care practitioners
- Dispensing opticians
- Medical radiological technologists
- Board of Licensure for Professional Medical Physicists
- Massage therapists
- Emergency Medical Services
- Regulation of asbestos-related activities and
- Regulation of lead-based paint activities.

HOUSE BILL 2148
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey et al.
SENATE SPONSOR: Moncrief

House Bill 2148 amends the Government Code to require the Texas Health and Human Services Commission to make uniform the functions relating to the administration and delivery of federally funded long-term care Medicaid programs. The act requires the commission to

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ensure that information on individuals seeking long-term care Medicaid program services is maintained in a single computerized database that is accessible to staff of each of the state agencies administering those programs.

The act requires the commission to create a pilot program to assess the advisability of consolidating the long-term care Medicaid program services. The pilot program is required to serve individuals not currently receiving such services and must be limited to a specific geographic area of the state. The commission is required to submit a report to the legislature, not later than January 1, 2004, evaluating the administrative efficiencies and effectiveness of serving, in a single program, individuals eligible for services.

The act requires the commission to regularly consult with and obtain input from consumers and family members, providers, advocacy groups, state agencies that administer a waiver program, and any other interested persons regarding the pilot program, the computerized database, and commission efforts at making the functions of the programs uniform.

HOUSE BILL 2170
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat et al.
SENATE SPONSOR: Zaffirini

House Bill 2170 amends provisions of the Human Resources Code and the Family Code relating to investigations conducted by the Department of Protective and Regulatory Services of abuse, neglect, or exploitation of elderly or disabled persons. It adds new provisions regarding abuse of elderly or disabled persons receiving services in Texas Department of Mental Health and Mental Retardation (TDMHMR) facilities and in community centers. It requires the department to initiate a prompt investigation and to forward information related to an investigation to certain mental health or mental retardation entities. It requires the department and TDMHMR to establish joint guidelines to facilitate investigations in those entities and to implement a single system to track reports and investigations. The act adds requirements relating to investigations of providers of home- and community-based services contracting with TDMHMR.

House Bill 2170 requires a person who has cause to believe that an elderly or disabled person has been abused, neglected, or exploited in a facility operated, licensed, certified, or registered by a state agency other than TDMHMR to report the information to the appropriate state agency for investigation by that agency.

The act requires the Department of Protective and Regulatory Services to send a written report of its investigation of alleged abuse, neglect, or exploitation of a disabled adult at a school to appropriate entities, and the entity to which the report is sent must take appropriate action. The report must be edited to protect the identity of the person who made the report. The department, on request, must provide a copy of the report of the investigation to the person who is alleged to have suffered the abuse, neglect, or exploitation, to the legal guardian of that person, and to the person alleged to have committed the abuse, neglect, or exploitation. In addition, the act adds requirements relating to guardianship.

HOUSE BILL 2304
EFFECTIVE: 1-1-00

HOUSE AUTHOR: Coleman et al.
SENATE SPONSOR: Zaffirini

House Bill 2304 amends the Human Resources Code to provide that a Medicaid recipient is authorized to select, in addition to a licensed psychologist, a licensed marriage and family therapist to perform any service or procedure covered under the Medicaid program if the selected marriage and family therapist is authorized by law to perform the service or procedure.

HOUSE BILL 2573

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wolens

SENATE SPONSOR: Nelson

House Bill 2573 adds a section to the Health and Safety Code to require the Texas Department of Health to designate medical care facilities that meet certain conditions as tertiary care facilities. It establishes the tertiary care facility account in the state treasury, directs the department to certify to the comptroller the cost of unreimbursed tertiary medical services and stabilization services provided by facilities to persons who reside outside the service areas of hospitals responsible for indigent health care in the area in which the tertiary care facilities are located, and sets requirements and procedures for payment for such services. It requires facilities to submit information, as determined by the department, about unreimbursed tertiary medical services and directs the department to make an initial certification of 80 percent of the cost of unreimbursed services and to make a subsequent certification on receipt of the required information. The act provides that for each fiscal year, the department must use at least 86 percent of the appropriated money in the tertiary care account to compensate facilities for unreimbursed tertiary medical services and no more than four percent for unreimbursed stabilization services. The act requires that five percent of the total amount in the tertiary care facility account be held in reserve and used for reimbursement for extraordinary emergencies and limits the amount available for administering the account. It specifies circumstances in which the department will certify an extraordinary emergency.

The Texas Board of Health is required to adopt rules to implement a system that encourages hospitals to provide tertiary medical services and stabilization services, and the act specifies certain requirements to be addressed by and included in the board's rules.

HOUSE BILL 2873

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Zaffirini

House Bill 2873 amends the Human Resources Code to add requirements relating to the provision of medical assistance services under certain Medicaid waiver programs for a child younger than 23 years of age with disabilities or special health care needs. The Health and Human Services Commission or the agency operating part of the medical assistance program, as appropriate, at the time the child applies for assistance is required to determine all appropriate services for the child, ensure that permanency planning is implemented, and take other steps regarding comprehensive coordination of services for the child.

The act requires the commission to establish an advisory committee to make recommendations on the delivery of these services and specifies issues the advisory committee must consider.

HOUSE BILL 2892

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Nelson

House Bill 2892 amends the Health and Safety Code to require an administrator of a mental health services facility to file an affidavit setting out facts establishing that a patient who is absent is receiving court-ordered inpatient mental health services at a facility in order to have the patient taken into custody, detained, and returned to the facility. An order issued by a magistrate directing a peace or health officer to take a patient into custody and return the patient to the facility extends to any part of the state and authorizes any peace officer to whom the order is directed or transferred to execute the order. The act authorizes an officer who cannot immediately return a patient to the facility named in the order to transport the patient to a local facility for detention and adds requirements relating to patient detention, including prohibiting a patient from being detained in a nonmedical facility that is used to detain persons charged with or convicted of a crime.

HOUSE BILL 2896

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Coleman et al.

SENATE SPONSOR: Moncrief

House Bill 2896 amends provisions of the Government Code and other statutes relating to the administration of Medicaid managed care by the Health and Human Services Commission. The act adds requirements relating to contracts between the commission and managed care organizations and relating to certain services and administrative capabilities of contracting providers.

House Bill 2896 adds provisions relating to delivery of services for pregnant women and newborn infants and others. The act places a moratorium on the implementation of certain pilot programs for which the commission has not contracted for managed care services. The act includes other requirements relating to determining premium payment rates, profit sharing, and commission coordination of external oversight activities. It requires the commission to study the feasibility of authorizing providers to reenroll through electronic means.

The commission must appoint a state Medicaid managed care advisory committee to provide recommendations to the commission on the statewide implementation and operation of Medicaid managed care.

The act amends the Health and Safety Code to require the Texas Department of Health to contract with an independent auditor to perform annual independent external financial and performance audits of any Medicaid contractor used by the department in operating the state Medicaid program.

HOUSE BILL 2914

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Nelson

House Bill 2914 amends the Health and Safety Code to require agencies licensed to provide home and community support services and convalescent and nursing homes and related institutions to provide each person applying for services from the agency or institution and any person requesting the information with a written statement describing the agency's or institution's policy for drug testing of employees who have direct contact with clients or residents.

HOUSE BILL 3126

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Zaffirini

House Bill 3126 directs the Texas Commission on Alcohol and Drug Abuse, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Department of Protective and Regulatory Services to cooperatively develop a uniform system for evaluating state-funded drug abuse prevention programs.

HOUSE BILL 3340

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Naishtat et al.

SENATE SPONSOR: Lucio

House Bill 3340 requires the Texas Department of Housing and Community Affairs to develop and implement, in coordination with the Texas Department of Human Services and certain other entities, a rental housing pilot program to expand long-term care options for the state's elderly residents. The pilot program must provide subsidized multifamily rental housing for elderly residents with low, very low, or extremely low incomes and must coordinate services needed by those residents. The department must coordinate the pilot program with the funding sources of the Texas Department of Human Services, nonprofit organizations, public housing authorities, and other entities, to the greatest extent possible. The act includes specific eligibility requirements for participation in the program.

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The department must require a participating elderly resident to pay as rent an amount that is not more than 30 percent of the participant's gross income or the amount specified by the United States Department of Housing and Urban Development's Section 8 rental assistance program.

The act requires a report evaluating the pilot program and ends the pilot program on September 1, 2001.

HOUSE BILL 3470

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Olivo et al.

SENATE SPONSOR: Zaffirini

House Bill 3470 amends the Human Resources Code to authorize the Texas Department of Human Services to establish a student financial aid pilot program under which the department, with the cooperation of the Texas Higher Education Coordinating Board, assists certain recipients of financial assistance in obtaining student financial aid in order to seek an undergraduate degree or certificate. The act requires the department and the board to jointly develop procedures necessary for administration of the program and sets forth certain requirements the department must meet if the department creates the program. The department must establish eligibility criteria, subject to certain stipulations, advise recipients of financial assistance regarding the program, and assist a recipient choosing to participate in obtaining financial aid. A program participant who obtains financial aid under the program is authorized to continue to receive financial aid, regardless of whether the participant ceases to receive financial assistance.

The act is contingent on the enactment of House Bill 713, establishing certain grant programs and revising financial aid, which passed and became effective on June 19, 1999.

HOUSE BILL 3693

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Fraser

House Bill 3693 authorizes the Texas Department of Human Services to exempt a nursing facility from procedures regarding nursing facility bed certification and decertification under the state Medicaid program if the facility is affiliated with or is located on land owned or controlled by a state-supported medical school and serves as a teaching facility for health care professionals.

HOUSE BILL 3741

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Zaffirini

House Bill 3741 amends the Human Resources Code to require the Department of Protective and Regulatory Services to consider staff-to-child ratios, group sizes, or square footage requirements when determining minimum standards for nonresidential child-care facilities that provide care for less than 24 hours a day. The act requires a child-placing agency to transfer files and records concerning adopted children, their biological families, and their adoptive families to the Bureau of Vital Statistics or to a facility licensed by the department to place children for adoption after giving notice to the Bureau of Vital Statistics.

SENATE BILL 11

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Maxey

State law prohibits a person from presenting a Medicaid claim the person knows to be false. Senate Bill 11 amends provisions of the Human Resources Code to create an offense for filing a Medicaid claim containing information that the person filing the claim should know or should have known to be false. The act provides that proof of the specific intent to defraud is not required.

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SENATE BILL 18

EFFECTIVE: 5-3-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Naishtat

Senate Bill 18 amends the Health and Safety Code to permit the office of the attorney general, on the request of the Texas Department of Human Services, to represent the department in arbitration and to file suit in a district court in order to collect a civil penalty on behalf of the department for violations relating to nursing home safety.

SENATE BILL 19

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Naishtat

Senate Bill 19 amends the Health and Safety Code to provide that the initial nursing or convalescent home license issued to a license holder who has not previously held such a license is a probationary license, valid for one year. The act sets criteria for the issuance of a standard license and adds certain fees for a probationary license.

SENATE BILL 93

EFFECTIVE: 8-30-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 93 amends provisions of the Health and Safety Code and the Human Resources Code relating to the regulation of assisted living facilities and to other facilities serving persons who are elderly or disabled. The act establishes minimum acceptable levels of care for assisted living facilities, requires the Texas Department of Human Services to take certain actions to protect facility residents, and establishes a service philosophy for facilities.

The act defines "controlling person" and authorizes the department to specify qualifications for that role. Provisions for facility licensure are added by the act, including a requirement that an applicant provide information to the department on request showing the applicant's compliance record in other states. The act also adds provisions setting forth minimum qualifications for managers of certain facilities, including facilities for persons with Alzheimer's disease. The act changes the composition of the advisory committee on facilities and removes provisions relating to a long-term care ombudsman pilot program.

The act requires the department to develop procedures and programs relating to monitoring unlicensed facilities, building plans for facilities, facility inspector training, and facilities providing medication supervision and general personal care services. It adds requirements relating to department inspection of facilities. The department is required to notify other agencies if a preliminary investigation reveals the occurrence of abuse, exploitation, and neglect at a facility. The department is also required to conduct regional training for agencies and local governments relating to assisted living concerns. The act clarifies that regulatory reports and documents relating to an assisted living facility may not be used as evidence in a lawsuit, with exceptions.

The act sets forth guidelines for the department to use in placing residents in a facility, adds certain requirements relating to health care professionals who treat residents of an assisted living facility, and authorizes employees of the Texas Department of Mental Health and Mental Retardation to enter a facility as necessary to provide services to a resident. It requires the department to adopt a new community-based alternatives program rate method.

Senate Bill 93 amends provisions of the Human Resources Code relating to certain residential facilities for the elderly to require the facility to disclose certain information in a contract executed with each resident. The act requires the department to take measures to enforce facility licensure requirements and to submit a report describing the results of these efforts to

the governor and legislature. It also requires the department to form a joint work group with the Texas Department of Licensing and Regulation to study and make recommendations to agencies concerning architectural requirements relating to Texas Accessibility Standards no later than September 1, 2000.

SENATE BILL 94

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 94 amends the Health and Safety Code to establish minimum standards for the delivery of acceptable quality of care by home and community support services agencies. It directs the Texas Department of Health to regulate these agencies, to adopt rules relating to quality of care and quality of life, to strictly monitor certain factors, to impose prompt remedies for violations, to enable client independence and self-determination, and to provide the public with helpful information relating to service agencies.

The act authorizes the department to adopt rules regarding the qualifications of a service agency's controlling person, requires that agencies include identification and documentation relating to any controlling person as part of the license application, and includes other provisions concerning licenses and the denial of licenses. The department is required to provide specialized training to its representatives who survey home and community support agencies and to maintain records relating to complaints. The act includes provisions relating to reports of abuse and to the confidentiality and admissibility in civil actions of certain reports concerning home and community support services. It also has provisions relating to notification of agencies about a determination of abuse and prohibiting physician referrals in certain circumstances. The act requires home and community support services agencies that generate medical waste to comply with guidelines regarding its disposal and to provide instructions to clients regarding proper disposal of certain sharp implements.

SENATE BILL 95

EFFECTIVE: 8-30-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 95 directs the Health and Human Services Commission to obtain federal and state information to determine the number of persons dually eligible for and receiving home health services paid under Medicaid and Medicare and the relative percentages of the benefits paid.

The act directs the commission, with assistance from specified and other appropriate agencies and consumers, to develop a strategic plan for the creation of a consolidated intake system for complaints regarding abuse, neglect, or exploitation and a strategic plan for the creation and maintenance of a state registry to contain the names of health care workers determined to have abused, neglected, or exploited certain persons.

The Texas Rehabilitation Commission is directed to form a work group relating to brain injury rehabilitation facilities.

The Texas Department of Human Services, with assistance from specified agencies and the participation of consumers of relevant services, is directed to review training programs for personal care attendants. The report of the review must include the probable cost of increased training and wages to the Medicaid program.

The Texas Department of Housing and Community Affairs, with assistance from appropriate agencies and the participation of consumers, is directed to study opportunities for providing home and community support services to participants in affordable housing programs.

The act includes provisions requiring reports to the governor and legislature.

SENATE BILL 96

EFFECTIVE: 8-30-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 96 transfers the licensing and regulation of home and community support services agencies and home health medication aides and the certification of home and community support services agencies for Medicare participation from the Texas Department of Health (TDH) to the Texas Department of Aging and Disability Services (TDADS), pursuant to an interagency agreement between the two agencies. The act includes specifications for the transfer and requires that it occur on September 1, 2000, or an earlier date provided by the interagency agreement. It provides that all employees of TDH performing long-term care duties will be assigned duties at TDADS.

SENATE BILL 109

EFFECTIVE: 5-17-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Naishtat

Senate Bill 109 amends the Health and Safety Code to permit a public member of the long-term care legislative oversight committee to be reimbursed for travel expenses incurred while conducting committee business at the rate established in the General Appropriations Act.

The act also includes provisions relating to the authority of the Texas Department of Human Services to assess an administrative penalty for certain rules violations.

SENATE BILL 196

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Coleman

Senate Bill 196 amends the Health and Safety Code to require the Texas Department of Human Services to define criteria on which it may deny or revoke an initial license for an intermediate care facility for the mentally retarded. The act sets out requirements for notice relating to violations found by the department or its representative in an inspection, survey, or investigation of a facility, for hearings on the violations, and for assessment and payment of administrative penalties.

The act sets a minimum administrative penalty for a facility with fewer than 60 beds of not less than \$100 or more than \$1,000, and for a facility with 60 beds or more of not less than \$100 or more than \$5,000, for each violation. It establishes that the total amount of the penalty assessed for a violation continuing or occurring on separate days may not exceed \$5,000 for a facility with fewer than 60 beds or \$25,000 for a facility with 60 beds or more. The act provides facilities with a period of not less than 45 days to make corrections before incurring a penalty, unless the department determines that the violation has resulted in serious harm to or the death of a resident or constitutes a serious threat to the health and safety of a resident. It authorizes the department to require a person subject to a penalty to use, under the supervision of the department, all or part of the amount to ameliorate the violation or improve certain services and prohibits the department from assessing more than one monetary penalty for a violation arising out of the same act or failure to act.

SENATE BILL 209

EFFECTIVE: 6-18-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 209 reenacts a chapter of the Health and Safety Code relating to the capacity of clients to consent to treatment. It directs the Texas Board of Mental Health and Mental Retardation to require ICF-MR facilities to assess the capacity of each adult client without a legal guardian to make treatment decisions when evidence suggests the client is not capable of doing so and sets out provisions relating to surrogate consent.

SENATE BILL 261

EFFECTIVE: 6-18-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: Naishtat et al.

Senate Bill 261 amends provisions of the Health and Safety Code to remove certain facilities from the jurisdiction of the Texas Department of Mental Health and Mental Retardation and changes the name of the Vernon-Wichita Falls State Hospital. The act removes provisions relating to the establishment of public responsibility committees at community centers and department residential care facilities. In addition, it specifies that a facility of a single portal authority includes a private mental hospital under contract with a single portal authority.

SENATE BILL 343

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Coleman

Senate Bill 343 adds a chapter to the Labor Code to create a self-sufficiency fund to develop job training for certain Temporary Assistance for Needy Families (TANF) recipients. The fund, to be administered by the Texas Workforce Commission, is created as an account in the general revenue fund for use by public community and technical colleges, community-based organizations, and state extension agencies to develop customized job-training programs in which the TANF recipients will be provided job training by certain entities. The act requires an entity receiving money from the fund for a job-training program to work in conjunction with employers to employ graduates in positions in which the graduates will earn wages sufficient to enable them to become independent of TANF and food stamp program assistance. The act requires the commission to adopt rules to determine which TANF recipients are eligible to participate in the programs and requires money from the fund to be spent in all areas of the state.

SENATE BILL 351

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Gray et al.

Senate Bill 351 amends the Human Resources Code to designate the Children's Trust Fund as a health and human services agency and to include sunset provisions that are applied to all state agencies. The act continues the council until 2011, but that date is superseded by the 2007 sunset date conferred by House Bill 2954.

SENATE BILL 358

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla et al.

HOUSE SPONSOR: Gray et al.

Senate Bill 358 amends the Health and Safety Code to continue the Texas Department of Mental Health and Mental Retardation until September 1, 2011. The act amends requirements relating to the department's long-range planning and requires the department to report on the most efficient long-term use of its campus-based facilities. The department must develop a report analyzing state and federally funded residential services for persons with mental retardation and must evaluate the current and long-term costs associated with serving inpatient psychiatric needs of persons living in certain counties. The Texas Board of Mental Health and Mental Retardation is required to establish criteria regarding the uses of campus-based facilities as part of a full continuum of services.

The act requires the department to establish model program standards for services for use by each state agency that provides or pays for mental health or mental retardation services and to enter into an agreement with the Texas Rehabilitation Commission to define the agencies' responsibilities regarding shared client populations and establish methods to prevent the

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duplication and fragmentation of employment services. The Texas Commission on Alcohol and Drug Abuse (TCADA) is required to develop model program standards for substance abuse services for use by each state agency that provides or pays for substance abuse services.

Senate Bill 358 authorizes the department and TCADA to jointly designate a local behavioral health authority to provide mental health and chemical dependency services in a local service area and authorizes the commission to provide services through a local behavioral health authority. In addition, the act provides for the establishment of a local mental health or mental retardation authority technical advisory committee and amends provisions relating to the renewal of certain contracts for community services.

The act requires the department and the Texas Department of Housing and Community Affairs to implement a program to demonstrate the effectiveness of interagency cooperation for providing supported housing services to individuals with mental illness who reside in personal care facilities and to work with the Texas Department of Human Services (DHS) to allocate resources for the program. The commissioner of human services must appoint a committee to evaluate the delivery and regulation of services to residents of intermediate care facilities for the mentally retarded. The act transfers duties relating to licensing, surveying, and regulation of intermediate care facilities to the department from DHS, unless the committee determines that such a transfer is not in the best interests of the residents.

The act adds requirements relating to client education and choice regarding available services and requires the commissioner of mental health and mental retardation to employ an ombudsman responsible for assisting a person who has been denied services. The act amends requirements relating to the return of a patient to a facility under court order.

The act authorizes the department to transfer operations of and services provided at the Amarillo State Center, Beaumont State Center, and Laredo State Center to a community center, including a newly established center providing mental retardation services or mental health and mental retardation services. It adds requirements relating to a contract between the department and a health maintenance organization formed by one or more community centers.

SENATE BILL 374

EFFECTIVE: See below

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Gray et al.

Senate Bill 374 adds and amends provisions of the Government Code, the Human Resources Code, and the Health and Safety Code to abolish the Texas Department on Aging (TDA) as of September 1, 2003, change the name of the Texas Department of Human Services (DHS) to the Texas Department of Aging and Disability Services (TDADS), and to transfer all powers and duties of TDA to TDADS. In addition, the act amends provisions of the Chronically Ill and Disabled Children's Services Act, changing its name to the Children with Special Health Care Needs Services Act and adding requirements relating to health benefits plan coverage and cost-sharing.

The act requires the Health and Human Services Commission, DHS, and TDA to assist communities in developing community-based systems for long-term care service delivery and to provide resources and assistance at the request of a community. The commission must evaluate the feasibility of establishing an integrated local system of access and services for the elderly and disabled and study the feasibility of a subacute care pilot project. The act requires a health and human services agency with a community initiative proposal to submit it to the commission for approval. The commissioner of health and human services must maintain no fewer than 28 area agencies on aging and must require the Texas Planning Council for Developmental Disabilities, which is to serve as the lead agency, and the Office for the

Prevention of Developmental Disabilities to prepare a joint biennial report on services to persons with disabilities. The commission must develop a system of blended funds to allow a community to customize services. The act also amends requirements relating to nursing facility licensure.

The act adds and amends requirements relating to TDA authority, including requiring that it create an Aging Policy Council, provide expertise to agencies, the legislature, and other elected officials on aging issues, and conduct research and planning on issues that affect elderly individuals. The act adds and amends requirements relating to TDA service standards and agreements, including requiring it to develop standardized assessment procedures with DHS to share information on common clients in a similar service region. TDA and DHS must jointly develop a plan on aging as required by the federal Older Americans Act of 1965 and must conduct a statewide needs assessment for long-term care services.

The act transfers all licensing and regulation of home and community support services and home health medication aides and the certification of home and community support services agencies under the federal Medicare program from the Texas Department of Health to DHS. The act transfers certain programs of the Texas Rehabilitation Commission to DHS and provides for the transfer of all funds, obligations, and contracts related to the programs. The act provides for the formation of a work group to assist DHS and the Texas Department of Mental Health and Mental Retardation in studying coordination of long-term care services. It creates a work group on children's long-term care and health programs and transfers the Medically Dependent Children's Waiver Program from the Texas Department of Health to DHS.

Other than the September 1, 2003, effective date for the abolishment of the Texas Department on Aging and the name change of the Texas Department of Human Services, the effective date of Senate Bill 374 is September 1, 1999.

SENATE BILL 380
EFFECTIVE: 5-3-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Naishtat

Senate Bill 380 amends the Health and Safety Code to authorize the office of the attorney general to institute an action to collect a civil penalty at the request of the Texas Department of Human Services for violations relating to intermediate care facilities for the mentally retarded. Previous law required the attorney general's office to bring suit.

SENATE BILL 397
EFFECTIVE: 5-10-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: T. King et al.

Senate Bill 397 amends the Government Code to include a public or private entity that receives state-appropriated funds to provide health and human services among the entities that are required to provide information about the services they provide to the Texas Information and Referral Network. The information is required to be presented in the form determined by the health and human services commissioner.

SENATE BILL 542
EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Delisi

Senate Bill 542 amends the Government Code and the Health and Safety Code to require the Texas Department of Mental Health and Mental Retardation to develop formal policies to encourage the growth and development of volunteer services in local mental health and mental retardation authorities and adds provisions relating to the volunteer programs. The act amends requirements relating to the provision of services for the authorities, including requiring the

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department to evaluate an authority's compliance with its contract to ensure the provision of specific services to priority populations. The act sets forth provisions relating to contract compliance and audits and requires the department to coordinate with each state agency or department that contracts with an authority to prescribe audit procedures of the authority.

An authority may appoint a committee to advise its governing board on a matter relating to the oversight and provisions of mental health and mental retardation services and is authorized to access certain criminal history record information maintained by the Texas Department of Public Safety.

SENATE BILL 558

EFFECTIVE: 1-1-00

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Garcia

Senate Bill 558 amends the Human Resources Code to require that the minimum training standards for an employee of a day-care center or group day-care home include 8 hours of initial training, 15 hours of annual training for employees, and 20 hours of annual training for directors. The minimum standards must also include special training for employees of day-care centers or group day-care homes and operators of registered family homes who provide care for children younger than 24 months on recognizing and preventing shaken baby syndrome, preventing sudden infant death syndrome, and understanding early childhood brain development.

SENATE BILL 623

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Carter et al.

Senate Bill 623 amends the Government Code to require that certain handicapped accessibility features be included in the construction of affordable housing by a person who has been awarded state or federal funds by the Texas Department of Housing and Community Affairs for such a purpose. The act enumerates the required accessibility standards and provides an exception for obtaining a waiver if the cost of grading the terrain to meet the accessibility requirement would be prohibitively expensive.

SENATE BILL 666

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: G. Lewis et al.

Senate Bill 666 amends provisions of the Human Resources Code relating to exemptions from mandatory work or participation in employment activities through the Job Opportunities and Basic Skills (JOBS) program for recipients of assistance under the Temporary Assistance for Needy Families (TANF) program. Previous law provided an exemption for persons until the youngest child at the time the person became eligible for assistance is five years of age. Senate Bill 666 provides that effective January 1, 2000, a person exempt from the requirements must be single and the caretaker of a child who is three years of age or younger. Effective September 1, 2001, the caretaker is exempt until the youngest child reaches the age of one year. The act requires the Texas Department of Human Services to work with the Texas Workforce Commission to develop and implement a client education effort targeted at clients affected by changes to JOBS program participation requirements. The department must inform each client whose exemption status is affected by provisions of the act of the pending change, the timeline for the change, and the effect of the change on the client's work requirements and time limits. The act establishes three separate effective dates for which a TANF recipient who is single and is the caretaker of a child of a certain age remains subject to exemptions from participation in work or employment activity requirements of the JOBS program.

SENATE BILL 673

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: McCall

Senate Bill 673 amends the Health and Safety Code and the Transportation Code to require the Texas Department of Health to create an anatomical gift educational program that includes procedures for becoming an organ, eye, or tissue donor or donee and to provide for an additional \$1 optional driver's license fee to be collected by the Texas Department of Public Safety to fund the program.

SENATE BILL 753

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Hunter

State law authorizes a local mental health and mental retardation community center to create a nonprofit health maintenance organization (HMO). Senate Bill 753 amends the Health and Safety Code to require such an HMO to disclose in an open meeting, before submitting certain bids, the services to be provided by it through a capitated or other at-risk payment arrangement. Notice of the meeting must be posted publicly in accordance with provisions of the open meetings law. The act amends the open meetings law to provide that the HMO need not conduct an open meeting to deliberate certain pricing or financial planning information, the disclosure of which might give advantage to a competitor. Similarly, the HMO need not conduct an open meeting to deliberate information relating to a proposed new service or product line before the service or product line is announced publicly.

SENATE BILL 773

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Delisi

Senate Bill 773 amends the Health and Safety Code to authorize and set out conditions under which the commissioner of the Texas Department of Mental Health and Mental Retardation may appoint a manager or management team to manage and operate a community center.

The department must notify the center and local agency or combination of agencies responsible for making appointments to the local board of trustees regarding the appointment of the manager or management team and the circumstances on which the appointment is based. The commissioner may require the center to pay costs incurred by the manager or management team and must evaluate the performance of a community center managed by a manager or team each month to determine the feasibility of restoring the center's management and operation to a local board of trustees. The authority of the manager or management team continues until the commissioner determines that the center is able to manage and operate the facility appropriately or when the department cancels its contract with the center, after which the commissioner must restore authority to manage and operate the center to the center's authorized officers and employees. The act authorizes the center to appeal the commissioner's decision to appoint a manager or management.

SENATE BILL 830

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 830 amends the Texas Hospital Licensing Act to require a hospital to develop, implement, and enforce a written policy for the billing of hospital services and supplies and specifies requirements, including that the statements be printed in a conspicuous manner and contain the telephone number of the facility to call for an explanation of descriptions used for

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services provided and supplies used. A hospital must provide the statement, upon request, within 30, rather than 10, days. The Texas Department of Health or licensing agencies are authorized to assess administrative penalties as well as other remedies to enforce the requirements.

SENATE BILL 941

EFFECTIVE: 6-19-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Uher

Senate Bill 941 amends the Texas Professional Corporation Act, the Texas Professional Association Act, and the Texas Limited Liability Company Act to authorize one or more professionals, other than physicians, engaged in related mental health fields such as psychology, clinical social work, licensed professional counseling, and licensed marriage and family therapy to form a professional corporation, a professional association, or a limited liability company to perform services that fall within the scope of their practice. The act limits the authority of the practitioners to the scope of their practice, and none can exercise control over the others' clinical authority by any arrangement that would assert control over treatment decisions made by a practitioner. The act directs state agencies exercising regulatory control over the professions to continue to exercise their respective regulatory authority.

SENATE BILL 967

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Hilderbran et al.

Senate Bill 967 amends the Health and Safety Code to require the Texas Department of Human Services to investigate a report it receives that an employee of any facility it licenses or an adult foster care provider contracting with the department has abused, neglected, or exploited a resident or consumer of a facility or misappropriated a resident's or consumer's property and give written notice of its findings if such abuse, neglect, or exploitation is found to have occurred. The act adds provisions relating to the employee's response to the department and right to request a hearing and to requirements the department must meet regarding notice and judicial review. The act requires the department to maintain an employee misconduct registry that is to be available to the public. The department is authorized to record information regarding abuse, neglect, or exploitation by an employee from an agency of another state or from the federal government in the registry. A facility is required to search the registry and the nurse aide registry maintained under the Omnibus Budget Reconciliation Act of 1987 before hiring an employee, is prohibited from employing a person listed in either registry, and is required to notify its employees about the registry.

SENATE BILL 1049

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 1049 amends the Health and Safety Code to require the Texas Department of Human Services to bring a suit for a temporary restraining order, or other injunctive relief relating to a violation of the standards set forth for intermediate care facilities for the mentally retarded, in Travis County as well as in the county in which the alleged violation occurs. The attorney general, at the request of the department to bring an action on behalf of the state for the appointment of a trustee to operate a facility, is authorized to bring the action in Travis County or in the county in which the violation is alleged to have occurred.

SENATE BILL 1197

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 1197 amends the Health and Safety Code and the Penal Code to authorize a court to appoint a person to serve as a trustee for a nursing or convalescent home only if the proposed trustee can demonstrate certain requirements set forth in the act. The act includes requirements relating to charges of a trustee and a court's determination of a trustee's compensation for nursing facility administrator activities, provisions prohibiting nepotism, and provisions limiting eligibility for licenses. In addition, it establishes certain punishment requirements in the event that a trial reveals that a home incurred a loss due to theft or fraud and a trustee was appointed with emergency assistance funds.

SENATE BILL 1217

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Farrar

Senate Bill 1217 amends the Health and Safety Code to authorize a professional to disclose confidential information regarding the mental health of a person detained in a correctional facility to a designated person or personnel of a correctional facility, rather than the facility's health care personnel, if the sole purpose of the disclosure is to provide treatment and health care to the individual.

SENATE BILL 1234

EFFECTIVE: 6-18-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Coleman

Senate Bill 1234 amends the Government Code to require the Health and Human Services Commission to form a consortium to develop criteria for and implement the expansion of the Texas Integrated Funding Initiative pilot project and to develop local mental health care systems in communities for minors who are receiving residential mental health services or who are at risk of residential placement to receive mental health services. The act includes requirements relating to membership in the consortium, funding, proposals for and selection of expansion communities, and system development collaboration. The commission and the Texas Department of Mental Health and Mental Retardation must jointly monitor the progress of the expansion communities in achieving goals. The commission is required to expand the initiative pilot project so that it is able to award grants before September 2001 to community projects for mental health services for youth and is authorized to provide technical assistance to certain communities.

SENATE BILL 1293

EFFECTIVE: 6-18-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Naishtat

Senate Bill 1293 amends the Health and Safety Code to authorize the Texas Department of Health to shorten the term of a permit to administer medication to residents of nursing and convalescent homes in order to stagger the renewal of permits. The fee for renewal must be prorated if the term of the permit is less than one year.

SENATE BILL 1391

EFFECTIVE: 6-18-99

SENATE AUTHOR: Shapleigh et al.

HOUSE SPONSOR: Coleman

Senate Bill 1391 requires the Texas Workforce Commission, in consultation with local workforce development boards, to conduct a review of child-care allocation formulas to compare its current child-care funding system with a system that emphasizes providing funding to areas with the greatest need for child-care services. An area's need must be evaluated according to

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the number of children who are under the age of 14 and who live in poverty, participate in poverty-based programs, and are members of families eligible for Temporary Assistance for Needy Families, food stamps, or Medicaid. The commission is required to determine which local workforce development areas have the greatest need for child-care services and how child-care resources are currently distributed in those areas; to propose alternative allocation methods; and to identify other programs under its jurisdiction that do not take poverty-based measures into consideration.

SENATE BILL 1423
EFFECTIVE: 9-1-99

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

Senate Bill 1423 amends the Human Resources Code to authorize the Texas Department of Human Services to provide supplemental financial assistance to a grandparent who is the primary caretaker of a dependent child and who meets certain income requirements for the support of the dependent child. The supplemental financial assistance may include one or more cash payments, not to exceed a total of \$1,000. After a person receives financial assistance on behalf of a dependent child, no other person is eligible to receive financial assistance on behalf of that child. If the department places a child who is in the conservatorship of the state in the home of a grandparent of the child, it must refer the grandparent to available support services and inform the grandparent of the availability of financial assistance, if the grandparent meets eligibility requirements for such assistance.

The department is required to maintain complete records and compile statistics regarding the number of children the department places in the home of a grandparent of a child and the number of households that receive supplemental financial assistance under those circumstances.

SENATE BILL 1574
EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West
HOUSE SPONSOR: Gray

Senate Bill 1574 amends the Human Resources Code to designate the Department of Protective and Regulatory Services as the agency with primary responsibility for implementing and managing programs intended to provide early intervention or prevent at-risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school.

Senate Bill 1574 adds a chapter to the Family Code to require the department to provide services for children in at-risk situations and their families and to achieve the consolidation of prevention and early intervention services within a single agency. Services are to be provided through a new division called the prevention and early intervention services division that is directed to develop and administer a comprehensive and unified delivery system of prevention and early intervention services, to improve the responsiveness of services by facilitating greater coordination and flexibility in the use of funds by state and local service providers, to provide greater accountability for services, and to assist local communities in the coordination and development of services. The act includes provisions for the transfer of certain programs from certain agencies to the division.

Senate Bill 1574 also transfers a chapter of the Labor Code to the Family Code relating to the communities in schools program, to be administered by the department, and amends provisions of that chapter relating to program administration and funding for the program, in addition to certain other requirements.

SENATE BILL 1585
EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Isett

Senate Bill 1585 amends the Human Resources Code to require the Texas Department of Health in coordination with the State Council on Competitive Government to seek competitive bids for the claims processing function of the Medicaid vendor drug program. The act permits the department and the Texas Department of Human Services to submit bids in the same manner as the other entities that compete for the contract. Senate Bill 1585 authorizes the contract to be awarded to an outside entity only if that contract would process claims in the same or less time that it takes the employees of the department currently and the contract is more cost-effective.

SENATE BILL 1586
EFFECTIVE: 6-19-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Hilderbran et al.

Senate Bill 1586 amends the Government Code to require the Health and Human Services Commission to develop and oversee the implementation of a program in which the use of vouchers is established as a payment option for the delivery of certain state-funded and Medicaid-funded services to persons with disabilities. The commission must create a voucher payment program work group with which it must work to set a timetable to implement and complete the program. The commission must establish certain guidelines, in conjunction with the comptroller and appropriate health and human services agencies, to develop the program, which must be designed to allow a private or local governmental entity to apply with and be approved by the Internal Revenue Service to act as the agent for a consumer for certain purposes.

SENATE BILL 1587
EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini
HOUSE SPONSOR: Maxey

Senate Bill 1587 amends the Human Resources Code and the Government Code to establish new requirements and procedures relating to the detection of fraud, waste, and abuse in the state Medicaid program. The Texas Department of Human Resources is required to verify applicants' addresses and to periodically review eligibility of certain recipients. The Health and Human Services Commission is required to randomly sample Medicaid claims for potential cases of fraud, waste, or abuse and to conduct an electronic data matching program to verify factors that affect a recipient's eligibility. The Health and Human Services Commission, the Texas Department of Human Services, the Texas Department of Health, and the interagency task force on electronic benefits transfers are also directed to study or develop additional means to prevent fraud and report on their progress.

SENATE BILL 1623
EFFECTIVE: 6-18-99

SENATE AUTHOR: Fraser
HOUSE SPONSOR: Hunter

Senate Bill 1623 amends the Persons with Mental Retardation Act to raise the exemption relating to income from a trust that is to be used for the support, maintenance, and treatment of a resident at a state facility for the mentally retarded. The aggregate principal of the trust fund must be greater than \$250,000, rather than \$50,000, in order for its income to be considered for such purposes.

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HOUSE BILL 610

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Janek et al.

SENATE SPONSOR: Carona

House Bill 610 amends the Insurance Code to establish requirements concerning prompt payment by health maintenance organizations (HMOs) and insurers that offer preferred provider plans. The act requires that an HMO or preferred provider plan make all undisputed payments to physicians and health care providers within 45 days of receiving a clean claim from a physician or provider or notify in writing why the claim will not be paid. The act provides time frames for partial and full payment in cases of a claim audit by an HMO or preferred provider; it authorizes penalties and recovery of attorney's fees related to violations of the act; it requires HMOs and insurers to provide access to certain information to a physician or provider, and timely notification of changes in claim processing and payment procedures. The act also exempts claims filed by physicians or providers who are members of the legislature and certain capitation payments from the act's prompt payment requirements.

HOUSE BILL 969

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Van de Putte

SENATE SPONSOR: Carona

House Bill 969 amends the Insurance Code to require health benefits plans that provide benefits to a child younger than 18 years of age to define reconstructive surgery for craniofacial abnormalities in its coverage to mean surgery to improve the function of, or to attempt to create a normal appearance of, an abnormal structure caused by congenital defects, developmental deformities, trauma, tumors, infections, or disease.

HOUSE BILL 1018

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Denny et al.

SENATE SPONSOR: Sibley

House Bill 1018 adds a provision to the Flood Control and Insurance Act requiring cities and counties to adopt orders or ordinances necessary for participation in the National Flood Insurance Program by January 1, 2001.

HOUSE BILL 1097

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Madla

House Bill 1097 amends the Insurance Code to modify the eligibility requirements for coverage from the Texas Health Insurance Risk Pool so that a person becomes eligible if the person has been rejected for or refused substantially similar coverage by just one insurer, rather than requiring two such rejections. In addition, the act allows a person to become eligible by presenting certification from an agent or salaried representative of an insurer that the person will be denied substantially similar coverage by the insurer or insurers the agent represents as a result of certain medical conditions under applicable underwriting guidelines.

HOUSE BILL 1194

EFFECTIVE: 9-1-99

HOUSE AUTHOR: B. Turner et al.

SENATE SPONSOR: Fraser

House Bill 1194 amends the Statewide Rural Health Care System Act to require the commissioner of insurance, when designating rural areas, to consider any area that is delineated as an urbanized area by the federal census bureau and: (1) is contiguous with and not more than 10 miles away from a rural area; (2) is sparsely populated compared to areas within a 10-mile radius that are delineated as urbanized areas by the bureau; (3) has not increased in population

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in any single calendar year in the seven years before the commissioner makes the designation; and (4) in which emergency or primary care services are limited or unavailable and would be made materially more accessible by allowing access to care in a contiguous area that is eligible to participate in the system.

House Bill 1194 also modifies that act to establish that the system arrange for or provide health care services generally and not necessarily on a prepaid basis. If the system arranges for or provides a health service on a prepaid basis, it must obtain a certificate of authority under, and meet the requirements of, the Texas Health Maintenance Organization Act, with certain exceptions allowed by commissioner rule. The act also eliminates the requirement that the board appoint an advisory committee but allows the board to do so.

HOUSE BILL 1211
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Averitt
SENATE SPONSOR: Sibley

House Bill 1211 amends the Insurance Code to clarify that a health maintenance organization may offer small employers a state-approved health benefit plan that complies with the Health Insurance Portability and Availability Act, the Texas Health Maintenance Organization Act, the federal Public Health Service Act and its subsequent amendments, and rules adopted under those laws.

HOUSE BILL 1217
EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Moreno
SENATE SPONSOR: Jackson

House Bill 1217 amends the Health Insurance Portability and Availability Act to eliminate the requirement that the 31-day open enrollment period for large employer and small employer health benefit plans begin on the first day of the month and end on the last day of the month.

HOUSE BILL 1354
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hartnett
SENATE SPONSOR: Carona

House Bill 1354 amends the Insurance Code to require the Texas Medical Liability Insurance Joint Underwriting Association, its board of directors, and the commissioner of insurance to provide a person aggrieved by any of their respective acts, rulings, or decisions with a written notification of the person's right to appeal the act, ruling, or decision. The act requires that the written notification be made at the same time the person is notified of the act, decision, or ruling.

HOUSE BILL 1431
EFFECTIVE: 5-28-99

HOUSE AUTHOR: Averitt
SENATE SPONSOR: Sibley

House Bill 1431 amends the Insurance Code to authorize the commissioner of insurance to approve an increase in payments to insurers or third party administrators for the administration of the Texas Health Insurance Risk Pool above the cap of 12.5 percent of the annual gross premium receipts of the pool, to an amount not to exceed 15 percent of the pool's gross premium receipts, if the commissioner determines the higher amount is necessary to pay its administrative costs.

HOUSE BILL 1453
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smith
SENATE SPONSOR: Madla

House Bill 1453 amends the Insurance Code to authorize the commissioner of insurance to adopt title insurance policy coverages that insure a person who purchases a residential homestead against certain previously accrued ad valorem taxes, including delinquent taxes and taxes due because of an invalid exemption granted to the previous owner, and any penalties and interest.

HOUSE BILL 1498
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Janek et al.
SENATE SPONSOR: Sibley

House Bill 1498 amends the Insurance Code to require health maintenance organizations (HMOs) that offer only a network-based delivery system of coverage to an employer under the employer's health benefit plan to offer all eligible employees the opportunity to obtain health benefit coverage through a nonnetwork plan at the time of enrollment and at least annually, unless all HMOs offering coverage under an employer's health benefit plan enter into an agreement designating one or more HMOs to offer that coverage. The coverage offered by the HMOs may be provided through any arrangement that allows an enrollee access to services outside of the HMO's delivery network. The premium for this coverage must be based on actuarial value of that coverage and may be different from the premium for the HMO coverage. The act provides for the imposition of different cost-sharing provisions for point-of-service contracts and limited provider networks, which may be higher than those for in-network HMO coverage, and the recovery of administrative costs by the employer. These requirements do not apply to small employer health benefit plans.

The act authorizes HMOs to offer a point-of-service rider for out-of-network coverage without obtaining a separate insurance carrier license if the expenses remain below 10 percent of the total medical and hospital expenses incurred for all health plan products sold. If the percentage increases above the specified level, the HMO must cease issuing point-of-service plans until the percentage falls back below 10 percent or until the HMO obtains the proper carrier license. The act provides for the placement of limits or conditions on indemnity benefits and services provided under a point-of-service rider, and requires HMOs issuing such riders to meet net worth requirements established by the commissioner.

HOUSE BILL 1586
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Naishtat
SENATE SPONSOR: Zaffirini

The Insurance Code requires the Texas Department of Insurance to establish specific standards for provisions of long-term care insurance policies. House Bill 1586 amends the code to require the establishment of standards pertaining to the coverage of parents of the insured and the parents of the spouse of the insured.

HOUSE BILL 1627
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Maxey
SENATE SPONSOR: Cain

House Bill 1627 amends the Insurance Code to prohibit an insurer who bids on a municipal contract from submitting a bid to provide the municipality with stop-loss or other insurance coverage under any qualification that permits the insurer to modify or limit the terms of the coverage after the contract has been made. The act also prohibits an insurer providing a municipality with stop-loss or other insurance coverage for health benefits from excluding an individual municipal employee or officer from coverage or assigning the individual a higher deductible based on the individual's prior medical history.

HOUSE BILL 1628
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Maxey
SENATE SPONSOR: Cain

House Bill 1628 amends the Insurance Code to require an insurer providing health insurance or evidence of coverage to a governmental entity under a contract that is subject to competitive bidding requirements to provide that entity with a report detailing the entity's claims experience

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in the preceding year and dollar amounts of large claims paid by the insurer during that year under the contract with that entity. The act requires that the information be reported in the aggregate, be nonspecific to an individual, and remain confidential.

The act requires employer carriers offering a health benefit plan, on the written request from an employer covered by the carrier, to report information from the preceding 12 months relating to charges submitted to the carrier for covered persons, the total amount of payments made by the carrier to health care providers, and, to the extent possible, data on claims paid aggregated by type of health care provider.

HOUSE BILL 1764

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Farabee et al.

SENATE SPONSOR: Whitmire

House Bill 1764 amends the Insurance Code to comply with federal law requiring a health benefits plan, including a plan offered by a reciprocal exchange, that provides coverage for a mastectomy to provide coverage also for breast reconstruction, reconstruction of the other breast to achieve symmetrical appearance, and prostheses and treatment of physical complications at all stages of mastectomy. The act also requires a health benefits plan that provides such coverage to provide notice of its availability to each enrollee.

HOUSE BILL 1805

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Dunnam

SENATE SPONSOR: R. Ellis

House Bill 1805 deletes a provision of the Property Code that includes the present value of certain life insurance policies among the \$60,000 worth of family property that is exempt from seizure. The deletion eliminates a conflict with a similar Insurance Code provision and clarifies that the full value of a life insurance policy is exempt from seizure in a bankruptcy proceeding, as provided in the Insurance Code, and is not to be counted against the \$60,000 cap on the value of exempt personal property.

HOUSE BILL 1837

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Ratliff

House Bill 1837 amends the Insurance Code to establish flat tax rates for certain types of insurance. The act reduces an insurance carrier's premium tax for property and casualty insurance from 3.5 percent to 1.6 percent of its premium receipts and repeals two in-state investment options that previously allowed insurance carriers to qualify for a reduced premium tax. The act also reduces the premium tax for title insurance from 2 percent to 1.35 percent and repeals a similar investment option for a title insurance carrier to qualify for a premium tax reduction.

HOUSE BILL 1919

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Harris

House Bill 1919 requires the lieutenant governor and the speaker of the house to appoint a joint interim committee on health benefit mandates. The act requires the committee to study the effects that mandated health care benefits have had on the availability and affordability of health care coverage and on the improvement and maintenance of the health of the state's residents, the number and percentage of actual or anticipated claims for each mandated benefit, and the feasibility and potential impact of alternatives to mandated benefits. It also requires the committee to develop and submit recommendations to the legislature to assist in the assessment of the costs and benefits of any proposed mandated benefits and requires the Texas

Department of Insurance to assist the committee in conducting the study. The committee is required to complete the report not later than January 1, 2001, and the act's provisions expire and the committee is abolished on June 1, 2001.

HOUSE BILL 1924**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Averitt**SENATE SPONSOR:** Sibley

House Bill 1924 amends the Insurance Code to authorize an insurer to notify its insureds about the Texas Health Insurance Risk Pool, including information on cost, coverage, and eligibility that allow comparison of an insured's current health policy with the benefits offered by the pool. In addition, the act excludes hospital indemnity insurance, long-term care benefits insurance, disability income insurance, and specified disease insurance from the definition of "health insurance," as that term is used in statutory provisions relating to the pool.

HOUSE BILL 2049**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Thompson**SENATE SPONSOR:** Madla

House Bill 2049 amends the Insurance Code to allow a person covered by a health insurance policy to select a licensed acupuncturist to perform the services or procedures provided by the insured's policy that fall within the scope of the practitioner's license.

HOUSE BILL 2061**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Averitt et al.**SENATE SPONSOR:** Sibley

House Bill 2061 amends the Insurance Code to provide health benefit coverage for certain prescription drugs for enrollees experiencing a chronic, disabling, or life-threatening illness. The act requires health benefit plans to provide coverage for any prescribed drug that has been approved by the Food and Drug Administration for at least one indication and has been recognized as a treatment of the indication by certain drug reference compendia or peer-reviewed literature. In addition, the act requires coverage of medically necessary services associated with the administration of the drug, prohibits a denial based on medical necessity except for reasons unrelated to the legal status of the drug, and creates certain coverage exemptions.

HOUSE BILL 2252**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Eiland**SENATE SPONSOR:** Jackson

House Bill 2252 amends the Insurance Code to extend the effective date for the commercial windstorm and hail insurance benchmark rating system under the Texas Windstorm Insurance Association Act from January 1, 2001 to January 1, 2003.

HOUSE BILL 2253**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Eiland**SENATE SPONSOR:** Jackson

House Bill 2253 amends the Insurance Code to modify provisions relating to the operation of the catastrophe reserve fund and to the disposition of assets of the Texas Windstorm Association. The act clarifies that the assets of the association are to be used for payment of claims, authorized investments, administrative expenses, to purchase reinsurance, or to prepare for or mitigate the effects of catastrophic natural events. The act provides that the association's assets revert to the state after the dissolution of the association.

The commissioner of insurance is required to adopt rules under which association members relinquish their net equity on an annual basis by making payments to the catastrophe reserve fund to finance both the fund's obligations and a mitigation and preparedness plan. The act

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clarifies that all money in the fund is to be regarded as state funds to be held by the comptroller outside the state treasury on behalf of the Texas Department of Insurance, and it further specifies that during each state fiscal year, beginning with fiscal year 2002, the Texas Department of Insurance may use an amount equal to not less than \$1 million and not more than 10 percent of the investment income from the catastrophe reserve fund to develop and implement the mitigation and preparedness plan, \$1 million of which may be allocated for the windstorm inspection program.

HOUSE BILL 2284
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Averitt
SENATE SPONSOR: Sibley

House Bill 2284 amends the Insurance Code to impose a shorter timetable for notification of premium increases when premiums are withdrawn automatically from an escrow account. The statute currently requires insurers to notify customers, whose premiums are paid through an automatic fund transfer from a traditional bank account, of a premium increase at least 30 days before the effective date of the increase, and allows the customer until five days before the effective date to object to the increase. Funds drawn on an escrow account, however, are subject to 60-day and 30-day requirements for notification of and objection to a premium increase. The act makes all premium increases subject to the shorter time frames, regardless of the type of account from which the funds are withdrawn.

HOUSE BILL 2424
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman
SENATE SPONSOR: Madla

House Bill 2424 amends the Insurance Code to reconcile the definition of “serious mental illness” in the Texas Employees Uniform Group Insurance Benefits Act, the Texas State College and University Employees Uniform Benefits Act, and code provisions relating to health care plans offered by local governments to their employees. The act clarifies that Insurance Code provisions requiring certain plans to include coverage for serious mental illness do not apply to plans offered by those programs to state, higher education, or local government employees. The act also requires certain group health benefit plans to include the same copayments for serious mental illness as for physical illness and requires coverage for certain treatments for mental illness under those plans to be based on medical necessity.

HOUSE BILL 2559
EFFECTIVE: 9-1-99

HOUSE AUTHOR: B. Turner
SENATE SPONSOR: Ratliff

House Bill 2559 amends the Insurance Code to increase limits on the value of life insurance policies that certain agents may write without being subject to examination or continuing education requirements. Currently, a Group II life insurance agent may write a life insurance policy with a value of up to \$10,000 without being subject to those requirements. The act increases that policy limit for Group II life insurance agents to \$15,000 and requires an applicant for a license to write life insurance policies in excess of \$15,000 to take and pass a written examination. The act also increases from \$10,000 to \$15,000 both the insurance amount that a stipulated premium company with certain reserve levels is required to reinsure and the maximum amount for which a stipulated premium company may assume liability on a life insurance risk on any one life.

HOUSE BILL 2711
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Thompson
SENATE SPONSOR: Carona

House Bill 2711 amends the Insurance Code to prohibit a person in charge of handling or investing funds for a domestic insurance company from depositing those funds except in the corporate name of the company, or in a pooling account with one or more affiliates, or in accordance with a reinsurance agreement. If such funds are deposited in a pooling account, the act provides that only the domestic company and its affiliate may hold funds in the account, and the act requires that accounting and operational records be adequately detailed to identify specific insurance policies and policyholders with premium funds received by the company issuing the insurance. In addition, the act requires a reinsurance agreement between a domestic company and one or more affiliates to provide specific authorization for the deposit of premium funds to the account of the affiliate that is assuming the reinsurance.

HOUSE BILL 2748
EFFECTIVE: 8-30-99**HOUSE AUTHOR:** Smithee
SENATE SPONSOR: Sibley

House Bill 2748 amends the Texas Health Maintenance Organization Act to adopt the definition of “well-child care from birth” as used under the federal Public Health Service Act. The act requires health maintenance organizations (HMOs) to ensure that all health care plans include well-child care from birth that complies with federal requirements and rules adopted by the Texas Department of Health. The act also requires each HMO to provide coverage for immunization against rotovirus and any other immunization required for a child by statute or rule.

HOUSE BILL 2752
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Smithee
SENATE SPONSOR: Sibley

House Bill 2752 amends the Insurance Code to add the current or past rates of individual insurers to the list of information an insurer may submit to or receive from an advisory organization.

The act authorizes an advisory organization to file loss costs, supplementary rating information, and policy forms with the commissioner of insurance and allows an insurer to use and incorporate this information into the insurer’s rate filing.

The act allows a corporation, unincorporated association, partnership, or individual to apply to the commissioner of insurance for a license to form an advisory organization, requires an applicant to submit a statement of qualifications and pay a \$100 licensing fee, and requires an advisory organization to be licensed before an insurer can submit or receive information from that advisory organization. The act requires the commissioner to license qualified applicants without regard to the location of the applicant’s residence or place of business and to grant or deny a license on or before the 60th day after receipt of the application.

In addition, the act authorizes the commissioner to review rate filings that rely on prospective loss costs from an advisory organization and to require an insurer to provide actual data and loss experience in addition to the information provided by the advisory organization.

HOUSE BILL 2754
EFFECTIVE: 9-1-99**HOUSE AUTHOR:** Smithee
SENATE SPONSOR: Sibley

House Bill 2754 amends the Local Government Code to allow the administration of a political subdivision’s risk pool by a staff or entity that administers another pool under the Texas Political Subdivisions Uniform Benefits Program.

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HOUSE BILL 2941

EFFECTIVE: 9-1-99

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: Armbrister

House Bill 2941 amends the Insurance Code to authorize a business selling fire or marine insurance to write home protection insurance, for purchasers of home protection and security services or products, in an amount not to exceed \$2,000 for any single occurrence of property loss. The act specifies that the authorized home protection insurance is not inland marine insurance but is governed in the same manner and to the same extent as inland marine insurance.

HOUSE BILL 2969

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Averitt

SENATE SPONSOR: Sibley

House Bill 2969 amends the Insurance Code to modify certain certification requirements for health carriers of small and large employer health plans. The act requires a health carrier for a small or large employer to certify its business in accordance with the commissioner of insurance's adopted rules and deletes the requirement for annual certification by a specified date. Instead, the act requires such carriers to submit a revised certification to the commissioner only when certain changes occur in status as a small or large employer health carrier. The act also requires a carrier that discontinues a particular type of small or large employer coverage to provide notice of the discontinuation to both the employer and commissioner. In addition, the act authorizes a large employer carrier to apply participation requirements to eligible employees, but prohibits the carrier from applying the requirements to eligible dependents.

HOUSE BILL 3016

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Sibley

House Bill 3016 amends Insurance Code provisions relating to the health care utilization review process. The act includes specific requirements for the notification of an enrollee's right to appeal an adverse determination, of the procedures for appealing an adverse determination, and of the right of an enrollee with a life-threatening condition to have an immediate review by an independent review organization.

HOUSE BILL 3020

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Sibley

House Bill 3020 amends the Texas Health Maintenance Organization Act to include health maintenance organizations among those insurers that are required to file a withdrawal plan with the Texas Department of Insurance when such entities propose either to withdraw from writing a line of insurance in the state or to reduce significantly their total premium volume in certain lines of insurance or rating territories.

HOUSE BILL 3021

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smithee

SENATE SPONSOR: Sibley

House Bill 3021 amends certain provisions of the Texas Health Maintenance Organization Act relating to the appeal of an adverse determination by a health maintenance organization (HMO). The act expands the definition of "complaint" to include expressions of dissatisfaction with the procedures for reviewing or appealing an adverse determination. The act requires HMO complaint systems to include procedures to address complaints made by health care providers as well as by enrollees. The act replaces the current procedures for addressing complaints regarding an adverse determination by requiring an HMO to implement and maintain

a reasonable internal system of procedures that include a notification, review, and appeal process for the enrollee or enrollee's provider. It requires HMOs to regard expressions of dissatisfaction and disagreement as an appeal of a determination that warrants the beginning of a review process. In addition, the act establishes a consumer assistance program for HMOs to assist individual consumers with complaints or appeals within or outside of the operations of HMOs, to provide referrals to other programs or agencies, and to serve as a clearinghouse of consumer information about health care coverage.

HOUSE BILL 3023**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Smithee**SENATE SPONSOR:** Sibley

House Bill 3023 amends the Texas Health Maintenance Organization Act to establish a minimum net worth requirement of \$1.5 million for health maintenance organizations (HMOs) authorized to provide basic health care service plans, \$1 million for HMOs providing limited health care service plans, and \$500,000 for HMOs providing single health care service plans. The act also establishes a three-year phase-in period for HMOs to meet those requirements and provides the commissioner of insurance certain rulemaking authority to guarantee financial solvency of HMOs that are subject to certain business risks.

HOUSE BILL 3042**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Averitt**SENATE SPONSOR:** Sibley

House Bill 3042 amends provisions of the Insurance Code relating to investment requirements for certain insurers, including diversification of investments for the purpose of reducing the risk of large losses and increasing opportunities for investment stability, growth, and yield. The act requires a designated authority of an insurer to adopt and periodically review a written investment plan designed to specify the diversification of investments. The insurer must maintain and document investment records subject to Texas Department of Insurance review.

House Bill 3042 adds to the list of investments that insurers may make with funds above their minimum capital and minimum surplus with some restrictions on the amount of funds allocated to any one deposit, repeals a 25 percent aggregate ceiling on certain investments, limits certain investments relative to an insurer's assets, and provides criteria and procedures for obtaining an investment ceiling waiver from the commissioner of insurance. The act authorizes insurers to engage in securities lending, repurchase, reverse repurchase, and dollar roll transactions of limited duration and amount. It provides requirements for the cash received from those transactions and the maintenance of acceptable forms and levels of collateral. In addition, insurers are authorized to engage in certain risk control, hedging, income generation, replication, and trading transactions under conditions and using procedures set forth in the act. The act requires insurers wanting to diversify their investments, but with less than \$10 million in net capital and surplus, to file a written notice with the commissioner and allows an insurer to proceed with a transaction if the commissioner does not prohibit the transaction within 90 days.

HOUSE BILL 3189**EFFECTIVE:** 9-1-99**HOUSE AUTHOR:** Driver**SENATE SPONSOR:** Jackson

House Bill 3189 amends the Insurance Code to exempt, under certain circumstances, a person or organization licensed under the Private Investigators and Private Security Agencies Act from fire alarm licensing requirements. The act amends the law to prohibit a political subdivision, except for certain circumstances, from selling, installing, servicing, or monitoring residential alarm systems.

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HOUSE BILL 3304

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Sibley

House Bill 3304 amends the Insurance Code to make certain requirements governing the maintenance of out-of-state books, records, accounts, and offices by domestic insurance companies applicable to a health maintenance organization (HMO) that is affiliated with other HMOs or health care providers. The act also provides that a separate notice of intent to locate and maintain books, records, and accounts outside the state shall not be required if the domestic insurer has an agreement to maintain such documents outside the state with an affiliate and the agreement has been approved in accordance with the Insurance Holding Company System Regulatory Act and contains substantially all the information that would be required by the notice of intent. The act requires the commissioner of insurance to adopt rules allowing the maintenance of a domestic insurer's books and records with a nonaffiliated entity and allow a domestic HMO to comply with the law.

HOUSE BILL 3697

EFFECTIVE: See below

HOUSE AUTHOR: Siebert et al.

SENATE SPONSOR: Sibley

House Bill 3697 amends the Insurance Code relating to the operation of the Texas Workers' Compensation Insurance Fund and the disposition of surpluses in that fund. The act authorizes the fund to establish multitiered premium systems to price workers' compensation insurance policies to insureds in the fund's competitive programs, as well as to insureds to whom policies are offered by the fund as the insurer of last resort. The systems are authorized to provide for lower, as well as higher, premiums based on the fund's evaluation of the underwriting characteristics of the individual risk and the appropriate premium to be charged for the policy coverages. The act also eliminates the fund's two percent tax credit on gross workers' compensation premiums and makes the fund a member of and subject to assessment by the Texas Property and Casualty Insurance Guaranty Association.

House Bill 3697 requires the comptroller and the Texas Department of Insurance to compile and provide to the fund a list of insurance companies and certified self-insurers that paid the maintenance tax surcharge for calendar years 1991-1996 and requires the fund to refund the surcharge to these entities. Insurance companies, including the fund, are required to refund proportionate shares of certain surcharges to policyholders not later than September 1, 2000.

Finally, the act authorizes the Research and Oversight Council on Workers' Compensation to enter into contracts and interagency agreements as necessary to perform interim studies to improve worker safety and the cost and quality of health care delivered to injured workers. The council is required to report the results of the studies and recommendations to the 77th Legislature.

The act takes effect August 30, 1999, except for provisions relating to the fund's membership in the Texas Property and Casualty Insurance Guaranty Association, which take effect January 1, 2000.

SENATE BILL 92

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Pitts

Senate Bill 92 amends the Insurance Code to allow the commissioner of insurance to institute a disciplinary proceeding against a title insurance agent, direct operation license holder, escrow officer, or title attorney who has surrendered or forfeited a license for conduct committed prior to the surrender or forfeiture.

SENATE BILL 105
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Harris
HOUSE SPONSOR: Pitts

Senate Bill 105 amends the Insurance Code to clarify the deadline for a title insurance agent, direct operation, or a title insurance company to submit its annual audit report to the Texas Department of Insurance, making the report due before the 91st day after the end of the fiscal year. The act also requires a title insurance company that fails to receive an audit report from any of its agents or direct operations before that deadline to report the omission to the department not later than 30 days after the 90-day deadline, and it repeals the requirement that a title insurance company examine and analyze an audit report and submit such analysis with its report.

SENATE BILL 130
EFFECTIVE: 8-30-99**SENATE AUTHOR:** Nelson
HOUSE SPONSOR: Smithee

Senate Bill 130 amends the Insurance Code to prohibit an insurer or third party administrator from reimbursing a physician, practitioner, hospital, institutional provider, or organization of physicians and health care providers on a discounted fee basis except under certain contractual agreements between the insurer or third party administrator and those entities being reimbursed or certain other providers. The act prohibits the sale, lease, or transfer of information related to payment and reimbursement terms of the contract without the express authority and adequate notification of the other contracting parties. Insurers and third party administrators violating these provisions commit an unfair claim settlement practice and are subject to relevant administrative penalties.

SENATE BILL 139
EFFECTIVE: 9-1-99**SENATE AUTHOR:** Moncrief et al.
HOUSE SPONSOR: G. Lewis

Senate Bill 139 amends the Insurance Code to establish a premium reduction for a policyholder of a single-family or multifamily dwelling, apartment owner, or condominium owner who installs an approved stovetop fire suppression device. The act allows an insurer to grant the premium discount and requires the commissioner of insurance to establish the amount of the premium discount by rule.

SENATE BILL 323
EFFECTIVE: 9-1-99**SENATE AUTHOR:** R. Ellis
HOUSE SPONSOR: Thompson

Senate Bill 323 amends the Insurance Code to clarify that, for purposes of the market assistance program, which helps homeowners obtain residential property insurance coverage in underserved areas, the term “residential property insurance” does not include a farm and ranch owners policy.

SENATE BILL 324
EFFECTIVE: 9-1-99**SENATE AUTHOR:** R. Ellis
HOUSE SPONSOR: Thompson

Senate Bill 324 amends the Insurance Code to remove the requirement that a person applying for insurance coverage under the market assistance program must do so through an originating agent. The act authorizes the Texas Department of Insurance to assist a person in completing an application and to refer the applicant to one or more participating insurance companies.

Insurance

SENATE BILL 333

EFFECTIVE: 8-30-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Smithee

Senate Bill 333 amends the Insurance Code to clarify the intent of the legislature relating to the legality of certain charitable gift annuities. The act specifies that the legality of a charitable gift annuity is retroactive and that any entity involved in the issuance of a charitable gift annuity is immune from litigation alleging that the issuance of a charitable gift annuity constitutes engaging in the business of insurance. The act provides that in any such litigation, an annuity treated as a charitable gift annuity and documented by the donor as such with the Internal Revenue Service shall be treated as a qualified charitable gift annuity issued by a charitable organization.

SENATE BILL 405

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Averitt et al.

Senate Bill 405 amends the Insurance Code to authorize the extension of insurance coverage to the spouse and children of an eligible person covered under any group life insurance policy, and not only under a group term life insurance policy. The act also increases the maximum amount of coverage allowed for the spouse and children from one-half the amount of coverage for the person eligible to be insured to an amount equal to the coverage for the person eligible to be insured.

SENATE BILL 530

EFFECTIVE: 1-1-00

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Farrar

Senate Bill 530 amends the Insurance Code to redefine "gross premiums," for purposes of calculating an insurance carrier's premium tax, to exclude from the carrier's total gross premium receipts the amount paid on any group health, accident, or life policy in which the group coverage is primarily for employees of a municipality, county, hospital district, or other entity operating the hospital on behalf of the county or municipality.

SENATE BILL 569

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Van de Putte

Senate Bill 569 amends the Insurance Code to prohibit a utilization review agent from requiring the observation of a psychotherapy session or the submission or review of a therapist's progress notes as a condition of treatment approval or for any other reason. The act allows the utilization review agent to require submission of a patient's medical record summary.

SENATE BILL 677

EFFECTIVE: 6-18-99

SENATE AUTHOR: Jackson et al.

HOUSE SPONSOR: Seaman et al.

Senate Bill 677 amends the Insurance Code to establish the Windstorm Building Code Advisory Committee on Specifications and Maintenance. The committee is required to analyze and make recommendations for changes regarding building specifications adopted by the commissioner. The committee is required to consider relevant technological developments in building products and windstorm research. The act provides procedures for collecting information from relevant parties proposing specific changes and the submission and approval, modification, or rejection of proposals for building specification changes. The act also authorizes the commissioner to determine the feasibility of proposals, to inform the advisory committee of acceptance or rejection of a proposed specification change, and to use normal rulemaking authority to implement acceptable changes in windstorm protection standards.

SENATE BILL 781
EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Bailey

Senate Bill 781 amends the Insurance Code to require that preferred provider and health maintenance organization contracts between an insurer and a licensed podiatrist include provisions that allow the podiatrist to request a copy of coding guidelines and payment schedules applicable to the compensation a podiatrist will receive under the service contract. The act requires the insurer to provide the information not later than the 30th day after the request. The act prohibits the insurer from making unilateral, retroactive revisions to the guidelines and schedules and allows the podiatrist to furnish x-rays and non-prefabricated orthotics covered by the health insurance policy.

SENATE BILL 881
EFFECTIVE: 9-1-99

SENATE AUTHOR: Jackson
HOUSE SPONSOR: J. Moreno

Senate Bill 881 amends the Health Insurance Portability and Availability Act to eliminate the requirement that the 31-day open enrollment period for large employer and small employer health benefit plans begin on the first day of the month and end on the last day of the month.

SENATE BILL 890
EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris
HOUSE SPONSOR: Smithee

Senate Bill 890 amends the Texas Health Maintenance Organization Act to regulate the delegation of certain functions by health maintenance organizations (HMOs) to a delegated network. The act requires an HMO that enters into a delegation agreement to execute and file with the Texas Department of Insurance a written agreement that contains provisions for a financial monitoring plan; requirement for timely notice, in writing, of termination; prohibitions against acting or collecting payments other than copayments and deductibles; licensing requirements for certain third party administrators or utilization review agents; an acknowledgment of the HMO's and the network's legal, clerical, and agency reporting responsibilities, as applicable; and proof of contractual compliance. An HMO is required to make available to the delegated network, on a regular basis, certain information about enrollees to be served by the network, information required to file reinsurance claims, and patient complaint data. An HMO is also required to provide delegated network detailed risk-pool data, the percent of premium attributable to hospital or facility costs if the costs impact the network's costs, changes in hospital or facility contracts with the HMO, and the impact of those changes.

Senate Bill 890 provides procedures if the delegated network is not operating in accordance with its written agreement or its operations are hazardous to enrollees. The HMO is required to seek Texas Department of Insurance intervention in a dispute with a delegated network if the HMO does not receive a timely response or is unable to reach an agreement with the network. The department, on receipt of a request for intervention, may request financial and operational documents, conduct on-site audits, and suspend or revoke the third party administrator license or utilization review agent license. The act makes provisions for certain information exchanged between the department and the network and HMO to remain confidential and not subject to the open records law. The act allows the department to require modification or termination of a delegation agreement between an HMO and a network.

Insurance

SENATE BILL 901**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Sibley**HOUSE SPONSOR:** Smithee

Senate Bill 901 amends the Insurance Code to allow certain insurers, on approval of the commissioner of insurance, to share profits with policyholders who are part of a group program established by a nonprofit business association to provide automobile or general liability insurance coverage and who participate in the group program because of membership in the association.

SENATE BILL 984**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Van de Putte

Senate Bill 984 amends the Insurance Code to establish specific content requirements for an insurer's written statement of the reasons for cancellation, declination, or nonrenewal of an insurance policy. The act requires that such written statements must include the precise incident, circumstance, or risk factor that is in violation of a coverage guideline that led to a decision to deny or terminate the coverage. The written statement must also include the source of the information the insurer used to make the decision.

SENATE BILL 1030**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** Madla**HOUSE SPONSOR:** Farabee et al.

Senate Bill 1030 amends the Insurance Code to require a group health benefit plan that covers prescription drugs and that uses one or more drug formularies to disclose to enrollees in plain language certain information about those formularies including an explanation of what a formulary is and how to find out whether a specific drug is on a formulary. The plan must disclose, upon request, whether a specific drug is present on a drug formulary and notify the requestor that the drug's presence on the formulary does not guarantee that a provider will prescribe it for a particular illness. The act requires a plan that makes changes to its drug formulary to continue to make a prescription drug available at the contracted rate until the renewal date of the enrollee's plan. The act does not restrict a physician or other health professional from prescribing other medically appropriate drugs covered by the health plan. Additionally, the act provides that a refusal by a group health benefit plan to prescribe a medically necessary drug that is not contained in its drug formulary constitutes an adverse determination that may be appealed by the enrollee.

SENATE BILL 1084**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Harris**HOUSE SPONSOR:** Smithee

Senate Bill 1084 amends the Insurance Code to allow a person covered by a health insurance policy or employee benefit plan that provides dental care benefits, or a plan beneficiary, to assign benefits to a dentist that provides dental care services. The act prohibits a policy from requiring that a covered service be rendered by a particular hospital or person.

SENATE BILL 1153**EFFECTIVE:** 1-1-00**SENATE AUTHOR:** Bivins**HOUSE SPONSOR:** Eiland

Senate Bill 1153 amends provisions of the Insurance Code relating to fraternal benefit societies. The act changes and adds provisions about the governing boards. It includes provisions relating to benefits and beneficiaries, qualifications for membership, and insurance certificates. It authorizes societies to establish and operate one or more separate accounts and

issue benefit contracts on a variable basis. It adds fraternal and patriotic advantages to the purposes for which societies may be formed and specifies that the purposes may be carried out through subsidiary or affiliated groups.

The act raises limits for bonds and other financial requirements necessary before societies can begin issuing certificates and paying benefits. The bond is increased from \$5,000 to between \$300,000 and \$1.5 million and the amount required to be credited to the mortuary or disability fund is increased from \$2,500 to \$150,000.

The act includes provisions and restrictions relating to liability, indemnification, and insurance for directors, officers, employees, and others associated with the societies and the licensing of agents authorized to solicit or procure insurance contracts for such societies. The act also changes provisions relating to certain interest rates that certificates may be charged and includes provisions relating to nonforfeiture benefits, cash surrender values, certificate loans, and other options.

SENATE BILL 1196
EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro
HOUSE SPONSOR: McCall

Senate Bill 1196 amends the Insurance Code to clarify existing law and practice relating to consent to the ownership of, or status as a beneficiary of, a life insurance policy. The act allows any person of legal age to consent in writing to the purchase of or application for an individual or group insurance policy by a third party and to designate any person or entity as the sole or partial owner or beneficiary of the policy. The act requires any owner or beneficiary at all times to have an insurable interest in the life of that person.

SENATE BILL 1237
EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson et al.
HOUSE SPONSOR: Van de Putte

Senate Bill 1237 amends the Insurance Code to require health benefit plans that provide pharmacy benefits, and administrators of such plans, to issue an identification card to each covered individual. The act requires the commissioner of insurance to adopt standard information to be included on the card, which at a minimum must include the name or logo of an entity administering pharmacy benefits, the international identification number assigned by the American National Standards Institute for the entity administering the pharmacy benefits, the group number applicable to the individual, the expiration date of coverage, a telephone number to call for information about the pharmacy benefits provided, and copayment information for generic and brand-name prescription drugs. The act requires identification cards to be provided not later than the 30th day after coverage is established. The act requires all information that identifies a patient to be kept confidential and prohibits its disclosure to third parties unless otherwise authorized by law or by the patient.

SENATE BILL 1467
EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris
HOUSE SPONSOR: Wolens

Senate Bill 1467 is a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the insurance business, and certain related businesses. It designates the 27 chapters of the Insurance Code as Title 1 of that code, styled the Insurance Code of 1951. The act adopts Title 2, styled the Texas Department of Insurance, with provisions relating to administration, discipline, and enforcement. It includes certain conforming amendments and repealers.

Insurance

SENATE BILL 1610
EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio
HOUSE SPONSOR: Flores

Senate Bill 1610 amends the Insurance Code to include the use of compressed air foam technology in fire-fighting equipment as a hazard reducing measure for which the commissioner of insurance may give, or require an insurance company to give, a political subdivision an insurance premium credit.

SENATE BILL 1657
EFFECTIVE: 9-1-99

SENATE AUTHOR: Jackson
HOUSE SPONSOR: Smithee

Senate Bill 1657 amends the Insurance Code to increase from \$50,000 to \$100,000 the total amount of annual salary or compensation that an officer of a domestic insurance company may be paid without requiring approval by the company's board of directors.

SENATE BILL 1884
EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Smithee

Senate Bill 1884 amends the Civil Practice and Remedies Code to allow a health insurance carrier, health maintenance organization, or managed care entity that is subject to a legal cause of action on a claim by an insured or enrollee to request a review of the claim by an independent review organization provided the carrier, organization, or entity complies voluntarily with certain requirements applicable to utilization review agents and the review is performed according to standards established for independent review organizations. Voluntary compliance means the carrier, organization, or entity agrees to furnish any medical records, documentation, or information required and to pay for the independent review.

LABOR AND EMPLOYMENT

HOUSE BILL 160

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wise

SENATE SPONSOR: Zaffirini

House Bill 160 amends the Labor Code to classify the employment of children to solicit as a hazardous occupation and to regulate the use of children for sales and solicitation. The act requires persons who employ children to solicit to obtain signed consent from the children's parents or guardians at least seven days before the employment begins, to provide the individuals who give consent a map of any solicitation route and the names of supervisors, and to provide at least one supervisor for every three children. It also limits solicitation trips to certain hours on different days. The act grants the Texas Employment Commission rulemaking authority, provides exemptions for certain organizations and businesses owned or operated by the child's parent or guardian, and establishes a violation as a Class A misdemeanor.

HOUSE BILL 341

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Nelson

House Bill 341 amends the Labor Code to provide immunity from civil liability to an employer who provides employee references or other information about the job performance of current or former employees unless it is proven that the information disclosed was known by the employer to be false at the time the disclosure was made. The act prohibits the disclosure of certain information that is protected by law relating to the conduct of a licensed nurse or licensed vocational nurse.

HOUSE BILL 729

EFFECTIVE: See below

HOUSE AUTHOR: Hochberg et al.

SENATE SPONSOR: Duncan

House Bill 729 amends provisions of the Labor Code regarding payment of workers' compensation benefits. The act requires insurance carriers that pay workers' compensation benefits to make benefit payments available to recipients on or before the benefit due date and to offer recipients the option of receiving payments by electronic funds transfer. The act also requires the Texas Workers' Compensation Commission to adopt rules regarding electronic funds transfer not later than December 1, 1999. Provisions of the act relating to payment by electronic funds transfer take effect September 1, 1999; provisions relating to timeliness of payments take effect June 19, 1999.

HOUSE BILL 1237

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Zaffirini

House Bill 1237 amends provisions of the Health and Safety Code relating to suits for retaliation against volunteers and employees of nursing homes to provide that an employee has a cause of action against another employee who retaliates against the employee for reporting a violation of law regulating nursing homes. It entitles a person whose employment is terminated or suspended to appropriate injunctive relief.

The act prohibits an institution from retaliating against a volunteer who reports a violation or initiates or cooperates in an investigation of a governmental entity relating to care, services, or conditions at the institution. It entitles a volunteer who is retaliated against to sue for the greater of \$1,000 or actual damages.

In addition, House Bill 1237 requires an institution to display a notice, in English and a second language as required by the Texas Department of Human Services, that employees, other staff, and residents are protected from discrimination or retaliation by law.

Labor and Employment

HOUSE BILL 1324

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Garcia

SENATE SPONSOR: Carona

House Bill 1324 amends the Civil Practice and Remedies Code to make the termination of a permanent employee's employment because of the employee's jury service a Class B misdemeanor and to allow a court to punish by contempt an employer who terminates, penalizes, or threatens to terminate or penalize such an employee or who takes any action with the intent to influence an employee not to perform jury duty. The act increases the amount of damages a person may collect for a wrongful termination from not more than six months' compensation to an amount that is equivalent to not less than one year's compensation nor more than five years' compensation and requires that an action for damages be brought no later than the second anniversary of the date on which the person served as a juror.

HOUSE BILL 1333

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hardcastle et al.

SENATE SPONSOR: Sibley

House Bill 1333 amends the Labor Code to increase the time allowed for employers to protest chargebacks to their unemployment tax accounts from 14 to 30 days.

HOUSE BILL 1826

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Duncan

House Bill 1826 amends the Texas Workers' Compensation Act to prohibit an insurance carrier from requiring an employee who has received supplemental income benefits for two years and whose medical condition has not improved sufficiently to allow the employee to return to work within the preceding year to submit to a medical examination more than once a year. If a dispute arises concerning whether the employee's medical condition has improved, the act requires the Texas Workers' Compensation Commission to direct the employee to be examined by a doctor chosen by the commission. The act requires the doctor to report to the commission and requires the commission to base its determination on the report unless the great weight of the other medical evidence is to the contrary.

HOUSE BILL 2009

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Palmer et al.

SENATE SPONSOR: Harris

House Bill 2009 amends the Local Government Code to require that a person have a permanent peace officer's license in order to be eligible to serve as constable. The act provides that a constable who fails to provide the commissioners court with timely evidence of licensure or who fails to maintain a permanent license while serving in office forfeits the office.

HOUSE BILL 2401

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Keffer et al.

SENATE SPONSOR: R. Ellis

House Bill 2401 amends the Labor Code and the Education Code to provide for the establishment of voluntary workforce training programs for certain students that integrate a high school curriculum with private sector workplace training and postsecondary education. The act sets forth requirements and duties for the Texas Education Agency and the Texas Workforce Commission relating to administration of the programs and includes requirements for program certification standards, written agreements between individual participants and employers, tech-prep program development, the creation of regional tech-prep consortia, and the allotment of federal tech-prep implementation money, including requirements for grants awarded under the program.

HOUSE BILL 2509

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Shapleigh

House Bill 2509 amends the Labor Code to authorize a state employee to use accrued annual leave after the employee's accrued sick leave is exhausted before receiving workers' compensation income benefits. The act also specifies that medical and income benefit payments are subject to the prompt payment requirements set forth in the Labor Code.

House Bill 2509 also amends the Texas Workers' Compensation Act to permit the State Office of Risk Management to maintain, rather than submit as part of its report to the legislature, certain information regarding injuries and benefits. The act also removes the requirement that the office maintain an allocation program for financing state workers' compensation benefits.

HOUSE BILL 2510

EFFECTIVE: See below

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Shapleigh

House Bill 2510 amends various provisions of the Texas Workers' Compensation Act relating to worker benefits and the administration and operation of the workers' compensation program. The act increases by 3.5 percent the interest and discount rate used by the Texas Workers' Compensation Commission to compute certain payments, requires the interest on accrued but unpaid income benefits to be paid at the time accrued benefits are paid, and requires the commission to establish rules for agreements under which death benefits may be paid monthly. The act authorizes the commission to accept grants from the Texas Workers' Compensation Insurance Fund and authorizes the fund to make up to \$2.2 million in grants for the four-year period beginning September 1, 1999. The act expands the list of authorized expenses and activities for which commissioners may be reimbursed and reduces the allowable annual reimbursement amount from \$12,000 to \$5,000. The act also authorizes the commission to adopt the fourth edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" to determine impairment.

House Bill 2510 imposes sanctions on employees who fail to appear for required medical examinations and authorizes an insurance carrier to suspend or reduce income benefits if a doctor reports that an employee can return to work or has reached maximum medical improvement. The act requires an interlocutory order for the continuation of benefits to be entered automatically under certain circumstances and provides that the insurance carrier is eligible for reimbursement for an overpayment of benefits. The act increases the maximum amount of burial expenses that an insurance carrier must pay for the death of an employee from a compensable injury from \$2,500 to \$6,000.

In addition, the act authorizes the governing body of a political subdivision to elect to provide compensation payments that are more than the minimum benefits to certain volunteers, provides that certain disclosure requirements apply to health care providers rather than health care facilities, reconciles conflicting provisions relating to fee guidelines, removes certain obsolete reporting requirements for insurance carriers, authorizes an insurance carrier to pay lifetime benefits through an annuity, and protects the confidentiality of a person participating in a Research and Oversight Council on Workers' Compensation survey. Finally, the act adds a representative of an insurance carrier as a member of the commission's medical advisory committee.

House Bill 2510 takes effect September 1, 1999, except for provisions relating to an increase in the interest and discount rate, which take effect October 1, 1999, and provisions relating to required medical examinations, which take effect January 1, 2000.

Labor and Employment

HOUSE BILL 2512

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Giddings

SENATE SPONSOR: R. West

House Bill 2512 amends the Texas Workers' Compensation Act to clarify that a benefit review officer at a benefit review conference or a hearing officer at a contested case hearing has the authority to enter an interlocutory order to pay certain medical or income benefits. The act also authorizes the executive director to enter an interlocutory order to pay certain medical benefits pending the outcome of a final hearing, and provides that a party disputing the order is entitled to an administrative hearing. Finally, the act clarifies the terms under which an insurance carrier must be reimbursed from the subsequent injury fund for payments made under interlocutory orders.

HOUSE BILL 2513

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Ritter

SENATE SPONSOR: Armbrister

House Bill 2513 amends provisions of the Texas Workers' Compensation Act relating to treatment of injured employees and their return to work. The act requires the Texas Workers' Compensation Commission to notify insurance carriers of an employee's need for vocational rehabilitation or training services and permits a carrier to provide those services through a private provider. The act also authorizes the commission to require certain credentials of a provider of vocational rehabilitation services. The act requires the commission to use expected or average time frames as guidelines for determining whether medical care provided exceeded recovery time expected.

In addition, the act requires the commission to implement a program to encourage employers and doctors to discuss the availability of modified duty for injured employees by January 1, 2000. Finally, the act requires the commission to provide information to employers regarding effective return to work programs.

HOUSE BILL 2514

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Ritter

SENATE SPONSOR: Armbrister

House Bill 2514 amends the Labor Code regarding the Texas Workers' Compensation Commission's extra-hazardous employer program and the costs associated with the reinspection of an insurance carrier's accident prevention plan. The act renames the program the "hazardous employer program" and clarifies its application. The act requires the commission to charge private employers for the costs of inspections and other services provided at the employer's request and requires the insurance company to reimburse the commission for reinspection after a failed inspection. In addition, House Bill 2514 expands the scope of immunity from liability for insurance carriers or their representatives who perform safety consultations to include injuries or occupational diseases.

HOUSE BILL 2563

EFFECTIVE: 9-1-99

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: R. Ellis

House Bill 2563 amends the Labor Code to require the Texas Workforce Commission to create a pilot program that establishes individual development accounts for certain low-income individuals employed by the public or private sector in eight counties. The commission is required to design the program to provide participants with an opportunity to accumulate assets and mobilize savings and is required to contract with a nonprofit organization to administer the accounts. Expenditures from a participant's account are limited to higher education, housing expenses, including financing a home, and self-employment and start-up business expenses,

and the program must be evaluated by a college or university within two years of implementation. The commission is required to submit a report with recommendations for statewide implementation to the legislature by January 1, 2005, and the program's authorization expires September 1, 2005.

HOUSE BILL 2609
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Zaffirini

House Bill 2609 amends the Labor Code to provide for professional child-care training scholarships, bonuses, and wage supplementation. The act requires the Texas Workforce Commission to develop and administer a program to award \$1,000 scholarships for professional child-care training to eligible recipients. The commission is required to fund the awards with federal Child Care Development funds, or other available funding sources, not to exceed \$2 million per state biennium. The act authorizes a scholarship recipient to use the award only to pay expenses associated with obtaining certain child-care credentials and establishes eligibility criteria. The act prohibits a person from receiving more than one scholarship and authorizes the commission to provide a bonus or wage supplement, to be paid in equal shares by the commission and the employer, to a recipient who works at the same child-care facility for 18 months after receiving the scholarship. The act requires the commission to adopt rules to implement the program and specifies certain provisions that must be included.

HOUSE BILL 2706
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Gallegos

House Bill 2706 amends the Labor Code to provide medical benefits to a person not otherwise covered by workers' compensation insurance who is injured while performing volunteer services, under the direction of a state officer or employee, during a declared state of disaster or in scheduled emergency response training. The act also provides that employees of political subdivisions are entitled to benefits only if they are injured outside the subdivision's jurisdiction. The act requires the person to seek medical attention within 48 hours of the injury to be entitled to benefits.

HOUSE BILL 2842
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Brimer
SENATE SPONSOR: Armbrister

House Bill 2842 amends the Texas Workers' Compensation Act to authorize an employer to continue to pay the salary of an employee who sustains a compensable injury in lieu of payment of temporary income benefits under that Act, and to provide that such salary continuation payments are considered to be payment of income benefits for the purpose of determining the accrual date of subsequent workers' compensation income benefits. The act also provides that if an employer is contractually obligated to make salary continuation payments, the employer is not eligible to be reimbursed for those payments by the employer's insurance carrier.

HOUSE BILL 2915
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts
SENATE SPONSOR: Sibley

House Bill 2915 amends the Labor Code to authorize the executive director of the Texas Workforce Commission to enter into contracts with local workforce development boards or other entities to establish service level agreements for technology assistance and support and authorizes the executive director to charge fees for such services based on the service level options selected by those entities to pay costs incurred in providing those services.

Labor and Employment

HOUSE BILL 3333

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Tillery

SENATE SPONSOR: Cain

House Bill 3333 amends the Government Code to require local workforce development boards to establish graduated reimbursement rates for child care based on the Texas Workforce Commission's designated vendor program. The act also requires each board to allocate a portion of its federal Child Care Development funds that are dedicated to quality improvement activities to a competitive procurement process for a quality child-care system for children under four years of age that encourages child-care providers to meet voluntarily either the designated vendor program criteria or national accreditation criteria.

HOUSE BILL 3656

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Madla

House Bill 3656 amends the Labor Code to allow community-based organizations to participate in the skills development fund. The act allows such organizations to apply for money from the fund to participate in a job-training program only in partnership with a community and technical college or the Texas Engineering Extension Service, and it requires an organization that provides services regulated by the state to provide evidence of any required certification, license, or registration.

A community-based organization is defined as a private nonprofit organization, including a development corporation and faith-based organization, that provides for education, vocational education, rehabilitation, job training, or internship services or programs, and that is exempt from federal income taxes.

HOUSE BILL 3657

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira et al.

SENATE SPONSOR: Sibley

House Bill 3657 amends provisions of the Government Code and the Labor Code relating to certain workforce development programs, continues the funding and operation of the smart jobs fund program until December 31, 2001, and continues the skills development fund. The act specifies that the smart jobs fund program is created to enhance employment opportunities for Texas residents and to increase the job skills of the existing workforce by providing job training assistance to businesses operating in or relocating to Texas. The act requires the governing board of the Texas Department of Economic Development and the department to determine the means for accomplishing program goals.

The act requires the program to award grants for jobs that pay at least 100 percent of a county's average weekly wage and that are covered by a group health benefit plan for which the business pays at least 50 percent of the plan's employee-only coverage premiums and charges. The act establishes specific requirements for program expenditures and requires program funding to include amounts appropriated from the general revenue fund. The act requires the board to establish a scoring system that evaluates the economic impact of grant applications and reflects certain criteria, and it requires the executive director of the department to use the scoring system and a competitive process to award grants.

The act establishes a smart jobs rainy day fund as a special trust fund in the custody of the comptroller. The act requires the fund to remain separate from all other public money or funds and provides specific sources of money for the fund. The act authorizes the board to permit the director of the department to use money in the rainy day fund to supplement the smart jobs fund under certain conditions, including determination by the Texas Workforce Commission that a severe economic dislocation is occurring in a specific region. The act directs the

commission to define “severe economic dislocation” and provides factors to be considered in the definition and other requirements concerning expenditures of the fund. The act limits annual expenditures from the smart jobs and the rainy day funds to the amount appropriated by the legislature for the operation of the smart jobs fund program.

The act deletes provisions relating to requirements for awarding grants, including those describing the legislative intent that funds from the program be spent in all areas of the state, regarding conditions under which the director may award grants of a certain amount and rate to a single employer, and relating to grants to minority employers. It exempts small and micro-businesses from certain requirements in the applications procedure, requires the board to establish a simplified application process for micro-businesses applying for grants, and requires the department to give priority to assisting small business or micro-business applicants.

The act adds and amends requirements regarding contracts made under the program and data to be included in annual reports made by the director to the governor and legislature at the end of each fiscal year on the status of the program, requires the comptroller to implement a biennial performance evaluation of the program, and includes specific provisions for the evaluation.

The act also prohibits employers from applying to participate simultaneously in both the skills development fund and the smart jobs fund unless certain application requirements are met.

The act requires the Texas Workforce Commission to transfer certain percentages of the holding fund to the skills development and rainy day funds in certain circumstances.

SENATE BILL 231

EFFECTIVE: 6-18-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Dukes

Senate Bill 231 amends the Labor Code to require the Texas Workforce Commission to develop an information and marketing campaign to encourage Texas residents to enter the technology workforce, targeting populations that are economically disadvantaged and underrepresented in that workforce.

SENATE BILL 334

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Jim Solis

Senate Bill 334 amends the Labor Code to clarify that service performed by an inmate of any custodial or penal institution, whether publicly or privately owned or operated, does not qualify as employment for the purpose of eligibility for unemployment compensation.

SENATE BILL 335

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Jim Solis

Senate Bill 335 amends the Texas Unemployment Compensation Act to establish that an individual is not considered unemployed and is not eligible to receive benefits for any benefit period during which the individual works full-time hours, regardless of the amount of wages the individual earns during the benefit period.

SENATE BILL 525

EFFECTIVE: 9-1-99

SENATE AUTHOR: G. Luna et al.

HOUSE SPONSOR: Uher

Senate Bill 525 amends the Labor Code and Government Code to entitle members of the National Guard, State Guard, and other state military forces to workers' compensation, under the same law by which state employees are covered, if they are killed or disabled while

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engaged in authorized training or duty. A temporary provision authorizes the adjutant general to use available public funds to purchase insurance policies or annuity contracts. These changes apply to injuries or deaths occurring on or after August 15, 1998. The act also amplifies the civilian employment protection of state military force personnel to prohibit job termination during not just active duty, as under previous law, but all authorized duty and training. Other new protections include prohibitions against loss of time, vacation, benefits, or efficiency rating. A private employer, however, is not required to pay regular wages during the training or duty period.

SENATE BILL 621

EFFECTIVE: Vetoed

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Farrar

Senate Bill 621 amends the Transportation Code to permit a peace officer association representing officers employed by a municipal transportation authority (MTA) in which the principal municipality has a population of more than 1.5 million to meet and confer with employees regarding wages and certain employment matters. MTA peace officers are prohibited from engaging in a strike or organized work stoppage against the state or a political subdivision of the state. The act establishes guidelines for the recognition of an association as the sole and exclusive bargaining agent of the officers by a public employer.

SENATE BILL 1468

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Smithee

Senate Bill 1468 amends the Insurance Code to authorize physicians to negotiate specified terms and conditions of contracts with certain health benefit plans. The act establishes limits, exceptions, and requirements for joint negotiations by competing physicians in a particular health benefit plan service area. The act prohibits physicians from reducing, limiting, or ceasing to provide health care services.

The act establishes requirements, including fees, for a person or organization that intends to act as a representative of physicians for the purpose of exercising authority in contract negotiations with a health plan. In addition, before any negotiations, the representative is required to file, for attorney general approval, a report, including the parties involved, the subject matter to be negotiated, a plan of operation and procedures to ensure compliance, and expected impacts on the quality of patient care and benefits. The act also requires the representative to provide, for the attorney general's approval, a copy of the proposed contract to which the parties have agreed via such negotiations.

The provisions of this chapter expire on September 1, 2003.

SENATE BILL 1507

EFFECTIVE: 9-1-99

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Capelo

Senate Bill 1507 amends the Labor Code to require the Texas Workforce Commission to submit an annual report, to include specific information, to the legislature on the effectiveness of federal programs designed to provide trade adjustment assistance to persons in this state.

LAW ENFORCEMENT AND PUBLIC SAFETY

HOUSE BILL 88

EFFECTIVE: 5-21-99

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Duncan

House Bill 88 amends the Local Government Code to allow a county commissioners court by contract to donate money to a local or statewide crime prevention organization that has an advisory council consisting of law enforcement officers and volunteers from the community. The organization may use the money for crime prevention programs that train and educate the community in identifying and dealing with segments of society that are prone to victimization, including the elderly population.

HOUSE BILL 153

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Nixon

SENATE SPONSOR: Moncrief

House Bill 153 amends the Government Code to require the Texas Department of Public Safety (DPS) to create a record, upon a declaration by a state's attorney, a county sheriff, and an individual that the individual's identity has been used by another person illegally. The act requires a record of the individual's identity and unique password to be in the criminal history record maintained by the DPS, and for the record to be available online to any criminal justice agency authorized to receive information from the DPS.

The act amends the Code of Criminal Procedure to require DPS, on receipt of a declaration, to separate the information on the individual whose identity has been misused from the person who misused the information, in the computerized criminal history system.

HOUSE BILL 165

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: Bivins

House Bill 165 amends the Code of Criminal Procedure to provide commissioned peace officers from states adjoining Texas the same powers, duties, and immunities as Texas peace officers when acting in the discharge of their official duties. The act also authorizes these peace officers, with approval from the governing body of the municipality, to enforce the ordinances of a Texas municipality.

HOUSE BILL 424

EFFECTIVE: 9-1-99

HOUSE AUTHOR: B. Turner et al.

SENATE SPONSOR: Armbrister

House Bill 424 amends the Code of Criminal Procedure to create an extraordinary costs of prosecution fund to assist eligible counties in the investigation or prosecution of a capital murder trial. The act authorizes the criminal justice division of the governor's office to distribute money appropriated by the legislature to an eligible county. The act requires a county to meet certain criteria and financial conditions to be eligible for assistance.

HOUSE BILL 496

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Flores

SENATE SPONSOR: Lucio

House Bill 496 amends the Government Code to clarify that the Texas Department of Public Safety may establish border crossing checkpoints within 250 yards of a federally designated crossing facility located at or near the actual boundary between Texas and Mexico.

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The act adds aircraft and watercraft to the list of items that law enforcement authorities are authorized to stop if there is probable cause to believe the item is stolen and bound for Mexico, and deletes the requirement of physical evidence to support the belief that the item is stolen.

HOUSE BILL 525

EFFECTIVE: 5-24-99

HOUSE AUTHOR: McReynolds et al.

SENATE SPONSOR: D. Nixon

House Bill 525 amends the Code of Criminal Procedure to clarify that United States Forest Service special agents and law enforcement officers are not peace officers, and their arrest, search, and seizure powers are limited to any offense committed within the National Forest System.

HOUSE BILL 592

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Goolsby et al.

SENATE SPONSOR: Armbrister

House Bill 592 amends the Government Code to require the Texas Department of Public Safety to conduct a background check, similar to that required for a concealed handgun permit, on a person who applies for certification as a qualified handgun instructor. The act prohibits the department from issuing a certification to a handgun instructor applicant who would not qualify for a concealed handgun permit. The act requires the department to provide handgun instructor training to a qualified applicant.

HOUSE BILL 605

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Armbrister

House Bill 605 amends the Code of Criminal Procedure to include a person with chronic dementia to the list of missing persons for which local law enforcement agencies are required to immediately start an investigation in order to determine the location of the person. The Alzheimer's Association Safe Return crisis number, if applicable, is added to the list of places where information on the missing person must be entered.

The act amends the Penal Code to establish as a Class C misdemeanor the offense of intentionally filing a false missing child or person report, or making a false statement regarding a missing child or person.

HOUSE BILL 722

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Staples et al.

SENATE SPONSOR: D. Nixon

House Bill 722 amends the Education Code to increase the number of certified peace officers employed by the Texas Forest Service from 12 to 25.

HOUSE BILL 855

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo et al.

SENATE SPONSOR: Truan

House Bill 855 amends the Code of Criminal Procedure to authorize a law enforcement agency or a political subdivision to use the proceeds from criminal asset forfeitures to provide financial assistance to a Texas resident who plans to enroll or is presently enrolled at an institution of higher education in a field related to law enforcement. The act authorizes a law enforcement agency to transfer up to 10 percent of proceeds to a separate account to be used only for financial assistance. It requires the recipient of the financial assistance to return to the locality and work for a certain period of time for the political subdivision or law enforcement agency.

HOUSE BILL 957

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: Whitmire

House Bill 957 amends the Code of Criminal Procedure to expand the definition of peace officers to include reserve deputies, reserve deputy constables, and reserve municipal police officers who hold a permanent peace officer license.

The act amends the Local Government Code to authorize a sheriff, constable, or a chief of police to permit a reserve deputy sheriff, reserve deputy constable, or reserve police officer to either carry a weapon or act as a peace officer at all times, or to limit the authority of these reserve officers to carry a weapon or act as a peace officer only during the actual discharge of their official duties. It permits reserve deputies, reserve deputy constables, and members of a reserve police force who are not peace officers as defined in the Code of Criminal Procedure to serve as peace officers only during the actual discharge of official duties. The act makes reserve deputies, reserve deputy constables, and reserve police officers ineligible to participate in any program or pension fund that is considered a financial benefit of full-time employment. In addition, it requires reserve officers to abide by the Private Investigators and Private Security Agencies Act.

HOUSE BILL 1059

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Keel et al.

SENATE SPONSOR: Barrientos

House Bill 1059 amends provisions of the Amusement Ride Safety Inspection and Insurance Act relating to regulation of amusement rides. It refines the definition of a Class A amusement ride to mean one with a fixed location, and defines “commissioner” and “mobile amusement ride.” House Bill 1059 establishes that the commissioner of insurance, rather than the Texas Department of Insurance, is required to administer and enforce the Act. It increases the fee the commissioner may charge for each amusement ride regulated by the Act from \$20 to \$40 per year. It modifies the types of records and reports that an amusement ride operator is required to file with the commissioner and to maintain at the location of the amusement ride.

House Bill 1059 specifies that the critical parts of a ride to be tested for stress and wear during inspection are to be determined by the manufacturer of an amusement ride, rather than by the Texas Department of Insurance.

House Bill 1059 adds a new section to authorize municipal, county, or state law enforcement officials to enforce the operation and filing requirements of the Act. It permits law enforcement officials to inspect without notice any amusement ride to ensure public safety. The act allows law enforcement officials to immediately prohibit the operation of the amusement ride or a mobile amusement ride if certain conditions are not met and prescribes the requirements for reopening the ride. The act exempts amusement rides at an amusement park with more than 200,000 customers a year from the authority of law enforcement officials to prohibit operation.

House Bill 1059 increases the offense for failing to comply with the operation requirements from a Class C misdemeanor to a Class B misdemeanor and creates a Class B misdemeanor offense for not complying with the filing of affidavits requirement or for operating an amusement ride when it has been prohibited.

House Bill 1059 amends the Penal Code to make it a Class B misdemeanor to operate or assemble an amusement ride while intoxicated. It makes it a felony if a person operates or assembles an amusement ride while intoxicated, which then causes serious bodily injury or death to another.

Law Enforcement and Public Safety

HOUSE BILL 1121

EFFECTIVE: 5-24-99

HOUSE AUTHOR: Counts

SENATE SPONSOR: Duncan

House Bill 1121 amends the Local Government Code to expand the definition of “law enforcement officer” to include an investigator for the office of a district attorney, criminal district attorney, or county attorney.

The act amends the Code of Criminal Procedure to authorize these investigators, when outside their jurisdiction, to arrest, without a warrant, a suspect who commits any offense within the officer’s presence or view.

HOUSE BILL 1907

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Lucio

House Bill 1907 amends the Code of Criminal Procedure to authorize a customs inspector of the U.S. Customs Service or a border patrolman or immigration officer of the U.S. Department of Justice to detain a person at a permanent established border patrol traffic check point, as well as a port of entry, if there is probable cause to believe certain intoxication offenses have been committed.

HOUSE BILL 2023

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Carter

SENATE SPONSOR: J. E. Brown

House Bill 2023 amends the Government Code to authorize the Commission on Law Enforcement Officer Standards and Education to commission certified peace officers as investigators for the limited purpose of aiding in certain investigations. The act amends the Code of Criminal Procedure to add these investigators to the definition of peace officers.

HOUSE BILL 2107

EFFECTIVE: Vetoed

HOUSE AUTHOR: Cook et al.

SENATE SPONSOR: Armbrister

House Bill 2107 creates the Rural Volunteer Fire Department Assistance Program, under the auspices of the Texas Forest Service, to provide financial assistance to volunteer fire departments in paying for equipment and training of personnel. The act establishes the rural volunteer fire department assistance fund in the general revenue fund and authorizes the imposition of a two percent tax on the retail sale of fireworks to fund the program. The act requires the establishment of a five-member advisory committee to advise the director of the Texas Forest Service regarding the administration of the program and requires the director to submit an annual report to the lieutenant governor, the speaker of the house, and the comptroller of public accounts before September 1 of each year on the activity, status, and effectiveness of the fund.

HOUSE BILL 2397

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Carter

SENATE SPONSOR: Nelson

House Bill 2397 amends the Government Code to increase the term of a member of the Crime Stoppers Advisory Council from two to four years.

HOUSE BILL 3209

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: R. West

House Bill 3209 amends the Government Code to authorize a crime stoppers organization to deposit certain funds in an interest-bearing account to use for law enforcement or juvenile justice purposes. The act permits the organization to use the interest earned on the funds to pay the costs incurred in administering the organization.

HOUSE BILL 3355

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Staples

SENATE SPONSOR: Duncan

House Bill 3355 amends the Family Code to clarify that it is the duty of a law enforcement officer that takes a child into custody to transport the child to a juvenile detention facility that is outside the county, or the commissioners court may authorize the sheriff to transport the child.

SENATE BILL 8

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. West et al.

HOUSE SPONSOR: Goodman

Senate Bill 8 amends the Code of Criminal Procedure to require the Texas Department of Public Safety to establish and maintain a statewide database of information relating to criminal street gangs. Criteria are set forth for including information in the database, and local criminal justice agencies are authorized to compile and required to forward information that satisfies the criteria to the department. The act provides for the removal of information from the database if the individual does not commit another offense within a specified time, and it provides a procedure for removing information relating to a child from the local and statewide databases if the information does not comply with the submission criteria.

SENATE BILL 16

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: McCall

Legislation from 1997 gave the comptroller, in partnership with county sheriffs and municipal police chiefs, the power to enforce certain laws relating to the distribution of cigarettes and tobacco products, aimed at preventing use by minors. Senate Bill 16 amends the Health and Safety Code to broaden the comptroller's enforcement partnership to include local law enforcement agencies generally.

SENATE BILL 131

EFFECTIVE: 6-18-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Cook

Senate Bill 131 amends the Government Code to exempt certain hospitals and nursing homes from the requirement to include the number 51 on each sign relating to prohibiting concealed handguns on the property. The number 51 refers to a sign requirement for a business that derives 51 percent or more of its income from the sale of alcoholic beverages.

SENATE BILL 370

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bosse

Senate Bill 370 amends the Government Code to continue the Texas Department of Public Safety until September 1, 2009. The act exempts meetings of the Public Safety Commission that involve an ongoing criminal investigation from the open meetings law.

The act requires the commission to establish procedures and practices for an employee to appeal a disciplinary action and to address an employment-related grievance. It also directs the commission to establish procedures that would allow an employee to use mediation to resolve personnel disputes. The act requires the commission to review all discharges of officers or employees. It authorizes a discharged officer or employee to request a judicial review in a district court under the substantial evidence standard of review not later than the 90th day after the date the commission affirms the discharge, and establishes that the officer remains suspended without pay while the case is under judicial review. The act also requires the department, with the advice and consent of the commission, to establish procedures for promoting officers, and sets the probation period for officers.

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Senate Bill 370 authorizes the director of the Department of Public Safety, rather than the commission, to appoint assistant directors, with the advice and consent of the commission. It authorizes the director to appoint individuals to management team positions and establishes procedures for their removal. The act establishes that the division heads report directly to the director, rather than the commission, on employee efficiency and authorizes the director to make management decisions regarding an employee or officer without commission approval. The act requires the director to establish an office of internal affairs and to appoint a director and establishes the duties of the office and its director.

Senate Bill 370 requires the commission to approve all department dispositions of seized or forfeited assets. It directs the commission to establish an office of audit and review to promote effectiveness in the department and to appoint a director for the office. The act specifies the powers and duties of the office and its director. The act authorizes the commission to appoint certain officers as special Texas Rangers, who are subject to the orders of the commission and the governor for special duty. It establishes procedures regarding the jurisdiction and the commissioning of a special Texas Ranger.

Senate Bill 370 requires the director to use noncommissioned staff to assist the commissioned officers in the inspection of commercial motor vehicles at fixed site facilities and establishes requirements for training the noncommissioned employees.

The act requires the department to maintain statistics related to people who are licensed to carry a handgun and are convicted, rather than arrested, for the offense of unlawfully carrying a handgun. It authorizes the department, in conjunction with Southwest Texas State University, to produce state maps that include information regarding crime statistics correlated with the various regions of the state. The act deletes the requirement that the department, when issuing a concealed handgun license or a change of name or address, notify the sheriff of the county in which the license holder resides.

The act directs the department to develop a long-term needs assessment and to consider certain items for the enforcement of commercial motor vehicle rules. The act requires the Department of Public Safety and the Texas Department of Transportation to establish procedures to ensure coordination when developing transportation infrastructure projects that affect both agencies.

Senate Bill 370 amends the Transportation Code to make it an offense to attach certain items to a license plate that make it unreadable or distort angular visibility or detectability. It authorizes the department to contract with an entity to provide information regarding traffic law convictions or motor vehicle accidents to assist in underwriting existing motor vehicle insurance policies.

The act allows the department to develop rules to govern payment methods for fees for a driver's license, personal identification card, or license record. It authorizes the department to renew a personal identification certificate or driver's license by mail, by telephone, over the Internet, or by other electronic means, and to establish procedures for renewal. The act requires the department to provide space on a driver's license for an emergency contact telephone number and increases the fee for reinstating a suspended or revoked license from \$50 to \$100. It prohibits the department from requiring a driver's license applicant to provide a social security number unless it is required under federal law. The act requires the department to issue a new driver's license number or personal identification certificate number to a person with a court order stating that the person has been a victim of domestic violence.

The act increases the fee for an annual vehicle inspection from \$10.50 to \$12.50. It expands the list of items to be inspected on vehicles and equipment to include the fuel tank cap and the emissions control equipment. It requires the department to establish by rule, on or before September 1 of each year, the fee for the initial two-year vehicle inspection sticker, and establishes that the fee may not be less than \$21.75. It amends the eligibility standards for a municipal police officer to apply for a certification to enforce commercial motor vehicle safety standards. The act authorizes the commission and the Department of Public Safety to establish rules allowing for alternative vehicle emissions testing if the technology proves accurate and is readily available and if the testing is not likely to affect federal approval of the state's air quality implementation plan. It establishes that the rules adopted may not be more restrictive than federal regulations governing vehicle emissions testing.

Under current law, certain professional licensing agencies are required to submit updated information on licensees to the department each month. Senate Bill 370 amends the Code of Criminal Procedure to change the frequency of reporting from monthly to quarterly. The act prohibits the department from charging a fee to an agency greater than the direct cost incurred by the department for performing a criminal history check on each licensee.

SENATE BILL 404

EFFECTIVE: 5-3-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Carter

Senate Bill 404 amends the Government Code to allow a retired peace officer to apply for a concealed handgun license for a reduced fee any time after retirement, rather than only during the first year of retirement.

SENATE BILL 565

EFFECTIVE: 9-1-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Allen

Senate Bill 565 amends the Government Code to require the Texas Department of Public Safety to create a sex offender compliance unit. The unit is required to investigate and arrest convicted sex offenders who have not complied with the Sex Offender Registration Program.

SENATE BILL 840

EFFECTIVE: 8-30-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Hinojosa

Senate Bill 840 amends the Code of Criminal Procedure to modify the procedures for the automatic expunction of certain arrest records. The act authorizes a court to permit a law enforcement agency or prosecuting attorney, under certain conditions, to retain the records and files of a person who is the subject of the expunction order. The act prohibits a court from ordering the expunction of a record or a file of a person who has been acquitted of an offense that arose out of a criminal episode and was convicted of, or remains subject to prosecution for, at least one other offense occurring during the criminal episode.

SENATE BILL 965

EFFECTIVE: 6-18-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Jim Solis

Senate Bill 965 amends the Code of Criminal Procedure to establish that a commissioned law enforcement officer of the National Park Service is not a peace officer except for the limited power of arrest, search, and seizure for any offense committed within the boundaries of a national park or national recreation area.

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SENATE BILL 1019

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett

Senate Bill 1019 amends the Transportation Code to require the Texas Department of Public Safety by rule to establish uniform standards for the enforcement of commercial motor vehicle regulations by municipal police officers. The act requires the department to revoke the certification of police officers who fail to comply with the standards. It establishes a 20-day deadline for a person to either respond to the department's notice that an administrative penalty has been imposed or pay the penalty, and prohibits the person from operating or directing the operation of a commercial motor vehicle while the penalty remains unpaid. Senate Bill 1019 requires the department to impound a vehicle for nonpayment, after serving notice of impoundment, until the penalty is paid and makes the towing and storage costs the responsibility of the vehicle owner or operator. The act requires the department to implement and enforce a safety audit program for all commercial motor vehicles that are domiciled in this state.

SENATE BILL 1023

EFFECTIVE: 6-18-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Thompson

Senate Bill 1023 amends the Code of Criminal Procedure to authorize an officer to maintain information relating to the collection of fines or fees in criminal cases in a computer database instead of a receipt book. The act requires an officer to provide a receipt to each person who pays a fine or fee and establishes a procedure to allow the county auditor access to the information.

SENATE BILL 1157

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hamric

Senate Bill 1157 amends the Transportation Code to authorize a federal or military court or tribunal to report a conviction or judicial or administrative action of a Texas resident to the Texas Department of Public Safety.

SENATE BILL 1486

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 1486 amends the Code of Criminal Procedure to require that an audit of the proceeds of criminal asset forfeitures be submitted to the attorney general rather than to the criminal justice division of the governor's office.

SENATE BILL 1578

EFFECTIVE: 8-30-99

SENATE AUTHOR: R. West et al.

HOUSE SPONSOR: Goodman

Senate Bill 1578 amends the Code of Criminal Procedure to require the office of the attorney general to establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs in Texas. The system must include certain information related to gangs, and criminal justice and juvenile justice agencies are required to provide gang information to the office of the attorney general on request. The act prohibits any information related to the identity of a specific offender or alleged offender from being maintained in the system. The act prohibits access to the system by anyone other than law enforcement personnel and requires the information to be available by municipality, county, or gang name. The act directs that the information in the system be used to investigate gang-related crimes but prohibits the information from being included in affidavits or subpoenas or in connection with any other legal or judicial proceeding, unless it has been corroborated by outside information.

NATURAL RESOURCES AND ENVIRONMENTAL REGULATION

HOUSE BILL 340

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Walker

SENATE SPONSOR: Bivins

House Bill 340 amends the Water Code to delete jet wells used for domestic needs from the list of wells that may be exempted from permit requirements by a water conservation district.

HOUSE BILL 480

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Armbrister

House Bill 480 amends the Natural Resources Code to require a person who files an application for a permit for a commercial surface disposal facility to publish notice of the application in a newspaper of general circulation in the county in which the proposed disposal would occur. The act sets forth the information that must be included in the notice and authorizes the Railroad Commission of Texas to conduct a public meeting to receive public comment if the commission determines that such a meeting is in the public interest.

HOUSE BILL 664

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: J. E. Brown

House Bill 664 amends the Texas Radiation Control Act to authorize the Texas Department of Health (TDH) to sell land acquired by the agency that formerly contained radioactive by-product materials. The act provides that the sale may occur after the site has been restored and is no longer a threat to public safety or the environment and requires the General Land Office to conduct the sale on behalf of TDH.

HOUSE BILL 732

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: J. E. Brown

House Bill 732 amends the Local Government Code to authorize a county with a population of 2.8 million or more and certain districts and authorities within such a county to take all necessary actions to comply with the requirements of the storm water permitting program under the national pollutant discharge elimination system, and to provide civil penalties and injunctive relief for violations of a rule or order of the county, district, or authority.

HOUSE BILL 801

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher et al.

SENATE SPONSOR: Armbrister

House Bill 801 adds provisions to the Water Code and amends the Texas Clean Air Act to provide a notice, comment, and opportunity for public hearing process for solid waste, water quality, injection well, air, and certain concentrated animal feeding operation permit applications. The notice and comment process replaces the contested case hearing process for any permits where opportunity for contested case hearings is not required by law.

The act requires a permit applicant to publish notice of intent to obtain a permit and sets forth notice deadlines and requirements. For solid waste, water quality, and injection well permit applications, the executive director of the Texas Natural Resource Conservation Commission (TNRCC) is required to issue a preliminary decision on the application. The permit applicant must publish notice of this decision in accordance with certain requirements, and the notice is required to contain certain information, including instructions for submitting public comments to the TNRCC. The TNRCC must establish by rule the form and content of the notice, manner of publication, and the duration of the public comment period. An application

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for a concentrated animal feeding operation is subject to these provisions if it is located or proposed to be located in the watershed of a sole-source surface drinking water supply and is close enough to an intake of a public water supply system to potentially affect that water supply.

For air permit applications, the procedure for notice and comment is the same except that for notice of either a preconstruction permit application or renewal of preconstruction permit, an affected person, as defined by statute and TNRCC rule, must request a public hearing and not withdraw that request before the preliminary decision has been issued in order to trigger the public comment process. Air permit applications for federal operating sources are subject to existing federal operating permit hearing provisions. For all permit applications, the TNRCC executive director is required to respond to public comments and to hold an informational public meeting during the comment period under certain circumstances. The TNRCC is also required to provide for additional notice, opportunity for public comment, or opportunity for public hearing if necessary to satisfy a requirement to obtain or maintain delegation or approval of a federal program.

House Bill 801 allows a person to request that the TNRCC commissioners reconsider the executive director's decision on a permit application, or to request a contested case hearing on a permit application under certain circumstances, but prohibits the commission from granting a hearing request unless it was filed by an affected person. The act also directs the TNRCC to limit the number and scope of issues to be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing, requires the TNRCC to calculate, and SOAH to abide by, a date by which the hearing process should be completed, and provides limitations on certain actions of the administrative law judge conducting the hearing.

HOUSE BILL 916

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Shapleigh

House Bill 916 amends the Health and Safety Code to permit the installation, replacement, maintenance, or operation of outdoor lighting using state funds only if full consideration has been given to conserving energy, minimizing light pollution, reducing glare, and preserving the natural night environment. The act includes requirements for minimum illuminance, downwardly directed lighting, and alternatives to highway lighting. The act specifies exceptions for certain special events and situations, aesthetic lighting, compelling safety interests, temporary nighttime work, the temporary needs of emergency personnel, and preemption by federal law. It does not apply to required lighting equipment on motor vehicles and aircraft.

HOUSE BILL 1074

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Wentworth

House Bill 1074 amends the Water Code to require that notice given to the Texas Natural Resource Conservation Commission regarding the accidental discharge or spill of waste or other substances into water include the location, volume, and content of the discharge or spill. The act also requires that notice be given to appropriate local government officials and local media if the accident may adversely affect a source of drinking water and requires the commission to adopt rules regarding notification.

HOUSE BILL 1172

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Chisum

SENATE SPONSOR: J. E. Brown

House Bill 1172 amends the Texas Radiation Control Act to revise the definition of “low-level radioactive waste” to make it consistent with provisions in the Code of Federal Regulations. The act makes conforming changes in the Texas Radiation Control Act and the Texas Low-Level Radioactive Waste Disposal Authority Act in accordance with the new definition.

House Bill 1172 authorizes the Texas Department of Health and the Texas Natural Resource Conservation Commission (TNRCC) to exempt certain radiation sources or uses from the application of rules adopted by the agencies if the agencies determine that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment. The act also prohibits the Texas Board of Health or the TNRCC from requiring persons performing certain solid waste remediation activities to have a license for radioactive material or devices or equipment using radioactive material.

Finally, House Bill 1172 prohibits the Texas Low-Level Radioactive Waste Disposal Authority from assessing planning and implementation fees before the fiscal year following the fiscal year in which the balance of the low-level radioactive waste fund falls below \$4 million or at a level yielding a total amount that exceeds \$3 million for any fiscal biennium, and prohibits collection of fees any time the fund balance is \$9 million or more.

HOUSE BILL 1283

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Counts

SENATE SPONSOR: J. E. Brown

House Bill 1283 amends the Water Code to expand the Texas Natural Resource Conservation Commission’s general permitting authority for storm water discharges. The act removes the cap of 500,000 gallons of wastewater discharge during any 24-hour period placed on the holder of a general permit. The act also sets out public notice guidelines for statewide general permits and provides the commission discretion regarding the notice of intent requirement.

HOUSE BILL 1291

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Harris

House Bill 1291 amends the Water Code relating to water and wastewater rates and services by expanding the list of retail public utilities subject to provisions regarding single certification in incorporated or annexed areas to include a fresh water supply district created under Chapter 53, Water Code.

HOUSE BILL 1479

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Clark

SENATE SPONSOR: Bivins

House Bill 1479 amends the Water Code to require the Texas Natural Resource Conservation Commission to approve the renewal or amendment of a wastewater discharge permit without a public hearing if there is no significant change in the quantity, pattern, or place of the discharge or if the quality of the waste authorized to be discharged will be maintained or improved. The act also requires notice and the opportunity to request a public meeting for National Pollutant Discharge Elimination System (NPDES) permits to be given in compliance with NPDES program requirements and requires the commission to consider and respond to all timely received and significant public comment.

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HOUSE BILL 1574

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: J. E. Brown

House Bill 1574 amends the Water Code to require the Texas Natural Resource Conservation Commission to issue a permit for the discharge of treated sewage into or adjacent to water in this state by a sewage treatment and disposal system in a county with a population of 2.8 million or more if the system meets certain criteria.

HOUSE BILL 1654

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: J. E. Brown

House Bill 1654 amends the Water Code to provide that an offense is committed if a person violates certain rules, orders, or resolutions relating to the regulation of private sewage facilities. Under previous law, such a violation constituted an offense only if it occurred in a county contiguous to an international border.

HOUSE BILL 1848

EFFECTIVE: 8-30-99

HOUSE AUTHOR: T. King

SENATE SPONSOR: J. E. Brown

House Bill 1848 amends the Water Code to add a representative of the Water Well Drillers and Water Well Pump Installers Program, selected by the executive director of the Texas Department of Licensing and Regulation, to the Texas Groundwater Protection Committee.

HOUSE BILL 2045

EFFECTIVE: Vetoed

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Harris

House Bill 2045 amends provisions of the Local Government Code relating to the financing of capital improvements required by certain new developments. The bill redefines "service unit" to require it to include historical data and trends for similar developments in the area over the previous 10 years and expands the service area for roadway facilities to six miles. The bill requires political subdivisions to include in their capital improvements plans a credit for a portion of ad valorem tax revenue generated by new service units and a credit for the portion of the monthly water and wastewater service charges received from such units. The bill provides a new formula for calculating the impact fee per service unit that includes these credits.

House Bill 2045 also provides new notice requirements for capital improvements plans, requires a political subdivision that imposes impact fees to submit an annual written certification to the attorney general verifying compliance with this chapter, and imposes a civil penalty for failure to comply with this provision.

HOUSE BILL 2109

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bonnen

SENATE SPONSOR: J. E. Brown

House Bill 2109 amends the Water Code to provide that a taxing unit that has foreclosed an ad valorem tax lien on real property on which an underground or aboveground storage tank is located is not liable as an owner or operator of the tank.

HOUSE BILL 2572

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: Wentworth

House Bill 2572 amends the Local Government Code to provide that if a municipality having a population of 250,000 or less that owns land within 5,000 feet of where the shoreline of a lake would be if the lake were filled to capacity, sells any such land, the property is not eligible for and the owner is not entitled to the permit exemption under the Water Code for

construction of a dam or reservoir that stores no more than 200 acre feet of water and is used for domestic or livestock purposes. The act requires any instrument conveying such property to include a provision stating that the permit exemption does not apply to the land conveyed.

HOUSE BILL 2597

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: Armbrister

House Bill 2597 amends the Texas Clean Air Act to prohibit the Texas Natural Resource Conservation Commission from adopting rules that would decrease the effectiveness of a hospital or medical disinfectant, including a rule restricting volatile organic compound content of or emissions from the disinfectant, unless the rule is required to comply with a federal law or regulation.

HOUSE BILL 2619

EFFECTIVE: See below

HOUSE AUTHOR: Ramsay

SENATE SPONSOR: Ratliff

House Bill 2619 amends the Texas Used Oil Collection, Management, and Recycling Act to add provisions relating to used oil filter storage, transportation, and processing. The act prohibits a person from disposing of a used oil filter in any manner that would result in the discharge of oil into soil or water, sets forth requirements for bulk storage containers, and prohibits a used oil filter from being intentionally or knowingly placed in or accepted for disposal in a landfill permitted by the Texas Natural Resource Conservation Commission (TNRCC).

The act prohibits a transporter, storage facility, or processor from storing, processing, recycling, or disposing of used oil filters unless they are registered with the TNRCC and requires the commission to make individuals wishing to register demonstrate adequate financial responsibility for their operations. House Bill 2619 places limitations on the storage of used oil filters and requires each shipment of used oil filters to be accompanied by a bill of lading. Each storage facility and facility used by a registered processor must also develop and implement an oil spill prevention and response plan that conforms with certain federal requirements. The act establishes a civil penalty for violations, and authorizes the TNRCC, attorney general, or local government to bring suit to recover the penalty. Violations are also subject to certain administrative penalties.

Provisions of the act apply only to a used oil filter that has not been separated into its component parts or burned for recovery of steel or energy. The act does not apply to certain industrial generators who are permitted by the TNRCC or who are under the waste management authority of another state agency. The act takes effect September 1, 1999, except for provisions relating to registration and reporting, shipment records, limitations on storage, and civil and administrative penalties which take effect January 1, 2000.

HOUSE BILL 2660

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Swinford et al.

SENATE SPONSOR: Ogden

House Bill 2660 amends the Water Code to modify the state's drought response plan. The act establishes that the coordinator of the division of emergency management of the office of the governor is the state drought manager and is responsible for managing and coordinating the drought response component of the state water plan. The act renames the drought response and monitoring committee to the drought preparedness council and expands the council's state agency representation. The act establishes a state drought preparedness plan, requires the council to report to the legislature every other year regarding significant drought conditions in the state, and includes the Department of Agriculture in various regional and state water management activities.

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HOUSE BILL 2815

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: J. E. Brown

House Bill 2815 amends provisions of the Water Code relating to the petroleum storage tank program. The act directs the Texas Natural Resource Conservation Commission to require an owner or operator of an underground storage tank to complete an annual tank compliance certification form and establishes civil penalties for failure to provide proof of registration or certification of compliance for the tank. The act also requires a petroleum storage tank owner or operator to provide the common carrier a copy of the certificates of compliance for the tank before accepting delivery of the regulated substance into the tank and provides criminal penalties for violating this provision. In addition, House Bill 2815 extends certain commission deadlines relating to an owner's or operator's corrective action plan.

HOUSE BILL 2816

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: J. E. Brown

House Bill 2816 amends provisions of the Water Code relating to the fee on delivery of certain petroleum products and the termination of the petroleum storage tank (PST) program. The act restricts administrative expenses to 6.7 percent of the gross receipts of the petroleum storage tank remediation account, reduces by 25 percent the fees assessed and collected on delivery of petroleum products, and reduces the amount of the unobligated balance in the petroleum storage tank remediation account from \$125 million to \$100 million.

House Bill 2816 also extends the expiration date of the PST program from September 1, 2001 to September 1, 2003, and the deadline for collecting fees from September 1, 2001 to March 1, 2002. The Texas Natural Resource Conservation Commission is required to report to the Legislative Budget Board at the end of each fiscal quarter on the financial status of the PST remediation account.

HOUSE BILL 2932

EFFECTIVE: 5-24-99

HOUSE AUTHOR: Cook

SENATE SPONSOR: Wentworth

House Bill 2932 amends provisions of the Water Code relating to the designation of water quality protection zones in certain areas. The act establishes that such provisions apply only to areas within the extraterritorial jurisdiction, but outside the full-purpose corporate limits, of a municipality with a population greater than 5,000 that also meets certain other requirements.

HOUSE BILL 2977

EFFECTIVE: Vetoed

HOUSE AUTHOR: Hamric

SENATE SPONSOR: Lindsay

House Bill 2977 adds provisions to the Water Code relating to regional flood control plans. The bill applies to a conservation and reclamation district authorized to provide storm water drainage and flood control facilities and that has boundaries coextensive with those of a county with a population of 2.8 million or more. The bill provides that the district and the county may cooperate to prepare a regional plan that includes all land within the district and that is consistent with the master drainage plan adopted by the district. House Bill 2977 provides the district with certain authority to acquire land for the regional plan, sets forth certain funding mechanisms, requires the plan to include development rules regarding land use and control measures, and sets forth requirements for plan adoption and providing notification to the Texas Natural Resource Conservation Commission (TNRCC). The bill also authorizes the district to establish certain alternative wetlands mitigation programs.

House Bill 2977 authorizes the TNRCC to exercise certain federal powers reserved to the state regarding water pollution control to either certify that a pollutant discharge will not cause a violation of water quality standards or to waive certification. The bill requires the TNRCC to waive review until September 1, 2001, for a project undertaken in a district that has notified the TNRCC that development of a regional flood control plan has begun, unless certain environmental impact statements are required under federal law or the review is necessary to maintain delegation of a federally delegated program or approval of a federally approved program. The TNRCC must develop an expedited certification review process for certain projects located in an area identified in a regional control plan, and the review process must comply with approved water quality standards, not be more stringent than the process required by federal law, and eliminate duplication of federal activities as much as possible.

The bill authorizes a district that adopts a regional flood control plan to request certain assistance from the Texas Water Development Board for creation of a payment system for certain development fees, and requires the TNRCC to develop a memorandum of understanding with the United States Army Corps of Engineers to foster certain regional programmatic permits in counties where regional plans have been developed.

HOUSE BILL 3079

EFFECTIVE: See below

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: J. E. Brown

House Bill 3079 adds a new subchapter to the Parks and Wildlife Code to establish a statewide aquatic vegetation management plan. The act requires the Parks and Wildlife Department (PWD) to develop, adopt, and monitor the plan in coordination with the Texas Natural Resource Conservation Commission, the Texas Department of Agriculture, water districts, and certain other political subdivisions. The act provides that a governing entity with jurisdiction over a public body of surface water may develop and adopt a local plan approved by PWD and has the authority to oversee provisions for the application of aquatic herbicides in public surface water.

House Bill 3079 also adds a new subchapter to the Water Code to set up the aquatic vegetation management fund to be administered by the Texas Water Development Board and sets out the uses of the fund.

The act takes effect September 1, 1999. PWD may, but is not required to, implement the act unless the legislature appropriates funds specifically for that purpose. Provisions relating to the local aquatic vegetation management plan take effect on the date PWD publishes notice in the Texas Register.

HOUSE BILL 3277

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Cook

SENATE SPONSOR: Armbrister

House Bill 3277 amends the Education Code to establish the Agriculture and Wildlife Research and Management Advisory Committee within the Texas Agricultural Experiment Station to assist in research, encourage communication with other states, and establish a plan for efficient management of water resources related to agriculture production and wildlife habitat in the Gulf Coast region. The act also requires the Texas Agricultural Experiment Station to administer the agriculture and wildlife research program, to solicit grants, maximize federal funding, and create funding programs for agricultural and wildlife research, and to report to the legislature on certain research matters. The Texas Agricultural Extension Service is required to provide educational and public awareness programs.

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HOUSE BILL 3288

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Barrientos

House Bill 3288 amends the Solid Waste Disposal Act to prohibit the Texas Natural Resource Conservation Commission (TNRCC) from charging a solid waste disposal fee for the disposal of sewage sludge that has been treated to reduce the density of pathogens to the lowest level provided by TNRCC rules and complies with certain other TNRCC rules relating to metal concentration limits, pathogen reduction, and vector attraction reduction.

HOUSE BILL 3561

EFFECTIVE: 9-1-99

HOUSE AUTHOR: V. Luna

SENATE SPONSOR: Truan

House Bill 3561 amends the Water Code to authorize the executive director of the Texas Natural Resource Conservation Commission to award grants with state or federal funds for programs that promote resource conservation or environmental protection. The act also establishes requirements for grant applications, selection of grant recipients, and funding.

HOUSE BILL 3591

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Keel et al.

SENATE SPONSOR: Wentworth

House Bill 3591 amends the Water Code to eliminate the requirement that land added to a defined area be subject to an approved water quality plan.

SENATE BILL 76

EFFECTIVE: 6-18-99

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Flores

Senate Bill 76 amends the Water Code to require the Texas Natural Resource Conservation Commission to obtain or develop an updated water supply model for the Rio Grande not later than December 31, 2003.

SENATE BILL 272

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 272 amends the Water Code to extend the authority of an initial coordinating body of a regional water planning area to designate additional representatives to serve on the regional water planning group. The act requires the regional water planning group to maintain adequate representation from the interests comprising that region. The act also grants certain immunities to planning groups and requires the attorney general to represent the planning group or an individual of the group under certain conditions.

SENATE BILL 486

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 486 amends provisions of the Solid Waste Disposal Act relating to the authority of local governments to regulate the disposal of solid waste. The act establishes that a municipality or county may not prohibit the processing or disposal of municipal or industrial solid waste in any area where a solid waste permit has been issued or an application for a permit has been filed and is pending before the Texas Natural Resource Conservation Commission (TNRCC). The TNRCC may not approve an application for a waste disposal permit in an area where disposal is prohibited by a municipal or county ordinance unless the above-mentioned provisions were violated.

Senate Bill 486 also requires the TNRCC to establish, by rule, a deadline for submission of additional information or materials requested from an applicant for a solid waste permit. The act requires the applicant to submit the information by the deadline in order to make the application administratively complete and removes the current statutory deadline of 270 days after the applicant receives notice of the request from the TNRCC.

Finally, the act requires the TNRCC to require owners of certain closed municipal solid waste landfills to take remedial action to prevent or minimize release or migration of waste. The provision applies only to such a facility that has been used for disposal of more than 15,000 barrels of industrial solid waste. The owner of the facility must develop a remedial action plan and obtain a major amendment to the facility's permit approving such a plan.

SENATE BILL 657

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 657 amends the Water Code to delete water flow percentage stipulations from the water management strategies to be used during a drought of record. The act also requires each regional water planning group to identify in the regional water plan submitted to the Texas Water Development Board each source of water supply in the regional planning area, factors specific to each source of water supply to be considered in determining whether to initiate a drought response, and actions to be taken as a part of the response.

SENATE BILL 658

EFFECTIVE: 6-19-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis et al.

Senate Bill 658 amends the Water Code to extend the date by which regional water planning groups must submit adopted regional water plans to the Texas Water Development Board from September 1, 2001 to January 5, 2001, and to extend the date by which the board must adopt a state water plan and approve regional plans from September 1, 2001 to January 5, 2002.

SENATE BILL 708

EFFECTIVE: 8-30-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Gray

Senate Bill 708 adds a new subchapter to the Water Code relating to the implementation and financing of approved management plans for designated estuaries of national significance in the state. The act designates the Texas Natural Resource Conservation Commission as the lead agency and authorizes the agency to accept federal grants and award grants and enter into contracts to implement the estuaries program. The act requires certain state agencies to participate in the program, requires an estuary program office to be located in the region of the estuary involved, and provides for the administration of the program.

SENATE BILL 766

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Allen et al.

Senate Bill 766 amends the Texas Clean Air Act to establish new permit categories and requirements for facilities that emit air contaminants. The act sets forth public notice and hearing requirements for each permit and requires the Texas Natural Resource Conservation Commission (TNRCC) to promulgate rules regarding application and enforcement.

Senate Bill 766 creates a voluntary emissions reduction permit for facilities constructed under the "grandfather" provision of the Texas Clean Air Act. The act requires facilities applying for such a permit located in a near-nonattainment or nonattainment area for national

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air quality standards to comply with more stringent technology requirements than other facilities. The TNRCC is also required to give priority to processing voluntary permit applications for grandfathered facilities located less than two miles from a school, child day-care facility, hospital, or nursing home. The TNRCC may also issue a voluntary emissions reduction permit based on certain emission reduction projects for certain facilities. The owner or operator of a facility that, despite good faith efforts, cannot reduce emissions enough to qualify for a regular voluntary emissions reduction permit may acquire emissions reduction credits to offset the excessive emissions.

Senate Bill 766 authorizes the TNRCC to develop criteria for a de minimis level of air contaminants for facilities. Any facility or group of facilities with emissions below the de minimis standard will not be required to have a state air emissions permit. The TNRCC is required to submit a report by January 15, 2001, to the governor, lieutenant governor, speaker of the house, and chairs of the Senate Natural Resources and House Environmental Regulation committees stating the number of companies that have applied for voluntary emissions reduction permits and total emissions reductions anticipated under such permits. If any grandfathered facility does not have a permit application pending before the TNRCC before September 1, 2001, the TNRCC is required to impose a fee on that facility for all emissions, including emissions in excess of 4,000 tons, and must triple the amount of the fee for emissions in excess of 4,000 tons each fiscal year.

Finally, the act establishes that if any provision conflicts with provisions specifically related to air contaminant emissions contained in Senate Bill 7, Acts of the 76th Legislature, 1999, provisions in Senate Bill 7 prevail.

SENATE BILL 828

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Haggerty

Senate Bill 828 amends provisions of the Water Code relating to the Texas Natural Resource Conservation Commission's (TNRCC) authority to compromise, modify, or set aside certain administrative penalties if the respondent to an administrative action is willing to contribute to an approved supplemental environmental project. The act authorizes the TNRCC to approve a supplemental environmental project in Mexico if the project substantially benefits territory in Texas. The TNRCC may not approve a project that is necessary to bring the respondent into compliance with environmental laws or to remediate harm caused by the respondent's alleged violation.

SENATE BILL 950

EFFECTIVE: 8-30-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Cook

Senate Bill 950 amends the Water Code to require the Texas Natural Resource Conservation Commission to encourage submetering of individual rental or dwelling units by master meter operators to enhance the conservation of water resources. The act authorizes the owner of a multiple use facility to apportion any taxes or surcharges charged by the public utility to the tenant and to allocate a service charge of not more than nine percent of the costs related to submetering to each submetered dwelling or unit. The act also requires the commission to adopt rules to implement the changes made in the subchapter as soon after the effective date of the legislation as possible.

SENATE BILL 991

EFFECTIVE: 5-10-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Counts

Senate Bill 991 amends the Water Code to authorize the transfer rather than the sale of water or water rights under the name of the Texas Water Development Board. The act also allows the board to enter into contracts to pay for feasibility studies that would examine issues relating to water conservation.

Senate Bill 991 amends the transaction fee on water transfers from a maximum of \$500 to one percent of the value at transaction. The act also makes political subdivisions subject to the transaction fee and requires that all transaction fees collected be placed in the water bank account of the water assistance fund.

SENATE BILL 1165

EFFECTIVE: 6-19-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Keel

Senate Bill 1165 amends provisions of the Water Code relating to the designation of water quality protection zones. The act applies to areas within the extraterritorial jurisdiction, but outside the corporate limits, of a municipality with a population greater than 10,000, and in which the municipality has attempted to enact or enforce three or more ordinances or amendments to regulate water quality or control or abate water pollution in the area within a five-year period. The act clarifies that the purpose of a water quality protection zone is to provide consistent protection of water quality in the zone without imposing undue regulatory uncertainty on land owners, and requires such zones to be described by metes and bounds or other adequate legal description.

Senate Bill 1165 authorizes the amendment of a water quality protection zone designation and establishes that parties specified by the designation may execute amendments to add or exclude land in the zone or to change the zone's water quality plan. Upon application by all land owners within the zone, or by all parties authorized by the zone designation or amendment, the Texas Natural Resource Conservation Commission (TNRCC) may terminate a zone if certain terms and conditions specified by the TNRCC are met. New development under a water quality plan may not proceed until the plan or amendment to the plan has been approved by the TNRCC.

The act also establishes that all actions taken by the TNRCC or another state agency before the effective date of the act relating to the establishment of a water quality protection zone, a water quality protection plan for a zone, or an amendment to a designation or plan are ratified, validated, approved, and confirmed.

SENATE BILL 1272

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: B. Turner et al.

Senate Bill 1272 amends the Parks and Wildlife Code to establish guidelines for developing and implementing habitat and regional habitat conservation plans by local governmental entities. The act adds a new subchapter governing habitat protection by political subdivisions and repeals provisions relating to regional plans for endangered species.

Senate Bill 1272 sets forth the new subchapter's purpose and defines terms. The act clarifies the authority of the Parks and Wildlife Department and political subdivisions regarding creation of habitat conservation plans and application for federal permits, limits the ability of governmental entities to impose regulations, rules, and ordinances related to endangered species, and prohibits certain actions regarding utility and water-wastewater services for land within certain habitat categories or areas.

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In addition, Senate Bill 1272 requires that a regional habitat conservation plan be based on a biological review completed by a biological advisory team, requires that plan development include input from a citizens advisory committee, and sets forth criteria for the composition and conduct of both bodies. Senate Bill 1272 also contains certain notice and hearing requirements, guidelines that must be met regarding land acquisition, and grievance procedures for members of the citizens advisory committee to present complaints to the Parks and Wildlife Commission.

Provisions of the act apply only to a regional habitat conservation plan for which an application for a federal permit was submitted on or after January 1, 1999. Any regional habitat conservation plan that was formally approved by the United States Fish and Wildlife Service as required by the law as it existed immediately before its repeal by this act is subject to the requirements of that former law, except that provisions of Senate Bill 1272 relating to determination of fair market value apply to the acquisition of land by a regional habitat conservation plan for which a federal permit was issued before September 1, 1999.

SENATE BILL 1298

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Chisum

Senate Bill 1298 amends the Texas Clean Air Act regarding permit exemptions for certain concrete plants. The act provides that if the Texas Natural Resource Conservation Commission grants a preconstruction permit standard exemption for a proposed concrete plant, and if the commission considered air dispersion modeling in granting the exemption, the commission may not require additional air dispersion modeling before construction on the plant can begin.

In addition, Senate Bill 1298 prohibits air dispersion modeling from being submitted as evidence in contested case hearings regarding preconstruction permits, review and renewal of preconstruction permits, or federal operating permits for certain concrete plants.

SENATE BILL 1301

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: R. Lewis

Senate Bill 1301 amends the Water Code to require a county to notify certain parties immediately upon the declaration of a state of disaster in the county due to drought conditions and to require notified entities to immediately implement their water conservation plans or drought contingency plans.

SENATE BILL 1307

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bosse

Senate Bill 1307 amends the Water Code to authorize local governmental entities to enforce laws regulating on-site sewage disposal systems through the use of civil litigation, as permitted by the Texas Natural Resource Conservation Commission.

SENATE BILL 1308

EFFECTIVE: 5-24-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Counts

Senate Bill 1308 amends the Water Code to authorize the executive director of the Texas Natural Resource Conservation Commission to approve water quality management plans and revisions and authorizes the commission to adopt rules governing approval of water quality management plans. The act removes a provision requiring that water quality management plans be submitted to the commission for public hearing and instead requires that an opportunity for public participation be provided that, at a minimum, meets federal public participation requirements. The act also requires that approval of water quality management plans be consistent with applicable state and federal requirements.

SENATE BILL 1310
EFFECTIVE: 6-18-99

SENATE AUTHOR: J. E. Brown
HOUSE SPONSOR: Cook

Senate Bill 1310 amends the Water Code to provide for representation of the Department of Agriculture in various regional and state water resource planning and management activities.

SENATE BILL 1429
EFFECTIVE: 8-30-99

SENATE AUTHOR: Duncan
HOUSE SPONSOR: B. Turner

Senate Bill 1429 amends the Health and Safety Code to increase the cap on the bounty paid by a commissioners court for a predatory animal from \$20 to \$50.

SENATE BILL 1447
EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: Dukes

Senate Bill 1447 amends provisions of the Solid Waste Disposal Act relating to the contents of regional or local solid waste management plans. The act expands the list of information required under an inventory of municipal solid waste landfill units to include the exact boundaries of each former landfill unit, or the best approximation if the unit's boundaries are unknown, and a map showing such boundaries or approximate boundaries. The act requires the local council of governments to notify a landowner of the location of former municipal landfills under certain conditions.

Senate Bill 1447 also requires the county clerk to record on the deed of records the exact or approximate boundaries of each landfill unit, together with a legal description of the parcel or parcels of land in which a former landfill unit is located, and to make such records available to the public. Finally, the act requires each council of governments to provide a copy of the inventory to the chief planning official of each municipality and county in which a unit is located, and requires the inventory to be available for public inspection.

SENATE BILL 1594
EFFECTIVE: 5-17-99

SENATE AUTHOR: J. E. Brown
HOUSE SPONSOR: Cook

Senate Bill 1594 amends the Water Code to require the Texas Natural Resource Conservation Commission (TNRCC) to increase participation for certain small businesses through its regulatory flexibility programs. The TNRCC is required to achieve certain goals relating to regulatory flexibility, including marketing the program to businesses, endorsing alternative methods that will benefit the environment but impose the least onerous restrictions on business, and achieving consistent and predictable results for the regulated community and shorter waits for permits.

The act also adds provisions to the Water Code and Texas Clean Air Act authorizing TNRCC to assist and to implement cost-sharing for environmental compliance assessments performed by a small business employing more than 100 but less than 250 people.

SENATE BILL 1690
EFFECTIVE: 8-30-99

SENATE AUTHOR: Bernsen et al.
HOUSE SPONSOR: Gray et al.

Senate Bill 1690 amends provisions of the Natural Resources Code by establishing the Joe Faggard Coastal Erosion Planning and Response Act. The act requires the General Land Office (GLO) and land commissioner to develop, implement, and periodically publish and update a program of coastal erosion avoidance, remediation, and planning. The act creates a Coastal Erosion Response Account, consisting of state-appropriated money, grants received from the federal government, and money received by the state from the sale of dredged

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material, to be used for coastal erosion activities. The act authorizes the commissioner to administer the account and authorizes a certain portion of the Coastal Protection Fund to be used for erosion response projects.

Senate Bill 1690 establishes guidelines for the types of coastal erosion studies and activities that the GLO must undertake and requirements for projects receiving funding from a qualified project partner. The GLO must prioritize coastal erosion response studies and projects and maximize federal and local financial participation. The act also requires the commissioner to submit a report to the legislature each biennium that details GLO coastal erosion activities.

In addition, the act requires a person to conduct and file a coastal boundary survey and to receive approval and the required lease or instrument before beginning an erosion response action, unless the action being performed is confined to land owned by a navigation district or municipality. The act prohibits a state agency or local government from undertaking an erosion response activity on private property or permanent school fund land without obtaining proper consent. The act also provides for the correction of tax rolls for an owner of land that has become submerged because of erosion. Finally, Senate Bill 1690 provides that the State of Texas, the GLO, and the land commissioner are immune from a suit for damages related to coastal erosion response activities within certain conditions.

OCCUPATIONAL REGULATION

HOUSE BILL 110

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 110 amends the Medical Practice Act to require the Texas State Board of Medical Examiners to create a profile of each physician licensed under the Medical Practice Act that includes specified information about the physician's education, experience, and services and any changes to disciplinary action against the physician. The profile is to be available to the public. The act requires a clerk of the court of record in which a licensed physician or license applicant was found guilty of any offense constituting a Class A, Class B, or Class C misdemeanor, as well as a felony, to forward the information to the Texas Department of Public Safety within 30 days after the initial conviction.

House Bill 110 requires the Texas Board of Chiropractic Examiners, the State Board of Dental Examiners, the Texas Board of Occupational Therapy Examiners, the Texas Optometry Board, the Texas State Board of Pharmacy, the Texas Board of Physical Therapy Examiners, the Texas State Board of Podiatric Medical Examiners, and the Texas State Board of Examiners of Psychologists to provide the 77th Legislature with a cost estimate regarding the establishment and administration of a similar profile program for persons licensed or regulated by the agency.

HOUSE BILL 573

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Nelson

House Bill 573 amends the Medical Practice Act and the Physician Assistant Licensing Act to require the Texas State Board of Medical Examiners to establish rules permitting medical practitioners and physician assistants to complete half of any informal continuing medical education hours required to maintain their licenses by providing volunteer medical services at a site serving a medically underserved population that is not a primary practice site of the license holder.

HOUSE BILL 692

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Janek

SENATE SPONSOR: Nelson

House Bill 692 provides that a social security number of an applicant for or holder of a license, certificate of registration, or other legal authorization issued by a licensing agency to practice in a specified occupation or profession is confidential and not subject to disclosure under the open records law.

HOUSE BILL 747

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gallego

SENATE SPONSOR: Shapleigh

House Bill 747 amends the Medical Practice Act to expand the definitions of "medical peer review committee" and "professional review body" to include the governing body of a public hospital, hospital authority, and hospital district. The expanded definition applies only to the governing body's evaluation of the competence of a physician or the quality of medical and health care services provided by the public hospital, hospital authority, or hospital district and to the extent that the evaluation identifies an individual patient or physician.

Occupational Regulation

HOUSE BILL 792

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Carona

House Bill 792 amends the Insurance Code to expand the authority of the commissioner of insurance to regulate persons engaged in the business of viatical settlements to include persons similarly engaged in the business of life settlements. The act allows the commissioner to deny an application for registration or revoke or suspend a registrant's right to practice business in the state for certain violations, misrepresentations, or misconduct or to apply appropriate administrative sanctions for violations of the act; it also prohibits a person whose registration has been denied, suspended, or revoked from reapplying for one year from the date of the denial, suspension, or revocation. The act prohibits the commissioner from adopting rules establishing fees or prices for life settlements or rules regulating the actions of investors in a viatical or life settlement company.

HOUSE BILL 923

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Moncrief

House Bill 923 amends the Licensed Professional Counselor Act to remove provisions concerning proration of license fees and certain provisions relating to educational attainment and provisional licenses.

HOUSE BILL 1051

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Brimer et al.

SENATE SPONSOR: Madla

House Bill 1051 amends the Texas Optometry Act to authorize a therapeutic optometrist to perform, administer, or prescribe ophthalmic devices, procedures, and appropriate medications for the purpose of diagnosing and treating visual defects, abnormal conditions, and diseases of the human vision system. The act sets forth requirements relating to the means and circumstances under which a therapeutic optometrist is authorized to administer certain medications, prohibits them from performing surgery or laser surgery, and requires the Texas Optometry Board to establish guidelines setting forth classifications of medications therapeutic optometrists may use.

House Bill 1051 specifies conditions and procedures for a therapeutic optometrist to follow in treating a patient for glaucoma.

The act also establishes an optometric health care advisory committee.

HOUSE BILL 1064

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Carona

House Bill 1064 amends the Air Conditioning and Refrigeration Contractor License Law to add to the list of persons that are exempt from certain licensing requirements anyone that performs or employs a person that performs air conditioning services on an MVAC-like appliance used to cool the driver's or passenger's compartment of a nonroad motor vehicle. In addition, the act makes a person that performs certain air conditioning services exempt from the restrictions on purchasing refrigerants.

HOUSE BILL 1145

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Moncrief

House Bill 1145 provides that certain licensed chemical dependency counselors must complete at least 24 hours of continuing education in each two-year license period as a requirement for license renewal.

HOUSE BILL 1248

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Farrar

SENATE SPONSOR: Lucio

House Bill 1248 amends the laws regulating the practice of architecture, landscape architecture, and interior design relating to registration, continuing education, fees, and administrative penalties. The act requires rather than authorizes the Texas Board of Architectural Examiners to mandate proof of continuing education for architects, interior designers, and landscape architects. It provides for the registration and use of appropriate seals by landscape architects and authorizes the board to accept payment for fees by electronic means. The act eliminates certain fees and fee levels, replacing them with board-approved fees that are necessary and reasonable to cover administrative expenses. The act provides for changes to procedures relating to the application of administrative penalties, the board's power to investigate violations, the elimination of the architectural examiners fund, the rules regulating the submission of competitive bids, exemptions from continuing education, and rules regarding the inactive status of a registered professional. The act also provides that \$10 of each certificate of registration renewal fee be deposited to the credit of a scholarship fund for architectural examination applicants.

HOUSE BILL 1328

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Uher et al.

SENATE SPONSOR: Shapleigh

House Bill 1328 amends the Professional Land Surveying Practices Act to authorize the Texas Board of Professional Land Surveying to regulate a licensed or registered surveyor who performs mapping services, which may include consultation, investigation, evaluation, analysis, planning, or providing an expert surveying opinion or testimony. The act requires the board to prescribe standards for compliance with current laws governing professional services and authorizes the board to set reasonable fees rather than capping fees at \$100.

HOUSE BILL 1342

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Moncrief

House Bill 1342 establishes a nurse licensure compact to allow registered nurses, licensed practical nurses, and licensed vocational nurses to practice in participating states without obtaining additional licenses. The act designates state nurse licensing boards as the authorities to administer the compact. It also includes a provision concerning approval of vocational nursing courses.

HOUSE BILL 1420

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Alvarado

SENATE SPONSOR: Truan

House Bill 1420 authorizes the Texas State Board of Podiatric Medical Examiners to provide a license holder who is the subject of a written complaint with a copy of the complaint unless providing a copy would jeopardize an investigation.

HOUSE BILL 1507

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Wolens

SENATE SPONSOR: Duncan

House Bill 1507 amends the Government Code to exclude from the definition of "practice of law" the design, creation, publication, distribution, display, or sale of written materials, books, printed forms, Internet sites, computer software, or similar products and media if the products and media clearly state that they are not a substitute for the advice of an attorney.

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HOUSE BILL 1544

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Haggerty

SENATE SPONSOR: Madla

House Bill 1544 amends provisions of the Texas Engineering Practice Act relating to the registration of engineering firms and the publication of a roster of engineers and firms. The act extends the regulatory requirements of the Texas Engineering Practice Act to include sole proprietorships engaged in the practice of engineering. House Bill 1544 clarifies requirements for the Texas Board of Professional Engineers to prepare and publish a roster of engineers. The board must make the roster available to the public without cost in an online computer database format, but may charge a fee for a physical copy of the roster. The act increases the engineering examination fee from \$120 to \$200 and creates a \$100 fee for the registration of an engineering firm. The act requires an entity engaged in the practice of professional engineering to be registered with the board and to provide certain information to the board related to any person that practices engineering for that entity. The act requires annual registration renewal and establishes provisions for a person claiming certain exemptions from the Act's licensing requirements. The Texas Board of Professional Engineers is required to adopt rules providing for the registration of engineering entities no later than November 1, 1999.

HOUSE BILL 1572

EFFECTIVE: 8-30-99

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Barrientos

House Bill 1572 amends the Texas Limited Liability Company Act, the Texas Non-Profit Corporation Act, and the Texas Revised Partnership Act to authorize doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners and podiatrists licensed by the Texas State Board of Podiatric Medical Examiners to organize and jointly own professional limited liability companies, nonprofit corporations, and partnerships to perform professional services that fall within the scope of their respective practices. The act provides that the authority of each of the practitioners in such entities is limited by the scope of practice of the respective practitioners, and none can exercise control over the other's clinical authority granted by their respective licenses. The act also sets out activities that nonprofit corporations organized under the act may carry out. The Texas State Board of Medical Examiners and the Texas State Board of Podiatric Medical Examiners continue to exercise regulatory authority over their respective licenses.

HOUSE BILL 1643

EFFECTIVE: 5-18-99

HOUSE AUTHOR: Chavez

SENATE SPONSOR: Nelson

House Bill 1643 amends the Licensed Professional Counselor Act to exempt from the provisions of the Act the activities, services, titles, and descriptions of persons who are certified by the Certification Board for Music Therapists or listed with the National Music Therapy Registry, who perform music therapy service consistent with the law of this state, their training, and the code of ethics of their profession, and who do not engage in the use of psychotherapy or use the title of or hold themselves out to be licensed counselors.

HOUSE BILL 1822

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Carona

House Bill 1822 amends the Air Conditioning and Refrigeration Contractor License Law to clarify certain provisions relating to contractor licensing. The act requires an air conditioning and refrigeration contracting company to employ a full-time license holder in each permanent office, allows municipal or county officials to cite companies contracting without a license,

and authorizes the commissioner of licensing and regulation to issue a cease and desist order to unlicensed operators. The act prohibits a company from collecting fees or enforcing contracts for services performed without having a licensed employee at the time the contract is signed and the services are performed and adds exemptions for contractors performing work on residential refrigerators, freezers, and ice machines. The act provides for municipalities to set reporting fees and issue licenses and requires municipal license applicants to pass an examination and meet certain experience requirements. In addition, the act amends The Real Estate License Act to provide that a business entity inspecting certain air conditioning, refrigeration, or process cooling or heating systems as part of a real estate inspection must employ a person who holds the appropriate licenses, and an unlicensed employee may perform the inspection under the direction of a licensee. House Bill 1822 creates an exemption to the prohibitions on use and purchase of refrigerants for persons contracted to work for an electric or gas utility or an industrial operation or on a motor vehicle air conditioning unit.

HOUSE BILL 1838

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smith

SENATE SPONSOR: Moncrief

House Bill 1838 amends provisions of the law regarding the licensing and registration of professional sanitarians. The act changes the minimum requirements for professional sanitarians, requires the Texas Board of Health to establish continuing education requirements for licensed sanitarians, and adds proof of continuing education to the list of items necessary for renewal of registration certificates.

House Bill 1838 removes statutory fee levels and requires the board to set new registration, renewal, and examination fees. In addition, the act changes the criminal penalty for individuals who falsely represent themselves as licensed sanitarians.

HOUSE BILL 1987

EFFECTIVE: 6-19-99

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Cain

House Bill 1987 amends provisions of the Medical Practice Act relating to authorization of the Texas State Board of Medical Examiners to administer or accept certain examinations for licensure and sets out standards that the examinations must meet. The board must also administer the Texas medical jurisprudence examination to all applicants. An applicant is considered to have satisfied the examination requirements when the applicant has passed all but one part of an examination within three attempts and passed the remaining part of the examination on the fourth attempt.

HOUSE BILL 1997

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Palmer

SENATE SPONSOR: Madla

House Bill 1997 amends the Air Conditioning and Refrigeration Contractor License Law to add to the list of exemptions a person who installs, repairs, or removes the type of vent hood that is commonly used in residential and commercial kitchens.

HOUSE BILL 2013

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilderbran

SENATE SPONSOR: Madla

House Bill 2013 amends the Health and Safety Code to require a bottled or vended water operator to hold a certificate of competency issued by the Texas Department of Health before furnishing or distributing water to the public. The act authorizes the department to adopt rules relating to the issuance of a certificate and sets a fee.

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HOUSE BILL 2155

EFFECTIVE: Vetoed

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: Harris

House Bill 2155 creates the Texas State Board of Mechanical Industries to consolidate the licensing and regulation of the plumbing, air conditioning and refrigeration, irrigation services, and backflow prevention services professions. The act abolishes the Texas State Board of Plumbing Examiners, the Air Conditioning and Refrigeration Contractors Advisory Board, and the Texas irrigators advisory council, eliminates certain applications of Texas Natural Resource Conservation Commission regulations, and transfers authority over these professions to the Texas State Board of Mechanical Industries.

The board is required to issue separate licenses, certificates, permits, or registrations for the professions covered by this act, adopt rules, comply with federal regulations, and establish penalties for violations.

HOUSE BILL 2175

EFFECTIVE: Vetoed

HOUSE AUTHOR: Uher

SENATE SPONSOR: Armbrister

House Bill 2175 changes requirements regarding recordkeeping and enforcement authority of The Texas Board of Chiropractic Examiners. It removes the criminal penalty for practicing without a license and provides that the civil proceedings authorized by the act are the remedy for a violation regardless of when the violation occurred, except for cases in which the defendant was finally convicted before the effective date of the act.

HOUSE BILL 2238

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Cook et al.

SENATE SPONSOR: Harris

House Bill 2238 amends the Texas Manufactured Housing Standards Act to authorize a person licensed as a real estate broker or salesperson under The Real Estate License Act to act as a manufactured housing broker or salesperson without holding another license or posting a surety bond.

HOUSE BILL 2300

EFFECTIVE: Vetoed

HOUSE AUTHOR: Hunter

SENATE SPONSOR: R. Ellis

House Bill 2300 amends the Texas Engineering Practice Act to require the Texas Board of Professional Engineers to publish a roster of persons licensed, registered, certified, or enrolled by the board in an online computer database format. The act provides that certain information be included on the roster and authorizes the board to charge a fee for providing a physical copy of the roster.

HOUSE BILL 2382

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Lindsay

House Bill 2382 requires the Texas Board of Physical Therapy Examiners to authorize physical therapist peer organizations to evaluate and approve continuing education courses for licensees.

HOUSE BILL 2394

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: D. Nixon

House Bill 2394 amends the Texas Optometry Act to authorize an applicant for examination by the Texas Optometry Board to take the examination without having graduated from a college of optometry that meets the requirements of the board if the dean of the college of

optometry that meets the requirements of the board notifies the board in writing that the applicant is enrolled in good standing in the college and is in the final semester before graduation. The applicant also must meet all other examination requirements.

The act authorizes the board to issue a license to practice therapeutic optometry without requiring the applicant to pass all or part of the examination under specified circumstances.

HOUSE BILL 2453

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Edwards

SENATE SPONSOR: Lindsay

House Bill 2453 amends the Medical Practice Act and the Texas Optometry Act to authorize a physician and an optometrist or a therapeutic optometrist to organize, jointly own, and manage a partnership, a limited partnership, a limited liability company, or any other legal entity to acquire real property, other physical facilities, or equipment for the delivery of health care services or management. The act authorizes the entity to employ or otherwise use a person who is not a physician, optometrist, or therapeutic optometrist for the delivery of health care services or management. The act allows only a physician, optometrist, or therapeutic optometrist to own an interest in the entity, but does not prohibit an entity from making payments to an owner's estate.

HOUSE BILL 2617

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Harris

House Bill 2617 amends the Private Investigators and Private Security Agencies Act to continue the Texas Board of Private Investigators and Private Security Agencies until September 1, 2009. The act changes the name of the board to the Texas Commission on Private Security and renames the Act the Private Security Act.

The act restructures the board by adding two public members and one industry member and deleting the ex officio position of the attorney general and clarifies the board's duties. The act authorizes the board to commission full-time investigators as peace officers for the limited purpose of investigating alleged violations of the Act and board rules and amends the Code of Criminal Procedure to include these investigators in the list of people who are peace officers.

House Bill 2617 clarifies who is covered by the provisions of the Act. It deletes the exemption for expert witnesses, adds uniformed security employees at locations that are open to the public, exempts security personnel and peace officers who are employed by institutions of higher education and peace officers who work a second job as an extra job coordinator, and clarifies that an attorney is exempt while engaged in the practice of law and a licensed professional engineer is exempt when performing burglar alarm system engineering and necessary data collection.

The board is required to develop and distribute material containing all applicable state laws and board rules and to test an applicant's knowledge of the material on the licensing examination, to enhance the handgun training required for commissioned security officers, and to reduce the license renewal period and renewal fee for noncommissioned security officers. The act streamlines the commission's licensing function by eliminating paperwork and allowing for the payment of fees and fines to be completed by electronic funds transfer.

House Bill 2617 requires the board to conduct a state and federal criminal history check on each applicant for a license, registration, security officer commission, letter of approval, permit, or certification. The act requires the board to prohibit a person from working in the investigations and security industry if convicted of a felony or Class A misdemeanor or convicted of a Class B misdemeanor less than five years ago. It allows an applicant to appeal the denial of a license, registration, or security commission to the board under certain

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circumstances. The board's authority to apply a civil penalty instead of suspending a license is revoked by the act. The Government Code is amended to require the Bureau of Identification and Records to keep a list of all criminal history background checks that revealed a Class B misdemeanor or an equivalent or greater offense on applicants regulated under the Act.

The act clarifies the board's authority to impose an administrative penalty on a person licensed, commissioned, or registered under the Act, provides standard criteria for applying the fines, and prescribes options available to a violator. The act makes it a state jail felony to serve a warrant without a license to individuals who have skipped bail. It requires the board to make information regarding disciplinary actions for the previous three years available to the public in an efficient and accessible method.

House Bill 2617 prohibits a political subdivision from offering to sell, service, install, or monitor alarm systems except under certain circumstances. The act increases certain fees and creates new fees for the renewal of a noncommissioned security officer license and a renewal letter of authority for private businesses and political subdivisions. It expands certain definitions and updates sections relating to sunset recommendations that are applied to all agencies.

HOUSE BILL 2667
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Capelo
SENATE SPONSOR: Shapiro

House Bill 2667 establishes the Industrial Hygiene Title Recognition Act to provide for the regulation of industrial hygienists. The act prohibits a person from using the titles "certified industrial hygienist," "CIH," "industrial hygienist in training," or "IHIT" unless the person meets the requirements and qualifications for those titles under the act. The act also provides for a civil penalty of not more than \$1,000 for violations of the act.

HOUSE BILL 3083
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Telford
SENATE SPONSOR: Duncan

House Bill 3083 amends the Medical Practice Act to exempt from Medical Practice Act requirements and regulation by the Texas State Board of Medical Examiners the acts of a physician located in another jurisdiction of a state whose borders are contiguous with this state who is the treating physician of a Texas resident and who orders home health or hospice services to be delivered in this state.

HOUSE BILL 3155
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wolens
SENATE SPONSOR: Harris

House Bill 3155 is a nonsubstantive revision of statutes relating to the licensing and regulation of certain professions and business practices. Certain revisions affect the Education Code, the Government Code, and the Health and Safety Code. The core of the act adopts a new Occupations Code, including general provisions and licensing titles plus titles on health professions, animal health professions, financial and legal services, barbers and cosmetologists, law enforcement and security occupations, sales and solicitation, and sports, amusements, and entertainment.

HOUSE BILL 3330
EFFECTIVE: 6-20-99

HOUSE AUTHOR: Walker
SENATE SPONSOR: Duncan

House Bill 3330 amends the Water Code to establish the grounds for water well driller license revocation, suspension, probation, or reprimand and provides that an administrative penalty for a violation may be assessed only after the person charged has had an opportunity for

a public hearing. The act exempts a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project from certain licensing requirements.

HOUSE BILL 3456

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Carona

House Bill 3456 amends the law to establish procedures for a bail bondsman to execute a bail bond based on when the bondsman's license was issued.

HOUSE BILL 3457

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hinojosa

SENATE SPONSOR: Armbrister

House Bill 3457 amends the law relating to renewal of certain bail bondsman licenses. If a license has been held for at least eight years without being suspended or revoked and certain other conditions are met, the renewal period is increased to 36 months.

HOUSE BILL 3516

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Carona

House Bill 3516 amends statutory provisions relating to the duties and responsibilities of the Texas Funeral Service Commission and to its licensees. It ends the terms of the nine current members of the commission on the date the act becomes effective and directs the governor to appoint a six-member commission, including four representatives of the general public, one of whom is to be designated by the governor as the presiding officer and one elected by the members to serve as assistant presiding officer, and two members who hold a license as both an embalmer and a funeral director. The commission is required rather than authorized to employ an executive director, and related requirements are specified. The commission is required to establish standards that enable the executive director to issue subpoenas in connection with a complaint under investigation by the commission. The act also includes other provisions concerning commissioners' terms, conflict of interest, open meetings, vacancies in office, and required reports.

House Bill 3516 provides for reciprocal licenses for persons licensed in other states and exempts certain funeral establishments from the requirement to have an embalming room. It includes provisions concerning administrative procedures and penalties, including waiving the right to a hearing and proceedings held before administrative law judges. It also removes authorization for the commission to contract for the services of persons to investigate complaints, leaving in place language requiring the commission to employ persons for such duties, and removes certain required qualifications for an investigator.

SENATE BILL 61

EFFECTIVE: See below

SENATE AUTHOR: Madla

HOUSE SPONSOR: Clark et al.

Senate Bill 61 amends the Health and Safety Code to add body piercing studios to the chapter regulating tattoo facilities. It requires licensure of body piercing studios by the Texas Department of Health, provides for the issuance of a temporary license for special events, includes sanitation and inspection requirements, excludes ear piercing from the definition of "body piercing," and exempts ear piercing establishments. The act prohibits a person from performing body piercing on an individual younger than 18 years of age without the written and notarized consent of the minor's parent, managing conservator, or guardian. A person is prohibited from performing body piercing if the person suspects that the individual on whom

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the body piercing is to be performed is under the influence of alcohol or drugs. The act requires a person who performs body piercing to maintain a permanent record of each individual whose body is pierced by the person for a period established by the Texas Board of Health.

The act takes effect September 1, 1999, except that a body piercing studio is not required to be licensed until June 1, 2000.

SENATE BILL 234

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Hunter

Senate Bill 234 repeals requirements that rosters of certain licensees be filed with the secretary of state. The act applies to rosters of social workers, engineers, chiropractors, psychologists, physical therapists, optometrists, occupational therapists, property taxation professionals, persons licensed under the Orthotics and Prosthetics Act, and funeral establishments, directors, and embalmers.

SENATE BILL 310

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Janek

Senate Bill 310 amends the Occupational Therapy Practice Act to increase the membership of the Texas Board of Occupational Therapy Examiners from six to nine and to allow board members to be reimbursed for expenses. The act removes the requirement that an applicant for a provisional license for the practice of occupational therapy be sponsored by a person licensed by the board with whom the provisional licensee may practice. The act authorizes the board to issue subpoenas and impose an administrative penalty not to exceed \$200 a day. The act requires the board to establish procedures and standards for the temporary suspension of a license on an emergency basis.

SENATE BILL 314

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Gutierrez

Senate Bill 314 adds advanced practice nurses to the list of health professionals who are permitted to sign a health certificate verifying that an applicant for a cosmetology certificate or license is free of certain diseases. The act deletes the requirement that an applicant be free of hepatitis.

SENATE BILL 413

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Flores

Senate Bill 413 amends the Licensed Marriage and Family Therapist Act to raise the number of hours of work experience required for a license as a marriage and family therapist. The act provides for the licensure of, and sets forth eligibility requirements for, marriage and family therapist associates who provide therapy under the supervision of a board-approved supervisor. The act requires an applicant for licensure as a marriage and family therapist or therapist associate to pass an examination determined by the board and sets out circumstances under which the board is authorized to waive the examination requirement.

SENATE BILL 414

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

The Texas Pharmacy Act authorizes the Texas State Board of Pharmacy to approve pilot and demonstration research projects for innovative applications in the practice of pharmacy and to grant exceptions to rules for the projects. Senate Bill 414 authorizes the board to extend the time an exception to a rule is granted as necessary for the board to adopt an amendment or modification of the rule.

SENATE BILL 424

EFFECTIVE: 6-18-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Uher

Senate Bill 424 amends the Government Code to remove the requirement that during the certification examination for court reporters, applicants must type a transcript of the test material using a manual or electric typewriter. The act, as amended, allows instruments other than typewriters to be used to prepare a transcript of the test material.

SENATE BILL 524

EFFECTIVE: 6-19-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Maxey

Senate Bill 524 authorizes the State Board of Dental Examiners to issue a warning letter to a licensee if in the opinion of a majority of the board the licensee has violated a regulation. The act provides that records of the revocation or suspension of a license, the placement of a licensee on probation, and the imposition of a fine on, the reprimand of, or the issuance of a warning letter to a license holder are open to public disclosure.

SENATE BILL 556

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Hilderbran

Senate Bill 556 amends the Occupational Therapy Practice Act to expand the list of licensed medical practitioners who are authorized to refer a patient to an occupational therapist for specific treatment.

SENATE BILL 674

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Pitts

Senate Bill 674 amends the Property Taxation Professional Certification Act to exempt a county tax assessor-collector from registering with the Board of Tax Professional Examiners if the county has contracted to have its taxes assessed and collected by another taxing unit or an appraisal district. The bill raises the maximum annual registration fee to not less than \$45 and not more than \$75. The act authorizes the Board of Tax Professional Examiners to require registrants to pass one or more certification examinations. It establishes related procedures and authorizes the board to set examination fees.

SENATE BILL 730

EFFECTIVE: See below

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 730 amends provisions of the Texas Pharmacy Act relating to the licensing and regulation of pharmacies, pharmacists, and pharmacy technicians. The act includes a pharmacy located in a licensed ambulatory surgical center among the medical facilities required to obtain a Class C pharmacy license. The act requires the Texas State Board of Pharmacy to determine and issue standards for recognition and approval of pharmacist certification programs, including a requirement prohibiting a pharmacist from using the designation "board certified" unless the pharmacist has successfully completed a certification program that meets board standards. The act authorizes the board to determine that licenses may be renewed biennially, rather than annually, and changes the continuing education requirement to no fewer than 24 hours during the preceding 24 months of the applicant's license period.

The act requires the board to determine and issue standards for recognition and approval of pharmacy technician training programs and maintain a list of board-approved training programs that meet those standards. It also adds requirements for the board relating to qualifications and supervision of pharmacy technicians and requirements relating to pharmacy technician registration.

Occupational Regulation

The board is also permitted to license a pharmacy that has substantially completed the requirements for licensing. The act modifies provisions concerning the date by which a pharmacy must file an application and pay the renewal fee to maintain a license and specifies that a person petitioning for reinstatement of a license under the act has the burden of proof.

Senate Bill 730 adds requirements relating to the duty of every entity providing liability insurance to a pharmacy, pharmacy technician, druggist, or pharmacy license holder to submit certain information to the board.

The effective date of the act is September 1, 1999, with the exception of provisions relating to qualifications and supervision of pharmacy technicians, which take effect January 1, 2001, and provisions relating to pharmacy technician registration, which take effect September 1, 2001.

SENATE BILL 780

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Van de Putte

Senate Bill 780 amends the Texas Pharmacy Act to authorize a pharmacy society or association or a person who owns a pharmacy or who employs pharmacists to create a pharmacy peer review committee to evaluate the quality of pharmacy services or the competence of pharmacists and suggest improvements in pharmacy systems to enhance patient care. It authorizes a committee to review quality-related activities in a pharmacy, assess system failures and personnel deficiencies, determine facts, and make recommendations or issue written decisions. The act adds requirements relating to confidentiality of records and proceedings, disclosure of information, subpoena authority, and circumstances under which committee records are subject to subpoena.

SENATE BILL 846

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Gutierrez

Senate Bill 846 amends the Texas Barber Law to raise the maximum fee for barber examinations from \$10 to \$50. The fee shall be set by the State Board of Barber Examiners. It changes violations of the Texas Barber Law from misdemeanors to administrative penalties and increases the maximum amount that may be imposed from \$200 to \$1,000 a day. The act also includes requirements and procedures relating to administrative penalties.

SENATE BILL 932

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Clark et al.

Senate Bill 932 amends the Health and Safety Code to add that consent for a tattoo of a minor may be given in person by the parent or guardian who satisfies certain conditions. Previous law provided only for written and notarized consent. The act changes a violation of requirements relating to tattoo studios from a Class C to a Class A misdemeanor. It includes requirements for civil penalties and injunctive relief and provides that a civil penalty may not exceed \$5,000 a day. The act requires a person applying for a tattoo studio license or temporary location license to submit evidence to the Texas Department of Health from the appropriate zoning official in the municipality or county in which the studio is to be located to confirm that the studio is in compliance with certain zoning codes. It removes the requirement that the department request confirmation of such compliance from a zoning official prior to issuing a license. The act removes certain provisions relating to building location. The Texas Department of Health, the commissioner of health, and the Texas Board of Health are authorized to enforce the Texas Food, Drug, and Cosmetic Act as it relates to tattooing. In addition, the act amends requirements relating to the sterilization of tools and equipment.

SENATE BILL 956

EFFECTIVE: Vetoed

SENATE AUTHOR: Madla

HOUSE SPONSOR: Eiland et al.

Senate Bill 956 amends certain provisions of the Insurance Code to consolidate and simplify the licensing of certain types of insurance agents by establishing uniformity in the licensing, examination, continuing education, and disciplinary requirements. The act establishes the Texas Life, Accident, and Health Agents License Act and the Texas Property and Casualty Agents License Act to facilitate the consolidation and simplification process. The act prohibits the practice of the business of insurance by any person, organization, partnership, corporation, or appointed agent that does not meet the requirements of the act's provisions.

The act reformulates the requirements for the application, renewal, suspension, and revocation of certain insurance licenses by individuals, partnerships, corporations, health maintenance organizations, fraternal organizations, nonresident agents, and certain appointed agents and sub-agents. Senate Bill 956 transfers certain authority to the commissioner of insurance for the purpose of implementing licensing examinations, continuing education, disciplinary actions, bonding of agents, fee collection, and other general licensing requirements.

SENATE BILL 957

EFFECTIVE: 9-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Eiland et al.

Senate Bill 957 amends certain provisions of the Insurance Code to authorize the commissioner of insurance to issue a specialty license to a certified person in a rental car, credit insurance, travel insurance, or self-service storage business and allows an employee of a specialty license holder to act as an agent of the license holder if certain training, supervision, and compensation requirements are met. The act includes requirements relating to collected premiums, consumer information, and other administrative matters relating to specialty licenses.

The act expands the scope of licensing requirements for a life insurance counselor to include counselors that examine accident or health insurance or a health benefit plan. It requires that life and health insurance counselors be subject to the same regulations as other insurance agents, rather than as legal reserve life insurance company agents, and removes certain provisions that made counseling without a license a Class C misdemeanor.

The act authorizes certain insurance companies with a limited agricultural insurance license to appoint and act through a licensed local recording agent or solicitor. It also authorizes agents of a license holder to represent more than one insurance company when exclusively conducting business in the area of crop insurance. The act includes provisions relating to the administration of such licenses.

The act authorizes automobile clubs to provide insurance coverage to members, including accidental injury and death insurance, through a group policy and to sell or endorse insurance products. The act requires that an automobile club selling insurance be properly licensed as an agent.

SENATE BILL 964

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio et al.

HOUSE SPONSOR: Gray

Senate Bill 964 amends provisions relating to the regulation of dentists and dental hygienists. It includes provisions relating to a license to practice dentistry, qualifications of applicants, powers and authority of the State Board of Dental Examiners, registration certificates, license suspension and revocation, and subpoena authority of the board.

Occupational Regulation

The act sets forth that dental records and communications between a dentist and a patient that relate to a professional service provided by the dentist are privileged information, and the patient is the holder of the privilege. It adds requirements relating to patient consent to disclosure of privileged information and exceptions to privilege for certain proceedings and legislative inquiries, sets limitations on disclosure, and adds requirements relating to the timing of a request for a dental record and the transfer of dental records. The act amends requirements relating to board maintenance of records.

SENATE BILL 1074
EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Averitt et al.

Senate Bill 1074 enacts the Mortgage Broker License Act in the Finance Code to provide for the regulation and licensing of mortgage brokers and loan officers by the savings and loan commissioner. The act requires, with certain exceptions, a person who engages in the business of a mortgage broker in this state to hold a mortgage broker license and requires a person who acts as a loan officer to be sponsored by a licensed mortgage broker. The act also includes provisions relating to the administration of licensing requirements, including a requirement for criminal background checks on license applicants, the investigation of complaints against licensees, administrative sanctions and disciplinary actions, and due process and appeals.

The act provides that an unlicensed person who acts as a mortgage broker has committed a Class B misdemeanor, that a subsequent conviction of the same offense is a Class A misdemeanor, and that a mortgage broker license is subject to suspension for failure to pay court-ordered child support. The act also establishes a mortgage broker recovery fund consisting of additional fees paid by licensees to reimburse persons awarded actual damages by a court in certain cases brought against a licensed mortgage broker or loan officer.

SENATE BILL 1085
EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris
HOUSE SPONSOR: Smithee

Senate Bill 1085 amends the Texas Professional Association Act to authorize one or more persons duly licensed to practice dentistry to form a professional association by associating themselves for the purpose of performing professional services and dividing the gains therefrom as stated in articles of association or bylaws.

SENATE BILL 1132
EFFECTIVE: 5-21-99

SENATE AUTHOR: Madla
HOUSE SPONSOR: Capelo

Senate Bill 1132 amends the Health and Safety Code to require the process for considering applications for the renewal, modification, or revocation of medical staff membership and privileges to provide procedural due process to physicians, podiatrists, and dentists.

SENATE BILL 1207
EFFECTIVE: 8-30-99

SENATE AUTHOR: Cain
HOUSE SPONSOR: McCall

Senate Bill 1207 updates provisions of the Medical Practice Act relating to powers and duties of the Texas State Board of Medical Examiners and licensure and registration of physicians. It includes provisions relating to physician-in-training permits, qualifications of licensees, examinations accepted or administered by the board, and registration and license fees.

SENATE BILL 1223

EFFECTIVE: 6-18-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Counts

Senate Bill 1223 amends the Medical Practice Act to expand the list of medical professionals who may be certified as an acudetox specialist to include a licensed vocational nurse. The act expands the limits on who may serve on the acupuncture board and establishes that an applicant for an acupuncture license may not be required to appear before the acupuncture board unless certain questions are raised. The act also raises the number of semester hours of college courses that an applicant for an acupuncture license must complete and includes provisions relating to continuing education.

SENATE BILL 1233

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Capelo

Senate Bill 1233 expands the definition of “athletic trainer,” requiring a trainer to be licensed by the Advisory Board of Athletic Trainers, provides a specific definition for “athletic injury,” and amends the definition of “athletic training.” The act does not apply to a trainer residing outside the state who is licensed, registered, or certified by an authority recognized by the board and who provides athletic training in the state for a period determined by the board. The board is authorized to refuse to issue a license to an applicant or to suspend or revoke the license of any licensee if that person has provided services outside the scope of practice of athletic training.

SENATE BILL 1235

EFFECTIVE: 9-1-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: Janek

Senate Bill 1235 amends the Texas Controlled Substances Act to require the director of the Texas Department of Public Safety, by rule, to prohibit a person, including a person regulated by insurance laws of the state, from using a medical practitioner’s Federal Drug Enforcement Administration number for a purpose other than that described by federal or state law. A person who violates a rule relating to the prohibition commits a Class C misdemeanor.

SENATE BILL 1292

EFFECTIVE: See below

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Naishtat

Senate Bill 1292 amends the Health and Safety Code to authorize the Texas Department of Human Services to deny, suspend, or revoke a convalescent or nursing home facility’s license, after providing notice and opportunity for a hearing, if the department finds that the applicant or license holder has failed to notify the department of a significant change in its financial position, cash flow, or results of operation that could adversely affect the institution’s delivery of essential services. Such information obtained by the department is confidential and not subject to open records requirements. The act authorizes the department to verify the financial condition of an institution in order to identify any risk to the institution’s ability to deliver essential services and establishes that a person who knowingly files false information may be prosecuted under the Penal Code.

Senate Bill 1292 takes effect September 1, 1999, with the exception of institution financial condition notification requirements, which take effect January 1, 2000.

Occupational Regulation

SENATE BILL 1294

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Maxey

Senate Bill 1294 amends the Health and Safety Code and the Medical Practice Act to prohibit a licensing agency from taking disciplinary action against a hospital, treatment facility, mental health facility, or health care professional for unknowing and isolated billing errors. It prohibits a health care professional from violating certain billing requirements and establishes that such a violation constitutes unprofessional conduct likely to deceive or defraud the public and could result in disciplinary action taken by the Texas State Board of Medical Examiners.

SENATE BILL 1340

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Gray

Senate Bill 1340 requires the Texas State Board of Medical Examiners and the Board of Nurse Examiners to cooperatively establish guidelines for regulation of anesthesia services performed in certain outpatient settings. The guidelines must include minimum standards for the provision of anesthesia services in these settings. The boards are authorized to require a physician or certified registered nurse anesthetist to submit and comply with a corrective action plan to address any potential deficiencies with the person's provision of anesthesia. The act includes provisions requiring registration and relating to on-site inspections and advisory opinions.

SENATE BILL 1525

EFFECTIVE: Vetoed

SENATE AUTHOR: Madla

HOUSE SPONSOR: Uher

Senate Bill 1525 amends the Licensed Dietitian Act to expand the nutrition services that may be offered by a licensed dietitian to include medical nutrition therapy. The act authorizes the Texas State Board of Examiners of Dietitians to adopt standards necessary to determine the qualifications of a licensed dietitian and sets out exemptions.

SENATE BILL 1532

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Glaze

Senate Bill 1532 amends the Texas Renderers' Licensing Act to add recyclable cooking oil as a renderable raw material and includes provisions prohibiting certain activities regarding recyclable cooking oil. It adds requirements relating to transfer station permits and licenses and permits for hauling dead animals; it requires a vehicle used to transport dead animals to comply with requirements for operating on public roads, including insurance and weight limit rules; and it includes restrictions concerning spills, leaks, and release of raw materials and animal parts. The Texas Department of Health is directed to set fees that are authorized in the Texas Renderers' Licensing Act.

SENATE BILL 1678

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Naishtat

Senate Bill 1678 amends the Texas Professional Social Work Act to change the qualifications for licensure as a social work associate and to authorize, with immunity from civil liability, a social worker, advanced clinical practitioner, or social work associate to report an incident that is believed to have exposed a client to risk of harm. The act authorizes a social worker, advanced clinical practitioner, or social work associate named as a defendant in a civil action or subjected by an employer to other retaliatory action as a result of filing a report to file a counterclaim to recover certain defense costs and other compensation if the suit or retaliatory

action is determined to be frivolous, unreasonable, or taken in bad faith. An employer is prohibited from suspending, terminating, or otherwise disciplining a person for making an authorized report.

The act provides for civil penalties for a violation of an order of the board and authorizes the board to impose administrative penalties.

SENATE BILL 1775
EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley
HOUSE SPONSOR: Brimer

Senate Bill 1775 creates the Service Contract Regulatory Act. The act authorizes the commissioner of licensing and regulation to promulgate rules and conduct investigations relating to the providers of service contracts. The act establishes the service contract providers advisory board to assist the commissioner in adopting and enforcing rules, administering the Act, and setting fees.

The act requires that all service contract providers be registered with the Texas Department of Licensing and Regulation and pay an annual registration fee not to exceed \$2,000. The act provides for certain requirements related to the financial security of the contract provider, reimbursement insurance policies, and general operation requirements, including provider records, contract disclosures, voiding of contracts, and limitations on a provider's name.

PARKS AND WILDLIFE

HOUSE BILL 1581

EFFECTIVE: 5-28-99

House Bill 1581 amends the Parks and Wildlife Code to authorize park administrators to provide park passes to members of nonprofit youth groups who perform volunteer services at the state park.

HOUSE AUTHOR: Isett

SENATE SPONSOR: Duncan

HOUSE BILL 1828

EFFECTIVE: 9-1-99

House Bill 1828 amends the Parks and Wildlife Code to authorize justice courts to adjudicate offenses that are punishable by the seizure of property used in poaching. The act also authorizes a court convicting a person of certain hunting violations to order any weapon or personal property used in the commission of the offense to be destroyed or forfeited to the Parks and Wildlife Department. In addition, House Bill 1828 authorizes the department to use, sell, transfer, or destroy the seized property, exempts vehicles, aircrafts, and vessels from seizure, and requires that any sale proceeds be deposited in the game, fish, and water safety account.

HOUSE AUTHOR: Christian

SENATE SPONSOR: Armbrister

HOUSE BILL 2108

EFFECTIVE: 9-1-99

House Bill 2108 amends Parks and Wildlife Code provisions relating to state assistance from the Texas recreation and parks account for local parks. The act expands the funding amounts, sources, and uses for local parks, recreational areas, and open space areas and allows cultural resource sites or areas to receive grant assistance. The act also requires the Parks and Wildlife Department to make grants from the account for recreational, conservation, or education programs for underserved populations to encourage and implement increased access to and use of parks, recreational areas, cultural resource sites or areas, and open space areas by those populations.

HOUSE AUTHOR: Cook et al.

SENATE SPONSOR: R. West

HOUSE BILL 2272

EFFECTIVE: 9-1-99

House Bill 2272 amends the Parks and Wildlife Code to authorize the chairman of the Parks and Wildlife Commission to appoint and manage committees to advise the commission on issues under its jurisdiction. The act also abolishes the Fannin State Park Advisory Committee, the Battleship "Texas" Advisory Board, the Texas Trails Advisory Council, the State Artificial Reef Plan, and the falconry advisory board. The act also requires the San Jacinto Historical Advisory Board to prepare and submit to the commission minutes from all meetings and any changes made to the board's bylaws to the commission.

HOUSE AUTHOR: Ritter

SENATE SPONSOR: Haywood

HOUSE BILL 2303

EFFECTIVE: 9-1-99

House Bill 2303 amends the Parks and Wildlife Code to make the possession of a live game animal without a license or permit a Class C Parks and Wildlife Code misdemeanor.

HOUSE AUTHOR: Hope

SENATE SPONSOR: J. E. Brown

Parks and Wildlife

HOUSE BILL 2526

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Armbrister

House Bill 2526 amends the Parks and Wildlife Code to provide for increased penalties for poaching. The act establishes certain offenses as state jail felonies punishable by confinement and a fine, increases penalties for habitual offenders, and establishes penalties of increasing severity for the killing of desert bighorn sheep, pronghorn antelope, mule deer, or white-tail deer. The act also grants the executive director of the Parks and Wildlife Department discretion in setting the length of time that a license or permit may be suspended and authorizes a court convicting a person of certain hunting violations to order any weapon or personal property used in the commission of the offense to be destroyed or forfeited to the Parks and Wildlife Department. In addition, House Bill 2526 authorizes the department to use, sell, transfer, or destroy the seized property, exempts vehicles, aircrafts, and vessels from seizure, and requires that any sale proceeds be deposited in the game, fish, and water safety account.

HOUSE BILL 3462

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Armbrister

House Bill 3462 amends the Parks and Wildlife Code to require that all vessels manufactured in Texas for sale and all vessels sold, numbered, or titled in Texas must carry a manufacturer's hull identification number unless the vessel is exempted by the United States Coast Guard. The act also prohibits a person from intentionally or knowingly destroying, removing, altering, covering, or defacing an outboard motor serial number.

In addition, House Bill 3462 establishes procedures for an individual to obtain from the Parks and Wildlife Department a hull identification number or outboard motor serial number and sets a \$25 application fee. Finally, the act provides that the provisions of the act do not apply to vessels with a valid marine document issued by the U.S. Coast Guard's National Vessel Documentation Center.

SENATE BILL 133

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bonnen

Senate Bill 133 amends the Parks and Wildlife Code to prohibit the retention of lightning whelks caught while trawling for shrimp.

SENATE BILL 287

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Kuempel

Senate Bill 287 amends the Parks and Wildlife Code to expand the authorized uses of the Parks and Wildlife Department's capital account to include maintenance and operation costs associated with parks, fisheries, and wildlife projects; projects to enhance conservation of historical, cultural, and natural resources; department law enforcement efforts; and providing matching money for federal projects.

SENATE BILL 627

EFFECTIVE: 9-1-99

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: Flores

Senate Bill 627 amends the Parks and Wildlife Code to require the Parks and Wildlife Department to implement programs and coordinate with federal, state, and local governments to minimize environmental damage to any department-owned land along the state's border with Mexico.

SENATE BILL 707

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Kuempel

Senate Bill 707 requires the Parks and Wildlife Commission to exempt public utilities from permit and fee requirements for disturbing or taking marl, sand, gravel, shell, and mudshell while constructing new utility lines. The act also requires public utilities to make every reasonable effort to use best management practices established by the commission.

SENATE BILL 874

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Kuempel

Senate Bill 874 authorizes the executive director of the Parks and Wildlife Department to enter into contracts with federal, state, or local governments or nonprofit organizations for certain professional services and requires the Parks and Wildlife Commission to adopt policies and procedures to govern department contracting.

SENATE BILL 1302

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Kuempel

Senate Bill 1302 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department to refuse to issue licenses, permits, or tags issued under the code and to confiscate aquatic products under certain circumstances.

SENATE BILL 1303

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Uher

Senate Bill 1303 amends the Parks and Wildlife Code to establish a limited entry finfish license management program. The act limits the number of licenses that may be held, sets the license fee and renewal period, provides for the suspension and revocation of the license, sets trotline and crab trap limits, and establishes a license buyback program. The act also creates the finfish license management review board, composed of nine members elected by the license holders, to advise and make recommendations concerning the administrative aspects of the program.

Senate Bill 1303 also requires the Parks and Wildlife Department to submit a report to the governor and legislature by a certain date describing the administration and status of the license management program, including the biological, social, and economic effects of the program.

PROPERTY INTERESTS

HOUSE BILL 115

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Smith

SENATE SPONSOR: Harris

House Bill 115 amends the Property Code to authorize a trustee to designate a replacement charitable beneficiary for certain trusts when an original charitable beneficiary is no longer in existence. The act requires a trustee to consult with a living settlor concerning the selection of replacement charitable beneficiaries and establishes procedures to be followed when the settlor and the trustee disagree on the selection.

HOUSE BILL 116

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Smith

SENATE SPONSOR: Harris

House Bill 116 amends the Local Government Code to specify that a petition opposing a zoning board decision may be presented to a district court, county court, or county court at law for review.

HOUSE BILL 381

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Flores et al.

SENATE SPONSOR: Truan

House Bill 381 amends the Transportation Code and the Texas Manufactured Housing Standards Act to allow two or more eligible persons, rather than only a husband and wife, to sign a rights of survivorship agreement associated with a certificate of title for a motor vehicle or a manufactured home. The act sets forth the circumstances under which a seller of a motor vehicle or manufactured home or a person other than the owner's spouse may sign such an agreement.

HOUSE BILL 509

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: R. Ellis

House Bill 509 amends the Government Code to clarify that the authority that a justice of the peace is granted in deed restriction disputes does not include the authority to grant a writ of injunction.

HOUSE BILL 817

EFFECTIVE: 6-19-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Armbrister

House Bill 817 amends the Health and Safety Code to require the finder of an abandoned or unknown cemetery to file notice of the discovery with the county clerk. A property owner may not pursue improvements that would further disturb such a cemetery until the human remains are removed under a written order of the state registrar of vital statistics or the state registrar's designee. For abandoned and unknown cemeteries, the act directs a district court of the county on petition of the property owner to order the removal of any cemetery dedication and the removal of any human remains to a perpetual care cemetery. The act also defines the powers of nonprofit cemetery organizations, which include powers common to for-profit cemetery corporations.

Property Interests

HOUSE BILL 1052

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Brimer et al.

SENATE SPONSOR: Wentworth

House Bill 1052 amends the Property Code to create the Broker's and Appraiser's Lien on Commercial Real Estate Act. The act authorizes a commercial real estate broker or appraiser to secure the payment of a broker's commission earned from a commercial real estate transaction by placing a lien on the property involved. The act establishes requirements governing the filing, notice, priority, subordination, and release of such liens and permits a broker to bring suit in a county court to foreclose the lien. The act also requires the establishment of an escrow account for unpaid commissions if a claim for a lien would prevent the closing or conveyance of a transaction and provides for the filing of a bond to indemnify against the lien. House Bill 1052 establishes a statute of limitations for when a broker must bring suit to foreclose on a lien and sets out tenant or owner remedies in the event of a lawsuit concerning a broker's fee.

HOUSE BILL 1086

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Shapleigh

House Bill 1086 amends the Property Code to provide that when a manufactured home converts to real property, a vendor's, purchase money, or retail installment lien on the property is converted to a purchase money lien on real property and exists independently of any other existing lien on the real property to which the home is permanently attached. The act also provides for the refinancing of a lien on a manufactured home.

HOUSE BILL 1187

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: J. E. Brown

House Bill 1187 amends the Property Code to require a party that initiates a condemnation proceeding under eminent domain, in a county with one or more county courts at law with jurisdiction over the proceeding, to file the petition with any clerk authorized to handle such filings for that court or courts.

HOUSE BILL 1373

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Williams

SENATE SPONSOR: Sibley

House Bill 1373 amends the Property Code to specify that, for charitable trusts, an increase in the value of a deferred annuity before annuitization or of a life insurance contract before the death of the insured, from the time of its acquisition by the trust, is income unless otherwise provided for by the trust instrument. The act provides that the increase in value is available for distribution only when the trustee receives cash on account of the obligation, requires cash received on surrender or partial liquidation to be attributed first to the increase, and specifies the income beneficiary to whom the increase is available for distribution.

HOUSE BILL 1475

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: Harris

House Bill 1475 amends the Texas Trust Code to authorize a trustee to employ investment agents as necessary in the administration of a trust estate and to delegate investment decisions to those agents. The act lists the circumstances under which the trustee is not responsible for the agent's investment decisions. The act also establishes conditions under which a written instrument is final and binding on a beneficiary, including a beneficiary who is a minor or is unborn or unascertained, or on other persons.

HOUSE BILL 1522
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Siebert et al.
SENATE SPONSOR: Armbrister

House Bill 1522 amends provisions of the Property Code relating to prompt payment on certain construction projects. The act reduces the time allowed for an owner to pay a contractor's or subcontractor's invoice, reduces the amount that an owner, contractor, or subcontractor may withhold from payment when a good faith dispute exists on certain projects, and establishes the terms under which contractors and subcontractors may suspend work. The act exempts from prompt payment provisions certain projects relating to exploration for and production, development, and distribution of oil or gas.

HOUSE BILL 1539
EFFECTIVE: 5-24-99

HOUSE AUTHOR: Pitts
SENATE SPONSOR: Nelson

House Bill 1539 provides that a conveyance of land formerly used for the superconducting super collider research facility, conducted under a preference right to purchase that occurred before the effective date of the act, is validated as of the date it occurred. The act provides that the purchaser has perfect title to the land, subject only to the terms of the conveyance instrument, and clarifies that the act does not apply to conveyances that are the subject of a suit filed before the effective date of the act if the conveyance is ultimately determined to be invalid.

HOUSE BILL 1563
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse
SENATE SPONSOR: Lindsay

House Bill 1563 amends the Property Code to prohibit a county clerk or deputy clerk from recording a plat or replat unless it is approved as provided by law by the appropriate authority and contains certain documents required by the Local Government Code. In addition, the act prohibits a person from filing for record or having recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat contains an original tax certificate from each taxing unit with jurisdiction over the real property indicating that no delinquent ad valorem taxes are owed on the property. Tax certificate requirements do not apply to certain property acquired under a will or by inheritance.

HOUSE BILL 1956
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Danburg
SENATE SPONSOR: Gallegos

House Bill 1956 adds a new chapter to the Property Code relating to the amendment and termination of restrictive covenants in certain historic neighborhoods. The act defines a common scheme for preservation of property in a historic neighborhood and establishes various methods for voting on the amendment or termination of restrictive covenants under such a common scheme by members of the historic neighborhood's preservation association. The chapter applies only to a historic neighborhood that is located in whole or in part in a municipality with a population of 1.6 million or more located in a county with a population of 2.8 million or more. In addition, provisions apply to property in such an area that is zoned for or contains a commercial or industrial structure, an apartment complex, or certain condominium developments only if the owner signed a restrictive covenant that includes the property in a common scheme for preservation of historic property.

Property Interests

HOUSE BILL 2135

EFFECTIVE: 9-1-99

House Bill 2135 amends the Property Code to provide that a person who performs landscaping installations under a written contract for a house, building, or improvement is entitled to a mechanic's lien on the property.

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Harris

HOUSE BILL 2224

EFFECTIVE: See below

House Bill 2224 amends the Property Code to require a seller of certain residential real estate that is subject to membership in a property owners' association to provide notice of such membership to the purchaser of the property and prescribes the language of the notice. The act also requires a property owners' association to file the dedicatory instrument governing the association in the real property records of each county in which the property is located not later than January 1, 2000.

HOUSE AUTHOR: Solomons

SENATE SPONSOR: Shapiro

The act takes effect September 1, 1999, except for provisions relating to notice of property owners' association membership, which take effect January 1, 2000, and apply only to an executory contract that is binding on a seller and purchaser on or after that date.

HOUSE BILL 2398

EFFECTIVE: 5-24-99

House Bill 2398 amends the Government Code to clarify that the housing trust fund includes investment income, including all interest, dividends, capital gains, or other income from the investment of any portion of the fund and repayments on loans made from the fund.

HOUSE AUTHOR: Carter et al.

SENATE SPONSOR: Carona

HOUSE BILL 2408

EFFECTIVE: 9-1-99

House Bill 2408 amends the Property Code to require a residential landlord to give prior written notice to a tenant regarding a rule or policy change that is not included in the lease agreement and that affects personal property owned by the tenant that is located outside the tenant's dwelling. The act specifies the manner in which the notice must be delivered to the tenant and provides that a landlord who fails to give notice as required by this section is liable to the tenant for any expenses incurred by the tenant as a result of the landlord's failure to give the notice.

HOUSE AUTHOR: Hill

SENATE SPONSOR: Lucio

HOUSE BILL 2769

EFFECTIVE: 9-1-99

House Bill 2769 amends the Property Code to establish a procedure for the disposition of the personal property and security deposit of a deceased residential tenant. The act requires a tenant, on written request from the landlord, to provide information relating to a person to contact in the event of the tenant's death and to sign a statement authorizing the landlord to allow that person to access the tenant's premises, to remove any of the tenant's property, and to collect the tenant's security deposit. The act authorizes the landlord to remove and store the deceased tenant's property and lists the circumstances under which the landlord is authorized to discard the property. The act provides that the landlord has no responsibility for the deceased tenant's property if the tenant does not provide contact information. A landlord that violates provisions relating to the disposition of a deceased tenant's property is liable to the estate of the deceased tenant for actual damages, and a party in a suit brought under the subchapter may recover the party's costs and reasonable attorney's fees.

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Cain

HOUSE BILL 3182

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Grusendorf et al.

SENATE SPONSOR: Harris

House Bill 3182 amends the Property Code to provide that, in a suit filed by a landlord against a tenant, either personal service on the tenant or service by delivery to premises under Rule 742a, Texas Rules of Civil Procedure, is sufficient to support a default judgment for both eviction and unpaid rent. The act also provides that the landlord may recover unpaid rent regardless of when the tenant vacated the premises.

HOUSE BILL 3407

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Williams

SENATE SPONSOR: Bernsen

House Bill 3407 amends the Government Code to provide that certain property owners' associations are subject to open meetings and public information laws. The act applies to property owners' associations located in a county with a population of 2.8 million or more in a county adjacent to a county with a population of 2.8 million or more.

HOUSE BILL 3736

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Eiland

SENATE SPONSOR: Jackson

House Bill 3736 amends provisions of the Property Code to expand the list of residential real estate subdivisions subject to existing provisions governing restrictive covenants to include subdivisions located in whole or in part in the incorporated area of a county with a population of 190,000 or more that is adjacent to a county with a population of 2.4 million or more.

HOUSE BILL 3746

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Barrientos

House Bill 3746 adds provisions to the Local Government Code relating to replatting without vacating a preceding plat for certain subdivisions. The act applies only if the replat is signed and acknowledged by only the owners of the property being replatted and involves only property that is less than one acre that fronts an existing street and is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention. House Bill 3746 also provides that an existing covenant or restriction for such replatted property does not have to be amended or removed if the covenant or restriction was recorded more than 50 years before the date of the replat and the replatted property has been continuously used by the nonprofit corporation for at least 10 years before the replat. Finally, the act establishes that the governing body of a municipality may delegate the ability to approve such a plat under certain conditions.

HOUSE JOINT RESOLUTION 36

FOR ELECTION: 11-2-99

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Joint Resolution 36 proposes a constitutional amendment to permit spouses to agree to convert separate property to community property.

SENATE BILL 154

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: Hilbert

Senate Bill 154 adds provisions to the Local Government Code to establish that restrictive covenants are applicable to certain nonresidential property. The act applies only to real property designated by a restrictive covenant for nonresidential use that is located in a county with a population of 2.8 million or more and is within 2.5 miles of any boundary of a privately

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owned airport with a control tower operated by the Federal Aviation Administration. The act requires the owners of such property to comply with certain petition procedures to modify restrictive covenants applicable to the property and provides that a modification is invalid if the grantor does not consent to the modification in writing, if the modification does not conform to municipal or county development guidelines or building codes, or if the state is the beneficiary of the restrictive covenant and does not consent to the modification in writing. Provisions of the act expire on May 1, 2001.

SENATE BILL 166
EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Haggerty

Current law requires owners of residential rental properties to change the locks only when a tenant vacates the property. Senate Bill 166 amends the Property Code to redefine “tenant turnover date” to mean the date a tenant moves into a dwelling under a lease after all previous occupants, rather than tenants, have moved out.

SENATE BILL 167
EFFECTIVE: 1-1-00

SENATE AUTHOR: Carona
HOUSE SPONSOR: Goolsby

Senate Bill 167 adds a section to the Property Code requiring a seller of real property located outside a municipality to notify the purchaser of the possibility that the property may be included in the extraterritorial jurisdiction of a municipality or may be annexed by a municipality. The act exempts certain property transfers from the notification requirement and allows the purchaser to terminate the contract for sale within a specified time if the seller fails to provide the required notice.

SENATE BILL 262
EFFECTIVE: 6-18-99

SENATE AUTHOR: J. E. Brown et al.
HOUSE SPONSOR: Bosse

Senate Bill 262 amends provisions of the Local Government Code relating to the reimbursement of landowners or developers before annexation of a water-related special district. The act requires a municipality that has a population of less than 1.5 million, and that undertakes full or limited-purpose annexation of a special district, to pay the landowner or developer of the district for expenses incurred in connection with the district that would be reimbursable from bond proceeds before the effective date of the annexation.

For a municipality undertaking an annexation that is subject to preclearance by a federal authority, payment to the landowner or developer is considered timely if the municipality escrows the reimbursable amount before the effective date of annexation and disburses the escrowed amount and accrued interest to the landowner or developer within five business days after the municipality receives notice of preclearance. The escrowed amount is to be based on either actual or estimated expenses reported by either the developer or the district.

The act establishes that if the municipality has a delinquent sum owed to the landowner or developer, that sum incurs a penalty of six percent for the first month of delinquency, plus one percent for each subsequent month or portion of a month of delinquency. For an annexation that occurs before the effective date of the act, the delinquent sum begins incurring a penalty on the first day of the eighth month following the month when the municipality enacted its annexation ordinance. For annexations after the effective date, penalties are incurred on the first day after the date the municipality enacts its annexation ordinance.

If a municipality timely escrows all estimated reimbursable amounts, and if all such amounts, including interest, are disbursed to the developer within five days of the final determination in immediately available funds, no penalties or interest accrues during pendency of the escrow. Finally, the act authorizes either the municipality or the developer to require disputes regarding amounts owed to be subject to nonbinding arbitration in accordance with the rules of the American Arbitration Association.

SENATE BILL 434

EFFECTIVE: 9-1-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Yarbrough

Senate Bill 434 amends the Property Code to require a property owners' association that is entitled to levy regular or special assessments to deliver, on written request by an owner, copies of the association's restrictions, bylaws, and rules and a resale certificate containing certain information not later than the 10th day after the written request was received from the owner. The act specifies that the owner's remedies for failure of the association to timely deliver this information include a court order directing the association to furnish the information, a judgment for not more than \$500 or court costs and attorney's fees, or a judgment authorizing the owner to deduct these amounts from assessments payable to the association. The act authorizes an owner to provide to a buyer under contract to purchase the owner's property an affidavit stating that the owner has requested the information and that the association did not timely provide the information. The act also provides that in such a case the buyer is not liable to the association for any unpaid amounts or debt that accrued before the affidavit was prepared and that an association's lien to secure amounts due on the owner's property are automatically terminated on the date the affidavit was prepared.

SENATE BILL 496

EFFECTIVE: See below

SENATE AUTHOR: Harris

HOUSE SPONSOR: Brimer

Senate Bill 496 amends the Property Code to increase the maximum size of an urban homestead from 1 to 10 acres, to authorize the use of an urban homestead as both a home and a place of business, and, if the homestead comprises more than one lot, to require the lots to be contiguous. The act specifies that to be considered urban the homestead must be located within a municipality or its extraterritorial jurisdiction and must have certain protection and utility services available at the location. The act provides that certain state law provisions relating to limits on the amount of homestead property exempt from seizure prevail over conflicting federal law to the extent allowed under federal law. Finally, the act specifically exempts Texas homesteads from the doctrine or rule prohibiting the extension of an existing lien on part of a homestead to another part of the homestead not charged with the debts secured by the existing lien.

Provisions relating to conflicts with federal law take effect on voter approval of Senate Joint Resolution 22. Provisions relating to location of and services to an urban homestead and the doctrine prohibiting the extension of an existing lien to another part of the homestead not pledged as security take effect September 1, 1999. Provisions relating to an increase in the size of an urban homestead take effect January 1, 2000, contingent on voter approval of the constitutional amendment proposed by Senate Joint Resolution 22, increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead.

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SENATE BILL 867

EFFECTIVE: 9-1-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Capelo

Senate Bill 867 amends the Government Code to require the Office of Colonia Initiatives to establish a program to guarantee loans made by private lenders to convert a contract for deed into a warranty deed. The office is directed to make agreements with private lenders that will issue loans for contract conversions under the guarantee of the Texas Department of Housing and Community Affairs. The act establishes guidelines for the implementation of the program and provides certain criteria for the use of funds to guarantee loans.

SENATE BILL 896

EFFECTIVE: 8-30-99

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Carter

Senate Bill 896 amends the Local Government Code to allow a municipality to reimburse a developer for 30 percent of the total cost for public improvements and 100 percent of the cost for oversizing any facilities.

SENATE BILL 1013

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Carter

Senate Bill 1013 amends the Local Government Code to modify the definition of “residential development” to include any affordable housing project, whether in one or in multiple locations.

SENATE BILL 1323

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Hilderbran

Senate Bill 1323 amends the Local Government Code to authorize a municipality or county commissioners court to require a plat application for a subdivision for which groundwater is to be the sole source of water supply to include a statement prepared by a registered engineer that certifies that adequate groundwater is available for the subdivision. The act requires the Texas Natural Resource Conservation Commission to establish the appropriate form and content of such certifications.

SENATE BILL 1509

EFFECTIVE: 5-20-99

SENATE AUTHOR: Truan et al.

HOUSE SPONSOR: B. Turner

Senate Bill 1509 amends the Natural Resources Code to allow the Veterans’ Land Board to set rules regarding the number of tracts that a veteran may purchase and the number of loans that a veteran may receive. The act limits the total home mortgage loan amount per veteran to the maximum level set by the United States Department of Veterans Affairs.

SENATE BILL 1553

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Thompson

Senate Bill 1553 conforms the Texas Probate Code to the homestead liability laws enacted by the 75th Texas Legislature, Regular Session, 1997, relating to the use of homestead property to secure debts.

SENATE BILL 1742

EFFECTIVE: 9-1-99

SENATE AUTHOR: Harris

HOUSE SPONSOR: Pitts

Senate Bill 1742 amends the Property Code to authorize a trustee under a deed of trust, contract lien, or security instrument who is named in a suit or proceeding to plead that the trustee is not a necessary party to the suit and to be dismissed from the suit under certain circumstances. The dismissal of the trustee may not prejudice a party’s right to seek injunctive

relief to prevent the trustee from proceeding with a foreclosure sale. The act also prohibits a trustee from being liable for a good faith error resulting from the trustee's reliance on information provided by the mortgagor or mortgagee or their attorneys, agents, or representatives.

SENATE JOINT RESOLUTION 22
FOR ELECTION: 11-2-99

SENATE AUTHOR: Harris
HOUSE SPONSOR: Brimer

Senate Joint Resolution 22 proposes a constitutional amendment to increase the maximum size of an urban homestead from 1 to 10 acres, provided that, if a homestead consists of more than one lot, all of the property is contiguous, and to authorize the use of an urban homestead as both a home and a place of business. The resolution also provides that an existing lien against part of a homestead does not extend to another part of the homestead not pledged as security for a lien.

PROPERTY TAXATION

HOUSE BILL 51

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Cuellar et al.

SENATE SPONSOR: Gallegos

House Bill 51 amends the Tax Code to allow taxing units to accept services performed by taxpayers 65 years of age and older in lieu of property taxes due on individual homesteads and to allow school districts to accept teaching service in junior high and high school from qualified individuals in lieu of either residential or business property taxes. The act requires the taxing unit's governing board or the district's board of trustees to determine the number of individuals or business entities who will be allowed to substitute service for payment of taxes, the maximum number of service hours an elderly homeowner may be allowed to perform or the courses a qualified individual may teach, respectively, and the amount of tax credit an individual or the individual's employer may earn for the service rendered. In either case, the service must be performed under a contract, executed before any taxes become delinquent, that specifies the nature of the service to be performed, the terms and conditions under which the homeowner or business receives a given amount of credit against taxes due for the service performed, provisions for terminating the agreement, and the taxpayer's liability for penalties and interest on any unpaid taxes that become delinquent. The act provides that the individual performing this service is not entitled to any employee benefits or to any indemnification from the taxing unit or school district for injury or damage sustained or liability incurred as a result of the service.

House Bill 51 amends the Education Code to have the school finance formula for determining each school district's Tier 2 allotment from the Foundation School Program reflect the substitution of tax credits earned for taxes that otherwise would have been collected.

HOUSE BILL 79

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Gallego et al.

SENATE SPONSOR: Cain

House Bill 79 amends the Tax Code to modify provisions relating to eligibility to serve on an appraisal review board (ARB). In counties with a population greater than 100,000, former board members, officers, and employees of an appraisal district may not serve on the ARB, and former officers or board members of a taxing unit for which the appraisal district appraises property may not serve on an ARB until four years after they leave the positions. For the same counties, former taxing unit employees generally are no longer ineligible, but the act prohibits service by anyone who has ever appeared before the ARB for compensation or anyone who has served on the ARB for all or part of three previous terms.

In other counties, the act prohibits anyone from serving all or a portion of four consecutive terms.

HOUSE BILL 541

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Barrientos

House Bill 541 amends the Tax Code to provide a property tax exemption to certain nonprofit charitable associations that assist ambulatory health care centers involved in indigent health care. To be eligible, an association or the ambulatory health care centers it serves must be funded wholly or partly by a grant under the federal Public Health Service Act and must not perform abortions, provide abortion referrals, or give assistance to ambulatory health care centers that do. Performance of incidental noncharitable functions by the association or incidental use of the property by other parties does not disqualify the association from exemption entitlement.

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HOUSE BILL 834

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Eiland

SENATE SPONSOR: Jackson

The Tax Code includes a special eligibility provision for service on the board of directors of an appraisal district in a county with a population of 200,000 or greater that borders the Gulf of Mexico and also borders a county with a population of 2,000,000 or greater. House Bill 834 repeals the provision and places board eligibility in such a county on the same basis as in other counties.

HOUSE BILL 873

EFFECTIVE: 5-18-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Lindsay

Current law provides that the property tax exemption for religious organizations extends to certain incomplete improvements that are under active construction or other physical preparation and the land on which those incomplete improvements are located. House Bill 873 amends the Tax Code to increase from two to three years the maximum duration of the exemption on incomplete improvements and associated land. It establishes similar three-year exemptions for qualifying charitable organizations, youth development associations, schools, nonprofit water supply or wastewater service corporations, veterans' organizations, women's clubs, private enterprise demonstration associations, theater schools, community service clubs, medical center developments, scientific research corporations, the Nature Conservancy of Texas, and the Texas Congress of Parents and Teachers.

HOUSE BILL 954

EFFECTIVE: See below

HOUSE AUTHOR: Uher et al.

SENATE SPONSOR: Armbrister

Property tax law requires that if a taxing unit proposes a tax rate that, applied to the preceding year's tax base, yields a tax levy greater than the preceding year's levy on the same property, the taxing unit must give notice to taxpayers and hold a public hearing on the matter. House Bill 954 amends the Tax Code to make the notice and hearing contingent instead on whether the proposed tax rate exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate. A taxing unit whose tax rate is set by law or by the electorate must reduce its tax rate to the lower of those levels and may not adopt a higher rate except by compliance with the hearing requirement. The act makes changes to related notice provisions and adds a supplemental Internet hearing notice requirement for taxing units that have a website and are required to hold a tax rate hearing. The Internet provision takes effect January 1, 2001. The remainder of the act takes effect January 1, 2000.

HOUSE BILL 958

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hope

SENATE SPONSOR: D. Nixon

Land that qualifies for timberland appraisal under property tax law is subject to an additional tax and interest if the use of the land changes. House Bill 958 amends the Tax Code to provide that those sanctions do not apply if the land is transferred to the state or to a political subdivision for a public purpose.

HOUSE BILL 1037

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Junell et al.

SENATE SPONSOR: Fraser

House Bill 1037 relates to property that overlaps county boundaries, sometimes producing property tax appraisal and exemption treatment differences between appraisal districts. Legislation from 1997 established a system whereby differing appraisals were averaged and the

average value could be protested through the appraisal review board process. This act amends the Tax Code to reverse that change, eliminate the averaging system, and return to pre-1997 language providing simply that chief appraisers coordinate their appraisal activities to the extent practicable so as to encourage and facilitate appraisal of overlapping property at the same value. The act also eliminates a 1997 provision requiring, for such properties, that a residence homestead exemption or elderly and disabled homestead exemption approved by one chief appraiser be honored by other chief appraisers.

HOUSE BILL 1346
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Salinas et al.
SENATE SPONSOR: Zaffirini

State law establishes procedures by which voters may petition for an election to authorize a junior college district branch campus maintenance tax. House Bill 1346 amends the Education Code to authorize the governing body of a county with a population of 150,000 or less, on completion of a needs assessment analysis and approval by the Texas Higher Education Coordinating Board, to propose such a tax election independently without resort to the petition process.

HOUSE BILL 1520
EFFECTIVE: 5-28-99

HOUSE AUTHOR: Junell et al.
SENATE SPONSOR: Wentworth

House Bill 1520 adds a Tax Code section to provide a simplified tax rate notice for taxing units with low tax levies. It applies to taxing units for which the total proposed tax rate is 50 cents or less per \$100 of taxable value and that would impose taxes of \$500,000 or less. The act sets out information that must be specified in notices mailed to property owners or published in a general circulation newspaper, including the proposed tax rate and the date, time, and place of the governing body meeting at which the proposal would be considered. It exempts the taxing units from requirements to give notice on such specifics as fund balances, schedule of debt obligations, and the calculation of effective and rollback tax rates. The taxing unit may not adopt a rate higher than that specified in the notice unless it repeats the simplified notice or holds a public hearing on the increase.

HOUSE BILL 1552
EFFECTIVE: 1-1-00

HOUSE AUTHOR: Craddick et al.
SENATE SPONSOR: J. E. Brown

House Bill 1552 affects a pool or unitized mineral interest that is appraised for property tax purposes by multiple appraisal districts. It amends the Tax Code to provide that if the mineral interest is produced at one or more production sites in a single county, the appraisal review board (ARB) in that county must determine any appraisal value protest before another ARB may hold a protest hearing. If the mineral interest is produced at two or more production sites in multiple counties, and at least two-thirds of the interest is located in the county of one of the appraisal districts, that appraisal district's ARB must determine any protest before another ARB may hold a protest hearing. Any ARB determination contrary to this procedure is void.

HOUSE BILL 1604
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson
SENATE SPONSOR: R. Ellis

House Bill 1604 amends the Tax Code to authorize sale of property seized by a taxing unit for foreclosure of a tax lien to a qualified religious organization for less than the tax warrant amount or fair market value if a sufficient bid is not otherwise obtained. The act allows the taxing unit to waive penalties and interest on delinquent taxes for property acquired by such an organization and repeals the 1997 deadline for late application for a religious organization

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exemption. Other provisions affect municipal tax sales. Current law gives a city discretion in the manner of sale for tax lien foreclosure properties that are sold to certain nonprofit organizations. The act applies such discretion to certain land seizures and allows similar discretion for sales to local tax-exempt religious organizations that have entered into a land revitalization agreement with the city.

HOUSE BILL 1978

EFFECTIVE: See below

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

House Bill 1978 amends Tax Code provisions relating to the property tax exemption of charitable organizations that provide support to the elderly. The act specifies that the exemption encompasses the provision of recreational or social activities and facilities that address the special needs of the elderly. It also relaxes the requirements for an exemption enabling the organization to engage in other activities supportive of or related to the specified charitable functions. The act takes effect January 1, 2000, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 4.

HOUSE BILL 2075

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Cain

The Tax Code requires taxing units to give notice of public hearings on proposed tax rates. The Education Code requires school districts to give public notice of budget meetings, and it allows them to include the notice required by the Tax Code in the same notice. House Bill 2075 amends the Education Code to require a school district to post a single notice of its budget meeting and its proposed tax rate and specifies the information that must be included in the notice and the size and format in which the information must be presented.

Information about the budget meeting must include the name of the district; the specific date, time, and location of the meeting; the purpose of meeting; and a statement that public participation is invited. Tax rate information must show detailed comparisons of the proposed, effective, and previous year's tax rates for maintenance and operation (M&O) and debt service (I&S) and the combined M&O and I&S rates; an explanation of the various rates; and local and state per-pupil revenue raised by each rate. The act also requires the notice to include a comparison of the effect of previous and proposed rates on the average residence showing average market values and taxable values, the taxes due on the average residence, and the net year-to-year change. Other information required by the act includes content about homestead exemptions for elderly homeowners, the rollback rate, and unencumbered district fund balances.

House Bill 2075 entitles a district property owner injunctive relief against the district's collection of taxes on the property if the district fails to comply with the notice provisions above. The act also amends the Tax Code to make conforming changes.

HOUSE BILL 2220

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: J. E. Brown

Under previous law, a collector of property taxes, before issuing a refund for overpayment or erroneous payment, had to obtain approval from the refunding taxing unit's governing body if the amount exceeded \$500. House Bill 2220 amends the Tax Code to allow approval alternatively by the governing body of a taxing unit that collects for another taxing unit. It raises the approval threshold amount to \$2,500 for a refund to be paid by a county with a population of 2.8 million or more and makes related changes to specify when refund liability arises for such a county.

HOUSE BILL 2269
EFFECTIVE: 1-1-00

HOUSE AUTHOR: Hamric et al.
SENATE SPONSOR: Barrientos

House Bill 2269 amends the Tax Code to provide a property tax exemption for certain organizations that provide housing on a cooperative basis to students of an institution of higher education. To qualify, an organization must meet certain openness standards with respect to student membership, must be listed as a tax-exempt entity under specified provisions of the federal tax code, and must be governed by its members, who must share responsibility for managing the housing.

HOUSE BILL 2684
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Coleman
SENATE SPONSOR: Gallegos

House Bill 2684 revises the Tax Increment Financing Act to amend and clarify the powers of a reinvestment zone board, including the scope of municipal powers that a board may exercise, and to address the powers and obligations of local governments that create, support, or are affected by such a zone. It allows a taxing unit other than a school district to offer a tax abatement to a property owner in a tax increment reinvestment zone, regardless of whether the taxing unit contributes to the tax increment fund. The zone board, however, must approve the abatement agreement, as must all other taxing units that are fund contributors. A minor change relates to tax increment support of affordable housing and is specific to reinvestment zones in a county with a population of 2.1 million or more. Other provisions make certain amendments to a zone project plan or financing plan, as well as contributions of tax increments from zone expansion areas, inapplicable to a participant school district unless the district gives its approval. The legislation amends the Government Code to revise the determination of taxable value in a reinvestment zone for purposes of the comptroller's study of school district property values. Amendments to the Texas Transportation Corporation Act affect local government corporations created under that act and concern their involvement in reinvestment zone management, their approval of bylaws and articles of incorporation, eligibility for and service as corporation directors, and other matters.

HOUSE BILL 2821
EFFECTIVE: 9-1-99

HOUSE AUTHOR: McCall
SENATE SPONSOR: Cain

House Bill 2821 amends the Tax Code to provide that a division of responsibilities between a charitable organization and another organization under common control does not disqualify the organizations or their property from property tax exemption if the collaboration furthers the provision of charitable functions and if the collaborative entity is a federally qualified nonprofit organization and meets state law criteria as a charitable organization.

HOUSE BILL 3197
EFFECTIVE: See below

HOUSE AUTHOR: Ramsay
SENATE SPONSOR: Bernsen

House Bill 3197 amends the Tax Code to revise and establish certain standard terminology applicable to the property taxation of manufactured housing inventories. In addition, it revises provisions relating to prepayment of taxes by manufactured housing retailers to eliminate liability for penalties and interest in certain cases of tax delinquency. The terminology changes take effect January 1, 2000. The other changes take effect September 1, 1999.

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HOUSE BILL 3549

EFFECTIVE: See below

House Bill 3549 amends various codes and statutes to address matters of administration and collection relating to property taxes and standby fees. The act provides that a residence homestead exemption for the elderly or disabled takes effect on January 1 of the tax year in which the property owner qualifies for the exemption, rather than the date of qualification. It applies the full exemption to multiple residents of a homestead if any of them qualifies during the tax year. Other major topics include tax delinquencies and penalties, tax liens, tax sales and redemptions, and property tax treatment of installment contracts. The act sets procedures for a purchaser's withholding of unpaid property tax amounts when buying a business, business interest, or business inventory. It makes corrective and clarifying changes and codifies certain case law rulings. Specified provisions take effect September 1, 1999. Most provisions take effect January 1, 2000.

HOUSE AUTHOR: Heflin

SENATE SPONSOR: Wentworth

HOUSE BILL 3616

EFFECTIVE: 6-19-99

House Bill 3616 amends the Tax Code to provide that certain petitions appealing an appraisal review board decision to district court may be amended to correct or change the name of a party, or may be amended, not later than the 120th day before the trial date, to identify or describe the property.

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: J. E. Brown

HOUSE JOINT RESOLUTION 4

FOR ELECTION: 11-2-99

House Joint Resolution 4 proposes a state constitutional amendment to modify a property tax exemption relating to institutions of public charity, to remove a requirement that they be institutions of purely public charity, and to require instead that they be engaged primarily in public charitable functions, including auxiliary activities supportive of those functions. A conforming change provides that a small business incubator follows the new, less restrictive requirement. If voters approve the amendment, it takes effect January 1, 2000.

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

SENATE BILL 307

EFFECTIVE: 9-1-99

Senate Bill 307 amends the Tax Code to revise language on the exterior of mailed property tax bills, relating to the instruction for the post office's return of undeliverable letters.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hodge

SENATE BILL 337

EFFECTIVE: 9-1-99

Senate Bill 337 amends the Tax Code to require the clerk of the court to send a notice to the former owner of property that has been sold after the foreclosure of a tax lien if the amount of the proceeds from the sale exceeds \$25. The notice must state the amount of the excess proceeds and inform the former owner of the property of the person's right to collect the excess proceeds. The act decreases from seven to two the number of years the court clerk is required to hold the excess proceeds from a property tax sale if there is no court order.

SENATE AUTHOR: Madla

HOUSE SPONSOR: Siebert

SENATE BILL 435

EFFECTIVE: 6-19-99

Senate Bill 435 amends the Tax Code to move from April 30 to June 30 the deadline for a taxing unit to adopt an optional residence homestead exemption applicable to property taxes.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hartnett

SENATE BILL 446

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hodge

Senate Bill 446 amends the Tax Code to specify procedures relating to applications for refunds of excess or erroneous property tax payments. A taxpayer may apply by filing a form prescribed by the comptroller or by written request including information sufficient to determine refund entitlement. The collector for a taxing unit must provide a copy of the application form on request, at no charge. If a refund requires approval by a taxing unit's governing body, the collector is responsible for indicating approval or disapproval. No signature from the governing body's presiding officer is necessary.

SENATE BILL 521

EFFECTIVE: 6-18-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: T. King

Senate Bill 521 amends property tax provisions of the Tax Code to repeal a requirement that a chief appraiser report to the comptroller when a heavy equipment dealer fails to file an inventory declaration form or reports minimal sales of heavy equipment. It also repeals requirements that the comptroller supply to appraisal districts certain information relating to agricultural-use appraisal of property. The act amends the Government Code to eliminate a requirement that the comptroller notify the commissioner of education of the property values specified by those protesting findings in the comptroller's annual school district property value study.

SENATE BILL 694

EFFECTIVE: 1-1-00

SENATE AUTHOR: Cain

HOUSE SPONSOR: Jim Solis

Senate Bill 694 amends the Tax Code to provide that the May 15 notices from a chief appraiser to property owners be in the form of a letter. For taxpayers whose appraised value (1) has increased, (2) exceeds the rendered value, or (3) concerns property not previously on the appraisal roll, the act requires that the associated notice be clear and understandable. For the same notice, it repeals certain printing specifications and eliminates the inclusion of information about effective tax rates, tax rate adoption hearings, and the distinction between complaints about tax rates and complaints about appraised property value. The notice must include the tax amount that would be imposed on the property under the preceding year's tax rate.

SENATE BILL 779

EFFECTIVE: 6-18-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Siebert

Senate Bill 779 amends the Tax Code to authorize a collector and payer of property taxes to enter into a written agreement for tax payment by electronic funds transfer. It requires that a taxing unit waive penalties and interest on a delinquent tax, for such taxpayers, in cases in which a transmission error causes the delinquency and the tax is thereafter paid by a specified deadline.

SENATE BILL 868

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Hochberg

The Government Code requires the comptroller of public accounts to conduct an annual study of school district property values using comparable sales and generally accepted auditing and sampling techniques, or estimated market values, to determine the total taxable value of property in each school district for school funding purposes. The Tax Code limits increases in appraised value of residential property to no more than 10 percent per year when the market

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value of property, as determined by the appraisal district, increases by more than that amount. Senate Bill 868 amends the Government Code to require the comptroller, in determining school district taxable property values, to subtract from the market value of property in a district, whether determined by the appraisal district or estimated by the comptroller if the comptroller determines that the appraisal district's values are not valid, the amount by which the market value, minus any exemptions and exclusions allowed by law, exceeds the appraised value.

SENATE BILL 953

EFFECTIVE: 8-30-99

SENATE AUTHOR: G. Luna

HOUSE SPONSOR: Juan Solis

Senate Bill 953 amends the Tax Code to establish a mechanism, applicable to delinquent tax suits, to enable a taxing unit to seek to vacate a judgment in its own favor. A petition to vacate may be filed for failure to adequately describe the property that is the subject of the suit or failure to serve or join a person or taxing unit needed for just adjudication. The act requires the taxing unit to file the petition in the same court and under the same cause number as the tax suit. It prohibits filing after a tax sale unless a court has vacated the sale or the property was sold to the taxing unit and not resold. Vacating a judgment revives the suit.

SENATE BILL 977

EFFECTIVE: See below

SENATE AUTHOR: Ratliff et al.

HOUSE SPONSOR: Sadler et al.

Senate Bill 977 adopts a new Tax Code subchapter providing for appraisal of restricted-use timberland. Appraisal is at half the value that would result from normal timberland appraisal. Eligible property includes timberland in an aesthetic management zone, critical wildlife habitat zone, or streamside management zone. The Texas Forest Service director has final authority to determine if land fits in those categories. Eligible property also includes land from which timber was harvested while subject to normal timberland appraisal, which is then regenerated for future timber production. For such land, restricted-use appraisal lasts until the tenth anniversary of the harvest, although the land thereafter may still qualify for such appraisal based on its location in any of the enumerated zones. The act addresses owner applications, tax status changes and use conversions, penalties, and other administrative matters. It exempts from property taxation implements used in timber operations, as well as harvested timber that is held by the producer on property owned by the producer and from which the harvest occurred. The act exempts from sales and use taxation certain items and services, including commercial tree seedlings and gas and electricity used in timber operations. For some items, the exemption takes full effect in 2008 and is a partial exemption, gradually increasing, until then. The act exempts from motor vehicle taxation machines, trailers, and semitrailers used in such operations. Various sections of the legislation have different effective dates.

SENATE BILL 1097

EFFECTIVE: 9-1-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: McReynolds

Senate Bill 1097 amends Tax Code provisions relating to appraisal review board hearings to entitle the state or a political subdivision to representation, and to notice of the hearing, if a protest or challenge involves a taxable leasehold or other possessory interest in real property that it owns. The attorney general or a representative of the state agency that owns the property may appear and offer evidence and argument on behalf of the state. A political subdivision may designate a person to appear on its behalf. A state or political subdivision is similarly entitled to intervene in an appeal of an appraisal review board order involving a taxable leasehold or other possessory interest in real property that it owns.

SENATE BILL 1118

EFFECTIVE: 1-1-00

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Olivo

Senate Bill 1118 amends the Tax Code to change the deadline for adoption by a taxing unit of its property tax rate and to modify rate determination if a taxing unit does not meet the deadline. Under the act, adoption must occur by the later of September 30 or the 60th day after the date the taxing unit receives the certified appraisal roll. If the deadline is not met, the tax rate for the current tax year is the lower of the effective tax rate for that year or the adopted tax rate for the preceding year.

SENATE BILL 1209

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Williams

Senate Bill 1209 authorizes written agreements between chief appraisers and property owners allowing them to communicate electronically on property matters. An agreement must specify the medium, the type of communication covered, and protective security measures. The electronic option applies to most notices, excluding certain notices for which certified mail is required, and to renditions, application forms, and completed applications.

SENATE BILL 1254

EFFECTIVE: 6-18-99

SENATE AUTHOR: Nelson

HOUSE SPONSOR: G. Lewis

Senate Bill 1254 amends the Tax Code to establish a uniform filing deadline for late applications for the property tax exemption for a charitable organization, veteran's organization, religious organization, or school. The deadline is December 31 of the fifth year after the year in which the taxes for which the exemption is claimed were imposed. The act repeals related provisions that prohibited new filings of this nature.

SENATE BILL 1359

EFFECTIVE: See below

SENATE AUTHOR: Harris

HOUSE SPONSOR: T. King

Senate Bill 1359 amends the Tax Code to direct the comptroller to prescribe a standard form for use by a property owner who offers an affidavit in lieu of appearing before an appraisal review board. Use of the form is not mandatory, but an affidavit must include the property owner's name, a description of the property that is the subject of the protest, and evidence or argument. The affidavit provisions take effect January 1, 2000. Certain corrective and conforming changes relating to review board informational notices and rendition statements take effect September 1, 1999.

SENATE BILL 1435

EFFECTIVE: 1-1-00

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: Allen

Senate Bill 1435 amends Tax Code provisions relating to property taxation of a dealer's heavy equipment inventory, the market value for which is determined from annual sales figures. It clarifies that the inventory includes items that are leased or rented with an option to purchase, that a sale is consummated when possession of an item is transferred from the dealer to the purchaser, and that the sales price for a purchase option item includes the total amount of lease or rental payments plus any final consideration, excluding interest.

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SENATE BILL 1464

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Y. Davis

Senate Bill 1464 amends property tax provisions of the Tax Code to provide that if real property is appraised by a method that takes into account the value of associated furniture, fixtures, and equipment, those items shall not be subject to additional appraisal or taxation as personal property.

SENATE BILL 1641

EFFECTIVE: 1-1-00

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: T. King

Senate Bill 1641 amends the Tax Code to require use of comparable sales data for property tax appraisal purposes if the chief appraiser uses the market data comparison method of appraisal. Under previous law, such use was not fully mandatory.

SENATE JOINT RESOLUTION 21

FOR ELECTION: 11-2-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hamric et al.

Senate Joint Resolution 21 proposes a state constitutional amendment authorizing the legislature by statute to exempt from property taxation a leased motor vehicle that is not held primarily for the production of income by the lessee. The amendment allows the legislature to place limitations on the authority of a political subdivision to override such an exemption locally.

PUBLIC LANDS

HOUSE BILL 1363

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Armbrister

House Bill 1363 transfers certain property from the Texas Department of Criminal Justice to Karnes County. The act sets forth terms under which the grantees must use the land, legal descriptions of the property, and the date by which the transfer must occur. The land conveyed to Karnes County must be used for a purpose that benefits the public interest of the state, and the property reverts to the department if it is not expressly used in such a manner.

HOUSE BILL 1494

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Alexander

SENATE SPONSOR: D. Nixon

House Bill 1494 authorizes the School Land Board to sell certain mineral rights to tracts in the E. B. LaRue, Jr. Survey in Henderson County to a qualified applicant if the board determines that the sale is in the best interests of the permanent school fund.

HOUSE BILL 1840

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Uher et al.

SENATE SPONSOR: J. E. Brown

House Bill 1840 authorizes the board of regents of The University of Texas System to acquire certain property in Harris County for campus expansion and other university purposes.

HOUSE BILL 2019

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Staples

SENATE SPONSOR: D. Nixon

House Bill 2019 authorizes the Texas Department of Mental Health and Mental Retardation to convey certain property and improvements on the property to the City of Rusk. The act requires the General Land Office to determine the fair market value of the property, requires proceeds from the sale to be deposited in the Texas capital trust fund, and establishes that proceeds and any interest from the proceeds may be appropriated only for improvements to department facilities. The act requires the General Land Office to reserve ownership of all oil, gas, and mineral rights associated with the property, including the right to grant oil, gas, and mineral leases.

HOUSE BILL 2147

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Flores

SENATE SPONSOR: Shapleigh

House Bill 2147 amends the Natural Resources Code to require the General Land Office's asset management division to provide the Texas Department of Housing and Community Affairs with an appraisal of state-owned properties that have been identified as unused or substantially underused. The department is authorized to make recommendations to the General Services Commission on the suitability of the property for use as affordable housing.

HOUSE BILL 2162

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Barrientos

House Bill 2162 adds provisions to the Natural Resources Code relating to notice and hearing requirements for the preparation of a development plan by the asset management division of the General Land Office for state-owned or state-controlled land that is to be sold or leased for nongovernmental purposes. The act requires the division to notify and provide

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certain information to the local government to which the development plan will be submitted and authorizes the local government to request a public hearing. The division must hold a public hearing to solicit public comment on request of the local government, and the land commissioner may request a public hearing on the plan independent of the local government.

House Bill 2162 establishes certain public notice requirements and timelines, lists what information may be presented at the public hearing by the division, local government, and other interested persons, and requires the division to provide the land commissioner with certain information presented at the hearing and received through public comment. The act requires the land commissioner to review the information and authorizes the commissioner to instruct the division to incorporate the information in preparing the development plan. Finally, the act establishes that the division may, at the direction of the land commissioner, revise a development plan to conserve and enhance the value and marketability of the property if the division does not receive a bid or auction solicitation for the property.

HOUSE BILL 2735

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Dukes

SENATE SPONSOR: Barrientos

House Bill 2735 amends the Government Code to establish the terms and conditions under which the General Services Commission may enter into joint use agreements, or grant either a permanent or temporary franchise or license over and on the land of a state agency, for a project administered by the commission.

HOUSE BILL 3001

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hartnett

SENATE SPONSOR: Cain

House Bill 3001 amends the Texas Trust Code to provide that a community trust, with court approval, may transfer the assets of the trust to a nonprofit corporation and terminate the trust under certain circumstances. The act requires the nonprofit corporation to be organized under the Texas Non-Profit Corporation Act and for the same purpose as the community trust for the transfer of assets to occur. The act specifies the contents of the required notices to settlors, trustees, and the public regarding a hearing on the petition.

SENATE BILL 199

EFFECTIVE: 6-19-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Naishtat

Senate Bill 199 amends the Health and Safety Code to authorize the Texas Department of Mental Health and Mental Retardation (MHMR) to grant either temporary or permanent easements or rights-of-way on land held by MHMR on terms and conditions that it considers to be in the state's best interest. The act also authorizes MHMR to enter into a written agreement with the General Land Office to administer lease proposals. If the office administers such proposals, it must publish notice in accordance with certain provisions of the Natural Resources Code.

In addition, Senate Bill 199 repeals provisions of the Health and Safety Code relating to construction of facilities by MHMR; funding by MHMR for facility renovation and priorities for such funding; terms of construction or renovation agreements; and certain activities relating to community centers, including construction, renovation, transfer of title, release of lien, default, and use of state funds.

SENATE BILL 396**EFFECTIVE:** 6-19-99**SENATE AUTHOR:** Moncrief et al.**HOUSE SPONSOR:** Naishtat

Senate Bill 396 authorizes the Texas Department of Mental Health and Mental Retardation to convey certain property and improvements to the West Texas Centers for Mental Health and Mental Retardation to be used as a facility to provide community-based mental health and mental retardation services. The act requires the instrument of conveyance to indicate that ownership of the property automatically reverts to the department if not used for such purposes for more than 180 continuous days and that reservations contained in the deed for the land on record in Howard County are binding on the conveyee.

SENATE BILL 463**EFFECTIVE:** 6-18-99**SENATE AUTHOR:** Ogden**HOUSE SPONSOR:** D. Ellis

Senate Bill 463 requires the Texas Department of Criminal Justice to transfer, by January 31, 2000, certain property to Walker and Mitchell counties to be used only for a purpose that benefits the public interest of the state. The act requires the instrument of transfer to indicate that, if the property is not used for such purposes, the county is required to sell the property and forward the proceeds of the sale to the department. If the property is sold, it must be sold for fair market value and in accordance with certain provisions, and the department must deposit sale proceeds in the Texas capital trust fund.

SENATE BILL 872**EFFECTIVE:** 9-1-99**SENATE AUTHOR:** J. E. Brown**HOUSE SPONSOR:** Krusee

Senate Bill 872 amends provisions of the Parks and Wildlife Code to expand the type of land that the Texas Parks and Wildlife Department may lease, sell, exchange, solicit, or receive to include land for public facilities. The act also allows the department to lease land or improvements to a nonprofit organization and removes certain requirements for prior approval by the governor or attorney general for land exchanges.

SENATE BILL 1289**EFFECTIVE:** 5-29-99**SENATE AUTHOR:** Zaffirini**HOUSE SPONSOR:** Cuellar

Senate Bill 1289 amends the Local Government Code, the Education Code, and the Development Corporation Act to authorize a political subdivision, public junior college, public junior college district, or economic development corporation to donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education for less than fair market value if the transaction promotes the public purpose of that institution.

SENATE BILL 1446**EFFECTIVE:** 8-30-99**SENATE AUTHOR:** Barrientos et al.**HOUSE SPONSOR:** Maxey et al.

Senate Bill 1446 authorizes the General Services Commission to transfer the state's interest in certain property to the City of Austin. The transfer may be by warranty deed only, is subject to the approval of the Legislative Budget Board and the Office of the Governor, and must be for cash consideration in an amount that is not less than the fair market value as established by an independent appraisal. Proceeds from the transfer must be deposited in the state treasury and may be used by the General Services Commission only for deposit into the interest and sinking fund of the outstanding bonds related to the property.

Public Lands

SENATE BILL 1569

EFFECTIVE: 6-19-99

SENATE AUTHOR: R. West

HOUSE SPONSOR: Rangel

Senate Bill 1569 amends the Government Code to exempt classroom and instructional space for public colleges and universities from provisions that assign authority to lease space for state agencies to the General Services Commission. The act prohibits public colleges and universities from leasing classroom and instructional space unless the portion of the building to be used meets applicable state standards and specifications for accessibility by persons with disabilities. The act allows those institutions to lease space through competitive bidding or competitive sealed proposals or to negotiate for such space if competition is not available.

PUBLIC OFFICIALS AND EMPLOYEES

HOUSE BILL 243

EFFECTIVE: 6-19-99

House Bill 243 amends the Government Code to expand the list of people who may administer oaths to include peace officers when performing their official duties for matters pertaining to those duties.

HOUSE AUTHOR: G. West

SENATE SPONSOR: Gallegos

HOUSE BILL 351

EFFECTIVE: 9-1-99

House Bill 351 adds provisions to the Local Government Code relating to the civil liability of a county tax assessor-collector. The act authorizes the comptroller to conduct an audit of documents that relate to an assessor-collector's administration of public funds within two years after that official's term of office ends. House Bill 351 prohibits a civil cause of action from being filed against an assessor-collector whose term of office has not been subject to an audit if the action is commenced later than four years after that official's term of office ends. In addition, if an audit is conducted, a civil action may not be commenced later than four years after the date of the audit.

HOUSE AUTHOR: Denny et al.

SENATE SPONSOR: R. Ellis

HOUSE BILL 362

EFFECTIVE: 6-19-99

House Bill 362 amends the Texas Employees Uniform Group Insurance Benefits Act to provide that public community or junior college employees who are hired after August 31, 1999, and who are employed primarily to perform services outside the state are not eligible to participate in group health insurance programs offered to state employees unless the college elects to permit those employees to participate.

HOUSE AUTHOR: Hupp

SENATE SPONSOR: Fraser

HOUSE BILL 542

EFFECTIVE: 6-19-99

House Bill 542 amends the Insurance Code to repeal the requirement that members of the board of the Texas Workers' Compensation Insurance Fund be policyholders of the fund or officers or employees of policyholders. The act also eliminates the requirement that the initial appointees to the board be employers in this state.

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Fraser

HOUSE BILL 1078

EFFECTIVE: 9-1-99

House Bill 1078 amends the Local Government Code to provide for the full restoration of benefits, including sick leave, vacation leave, and other compensation, to a firefighter or police officer on reinstatement to a position after the successful appeal of a disciplinary suspension.

HOUSE AUTHOR: Jim Solis et al.

SENATE SPONSOR: Madla

HOUSE BILL 1274

EFFECTIVE: 5-29-99

House Bill 1274 amends the Government Code to include a judge or clerk of a municipal court among the persons authorized to administer an oath or give a certificate of fact in this state. An oath administered or a certificate of fact given by a judge or clerk of a municipal court must pertain to a duty of the court.

HOUSE AUTHOR: Tillery

SENATE SPONSOR: Carona

Public Officials and Employees

HOUSE BILL 2314

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: D. Nixon

House Bill 2314 amends the Local Government Code to provide that a person appointed as a director of a firefighters' and police officers' civil service in a municipality with a population of less than 1.5 million is exempt from the local residency requirement.

HOUSE BILL 2877

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey

SENATE SPONSOR: Ratliff

House Bill 2877 amends the Government Code and the Texas Employees Uniform Group Insurance Benefits Act to establish that a person who separates from state service and receives a cash payment under an incentive program implemented by the Texas Department of Human Services or the Texas Department of Health for certain employees whose positions are eliminated as a result of privatization or other reductions in services provided by the agencies is entitled to receive state contributions required to provide health coverage under the program. The act adds requirements relating to temporary service retirement options for public retirement system members affected by privatization or other reductions in the workforce.

The act establishes requirements authorizing a health and human services agency, with the approval of the Health and Human Services Commission, or any state agency that administers employment services programs, to lease or sublease office space under certain circumstances to certain private service entities and to assume a lease from an integrated enrollment services initiative contractor or subcontractor for the purpose of implementing the initiative at certain centers.

HOUSE BILL 2930

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Walker

SENATE SPONSOR: Duncan

House Bill 2930 amends the Government Code to provide that certain prohibitions against nepotism do not apply to the appointment or employment of a person by a municipality that has a population of less than 200.

HOUSE BILL 3178

EFFECTIVE: 9-1-99

HOUSE AUTHOR: G. Lewis

SENATE SPONSOR: Shapleigh

House Bill 3178 amends the Texas State College and University Employees Uniform Insurance Benefits Act to modify the definitions of "employee" and "retired employee" to include stricter requirements relating to duration and terms of employment to qualify for coverage under that Act.

House Bill 3178 also deletes references to certain institutions that previously had elected to withdraw from the insurance programs provided under the Act, removes certain restrictions on the selection of health maintenance organizations, specifically provides that a self-insurance plan is not governed by state insurance laws, and removes certain restrictions on the development of cafeteria plans. The act authorizes an institution to provide members and retirees with a plan description as an alternative to providing a certificate of insurance, allows employees to provide electronic authorizations for certain payroll deductions, and authorizes certain surviving spouses to elect to retain their coverage, as well as coverage for dependents, at the group rate for employees.

HOUSE BILL 3458

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Madla

House Bill 3458 amends the Tax Code and Local Government Code to require that the performance bond posted by a county tax assessor-collector or county treasurer be posted before assumption of the duties of the office. Previous law required posting within 20 days of the notice of election or appointment, in the case of a county tax assessor-collector, or within 20 days of receipt of the certificate of election, in the case of a county treasurer.

HOUSE BILL 3790

EFFECTIVE: 5-24-99

HOUSE AUTHOR: McClendon

SENATE SPONSOR: Madla

House Bill 3790 amends the Local Government Code to provide that an employee of a public housing authority is eligible to receive public housing assistance if the employee qualifies for assistance under the program.

HOUSE BILL 3836

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Truitt

SENATE SPONSOR: Harris

House Bill 3836 amends provisions of the Local Government Code relating to the removal proceedings for members of the governing body of a general-law municipality. The act requires that a petition for removal from office be addressed to the district judge and filed in the district court. The act also expands the grounds for removal, defines residency requirements for a citizen to be eligible to file a petition, and lists specific conditions for inclusion in the petition. The person filing the petition is required to apply for an order requiring a citation of the officer and to execute a bond to be used for damages if the grounds for removal are unfounded. The act includes requirements relating to the conduct of the proceedings for a trial and authorizes either party to appeal the final judgment to the court of appeals. Conviction of an officer by a petit jury constitutes an immediate removal from office.

SENATE BILL 204

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Allen

Senate Bill 204 amends the Government Code to include a county officer or employee among the county officials who may receive reduced airline fares through the General Services Commission's contract for travel expenses. The fees collected by the commission must be deposited to the credit of the county airline fares account in the general revenue fund.

SENATE BILL 1351

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Greenberg et al.

Under federal law, dependent children of state employees are ineligible for participation in the federally funded Children's Health Insurance Program (CHIP). Senate Bill 1351 amends the Texas Employees Uniform Group Insurance Benefits Act to require the Employees Retirement System of Texas, subject to the General Appropriations Act and beginning on September 1, 2000, to fund 80 percent of the cost of basic coverage for dependent children of state employees who would otherwise be eligible for CHIP coverage. The act requires covered state employees to notify employees of their potential eligibility and establishes application, eligibility screening, and enrollment requirements for the program. The act also authorizes the state to contribute more than 80 percent of the cost of dependent coverage if funds are available.

Public Officials and Employees

SENATE BILL 1354
EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos
HOUSE SPONSOR: Greenberg

Senate Bill 1354 amends the Government Code to provide that employees of the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired are eligible for longevity pay for each month that they are in full-time paid status on the first day the school has work scheduled for them.

SENATE JOINT RESOLUTION 26
FOR ELECTION: 11-2-99

SENATE AUTHOR: Ratliff et al.
HOUSE SPONSOR: Krusee

Senate Joint Resolution 26 proposes a state constitutional amendment to remove a prohibition on compensation of state employees with respect to service on school boards or the governing bodies of cities or local governmental districts.

RETIREMENT SYSTEMS AND BENEFITS

HOUSE BILL 264

EFFECTIVE: 5-21-99

HOUSE AUTHOR: Hochberg

SENATE SPONSOR: Cain

House Bill 264 amends the Government Code to authorize a retired member of the Employees Retirement System of Texas who is receiving an optional service or disability retirement annuity to change the designated beneficiary under certain conditions.

HOUSE BILL 986

EFFECTIVE: 5-10-99

HOUSE AUTHOR: Williams

SENATE SPONSOR: Ogden

House Bill 986 amends the Government Code to allow a member of the Texas County and District Retirement System to retire and receive a retirement annuity from one participating subdivision and immediately begin employment with another participating subdivision. The act prohibits the use of service time and contributions under the new employment to determine eligibility for or the amount of the original retirement annuity.

HOUSE BILL 1173

EFFECTIVE: 11-1-99

HOUSE AUTHOR: Yarbrough

SENATE SPONSOR: J. E. Brown

House Bill 1173 amends provisions relating to administration of, membership in, and benefits of a firefighters' relief and retirement fund in certain municipalities. The act requires the municipality to allow employees who are members of the fund's board of trustees to attend all meetings, educational workshops, and legislative hearings consistent with their duties. The act requires the trustees to notify the municipality of their required attendance, prohibits the municipality from reducing or withholding wages for such attendance, and authorizes the fund's board to reimburse the municipality for costs incurred for allowing the trustees' attendance. The act authorizes the board to purchase a life insurance policy to cover lump-sum death benefits that may become payable to a member's eligible survivor or estate and authorizes the fund to pay for meetings to communicate benefits information to retired members, their spouses, and eligible survivors.

House Bill 1173 extends from five to seven years the maximum period of participation in a deferred retirement option plan (DROP) during which payroll deductions may be credited to a member's DROP account and requires the board to pay an annual supplemental benefit to certain retired members and eligible survivors and an additional \$4,000 lump-sum retirement or death benefit under certain circumstances. The act specifies that the presumption that certain conditions have caused an on-duty disability may be rebutted only by clear and convincing evidence and requires that an actuary make certain determinations relating to the effect of certain benefit increases on the fund's ability to pay existing benefits and that the State Pension Review Board approve such a determination before the benefits may be increased.

HOUSE BILL 1207

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Barrientos

House Bill 1207 amends provisions relating to benefits and administration of retirement systems for firefighters in certain municipalities. The act prohibits an agreement between a public employer and an association from superseding or preempting any applicable provision of law or from changing any statutory right, benefit, privilege, or obligation. The act requires that amounts credited monthly to a member's deferred retirement option plan (DROP) account

Retirement Systems and Benefits

be increased in accordance with any benefit formula increases that occur between the time the member elects to participate in the DROP and the member's retirement. The act extends eligibility for participation in the DROP to certain surviving spouses or dependent children of firefighters who were eligible for service retirement but who did not establish an account and died before retiring, and establishes provisions for computing the amounts of lump-sum payments for such participation. The act eliminates the requirement that cost-of-living adjustments that are one-half of one percent or less of a retiree's benefits be approved by a vote of the board of trustees, but such adjustments require only that the board receive an actuarial statement that the adjustment would not adversely affect the fund's stability.

HOUSE BILL 1697

EFFECTIVE: 10-1-99

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Barrientos

House Bill 1697 amends provisions relating to eligibility and benefits under public retirement systems for employees of certain municipalities. The act authorizes the board to remove a member for malfeasance by a vote of six members; requires a vacancy in the board in a position held by an active-contributory or a retired member to be filled by a vote of the active-contributory or retired members, as appropriate, at a special election; requires the board to adopt rules relating to information that accompanies certain reports; and authorizes the board to approve a lump-sum additional benefit payment and to increase benefits provided that an actuarial study indicates that the increase will not make the fund financially unsound and is consistent with the law.

The act increases the multiplier for service annuities, eliminates two annuity payment options, provides for an adjustment of annuity payments under certain annuity options on the death of a beneficiary, reduces the creditable service requirement for a member to receive disability retirement benefits for an injury sustained outside the member's employment from 10 to 5 years, requires that the retirement allowance of a retired member be suspended if the member is employed by the municipality for at least six months of a year and works more than 29 hours per week, and removes the authority of a member on an authorized leave of absence, other than absence for military service to make deposits to the retirement system. Finally, the act provides for participation by the system's members in the proportionate retirement program.

HOUSE BILL 1739

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Shapleigh

House Bill 1739 amends the Texas Statewide Emergency Services Retirement Act for volunteers and minimally paid workers to ensure that the retirement system's fund qualifies as a 401 retirement plan under the Internal Revenue Code and clarifies that the normal retirement age is 55 or when a member completes 15 years of service. The act authorizes the fund's trustees to adopt rules relating to providing an increase in disability benefits and to the timing of contributions. Departments sending delinquent contributions will be charged interest. The act provides for penalties, including the interruption of benefit payments, for a member who fails to provide certain information upon request.

House Bill 1739 requires a local board of trustees to file an annual report with the pension commissioner and provides administrative penalties for failing to do so.

House Bill 1739 also amends the Government Code to include the Texas Statewide Emergency Services Retirement Fund in a group of agencies permitted to reinvest certain investment proceeds rather than deposit them in the state treasury.

HOUSE BILL 1999

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Telford

SENATE SPONSOR: Armbrister

House Bill 1999 amends the Government Code to require a community supervision and corrections department to contract for all employee benefits with any one county served by the department, not necessarily the most populous one. The act authorizes the district judge or judges for the department's district to designate the county and prohibits the judge or judges from changing the designation more than once every 10 years.

HOUSE BILL 2152

EFFECTIVE: 12-31-99

HOUSE AUTHOR: P. King et al.

SENATE SPONSOR: Shapiro

House Bill 2152 amends the Government Code to authorize a retiring member of the Texas County and District Retirement System to apply for a partial lump-sum distribution of the member's service retirement annuity. The act sets forth the requirements for a subdivision to participate in the lump-sum distribution program and specifies the circumstances under which a lump-sum distribution may be distributed to an alternate payee under a qualified domestic relations order.

HOUSE BILL 2434

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: Moncrief

House Bill 2434 amends the Development Corporation Act of 1979 to authorize certain development corporations created by political subdivisions to extend insurance and certain benefits, including retirement benefits, to the corporation's directors, employees, and their dependents, with the consent of the political subdivision.

HOUSE BILL 2522

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Lindsay

House Bill 2522 amends the Texas Local Fire Fighters Retirement Act to authorize the chairman and vice chairman of the board of a local fire fighters' retirement system to swear witnesses for the purpose of taking testimony before the board and to authorize the board to issue a subpoena to require the attendance of a witness or the production of documents for a proceeding before the board. The act also authorizes the fire fighters' pension commissioner to issue a subpoena to require the production of documents necessary to determine a local board's compliance with that statute, requires the attorney general to represent the commissioner in its enforcement, and allows the attorney general to take certain actions to compel compliance with its provisions. Finally, the act allows a retirement system's board of trustees to pay from the system's fund all costs reasonably and lawfully incurred by the system and the costs of actual expenses incurred by board members in their official capacities, and it deletes a provision relating to payments for additional expenses approved at an election by the system's member.

HOUSE BILL 3008

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg

SENATE SPONSOR: Barrientos

House Bill 3008 amends the Government Code to authorize members of the Employees Retirement System of Texas (ERS) who have at least five years of ERS service credit and who are employees of the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired to purchase up to 10 years of ERS service credit for prior service with an out-of-state school system. The act establishes requirements for contributions to establish such credit.

HOUSE BILL 3089

EFFECTIVE: 5-29-99

HOUSE AUTHOR: Woolley

SENATE SPONSOR: J. E. Brown

House Bill 3089 amends the Insurance Code to authorize the Employees Retirement System of Texas (ERS) and the Teacher Retirement System of Texas (TRS) to establish group long-term care insurance programs to provide coverage for members, retirees, and their spouses, parents, and grandparents. The act authorizes the systems' trustees to select firms to administer the programs and authorizes an institution of higher education to elect to join the long-term care insurance programs offered by ERS or TRS. Program participants are responsible for premiums and other costs, and the state may not contribute any part of the premiums for such coverage.

HOUSE BILL 3377

EFFECTIVE: 9-1-99

HOUSE AUTHOR: S. Turner

SENATE SPONSOR: Gallegos

House Bill 3377 consolidates and updates provisions of existing law concerning public retirement systems for police officers in municipalities with populations of 1.5 million or more. The act provides for certain new and enhanced retirement benefits and authorizes service under another retirement system within the same city to count toward eligibility for retirement under the police retirement system. The act calls for a one-time election by system members and retirees to determine who is eligible to be and vote for a member of the board of trustees.

HOUSE BILL 3531

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Gallegos

House Bill 3531 amends provisions relating to membership and credit in and benefits and administration of retirement systems for municipal officers and employees of cities with a population of 1.5 million or more. The act allows persons drawing pensions from another pension plan to which the city contributes to become members of the municipal retirement system and allows members of the municipal retirement system who are in positions covered by another retirement system to which the city contributes but have not yet received retirement benefits from the municipal system to elect to change their membership to the other retirement system. The act also creates a new class of membership in the municipal pension plan for executive officials that provides those officials with twice the number of actual years of credited services for the purpose of establishing eligibility for retirement and provides that the board of the municipal pension plan may establish a voluntary proportionate retirement program with certain municipal firefighters or police officers retirement systems.

HOUSE BILL 3532

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Coleman

SENATE SPONSOR: Gallegos

House Bill 3532 amends provisions concerning participation in, administration of, and benefits from municipal retirement systems in cities with populations of 1.5 million or more. The act sets forth new terms for selection of benefit plans by new, current, and returning employees and elected officials, expands eligibility for retirement and disability pensions, and increases benefit multipliers and level of benefits for retirees and survivors, respectively. The act also modifies eligibility for and terms of participation in the deferred retirement option plan (DROP), increases both the amount of military service credit a member may purchase and the time allowed to complete payment for such credit purchases, and allows a supplemental payment to retirees, survivors, and DROP participants in certain circumstances. The act phases in increases in benefit multipliers, which become effective September 1, 1999, August 1, 2000, and August 1, 2001.

HOUSE BILL 3642

EFFECTIVE: 9-1-99

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Lucio

House Bill 3642 amends the Government Code to provide that the interest on a member's account in the Teacher Retirement System of Texas (TRS) is earned monthly and that, if a person's membership in the retirement system ends during a fiscal year, the interest is computed based on the mean balance in the account from the beginning of the fiscal year through either the last day of the month preceding termination or the date of the member's retirement. The act also prohibits requiring a sworn affidavit from a member filing a waiver of benefits as a condition for receiving the accumulated contributions and requires TRS to track, compile, and report statistics on the processing of applications for refunds of contributions in individual members' accounts.

HOUSE BILL 3660

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Maxey et al.

SENATE SPONSOR: Barrientos

House Bill 3660 amends the Government Code to authorize certified career and technology education teachers with at least five years of membership service credit in the Teacher Retirement System of Texas to purchase service credit for one or two years of previous work experience that is required for certification in a career or technological field. The act establishes the contributions necessary to purchase such service credit.

HOUSE BILL 3773

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Greenberg et al.

SENATE SPONSOR: Barrientos

House Bill 3773 amends provisions relating to credit in and administration of retirement systems for police officers in municipalities with a population of more than 460,000 but less than 500,000. The act removes two civilian positions and adds one elected police officer position and one elected retired police officer position on the system's board. The act also prohibits a member from receiving service credit in the local retirement system for military service for which the member is receiving or is eligible to receive federal retirement payments or for which the member has received credit in any other public retirement system under the laws of this state. Finally, the act provides that eligibility for the retroactive deferred retirement option plan is based on 25 years of creditable service, excluding any military service established as credited service in the retirement system.

SENATE BILL 429

EFFECTIVE: 9-1-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Greenberg

Senate Bill 429 amends provisions relating to credit in and administration of retirement systems for police officers in municipalities with a population of more than 460,000 but less than 500,000. The act removes two civilian positions and adds one elected police officer position and one elected retired police officer position on the system's board. The act prohibits a member from receiving service credit in the local retirement system for military service for which the member is receiving or is eligible to receive federal retirement payments or for which the member has received credit in any other public retirement system under the laws of this state. Finally, the act provides that eligibility for the retroactive deferred retirement option plan is based on 25 years of creditable service, excluding any military service established as credited service in the retirement system.

Retirement Systems and Benefits

SENATE BILL 454

EFFECTIVE: 10-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Puente et al.

Senate Bill 454 amends provisions relating to the powers and authority of the board of trustees of a firefighters' and police officers' retiree health care fund in certain municipalities with a population of 750,000 or more that have adopted The Fire and Police Employee Relations Act. The act authorizes the board to contract with a municipality or other entity for certain administrative services, requires the board to take action necessary to protect the tax-exempt status of contributions to and benefits from the plan, and authorizes the board to purchase liability insurance or to otherwise indemnify a trustee, officer, or employee for certain liability expenses. The act also requires the board to hold a runoff election if no candidate receives a majority of the votes cast for a trustee position in certain circumstances, specifies that five trustees constitute a quorum of the board, reduces the maximum number of trustees that may be appointed to a board committee from five to four, and authorizes permanent or standing committees to be appointed.

SENATE BILL 455

EFFECTIVE: 10-1-99

SENATE AUTHOR: Madla

HOUSE SPONSOR: Puente

Senate Bill 455 amends provisions relating to benefits and administration of the retirement system for firefighters and police officers in municipalities with a population between 750,000 and 1 million. The act increases the multiplier for retirement annuities, increases all monthly pensions to retirees who retired before October 1, 1989, increases the amount that may be included in a BackDROP lump-sum payment, and increases death benefit annuities for surviving spouses and dependent children. The act also provides for the payment of death benefits to a retiree's estate for retirees with no beneficiaries.

Senate Bill 455 provides that assets of the retirement fund are exempt from attachment, execution, alienation, and forced sale and that the board of the retirement system may indemnify a trustee, officer, or employee for liability, damages, and reasonable legal expenses resulting from certain acts. The act also requires members, retirees, and beneficiaries to provide bank information to the board for the purpose of disbursing benefits by electronic transfer.

SENATE BILL 574

EFFECTIVE: 12-31-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Kuempel

Senate Bill 574 amends the Government Code to make changes to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System. The act creates new benefit payment options for beneficiaries of vested members and disability retirees and allows the designation of a person other than a member's spouse as a beneficiary. The act also authorizes the system to pay the balance of 60 monthly annuity payments to the beneficiary of a disability retiree if the retiree dies before 60 payments have been made.

Senate Bill 574 requires the system to pay a lump sum rather than an annuity to certain retirees with account balances of less than \$5,000 and increases the amount a retiree can receive as a partial lump-sum distribution from one-half to three-fourths of the amount of the contributions and interest in the member's account. The act authorizes an adjustment in the amount of annuity payments when a retiree is awarded all retirement benefits in a divorce and provides for prorated interest to apply to a member's account in the year of retirement when retirement occurs on a date other than December 31.

Senate Bill 574 also authorizes the board to adopt rules relating to the electronic filing of documents with the retirement system and requires the system, with certain exceptions, to make payments by electronic funds transfer to annuitants whose first payment occurs after January 1, 2000.

SENATE BILL 1128

EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Greenberg et al.

Senate Bill 1128 amends provisions relating to service credit, changes in beneficiaries, annuity amounts, and new programs administered by the Teacher Retirement System of Texas (TRS). The act requires TRS to contract to provide optional permanent life insurance, long-term health care insurance, and disability insurance to members. The act requires bidding for such contracts to be competitive, authorizes TRS to adopt rules relating to criteria for determining qualified carriers, and creates the school district employees and retirees optional insurance trust fund for the purpose of funding these programs. The full cost of premiums in such plans is to be paid entirely by the enrollees.

Senate Bill 1128 also increases the standard service retirement annuity from two percent to 2.2 percent, expands the annuity payment options for beneficiaries of certain disability retirees, creates a partial lump-sum distribution option for certain members, and permits a member to discontinue participation in the deferred retirement option plan. The act authorizes, subject to Internal Revenue Service plan qualification guidelines, that certain retirees who return to work as classroom teachers on as much as a full-time basis in an acute shortage area in which they are certified may not have their monthly benefit payments withheld. The act also provides that a beneficiary is eligible to receive a lump-sum death benefit payment of \$160,000 if the member dies as a result of an on-duty physical assault.

Senate Bill 1128 prohibits a member from purchasing more than five years of permissive service credit for nonqualified service, including military service or certain service for a different political subdivision, and requires the member to have at least five years of membership service credit before purchasing service credit for nonqualified service. The act also prohibits a member from establishing service credit for any period when the member was participating in the optional retirement program, allows a member of the retirement system who has terminated employment to reinstate certain service credit, and authorizes the board to enter into a reciprocal agreement with another state or territory for the transfer of a member's contributions made in that state or territory to TRS.

The act grants TRS the authority to select financial institutions other than a custodian of TRS securities to lend the securities and clarifies the definition of "securities" in relation to the board's investment of retirement system assets. The act also specifies certain information about member positions to be acquired at least annually and maintained by TRS and specifies the type of nonprofit association for which a retiree may have membership dues withheld from a monthly annuity payment. Finally, the act requires school districts to submit reports about health insurance coverage to TRS every two years, rather than annually, and changes the deadlines for submission of the reports.

SENATE BILL 1129

EFFECTIVE: See below

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Kuempel

Senate Bill 1129 amends the Government Code to revise provisions relating to credit in, contributions to, and benefits and administration of the Texas County and District Retirement System. The act establishes provisions relating to termination of coverage, discontinuation of

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participation, and allocation of assets in the retirement system when a subdivision has elected to discontinue enrolling new members or when there is a significant reduction in the number of contributing members. The act also allows a subdivision to elect to waive certain ceilings on employer contribution rates, grants the board of the retirement system increased flexibility in the terms of notes or bonds issued by the system, authorizes the board to adopt rules relating to the electronic transfer of funds and the electronic filing of documents and required reports, and imposes a penalty on a subdivision for late contributions or for failing to provide certain information to the retirement system by the due date.

Senate Bill 1129 removes the contribution requirement for establishing service credit for legislative or military service, authorizes certain retirees to revoke the designation of a beneficiary in the case of a divorce, and requires that a member submit an application for retirement on or before, rather than at least 15 days before, the member's effective retirement date. The act authorizes the governing bodies of certain subdivisions to reduce from 10 to 8 years the minimum credited service requirement for eligibility to establish credit for prior military service. The act also limits to 24 months the amount of time a person can be disabled, not working, and not contributing to the supplemental death benefit program and still be covered by the extended supplemental death benefit program.

The act takes effect December 31, 1999, except for sections relating to reinstatement to the system as a result of a court judgment, the assumption of obligations of one subdivision by another, and certain eligibility requirements for the survivor annuity death benefits program, which take effect September 1, 1999.

SENATE BILL 1130

EFFECTIVE: See below

SENATE AUTHOR: Armbrister et al.

HOUSE SPONSOR: Greenberg et al.

Senate Bill 1130 amends provisions relating to administration and benefits of, membership in, and investment of the assets of the Employees Retirement System of Texas (ERS). The act provides for annuity increases for retirees, effective January 1, 2000, of between one and 54 percent. The act also authorizes ERS members to use credit for annual leave accumulated and unused to fulfill service requirements for retirement, requires ERS to consider up to five years of service for a Texas governmental employer as service credit for the purpose of eligibility for service retirement, and provides that certain peace officer members may retire with full retirement benefits under the "rule of 80." The act deletes the involvement of the Texas Department of Insurance in the selection of insurance carriers and exempts the ERS from certain purchasing requirements of the General Services Commission.

The act takes effect September 1, 1999, except for provisions relating to accelerated life insurance benefits and increases in retiree annuities, which take effect January 1, 2000.

SENATE BILL 1664

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Haggerty

Senate Bill 1664 amends the Government Code to authorize a person who is involuntarily transferred from a position included in a municipal retirement system that does not participate in a statewide retirement system to a position included in the coverage of one that does may elect to continue membership in the original municipal retirement system. The act also provides that an election by the governing body of a public retirement system to participate in the proportionate retirement program does not require the approval of the system's members.

STATE TAXES AND TAX ADMINISTRATION

HOUSE BILL 579

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Krusee et al.

SENATE SPONSOR: Wentworth

House Bill 579 amends the Tax Code to obligate sellers of boats or boat motors who collect sales and use taxes to remit any such tax by the statutory due date. If the buyer pays the tax and the seller fails to remit the tax on time, the buyer may still obtain a certificate of title or certificate of number by submitting proof of payment when applying for the certificate. The act directs the comptroller to adopt rules establishing the method of proof required.

HOUSE BILL 652

EFFECTIVE: 7-1-99

HOUSE AUTHOR: Berman

SENATE SPONSOR: Ratliff

House Bill 652 amends the Limited Sales, Excise, and Use Tax Act to provide a sales and use tax exemption for an adjustable eating utensil used to facilitate independent eating by a person, including a burn victim, stroke victim, or an elderly or physically disabled person, who does not have full use or control of his or her hands or arms.

HOUSE BILL 871

EFFECTIVE: 7-1-99

HOUSE AUTHOR: Goodman

SENATE SPONSOR: Harris

House Bill 871 amends the Tax Code to exempt from sales and use taxes the sale of an animal by a nonprofit animal shelter. The acceptance of an adoption fee is included within the exemption.

HOUSE BILL 1014

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Lucio

House Bill 1014 amends the Tax Code to clarify municipal hotel occupancy tax exemptions, extending them to certain public and private institutions of higher education and to charitable corporations and associations that are organized exclusively for the cleaning of beaches. It allows a home-rule city with a population of greater than 250,000, bordering the Gulf of Mexico, to use all or a part of its municipal hotel occupancy tax revenue to clean and maintain city beaches. Revenue from the state hotel occupancy tax, in an amount equal to one percent of taxable lodging, may be used for similar purposes by a general-law city with a population of less than 5,000 bordering the Gulf of Mexico and within 30 miles of Mexico. The act directs the comptroller to compute and forward the applicable state tax amount on a quarterly basis.

HOUSE BILL 1655

EFFECTIVE: 6-19-99

HOUSE AUTHOR: V. Luna et al.

SENATE SPONSOR: Truan

With exceptions, the maximum tax rate for a municipal hotel occupancy tax is seven percent of the lodging cost. House Bill 1655 amends the Tax Code to establish a nine percent maximum for a city bordering the Gulf of Mexico with a population of more than 250,000. The act segregates the extra two percent for certain revenue allocation and accounting purposes and authorizes it to be spent only for land acquisition and other specified activities associated with a municipally owned convention center. A city affected by the act, however, may use all or any tax proceeds from hotels that were previously subject to a county hotel occupancy tax to clean and maintain city beaches.

HOUSE BILL 2067

EFFECTIVE: 1-1-00

HOUSE AUTHOR: Marchant

SENATE SPONSOR: Fraser

House Bill 2067 repeals a franchise tax section of the Tax Code providing that interest and dividends received by a bank or savings and loan association are to be considered gross receipts from business done in this state if the bank or savings and loan association has its commercial domicile in this state. The effect is to count interest and dividends of those entities as gross receipts for franchise tax purposes in the same manner as those of other corporations. Other provisions concern the exemption of banks and savings and loan associations from franchise tax laws relating to the forfeiture of corporate privileges and the forfeiture of a corporate charter or certificate of authority. The act changes the forfeiture exemptions to apply only to banks and savings and loan associations that are organized under Texas laws and that have their main offices in this state and provides for certain conservator appointments in the case of delinquent taxes.

HOUSE BILL 2104

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Bivins

House Bill 2104 amends Tax Code provisions relating to the temporary severance tax exemption for two-year inactive wells to extend a pair of deadlines by 10 years. Applications for two-year inactive well certification may be submitted until August 31, 2009, and the Railroad Commission of Texas may designate wells as two-year inactive wells until February 28, 2010.

HOUSE BILL 2140

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Williams et al.

SENATE SPONSOR: Carona

House Bill 2140 amends the Tax Code to increase from \$15 to \$90 the use tax per vehicle imposed on a new Texas resident who brings into the state a motor vehicle that he or she has registered previously in another state or a foreign country. The act applies the same use tax to a new resident who brings in a leased vehicle.

HOUSE BILL 2146

EFFECTIVE: 7-1-99

HOUSE AUTHOR: Allen

SENATE SPONSOR: Harris

The Limited Sales, Excise, and Use Tax Act exempts from sales and use taxes food, candy, chewing gum, and toys and other playthings that are sold through coin-operated vending machines and cost 25 cents or less. House Bill 2146 expands the exemption by increasing the maximum cost to 50 cents.

HOUSE BILL 2406

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Madla

House Bill 2406 relates to the sales and use tax exemption for items exported outside the United States. It amends the Limited Sales, Excise, and Use Tax Act to provide that a retailer in a county bordering Mexico who receives customs broker export documentation may not refund previously paid tax before the 24th hour after the hour stated as the time of export on the documentation. A retailer in a county that does not border Mexico may not refund the tax before the seventh day after the day stated on the documentation. A retailer who makes a refund prematurely or without proper documentation is liable for the amount of the refunded tax, plus interest.

HOUSE BILL 2574

EFFECTIVE: 6-19-99

House Bill 2574 amends Tax Code provisions relating to the property taxation of business aircraft, excluding commercial aircraft. For a taxable business aircraft used continually outside the state, whether regularly or irregularly, the act directs the appraisal district to allocate to Texas the portion of the fair market value that fairly reflects its use in this state. The allocable portion is presumed to be the fair market value of the aircraft multiplied by the percentage of its total departures that originate from a Texas location. The year preceding the tax year is the period from which the departure percentage calculation is made.

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: J. E. Brown

HOUSE BILL 2615

EFFECTIVE: 8-30-99

House Bill 2615 amends severance tax exemption provisions of the Tax Code to extend qualification for the high-cost gas incentive program by 8 years and for the two-year inactive well incentive program by 10 years. The spudding or completion deadline for eligibility under the first program becomes September 1, 2010. For the second program, applications may be submitted until August 31, 2009, and the Railroad Commission of Texas may designate wells until February 28, 2010.

HOUSE AUTHOR: Counts et al.

SENATE SPONSOR: J. E. Brown

HOUSE BILL 2844

EFFECTIVE: 9-1-99

Under the Tax Code, municipal hotel occupancy tax revenue may be used for the construction of convention center facilities. House Bill 2844 clarifies the definition of such facilities to mean those that are used primarily to host conventions and meetings. However, it does not affect the use of tax revenue for a convention center complex or minor league baseball stadium that was under construction on the act's effective date. Other amendments affect a city with a population of 440,000, located in a county with a population of one million or more, that has adopted a capital improvement plan for the expansion of a convention center facility. The amendments authorize city involvement in a nearby hotel and the use of municipal hotel occupancy tax revenue for such purposes, including the repayment of associated bonds and obligations.

HOUSE AUTHOR: Brimer

SENATE SPONSOR: Moncrief

HOUSE BILL 2858

EFFECTIVE: 6-19-99

State law exempts telecommunications services from sales and use taxes within transit and transportation taxing entities but authorizes local repeal of certain of those exemptions. House Bill 2858 amends the Tax Code to prohibit repeal of such an exemption by a metropolitan rapid transit authority unless the repeal is first approved by a majority of the governing body of each city that created the authority. Reinstatement of a repealed exemption must likewise be approved by each of those cities.

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Wentworth

HOUSE BILL 3033

EFFECTIVE: 6-19-99

House Bill 3033 amends the Tax Code to provide that the confidential motor vehicle inventory declaration and motor vehicle inventory tax statement filed by a motor vehicle dealer with the chief appraiser and county tax assessor-collector may be disclosed to the Texas Department of Transportation for use in auditing legal compliance of its licensees. The act clarifies, for declaration filing purposes, the date that a dealer is presumed to have commenced business.

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Carona

HOUSE BILL 3034

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Sibley

House Bill 3034 amends the Property Redevelopment and Tax Abatement Act to provide that a taxing unit that is eligible to enter into a municipal tax abatement agreement or municipal voluntary cleanup agreement is not required to adopt the same agreement terms as the city that initiates the agreement. However, certain agreement requirements and discretionary provisions apply. The act also gives a county commissioners court the option of making a county abatement agreement applicable to a taxing unit whose property tax rate must be approved, or whose property taxes must be levied, by the county commissioners court. Former law made a county abatement agreement applicable to such a taxing unit in all cases.

HOUSE BILL 3159

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Oliveira

SENATE SPONSOR: Armbrister

House Bill 3159 amends the Tax Code to provide a diesel fuel tax exemption for commercial buses and other commercial motor vehicles that transport passengers for compensation on a fixed route or schedule. However, amendments to the Transportation Code impose a school fund benefit fee, equal to one-fourth the diesel fuel tax rate, on the same commercial motor vehicles. Diesel fuel sales to political subdivisions do not qualify for the tax exemption and are not subject to the fee.

HOUSE BILL 3460

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Wentworth

House Bill 3460 applies to park and recreation districts in counties with frontage on both the Guadalupe River and the Comal River. It prohibits rental of water-oriented recreational equipment to anyone younger than 18 and requires each user of the equipment age 18 or older to sign a rental agreement. The agreement must list each person who is going to use the equipment, regardless of age. The act also revises taxes applicable to various recreational activities within a district. Recreationists pay a \$1 tax apiece per day for shuttle service for river ingress and egress or for rental of water-oriented recreational equipment for river use. They pay a five percent tax for various other rentals and services costing \$1 or more per day, except that short-term hotel occupancy costing \$2 or more per day remains taxable at four percent.

HOUSE BILL 3600

EFFECTIVE: 9-1-99

HOUSE AUTHOR: McClendon et al.

SENATE SPONSOR: R. West

House Bill 3600 amends the Tax Code to apply cigarette taxes and cigarette stamp requirements to imports of 200 or fewer cigarettes from a foreign country. Previously, imports of quantities below this threshold were exempt from taxes.

HOUSE BILL 3623

EFFECTIVE: See below

HOUSE AUTHOR: Hilbert

SENATE SPONSOR: Ratliff

House Bill 3623 amends the Tax Code to exempt surveying of real property from sales and use taxation if that service is purchased by a property owner as part of certain residential improvements. The exemption takes effect October 1, 1999. It expires, and taxation is restored, effective October 1, 2001.

HOUSE BILL 3794

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Zbranek

SENATE SPONSOR: Bernsen

House Bill 3794 amends the Tax Code to limit the county hotel occupancy tax to three percent in a county that borders the Gulf of Mexico, adjoins the state's most populous county, and has a population of less than 40,000. The act authorizes tax imposition by such a county on hotels subject to a municipal hotel occupancy tax.

SENATE BILL 290

EFFECTIVE: 3-11-99

SENATE AUTHOR: J. E. Brown et al.

HOUSE SPONSOR: Craddick et al.

Senate Bill 290 amends the Tax Code to provide temporary severance tax relief for marginal oil and natural gas wells when market energy prices are low. The act applies to oil and gas production for February through July 1999. Qualifying oil leases and gas wells are those whose production from October and December 1998 was no more than 15 barrels of oil per day per well or 90 thousand cubic feet of gas per day per well, excluding any flared amount. The Railroad Commission of Texas is responsible for certifying which leases and wells qualify. For those qualifying, a tax exemption is triggered if the comptroller certifies that the monthly average closing price of West Texas intermediate crude is below \$15 per barrel, or the monthly average closing price of gas is below \$1.80 per million Btu, for the three months preceding the month of production. The applicable price is that of the New York Mercantile Exchange. The temporary exemption expires September 1, 1999, or when the state has waived \$45 million in total oil and gas severance taxes, whichever occurs first. Any taxes paid on exempt oil or gas entitle a payer, on application, to a subsequent tax credit.

SENATE BILL 329

EFFECTIVE: 9-1-01

SENATE AUTHOR: Haywood

HOUSE SPONSOR: Keffer

Senate Bill 329 applies to distributors who remit gasoline taxes to the state, suppliers and bonded users who remit diesel fuel taxes, interstate truckers who remit either, and operators who remit oil or gas severance taxes. The act repeals Tax Code provisions requiring the payment of certain estimated taxes on or before August 15 of odd-numbered years and removes associated penalty provisions.

SENATE BILL 441

EFFECTIVE: See below

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: McCall et al.

Senate Bill 441 makes changes to the Tax Code relating to tax exemptions and credits. The act exempts from sales and use taxation blood glucose monitoring strips and certain over-the-counter drugs and medication, exempts Internet access service in an amount not to exceed the first \$25 of a monthly charge, and exempts 20 percent of the value of data processing services and information services. It establishes a three-day exemption for purchases of certain clothing and footwear, starting on the first Friday of each August. Beginning in 2000, a local taxing authority may repeal the local tax portion of the clothing and footwear exemption. The act establishes repeal and tax reinstatement procedures for this and any other sales and use tax exemptions for which state law allows local repeal.

Franchise tax provisions expand the exemption for small corporations to include those whose gross receipts total less than \$150,000. The comptroller may require such a corporation to file an abbreviated information report but may not require it to report or compute its earned surplus or taxable capital.

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New code subchapters provide franchise tax credits for research and development, job creation, qualified capital investments, contributions to school-age child care, and day care provision to a corporation's employees. The first three credits expire at the end of 2009, and the maximum credit for the three is 50 percent of the tax due. A corporation is eligible for the research and development credit or job creation credit, but not both, and similarly may receive only the capital investment credit or an enterprise zone franchise tax reduction. The research and development credit is doubled for research and development in a strategic investment area, defined to include counties with high unemployment and low per-capita income and certain federally designated communities. The job creation credit applies to activity in certain locations, including strategic investment areas, by qualified businesses, in specified industries, that meet wage, group health benefit, and other criteria. Corporations that transfer jobs only intrastate do not qualify. The capital investment credit applies to certain investments of \$500,000 or more by corporations meeting wage, group health benefit, and other criteria.

New reporting and informational requirements are imposed on the comptroller relating to exemptions and credits contained in the act.

Clothing and footwear provisions take effect June 3, 1999. Franchise tax provisions, except for those related to the comptroller's report on the small corporation exemption expansion, take effect January 1, 2000. The exemptions on glucose strips and over-the-counter drugs and medications take effect April 1, 2000. The remainder of the act takes effect October 1, 1999.

SENATE BILL 613
EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: McCall

Senate Bill 613 amends the Limited Sales, Excise, and Use Tax Act to provide that confidentiality provisions relating to tax information do not apply to material required to be furnished under that act by a governmental body. Amendments to other Tax Code provisions declare similarly that tax information confidentiality does not apply to information obtained by the comptroller or attorney general during an examination of a governmental body. However, information that is confidential when held by the governmental body remains confidential when held by the comptroller or attorney general. The legislation authorizes officials of other states and the federal government to examine otherwise confidential motor fuel tax information from a taxpayer under certain circumstances. It amends the Government Code to establish, for officials of the comptroller's office, an affirmative defense to prosecution for disclosure of confidential information where those officials relied on a confidentiality determination made by a state agency.

SENATE BILL 843
EFFECTIVE: 5-29-99

SENATE AUTHOR: Carona
HOUSE SPONSOR: Hill

Under the Municipal Sales and Use Tax Act, the comptroller on request must supply a city with a population of less than 50,000 with information on the amount of municipal sales and use taxes paid to the city by businesses that annually remit state and local sales tax payments of more than \$100,000. Senate Bill 843 expands this entitlement by amending the threshold to encompass cities having a population of not more than 275,000.

SENATE BILL 1122
EFFECTIVE: 9-1-99

SENATE AUTHOR: Armbrister
HOUSE SPONSOR: Kuempel

Senate Bill 1122 amends the Tax Code to prohibit the affixation of tax stamps to cigarette packages that are labeled for export, have been imported illegally, violate federal trademark or copyright laws, contain certain alterations to packaging language, or fail to comply with the

federal Cigarette Labeling and Advertising Act. Any such affixation is an offense, and sale of such a package is a deceptive trade practice. If the comptroller seizes any cigarettes with the above irregularities, or with prohibited tax stamps affixed, the comptroller may destroy or dispose of the cigarettes or return them, solely for the purpose of export, to the manufacturer for credit.

SENATE BILL 1319

EFFECTIVE: 10-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Isett

Senate Bill 1319 amends the Limited Sales, Excise, and Use Tax Act to allow the comptroller to authorize a direct payment permit holder to use a percentage-based reporting method. Under that method, purchase transactions are categorized as specified in a letter of authorization, and a sample of invoices is then drawn to determine the percentage of taxable transactions. The percentage is used for a three-year period, except that the comptroller may revoke authorization if the percentage is no longer representative because of legal changes or modifications in the taxpayer's business operations. The legislation also empowers the comptroller, by written agreement, to authorize a payer of sales and use taxes to conduct a managed audit to determine his or her tax liability. Comptroller decisions to approve or disapprove a managed audit are final, and comptroller denials or revocations of percentage-based reporting are not appealable. Other provisions concern determinations of overpaid amounts, and resultant credits or refunds, where sales and use taxes have been paid in error.

SENATE BILL 1321

EFFECTIVE: See below

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Junell

Senate Bill 1321 amends the Tax Code to provide that, after December 31, 1999, the interest rate on delinquent taxes equals the prime rate plus one percent, as published in *The Wall Street Journal* on the first nonholiday weekday of the calendar year. The act entitles a taxpayer to interest on a claim for refund or in an audit on an amount erroneously paid. It specifies the period for which interest is to be paid and sets the rate at the same rate that is applicable to tax delinquencies. A tax credit, however, does not accrue interest, nor does a refund for a report period due before 2000. Other exceptions to the interest entitlement concern taxes paid under the escheat title of the Property Code and certain motor fuel taxes involving interstate motor vehicle fleets. The act removes certain dollar amount thresholds applicable to the comptroller's current authority to settle claims and clarifies that authority. It authorizes the comptroller to settle a claim for a refund of tax, penalty, or interest if the total costs of defending a denial of the claim, as determined conclusively by the comptroller, would exceed the total amount claimed. Provisions relating to interest and interest rates take effect January 1, 2000. Other provisions take effect August 30, 1999.

SENATE BILL 1547

EFFECTIVE: 9-1-00

SENATE AUTHOR: Bivins et al.

HOUSE SPONSOR: Oliveira

Senate Bill 1547 amends the Tax Code and the Code of Criminal Procedure to tighten motor fuel tax requirements relating to tax-free fuel and to establish various civil and criminal penalties for using or diverting such fuel toward purposes that are taxable. Carriers operating in Texas must report certain interstate and intrastate motor fuel transportation data quarterly to the comptroller, and importers and exporters, when transporting motor fuel, must possess a shipping document from a terminal or bulk plant. The act requires terminals, bulk plants, carriers, permitted distributors and suppliers, and fuel recipients to retain the document for four

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years and provide it on request to the comptroller or any law enforcement officer. Diversions from the destination given on the shipping document require an importer or exporter to obtain a diversion number from the comptroller and amend the document to include the number. Strict notice requirements pertain to transactions involving tax-free dyed diesel fuel. Use of dyed fuel in a motor vehicle on a Texas highway is prohibited, as is alteration of a fuel dye or marker with the intent to evade taxation. Suppliers must keep itemized statements relating to diesel fuel and dyed diesel fuel transactions. The comptroller or other authorities may take fuel samples from storage tanks or containers to investigate possible hazardous waste content, adulteration, or failure to pay taxes. Various provisions relate to the permitting of dyed diesel fuel bonded users and agricultural bonded users. The act includes provisions for revocation of supplier's or distributor's permits for specified violations.

SENATE BILL 1603

EFFECTIVE: 9-1-99

SENATE AUTHOR: Sibley

HOUSE SPONSOR: Ramsay

Senate Bill 1603 amends the Tax Code to require a city that levies a municipal hotel occupancy tax to maintain a record that accurately identifies all receipts and expenditures from such taxes, including interest earned from the tax revenue.

SENATE BILL 1666

EFFECTIVE: 5-29-99

SENATE AUTHOR: Jackson

HOUSE SPONSOR: Gray

Senate Bill 1666 amends the Tax Code to allow certain home-rule cities bordering the Gulf of Mexico and having a population of less than 80,000 to use municipal hotel occupancy tax revenue, or to contract with a park board for the use of such revenue, in accordance with state law on the subject. State law prevails over any conflicting provision of the city's charter.

SENATE BILL 1804

EFFECTIVE: 8-30-99

SENATE AUTHOR: Barrientos

HOUSE SPONSOR: Greenberg

Senate Bill 1804 establishes special rollback tax rate calculations for two taxing units involved in certain contractual transfers of a department, function, or activity and associated funding. The revised formula for such calculations adjusts the determination of the previous year's tax levy to subtract related maintenance and operations expenditures for the transferring taxing unit and to add them for the recipient taxing unit. Newspaper or mailed taxpayer notices must contain specified information relevant to the transfer of responsibility. Notice provisions affect the transferring taxing unit for one year but apply to the recipient taxing unit for two years. The changes made by the act expire January 1, 2001.

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HOUSE BILL 89

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Sibley

House Bill 89 amends the Transportation Code to set forth requirements for the registration of a vehicle for which payment of the registration fee is delinquent. The act allows an applicant who establishes good reason for delinquent registration to register the vehicle without penalty and provides for certain penalties to be assessed to an applicant who does not establish good reason for a delinquent registration. It repeals a provision that requires applications filed more than a month after the expiration of the preceding registration year to be accompanied by a statement that the vehicle has not been operated on a public highway after the expiration.

HOUSE BILL 236

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Wentworth

House Bill 236 amends the Transportation Code to clarify guidelines for the composition of the board of directors for certain metropolitan rapid transit authorities if the municipal utility district falls in a certain area. The act also provides that the provisions relating to the composition of the board still apply if the principal city of a metropolitan rapid transit authority changes its electoral process.

HOUSE BILL 318

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Driver et al.

SENATE SPONSOR: Duncan

House Bill 318 amends the Transportation Code to revise the penalty schedule for providing false information in an application for an original, renewal, or duplicate driver's license or certificate from a Class C or B misdemeanor to a Class A misdemeanor under all circumstances.

HOUSE BILL 352

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Denny et al.

SENATE SPONSOR: J. E. Brown

Current law requires a municipality or county to use fines collected under the Rules of the Road subtitle of the Transportation Code to construct and maintain roads, bridges, and culverts, enforce highway laws, and defray county traffic officers' expenses and limits the amount of the fines that a municipality with fewer than 5,000 people may retain.

House Bill 352 amends the Transportation Code to extend the use requirement and the limitation on fines retained to fines collected under the entire Vehicles and Traffic Title of the code.

HOUSE BILL 385

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Walker et al.

SENATE SPONSOR: Duncan

House Bill 385 amends the Transportation Code relating to the speed limit of certain buses. The act redefines "school bus" and adds "school activity bus" to the list of terms that describe vehicles. It also redefines "commercial motor vehicle" to include a school activity bus and makes the bus subject to commercial motor vehicle inspection requirements. The act increases from 50 miles per hour to 60 miles per hour the speed limit for a school bus that has passed a commercial motor vehicle inspection and that operates on a federal or state highway, including a farm-to-market road, and lowers from 55 miles per hour to 50 miles per hour the speed limit for a school bus that has not passed the commercial motor vehicle inspection and that operates

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on federal or state highways or farm-to-market roads. House Bill 385 makes the speed limit for a school bus carrying students and personnel on extracurricular activities the same as for a passenger car at the same time and location.

HOUSE BILL 434

EFFECTIVE: 5-29-99

HOUSE AUTHOR: B. Turner

SENATE SPONSOR: Madla

House Bill 434 amends the Transportation Code to authorize the owners of a majority of the parcels of real property abutting a private road that is not in a municipality to petition the Texas Department of Transportation to extend speed restrictions to the portion of the road across adjacent subdivisions if the total number of residents in the adjacent subdivisions is at least 400.

HOUSE BILL 523

EFFECTIVE: 5-29-99

HOUSE AUTHOR: McReynolds

SENATE SPONSOR: Ogden

House Bill 523 amends the Transportation Code to exempt all-terrain vehicles from the optional county fees for the road and bridge fund.

HOUSE BILL 571

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hupp et al.

SENATE SPONSOR: Nelson

House Bill 571 amends the Transportation Code to prohibit the Texas Department of Public Safety from including any information on a driver's license or identification certificate in an electronically readable form other than the information printed on the license and a physical description of the license holder. The act requires the department to ensure that the information is used only for law enforcement or governmental purposes and makes the unauthorized use of the information a Class A misdemeanor.

HOUSE BILL 676

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Isett et al.

SENATE SPONSOR: Bivins

House Bill 676 amends the Transportation Code to raise the speed limits for trucks on highways to be the same as for passenger cars. The act also lowers the speed limit for vehicles operating on a beach to 15 miles per hour, sets the same speed for vehicles operating on a road that is adjacent to a beach, if declared by a county commissioners court, and changes certain requirements relating to procedures to alter speed limits.

HOUSE BILL 707

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Tillery

SENATE SPONSOR: Cain

House Bill 707 amends the Transportation Code to define a working day as any day other than a Saturday, a Sunday, or a holiday on which county offices are closed. The act requires a court to dismiss a charge of driving with an expired inspection certificate if the certificate has not been expired for less than 60 days and authorizes a court to dismiss the charge if the certificate has been expired for more than 60 days.

HOUSE BILL 856

EFFECTIVE: 9-1-99

HOUSE AUTHOR: R. Lewis

SENATE SPONSOR: Bernsen

House Bill 856 amends the Transportation Code to exempt a person employed by a utility company and engaging in meter reading or other duty requiring the person to frequently enter and exit a vehicle from prosecution for failure to wear a safety belt in a motor vehicle.

HOUSE BILL 865

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Puente

SENATE SPONSOR: Nelson

House Bill 865 amends the Transportation Code to require the Texas Department of Public Safety to issue to a person who has a court order showing that the person has been a victim of domestic violence a new driver's license or personal identification certificate under certain circumstances.

HOUSE BILL 924

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Craddick

SENATE SPONSOR: Bivins

House Bill 924 amends the Transportation Code to provide that a person who operates a vehicle with an expired license plate commits an offense after the fifth working day after the date the registration expires, rather than the fifth day.

HOUSE BILL 932

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Shapleigh

House Bill 932 amends the Transportation Code to require safety chains to be used by a passenger car or light truck while towing another motor vehicle.

HOUSE BILL 953

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: J. E. Brown

House Bill 953 amends the Transportation Code to include a stepparent, a step-grandparent, and a grandparent in the list of people who are permitted to conduct a driver education course for a person who is required to complete such a course.

HOUSE BILL 964

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Cuellar

SENATE SPONSOR: Zaffirini

House Bill 964 amends the Transportation Code to allow a local authority to authorize a school crossing guard to direct traffic in a school crossing zone if the guard successfully completes certain training in traffic direction.

HOUSE BILL 1024

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Whitmire

House Bill 1024 amends the Transportation Code to include certain tractors and trailers in the list of commercial vehicles to which overnight parking restrictions may apply in certain subdivisions.

HOUSE BILL 1032

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pitts et al.

SENATE SPONSOR: Cain

House Bill 1032 amends the Transportation Code to modify certain guidelines and exemptions relating to the use of parking permits for an individual with a disability. The act increases the penalties for the misuse of a disabled parking placard and requires a private property owner who controls a parking area to set aside a certain percentage of spaces for certain disabled permits.

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HOUSE BILL 1041

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Rangel et al.

SENATE SPONSOR: Shapiro

House Bill 1041 amends the Transportation Code to require the Texas Department of Transportation to provide for a monthly registration period for a truck-tractor or commercial motor vehicle that is used exclusively to transport a seasonal agricultural product. The act requires the department to adopt rules governing the registration process and creates an offense for the misuse of a vehicle registered under the section.

HOUSE BILL 1070

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Merritt et al.

SENATE SPONSOR: Truan

House Bill 1070 amends the Transportation Code to allow a disabled veteran who has a disabled veterans license plate to park in a parking space that is designated for persons with physical disabilities without obtaining the special placard that is otherwise required.

HOUSE BILL 1075

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Craddick et al.

SENATE SPONSOR: Bivins

House Bill 1075 amends the Transportation Code to raise the speed limit for a passenger car or light truck towing a trailer that is used primarily to transport a motorcycle or dogs to 70 miles per hour in daytime and 65 miles per hour in nighttime on a state or federal highway outside an urban district, including a farm-to-market road or ranch-to-market road.

HOUSE BILL 1103

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Smith et al.

SENATE SPONSOR: Shapiro

House Bill 1103 amends the Transportation Code to redefine a “junked vehicle” as one that has remained inoperable for more than 72 consecutive hours if the vehicle is on public property or for more than 30 consecutive days if the vehicle is on private property. In previous law, a “junked vehicle” was one that has remained inoperable for more than 45 consecutive days.

HOUSE BILL 1147

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Armbrister

House Bill 1147 amends the Transportation Code to establish certain guidelines for the placement and visibility of red lights, reflectors, and flags that must be displayed on the extreme end of a vehicle transporting an extended load.

HOUSE BILL 1227

EFFECTIVE: 9-1-99

HOUSE AUTHOR: J. Jones

SENATE SPONSOR: Bernsen

House Bill 1227 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed “New Millennium” license plates for passenger cars and light trucks and sets requirements for an additional annual fee for the plates. The act requires a portion of the annual fee to be used by the Texas Transportation Commission to make grants to fund public library programs to promote reading.

HOUSE BILL 1359

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Krusee

SENATE SPONSOR: Jackson

House Bill 1359 amends provisions of the Transportation Code relating to exemptions of a golf cart from registration requirements and provides that the golf carts may be driven on a public or private beach.

HOUSE BILL 1376

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Carona

House Bill 1376 amends the Vehicle Storage Facility Act to change the requirements for the operator of a vehicle storage facility who receives a towed vehicle to notify the owner of the vehicle in cases where the vehicle is registered out of this state or the United States. Written notice must be sent to the vehicle's last registered owner and all lienholders not later than the 14th day rather than the fifth day after the date the vehicle was received.

The act allows notice by publication in certain newspapers if the identity or address of the last registered owner and each lienholder cannot be determined, if the vehicle is registered in another state, and in certain other circumstances. It also changes the date that a second notice for a vehicle that remains unclaimed must be sent from the 61st day after the initial notice to the 41st day.

HOUSE BILL 1409

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Junell

SENATE SPONSOR: Bivins

House Bill 1409 amends the Transportation Code to specify that a physician, advanced practice nurse, or physician assistant is eligible to conduct the required annual physical and mental examination for school bus drivers. An ophthalmologist, optometrist, or therapeutic optometrist is eligible to conduct the visual examination.

HOUSE BILL 1425

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Staples

SENATE SPONSOR: D. Nixon

House Bill 1425 amends Transportation Code provisions relating to increased penalties for traffic offenses committed in construction or maintenance work zones. It requires that, for such penalties to be assessed, a written notice to appear that is issued for the offense must state on its face that workers were present when the offense was committed. In addition, the construction or maintenance work zone must be marked by signs that state: "Fines double when workers present."

HOUSE BILL 1436

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Salinas

SENATE SPONSOR: Truan

House Bill 1436 designates Farm-to-Market Road 1931 in Alice as Flournoy Road.

HOUSE BILL 1492

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Cain

House Bill 1492 amends the Transportation Code to increase the maximum piston displacement allowed for a motorcycle or moped for which the Texas Department of Transportation may issue a restricted Class M license from 125 to 250 cubic centimeters. The act also changes certain provisions relating to certification of vehicles as mopeds.

HOUSE BILL 1538

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher

SENATE SPONSOR: Cain

House Bill 1538 amends the Transportation Code to authorize the Texas Department of Transportation to issue an annual permit that allows a motor carrier to operate two or more vehicles for the movement of certain superheavy or oversize equipment on a state highway. The permit may not authorize the operation of more than one vehicle at the same time and must be carried in the vehicle being operated.

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The act also eliminates a requirement that the department submit a biennial report to the legislature describing the cumulative effects of moving such heavy equipment on state highways and county roads.

HOUSE BILL 1616
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Uher
SENATE SPONSOR: Bernsen

House Bill 1616 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed license plates for passenger cars and light trucks owned by volunteer firefighters who are certified by the State Firemen's and Fire Marshals' Association of Texas.

HOUSE BILL 1620
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Wohlgemuth
SENATE SPONSOR: Fraser

House Bill 1620 adds a new chapter to the Transportation Code to provide for the regulation of aircraft that are capable of taking off and landing on water. It prohibits a governmental entity from regulating the operation of an aquatic aircraft on navigable bodies of water in its jurisdiction, including requiring a fee or permit for its operation, without applying for approval from the Texas Department of Transportation. The department is required to approve a prohibition or limitation if safety conditions justify such action. In making a determination, the department must consider several factors, including topography, depth, the amount of boat or individual traffic on the body of water, the interests of persons owning homes that are located on or around the body of water, and any other factors that relate to the safe operation of aquatic aircraft.

HOUSE BILL 1681
EFFECTIVE: 6-19-99

HOUSE AUTHOR: Uher
SENATE SPONSOR: Duncan

House Bill 1681 amends the Transportation Code to require a governmental entity that is authorized to construct or maintain a public road to submit a copy of the final structural design plan for all newly constructed or rehabilitated public bridges to the Texas Department of Transportation before the 31st day after the completion of the project in order to comply with federal law.

HOUSE BILL 1703
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Madla

House Bill 1703 adds a new section to the Transportation Code to provide that, in an unincorporated area of a county with a population of 10,000 or less and upon petition of 25 percent of the property owners residing in a subdivision in which the roads are privately maintained or on the request of the governing body of the entity that maintains those roads, the county commissioners court may extend any traffic rules that apply to a county road to the roads in the subdivision. The commissioners court may require subdivision property owners to pay all or part of the cost of extending and enforcing the traffic rules in the subdivision and must consult the sheriff to determine the cost of enforcement. The act also includes provisions relating to placement of official traffic control devices on property abutting the private roads.

HOUSE BILL 1707

EFFECTIVE: 5-28-99

House Bill 1707 amends the Transportation Code to exempt a vehicle dealer who submits an application for vehicle registration at the time of a sale from the requirement to submit evidence of the financial responsibility of the purchaser of the vehicle.

HOUSE AUTHOR: Uher

SENATE SPONSOR: Armbrister

HOUSE BILL 1743

EFFECTIVE: 9-1-99

House Bill 1743 amends the Transportation Code to exempt active duty military personnel who are stationed overseas from certain vehicle registration requirements.

HOUSE AUTHOR: Shields et al.

SENATE SPONSOR: Truan

HOUSE BILL 1744

EFFECTIVE: 9-1-99

House Bill 1744 amends the Transportation Code to allow a school district to adopt rules for operating rooftop warning lamps on school buses and deletes the provision that the rooftop warning lamps may be operated only during inclement weather when the buses are stopping to load or unload students.

HOUSE AUTHOR: Noriega

SENATE SPONSOR: Gallegos

HOUSE BILL 1779

EFFECTIVE: 8-30-99

House Bill 1779 amends the Transportation Code to make a commercial lodging establishment eligible to have its name displayed on a specific information logo sign if the establishment is visible from an eligible highway and is located on a street not more than two turns off the access or frontage road to the highway. An eligible highway is one that is located outside an urban area with a population of 50,000 or more and that meets certain maximum speed limit criteria.

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Cain

HOUSE BILL 1861

EFFECTIVE: 9-1-99

House Bill 1861 amends the Transportation Code to require the Texas Transportation Commission to provide for increasing private investment in transportation infrastructure in certain counties in the Texas-Mexico border region as part of the commission's revenue enhancement effort.

HOUSE AUTHOR: Gutierrez et al.

SENATE SPONSOR: Shapleigh

HOUSE BILL 1906

EFFECTIVE: 9-1-99

House Bill 1906 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed conservation license plates for passenger cars and light trucks and sets a \$25 additional annual fee for the plates. The act requires a portion of the annual fee to be used to support Parks and Wildlife Department activities.

HOUSE AUTHOR: G. West

SENATE SPONSOR: J. E. Brown

HOUSE BILL 1980

EFFECTIVE: 9-1-99

House Bill 1980 amends the Transportation Code to require the Texas Transportation Commission to prepare and issue a report on the performance of public transportation providers in the state that receive federal or state funding.

HOUSE AUTHOR: Hill

SENATE SPONSOR: Cain

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HOUSE BILL 2004

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

House Bill 2004 amends the Transportation Code to authorize the Texas Department of Transportation to lease computer equipment to a county for operating the automated registration and title system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department.

HOUSE BILL 2031

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 2031 amends provisions of the Transportation Code, the Alcoholic Beverage Code, and the Health and Safety Code to authorize the Texas Department of Public Safety to send notice to a person whose driver's license has been suspended or revoked by first class rather than certified mail. The act clarifies that the notice is considered to have been received on the fifth day after the notice is mailed and takes effect on the 30th day after it was mailed. It permits a person whose license has been suspended or revoked to request a hearing before the 20th day after the notice was mailed.

HOUSE BILL 2032

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Kuempel

SENATE SPONSOR: Armbrister

House Bill 2032 amends the Transportation Code to authorize, rather than require, the Texas Department of Public Safety and the courts to require a person to surrender a suspended or revoked driver's license or vehicle registration and to authorize, rather than require, the department to return a suspended license on expiration of the suspension period.

HOUSE BILL 2035

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Armbrister

House Bill 2035 amends the Transportation Code to add surplus lines insurers as a source from which certain motor carriers whose primary business is transportation for compensation or hire between two or more municipalities may obtain accidental insurance coverage.

HOUSE BILL 2159

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Bosse

SENATE SPONSOR: J. E. Brown

Current law provides that the Texas Department of Transportation retains five percent of the contract price for highway improvements projects until the entire improvement is completed and accepted. House Bill 2159 amends the Transportation Code to authorize the department to release a portion of the amount retained for contracts that provide for a separate vegetative establishment, maintenance, or performance period that occurs after completion of the highway improvement. The portion released may be no more than an amount sufficient to ensure compliance with the contract.

HOUSE BILL 2176

EFFECTIVE: 5-28-99

HOUSE AUTHOR: Siebert

SENATE SPONSOR: Jackson

Previous law provided two different deadlines for the release of a lien by its holder against a motor vehicle when the lien's debt or claim is satisfied. The Transportation Code allowed the lienholder 21 days after the date on which the amount is tendered to execute and deliver to the owner of the vehicle a discharge of the lien while the Finance Code allowed 10 days. House Bill 2176 amends the Transportation Code to replace the 21-day deadline with the 10-day deadline.

HOUSE BILL 2207

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Olivo

SENATE SPONSOR: R. Ellis

House Bill 2207 amends the Transportation Code to extend provisions relating to overnight parking of commercial motor vehicles to residential subdivisions with populations greater than 220,000. Previous law applied to subdivisions with populations greater than 500,000.

HOUSE BILL 2247

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Bernsen

House Bill 2247 amends the Transportation Code to authorize the Texas Transportation Commission to adopt rules regarding the method of payment for goods sold and services provided by the Texas Department of Transportation or for the administration of any department program. The rules may authorize the use of electronic fund transfer or credit card and require the payment of a discount or service charge for a credit card payment. The revenue generated from the payment of discount or service charges is required to be deposited in the state highway fund.

HOUSE BILL 2409

EFFECTIVE: 9-1-99

HOUSE AUTHOR: T. King et al.

SENATE SPONSOR: Bernsen

House Bill 2409 amends the Transportation Code to require the Texas Department of Transportation to issue a certificate of title for a motor vehicle without regard to whether the vehicle is registered, unless the registration has been suspended or revoked, whether the vehicle has been inspected, or whether the applicant provides evidence of financial responsibility. The act also provides for the issuance of a certificate of title for a commercial motor vehicle operating under the International Registration Plan.

HOUSE BILL 2461

EFFECTIVE: 8-30-99

HOUSE AUTHOR: Alexander

SENATE SPONSOR: Ratliff

House Bill 2461 amends the Transportation Code to require the discontinuance of certain specialized license plates if the Texas Department of Public Safety does not make a minimum number of sales or receive at least \$15,000 for making the plates. It provides that the department may manufacture specialized plates authorized by law after January 1, 1999, only if it receives a \$15,000 deposit or applications and fees for 3,500 plates. The act directs the department to issue a 100th football season of Stephen F. Austin High School license plate and a waterfowl and wetland conservation license plate and lowers the fees for the Keep Texas Beautiful license plates. It also extends the deadline for the deposit of \$500,000 to the animal friendly account from 2001 to 2004.

HOUSE BILL 2535

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Thompson

SENATE SPONSOR: R. West

House Bill 2535 amends the Transportation Code to require a court to dismiss the charge of failure to maintain financial responsibility for a motor vehicle if the person charged produces evidence of financial responsibility to the court that was valid at the time the offense occurred.

HOUSE BILL 2537

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Y. Davis

SENATE SPONSOR: Cain

House Bill 2537 amends the Texas Motor Vehicle Commission Code to modify the definition of "owner" in provisions relating to warranty performance obligations applicable to certain motor vehicles.

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HOUSE BILL 2538

EFFECTIVE: 6-19-99

House Bill 2538 amends the Transportation Code to exempt from inspection requirements vehicles that are transported and used exclusively out of the state prior to any use in this state.

HOUSE AUTHOR: Y. Davis

SENATE SPONSOR: Cain

HOUSE BILL 2539

EFFECTIVE: 9-1-99

House Bill 2539 amends the Transportation Code to allow licensed converters to obtain temporary cardboard license plates to drive newly converted vehicles to facilities to be serviced or repaired. The act sets out guidelines for the issuance and use of these license plates.

HOUSE AUTHOR: Y. Davis

SENATE SPONSOR: Cain

HOUSE BILL 2541

EFFECTIVE: 9-1-99

House Bill 2541 amends the Transportation Code to modify the definition of “construction or maintenance work zone” to require that the zones have signs indicating where the zone begins and ends in the section of the code providing for enhanced penalties for disobeying warning signs in the zones.

HOUSE AUTHOR: Hupp

SENATE SPONSOR: Haywood

HOUSE BILL 2760

EFFECTIVE: 9-1-99

House Bill 2760 amends the Transportation Code to require the Texas Department of Transportation to issue special license plates for passenger cars and light trucks owned by persons retired from service in the merchant marine of the United States and sets a \$10 additional annual fee for the plates.

HOUSE AUTHOR: J. Moreno

SENATE SPONSOR: Gallegos

HOUSE BILL 2768

EFFECTIVE: 9-1-99

House Bill 2768 amends the Transportation Code to allow a disabled veteran to obtain special license plates for two cars or light trucks, rather than one. The act sets a \$3 fee for the first set of license plates and the second may be purchased for the applicable annual fee.

HOUSE AUTHOR: Pickett

SENATE SPONSOR: Shapleigh

HOUSE BILL 2794

EFFECTIVE: Vetoed

House Bill 2794 amends the Transportation Code to require the Texas Department of Public Safety to develop and administer procedures to automate the motor vehicle inspection system. The act authorizes both the department and an inspection station to increase their fees after implementing the automated inspection system.

HOUSE AUTHOR: Gutierrez

SENATE SPONSOR: Wentworth

HOUSE BILL 2802

EFFECTIVE: 9-1-99

Previous law authorized a political subdivision to contract with the Texas Department of Public Safety to provide information necessary for the department to deny renewal of the driver’s license of a person who fails to appear for a complaint, citation, or court order to pay a fine involving certain offenses. House Bill 2802 expands the list of those offenses to include any other offense under the jurisdiction of a justice or municipal court.

HOUSE AUTHOR: Ritter

SENATE SPONSOR: Bernsen

HOUSE BILL 2819

EFFECTIVE: 6-19-99

House Bill 2819 designates the interchange of U.S. Highways 83 and 84 and Loop 322 in Abilene as the Sam Waldrop Highway Interchange.

HOUSE AUTHOR: Hunter

SENATE SPONSOR: Haywood

HOUSE BILL 2920

EFFECTIVE: 9-1-99

State law requires that a headlight be illuminated any time a motorcycle is being operated but exempts motorcycles manufactured in England before 1975 from the requirement. House Bill 2920 amends the Transportation Code to exempt any motorcycle manufactured before 1975.

HOUSE AUTHOR: Pitts

SENATE SPONSOR: Cain

HOUSE BILL 2922

EFFECTIVE: 9-1-99

Under previous law, an employee of a railway company committed an offense if the employee obstructed a street, railroad crossing, or public highway with a train for more than five minutes. The offense was punishable by a fine of not less than \$5 or more than \$100. House Bill 2922 amends the Transportation Code to make a railway company accountable for the offense rather than its employee. It increases the grace period before an offense is committed to 10 minutes and increases the fines to not less than \$100 or more than \$300. The act removes reference to the arrest of a person who commits an offense, requires that a citation to appear in court be attached to the train or given to an agent of the railway company, and makes it a defense to prosecution that the train obstructs a crossing because of an act of God or breakdown of the train.

HOUSE AUTHOR: Dunnam et al.

SENATE SPONSOR: Sibley

HOUSE BILL 3002

EFFECTIVE: 9-1-99

House Bill 3002 designates the ferry landing owned by the Texas Department of Transportation in Port Aransas as the Melvin O. Littleton Ferry Landing in recognition of Mr. Littleton's outstanding supervision of the ferry for 30 years.

HOUSE AUTHOR: Seaman

SENATE SPONSOR: Truan

HOUSE BILL 3014

EFFECTIVE: 9-1-99

House Bill 3014 amends the Transportation Code to require the collection of a \$1 fee, in addition to other registration fees for a license plate, to enhance the Texas Department of Transportation's automated registration and title system and provide for automated on-site production of registration insignia and automated on- and off-premises self-service registration. The fee may be collected and used only in counties in which the department's automated registration and title system has been implemented and in which 50,000 or more motor vehicles were registered during the preceding year.

HOUSE AUTHOR: Hawley

SENATE SPONSOR: Bernsen

HOUSE BILL 3092

EFFECTIVE: 6-19-99

House Bill 3092 amends provisions of the Texas Motor Vehicle Commission Code relating to the powers and duties of the Motor Vehicle Board of the Texas Department of Transportation and the obligations between dealers and manufacturers and distributors. The act changes and adds provisions relating to warranty performance obligations and reimbursement incentive programs offered by a manufacturer or distributor. It revises restrictions on manufacturer ownership of dealerships and makes it unlawful for a manufacturer, distributor, or representative

HOUSE AUTHOR: Siebert et al.

SENATE SPONSOR: Cain

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to directly or indirectly force a dealer to relocate unless specified conditions are met. It also adds new requirements for membership on the board, provides that the director of the Motor Vehicle Board serves at the pleasure of the board, rather than the executive director of the department, and makes other changes to the administrative relationship between the board and the department.

HOUSE BILL 3342

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Naishtat

SENATE SPONSOR: Wentworth

House Bill 3342 amends the Transportation Code to substitute “incapacitated” for “incompetent” for the purpose of clarifying who is prohibited from holding a driver’s license under a judgment of the court.

HOUSE BILL 3366

EFFECTIVE: 7-1-99

HOUSE AUTHOR: Talton

SENATE SPONSOR: Gallegos

House Bill 3366 amends the Transportation Code to add tow trucks equipped with certain equipment to the list of vehicles that may be equipped with alternately flashing lighting equipment.

HOUSE BILL 3433

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Delisi

SENATE SPONSOR: Cain

House Bill 3433 amends the Transportation Code to provide that provisions of the Code of Criminal Procedure relating to suspension of sentence and deferral of final disposition do not apply to traffic offenses occurring in construction or maintenance work zones when workers are present and that fines for offenses in such zones may not be dismissed except upon the motion of the attorney representing the state.

HOUSE BILL 3467

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Pickett et al.

SENATE SPONSOR: Shapleigh

State law provides that the comptroller receives half the fine amount for vehicles that are found to exceed the allowable gross weight by more than 5,000 pounds. House Bill 3467 amends the Transportation Code to create an exception if an excess weight offense occurs within 20 miles of an international border. In such cases, the entire fine amount goes, for purposes of road maintenance, to the city if the fine was imposed by a municipal court or to the county if it was imposed by a justice court.

HOUSE BILL 3521

EFFECTIVE: 9-1-99

HOUSE AUTHOR: Noriega

SENATE SPONSOR: Whitmire

House Bill 3521 amends the Transportation Code to provide for the licensing and regulation of a motor vehicle title service operating in a county with a population of more than 2.8 million. The act requires the county tax assessor-collector to adopt rules for the denial, suspension, revocation, or reinstatement of a license and makes violations of the act or rules a Class A misdemeanor.

HOUSE BILL 3543

EFFECTIVE: 6-19-99

HOUSE AUTHOR: Hodge

SENATE SPONSOR: Cain

House Bill 3543 amends the Transportation Code to increase from \$15,000 to \$25,000 the maximum aggregate amount for contracts authorized to be negotiated without competitive sealed bidding by mass transit authorities.

HOUSE BILL 3551
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Giddings
SENATE SPONSOR: Ratliff

House Bill 3551 amends the Transportation Code to specify that proceeds from the sale of “Read to Succeed” license plates may be used only to provide educational materials for public school libraries.

HOUSE BILL 3641
EFFECTIVE: 9-1-00

HOUSE AUTHOR: B. Turner
SENATE SPONSOR: Wentworth

House Bill 3641 amends the Transportation Code to clarify the procedures for the suspension, revocation, or cancellation of certain types of driving licenses issued by the Texas Department of Public Safety and for requesting a hearing or a judicial review concerning the actions of the department. The act increases the fee charged for reinstating or reissuing a license from \$50 to \$100.

HOUSE BILL 3684
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Flores
SENATE SPONSOR: Madla

State law authorizes a person who owns or controls real property on which a third-class road or neighborhood road is located and for which the right-of-way was obtained without cost to the county to erect a gate across the road. House Bill 3684 amends the Transportation Code to authorize a neighborhood association, in addition to a property owner, to erect a gate across the road and specifies that the opening and closing of the gate may not cause unnecessary delay to emergency personnel using the road.

HOUSE BILL 3685
EFFECTIVE: Vetoed

HOUSE AUTHOR: Flores
SENATE SPONSOR: Lucio

House Bill 3685 amends the Transportation Code to modify the procedure to appeal a ruling related to the suspension, revocation, or denial of a driver’s license. The act establishes that a petition of appeal stops the cancellation, suspension, or revocation of the license up to 90 days after the date the appeal petition is filed and prohibits a court or the Texas Department of Public Safety from granting an extension. It clarifies that a person may appeal a ruling made by the department except under certain conditions.

HOUSE BILL 3757
EFFECTIVE: 9-1-99

HOUSE AUTHOR: Giddings
SENATE SPONSOR: Carona

House Bill 3757 amends the Texas Driver and Traffic Safety Education Act to require the Texas Education Agency to develop minimum driver education or driver training school certification standards for drug and alcohol awareness programs. House Bill 3757 requires the agency and the Texas Commission on Alcohol and Drug Abuse to enter into a memorandum of understanding for interagency approval of the required course curricula, and it authorizes the State Board of Education to establish reasonable and necessary fees to implement and administer the safety education provisions relating to such programs.

The act also amends the Insurance Code to require the commissioner of insurance to promulgate rules to require a five percent premium discount for a personal motor vehicle insurance policy held by a qualified person who completes an approved drug and alcohol awareness program.

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SENATE BILL 21

EFFECTIVE: 9-1-99

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: McReynolds

Senate Bill 21 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed license plates and disabled parking placards for a van or bus that transports disabled individuals who reside in certain institutions, facilities, or residential retirement communities.

SENATE BILL 60

EFFECTIVE: 9-1-99

SENATE AUTHOR: Moncrief et al.

HOUSE SPONSOR: Goolsby et al.

Children who are 4 years to 15 years of age who ride in the front seat of a passenger vehicle are required to wear safety belts. Senate Bill 60 amends the Transportation Code to remove reference to "front seat" passengers to make it an offense for a person to operate a passenger car while allowing a child to ride in the vehicle without being secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt. The act includes a "light truck" as a vehicle that is prohibited from being operated while carrying children who are not wearing safety belts.

SENATE BILL 74

EFFECTIVE: 6-19-99

SENATE AUTHOR: Truan

HOUSE SPONSOR: Capelo

Senate Bill 74 designates the portion of State Highway 44 in Nueces County and Jim Wells County outside the city limits of Corpus Christi and exclusive of the segments of State Highway 44 that lie within the city limits of Robstown, Banquete, Agua Dulce, and Alice as the Cesar Chavez Memorial Highway.

SENATE BILL 132

EFFECTIVE: 6-19-99

SENATE AUTHOR: D. Nixon

HOUSE SPONSOR: Hardcastle

Senate Bill 132 amends the Transportation Code to authorize a physician licensed in an adjacent state or licensed to practice in a Veterans Administration facility, as well as one licensed in Texas, to provide a written statement certifying a disability for the purpose of the issuance of special license plates or parking placards for persons with disabilities.

SENATE BILL 171

EFFECTIVE: 9-1-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Y. Davis

Senate Bill 171 amends the Transportation Code to allow the surviving spouse of a person who would be eligible for a Legion of Valor license plate to register a motor vehicle as long as the spouse remains unmarried.

SENATE BILL 322

EFFECTIVE: 9-1-99

SENATE AUTHOR: R. Ellis et al.

HOUSE SPONSOR: Woolley

Senate Bill 322 amends the Transportation Code to require the Texas Department of Transportation to issue "Girl Scout" license plates for passenger cars and light trucks and sets a \$30 additional annual fee for the plates. The act requires a portion of the fee to be used by the Texas Higher Education Coordinating Board in making grants to benefit educational projects sponsored by the Girl Scout Councils of Texas.

SENATE BILL 383

EFFECTIVE: 6-18-99

Senate Bill 383 amends the Government Code to authorize a political subdivision to obtain from a local law enforcement agency the criminal history record of its employees who drive public transportation vehicles.

SENATE AUTHOR: Duncan

HOUSE SPONSOR: G. West

SENATE BILL 401

EFFECTIVE: 5-17-99

Under state law, a county tax assessor-collector or the Texas Department of Transportation may refuse to register a vehicle owned by a person who owes money to the county for a fine, fee, or tax that is past due. Senate Bill 401 amends the Transportation Code to provide that this provision is not applicable to a motor vehicle dealer who, in fulfilling registration requirements, applies to register a vehicle in the name of the purchaser of the vehicle.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Hamric

SENATE BILL 408

EFFECTIVE: 9-1-99

Senate Bill 408 amends the Transportation Code to allow a trailer or semitrailer to be registered without payment if it is owned by a qualifying religious organization and used primarily for transporting property to charitable activities and functions of the organization.

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Isett

SENATE BILL 416

EFFECTIVE: 6-19-99

Senate Bill 416 amends the Transportation Code to add vehicles that have been issued license plates specially designed for former POWs, Pearl Harbor survivors, and Purple Heart recipients to the list of vehicles that are exempt from paying parking fees charged by certain governmental authorities.

SENATE AUTHOR: Lindsay

HOUSE SPONSOR: B. Turner

SENATE BILL 432

EFFECTIVE: 9-1-99

Senate Bill 432 amends the Transportation Code to allow the owner of a motor vehicle or a trailer to designate an initial or a renewal registration period for the vehicle or trailer so that it expires on the same date as the registration period for another vehicle or trailer previously registered by the owner.

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: Alexander

SENATE BILL 450

EFFECTIVE: 6-18-99

Senate Bill 450 amends the Transportation Code to provide that it is an offense for a person to operate a tow truck that does not show on each of its sides the city in which the business is located and the telephone number of the business and to change certain requirements relating to identifying markings on commercial motor vehicles.

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Alexander

SENATE BILL 518

EFFECTIVE: 9-1-99

Senate Bill 518 amends the Transportation Code to remove the restriction that allows only the owner of certain farm vehicles and trailers that have been issued a distinguishing license plate to temporarily operate the vehicles and trailers on the highway to transport agricultural products and farm supplies.

SENATE AUTHOR: Cain

HOUSE SPONSOR: Alexander

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SENATE BILL 537

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Alexander

Senate Bill 537 amends the Transportation Code to authorize the Texas Transportation Commission and a regional tollway authority to enter into agreements for the improvement of portions of the state highway system by the authority and for the department to provide services, including patrols on the authority's turnpike projects.

SENATE BILL 578

EFFECTIVE: 6-18-99

SENATE AUTHOR: Armbrister

HOUSE SPONSOR: Hinojosa

Senate Bill 578 amends the Transportation Code to clarify that a conviction, for the purpose of suspending a defendant's driver's license, is not a final conviction if the defendant receives a deferred adjudication or if the court defers final disposition of the case, unless the court subsequently proceeds with an adjudication of guilt and imposes a sentence.

SENATE BILL 639

EFFECTIVE: 9-1-99

SENATE AUTHOR: Bernsen

HOUSE SPONSOR: Hunter

Senate Bill 639 amends the Transportation Code to require the Texas Department of Transportation to issue "Texas. It's Like a Whole Other Country" license plates for passenger cars and light trucks and sets a \$30 additional annual fee for the plates. The act requires a portion of the annual fee to be used to finance the Texas Department of Economic Development's tourism activities.

SENATE BILL 641

EFFECTIVE: 6-18-99

SENATE AUTHOR: Fraser

HOUSE SPONSOR: Uher

Under previous law, the statute heading relating to the issuance of specially designed license plates for Korea veterans reads "Korean Conflict Veterans." Senate Bill 641 amends the Transportation Code to change the statute heading to read "Korean War Veterans."

SENATE BILL 681

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan et al.

HOUSE SPONSOR: Pickett

Senate Bill 681 amends the Local Government Code to authorize a city on the Texas-Mexico border with a population of more than 500,000 to establish nonprofit corporations and cooperative associations to create an intermodal transportation hub to stimulate economic development. The act provides that the hub may function as an international intermodal transportation center and may be colocated with or near other local, state, federal, or Mexican facilities.

SENATE BILL 682

EFFECTIVE: 9-1-99

SENATE AUTHOR: Duncan

HOUSE SPONSOR: G. West

Senate Bill 682 designates specified highways in West Texas as La Entrada al Pacifico Corridor. It also designates a segment of Farm-to-Market Road 457 located in Matagorda County as Sergeant Joe Parks, Jr. Memorial Highway.

SENATE BILL 688

EFFECTIVE: 6-19-99

SENATE AUTHOR: Carona

HOUSE SPONSOR: Driver

Senate Bill 688 amends the Transportation Code to allow procedures adopted by a municipality or county relating to removal of a junked motor vehicle that is a public nuisance to provide that the relocation of the vehicle has no effect on a proceeding for the abatement and removal of the vehicle that has commenced if the junked vehicle constitutes a public nuisance at the new location.

SENATE BILL 749

EFFECTIVE: 9-1-99

Senate Bill 749 amends the Transportation Code to extend vehicle weight limitations currently applied to state-maintained public highways to ports-of-entry between Texas and Mexico.

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Pickett

SENATE BILL 754

EFFECTIVE: 9-1-99

Senate Bill 754 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed license plates for passenger cars and light trucks in honor of the citrus industry in this state and sets a \$30 additional annual fee for the plates. The act requires a portion of the fee be used by Texas A&M University-Kingsville to provide financial assistance to graduate students in the College of Agriculture and Human Sciences.

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Wise

SENATE BILL 775

EFFECTIVE: 8-30-99

Senate Bill 775 amends the Transportation Code to add vehicles operated by a governmental entity to the list of motor vehicles that are exempt from the requirement to register under motor carrier provisions of the code. It also includes provisions relating to the registration, application, and insurance filing fees for an optional two-year registration period and a temporary registration period that is valid for less than one year. It requires that a cab card or a vehicle registration issued by the Texas Department of Transportation under the optional registration periods or under an alternative method be valid for the same duration.

SENATE AUTHOR: Bivins

HOUSE SPONSOR: Siebert

Senate Bill 775 authorizes the department to investigate alleged violations of consumer protection regulations by household goods carriers and clarifies a provision regarding an offer of insurance by such carriers. An out-of-state motor carrier that is being investigated is required to designate a location in the state for the records inspection or may request an inspection at the carrier's office out-of-state but is required to reimburse the department for actual expenses incurred for the out-of-state investigation.

SENATE BILL 787

EFFECTIVE: 5-21-99

Senate Bill 787 amends the Transportation Code to make provisions of the chapter on administrative adjudication of vehicle parking and stopping offenses in certain municipalities also applicable to an airport that is operated by a joint board and to council-manager municipalities of more than 30,000 rather than 125,000.

SENATE AUTHOR: Harris

HOUSE SPONSOR: Brimer

SENATE BILL 844

EFFECTIVE: 9-1-99

Senate Bill 844 amends the Transportation Code to add certain municipal police officers to the definition of persons authorized to enforce weight limits for motor vehicles.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hill

SENATE BILL 845

EFFECTIVE: 9-1-99

Senate Bill 845 amends the Transportation Code to allow a person to apply to the Texas Department of Transportation for authorization to sell or give certain abandoned motor vehicles to a vehicle demolisher if the vehicle does not comply with emissions control requirements.

SENATE AUTHOR: Carona

HOUSE SPONSOR: Hill

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SENATE BILL 913

EFFECTIVE: 8-30-99

SENATE AUTHOR: Shapleigh et al.

HOUSE SPONSOR: Oliveira et al.

Senate Bill 913 amends the Transportation Code to require the Texas Department of Transportation to establish border inspection stations along major highways at or near border crossings from Mexico in the cities of Brownsville, Laredo, and El Paso so that all federal, state, and municipal agencies that regulate the passage of persons or vehicles across the border may be located in one place. The department must establish a one-stop border inspection station only if the federal agencies that regulate the passage of persons and motor vehicles at border crossings agree to the design of and to use the facilities. The act also authorizes the department to lease office space at the inspection facilities to the federal agencies.

SENATE BILL 926

EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Siebert

Senate Bill 926 amends the Transportation Code to allow the Texas Turnpike Authority, a division of the Texas Department of Transportation, to designate two or more turnpike projects that are wholly or partly located in two adjacent districts of the department as a pooled turnpike project. The bill also removes a provision prohibiting a turnpike project from being pooled more than once.

SENATE BILL 934

EFFECTIVE: 6-18-99

SENATE AUTHOR: Lucio

HOUSE SPONSOR: Oliveira

The Transportation Code provides an optional procedure for the issuance of a permit for the movement of oversize or overweight vehicles carrying cargo on state highways in certain counties bordering Mexico. Senate Bill 934 amends the code to expand the list of highways on which overweight cargo may be transported for a fee. The act also increases the maximum percentage of the overweight cargo fee that may be spent on administrative costs from 10 to 15 percent and extends the authorization for the optional permit procedure from March 1, 2000, to March 1, 2005.

SENATE BILL 987

EFFECTIVE: 9-1-99

SENATE AUTHOR: Ratliff

HOUSE SPONSOR: V. Luna

Senate Bill 987 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed Texas Young Lawyers Association license plates, which must bear the words "And Justice For All," for passenger cars and light trucks and sets a \$30 additional annual fee for the plates. The act requires a portion of the fee to be deposited to the credit of the basic civil legal services account.

SENATE BILL 997

EFFECTIVE: 9-1-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: Tillery

Senate Bill 997 amends the Transportation Code to remove requirements for the collection and use of fees for special license plates for the veterans of World War II, the Korean War, the Vietnam War, and Operation Desert Shield or Desert Storm.

SENATE BILL 1099

EFFECTIVE: 6-19-99

SENATE AUTHOR: Cain

HOUSE SPONSOR: B. Turner

Senate Bill 1099 amends the Underground Facility Damage Prevention and Safety Act to exempt excavation by employees of the Texas Department of Transportation on a segment of a state highway if the excavation is more than 10 feet from the right-of-way line.

SENATE BILL 1169

EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Isett

Senate Bill 1169 amends the Transportation Code to authorize the Texas Department of Public Safety to sell advertising in any driver's license handbook that the department publishes, except for advertisements relating to an alcoholic beverage.

SENATE BILL 1176

EFFECTIVE: 9-1-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Van de Putte

Senate Bill 1176 amends the Transportation Code to require the Texas Department of Transportation to issue specially designed license plates for passenger cars and light trucks in honor of the Young Men's Christian Association and provides for an additional annual fee to be set by the department to recover the cost of issuing the plates.

SENATE BILL 1195

EFFECTIVE: 9-1-99

SENATE AUTHOR: Shapiro

HOUSE SPONSOR: Hamric

State law provides that five percent of the contract price of a contract for highway projects is retained until the entire improvement to the highway is complete and has been accepted. Senate Bill 1195 amends the Transportation Code to require that four percent of the contract price of any contract that includes the use of recycled materials be retained until the entire improvement is complete.

SENATE BILL 1220

EFFECTIVE: 6-18-99

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Alexander

Senate Bill 1220 amends the Transportation Code relating to highway beautification to provide for notice from the Texas Department of Transportation requiring junkyard owners to screen the junkyard and for injunctions to require such screening. The act authorizes the Texas Transportation Commission to revoke or suspend a salvage dealer license and provides for civil penalties for violations of highway beautification provisions. It also sets out exceptions and related procedures.

SENATE BILL 1375

EFFECTIVE: 6-18-99

SENATE AUTHOR: Shapleigh

HOUSE SPONSOR: Najera et al.

Senate Bill 1375 directs the comptroller to study the movement of commercial vehicles crossing the Texas-Mexico border to determine how the separation of state regulatory and criminal law enforcement functions would reduce congestion and enhance vehicle movement. The act charges the comptroller to develop recommendations and to submit the study results and recommendations to the governor and legislative presiding officers before January 1, 2001.

SENATE BILL 1480

EFFECTIVE: 5-21-99

SENATE AUTHOR: Cain et al.

HOUSE SPONSOR: Y. Davis

Senate Bill 1480 amends Transportation Code provisions relating to local government airports to authorize a revenue sharing agreement among a municipality, home-rule cities of population greater than 400,000 that are parties to a joint-action agreement, and the joint board they have created. Under a revenue sharing agreement, a portion of the municipality's tax or fee revenue derived from territory under the joint board's jurisdiction may be transferred to the home-rule cities if the joint board agrees to encourage certain development opportunities.

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Transfers involving tax money from a sports and community venue project, however, may only occur if the election approving the tax is held after the date of the revenue-sharing agreement. The ballot proposition for that election must notify voters of the anticipated transfer. The act validates a revenue-sharing agreement that was made before the act's effective date.

SENATE BILL 1751

EFFECTIVE: 8-30-99

SENATE AUTHOR: Wentworth

HOUSE SPONSOR: Cuellar

Senate Bill 1751 amends the Transportation Code to provide that the Texas Turnpike Authority may maintain the Texas Turnpike Authority feasibility study fund and the project revolving fund in a private banking institution or, at the discretion of the authority, in trust at the state treasury outside the general revenue fund. The accounts must be held separately and any interest accrued must be deposited in the fund on which it was earned. The act prohibits money transferred to the Texas Department of Transportation for the benefit of the authority from the North Texas Tollway Authority from being deposited in a private banking institution.

CHAPTER 2

PROPOSED CONSTITUTIONAL AMENDMENTS

In the 1999 Regular Session, the 76th Legislature passed 17 joint resolutions proposing amendments to the state constitution. These propositions will be offered for ratification on the November 2, 1999, election ballot.

Listed below are the authors, sponsors, and captions of each of the 17 joint resolutions. A summary of each joint resolution may be found in Chapter 1 of this publication.

For November 2, 1999, Election

HOUSE JOINT RESOLUTION 4

HOUSE AUTHOR: Kuempel
SENATE SPONSOR: Wentworth

Proposing a constitutional amendment to authorize the exemption of property owned by institutions engaged primarily in public charitable functions from ad valorem taxation.

HOUSE JOINT RESOLUTION 16

HOUSE AUTHOR: Thompson et al.
SENATE SPONSOR: Harris

Proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.

HOUSE JOINT RESOLUTION 29

HOUSE AUTHOR: Gallego
SENATE SPONSOR: Shapiro

Proposing a constitutional amendment authorizing the legislature to provide that certain state boards, commissions, or other agencies shall be governed by a board composed of an odd number of three or more members.

HOUSE JOINT RESOLUTION 36

HOUSE AUTHOR: Goodman
SENATE SPONSOR: Harris

Proposing a constitutional amendment permitting the conversion of separate property to community property.

HOUSE JOINT RESOLUTION 44

HOUSE AUTHOR: Ramsay et al.
SENATE SPONSOR: Truan

Proposing a constitutional amendment relating to the filling of a vacancy in the office of governor or lieutenant governor.

HOUSE JOINT RESOLUTION 58

HOUSE AUTHOR: Junell et al.
SENATE SPONSOR: Ratliff

Proposing a constitutional amendment relating to the investment of the permanent university fund and to distributions from that fund to the available university fund.

HOUSE JOINT RESOLUTION 62

HOUSE AUTHOR: Mowery et al.
SENATE SPONSOR: Shapiro

Proposing a constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective constitutional provisions.

Proposed Constitutional Amendments

HOUSE JOINT RESOLUTION 69

HOUSE AUTHOR: Lewis, G.
SENATE SPONSOR: Harris

Proposing a constitutional amendment permitting a political subdivision to purchase property and casualty insurance from certain mutual insurance companies.

HOUSE JOINT RESOLUTION 71

HOUSE AUTHOR: Homer et al.
SENATE SPONSOR: Ratliff

Proposing a constitutional amendment to provide for the number of precincts that certain counties must create for justices of the peace and constables.

HOUSE JOINT RESOLUTION 74

HOUSE AUTHOR: Gray
SENATE SPONSOR: Brown, J. E.

Proposing a constitutional amendment to provide that the commissioner of health and human services serves at the pleasure of the governor.

HOUSE JOINT RESOLUTION 95

HOUSE AUTHOR: Gray
SENATE SPONSOR: Brown, J. E.

Proposing a constitutional amendment to provide that the adjutant general serves at the pleasure of the governor.

SENATE JOINT RESOLUTION 10

SENATE AUTHOR: Brown, J. E.
HOUSE SPONSOR: Thompson

Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

SENATE JOINT RESOLUTION 12

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

Proposing a constitutional amendment relating to the making of advances under and payment of a reverse mortgage.

SENATE JOINT RESOLUTION 16

SENATE AUTHOR: Barrientos et al.
HOUSE SPONSOR: Hunter

Proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students.

SENATE JOINT RESOLUTION 21

SENATE AUTHOR: Carona
HOUSE SPONSOR: Hamric et al.

Proposing a constitutional amendment relating to the exemption from ad valorem taxation of certain leased motor vehicles not held primarily for the production of income.

SENATE JOINT RESOLUTION 22

SENATE AUTHOR: Harris
HOUSE SPONSOR: Brimer

Proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead.

Proposed Constitutional Amendments

SENATE JOINT RESOLUTION 26

SENATE AUTHOR: Ratliff et al.

HOUSE SPONSOR: Krusee

Proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.

CHAPTER 3
**CHANGES TO STATE AGENCIES,
GOVERNING BOARDS, AND INTERAGENCY
AND ADVISORY PANELS**

76th Legislature, Regular Session

- C Newly created, mandated, or authorized
X Abolished
RC Replaces a previous entity (replacement, reorganization, or name change)
RX Replaced by a new entity (replacement, reorganization, or name change)
M Membership or composition change (excluding ethics or nondiscrimination provisions)
E Expiration date change (sunset or other)
ME Both membership and expiration date changes
() Same sunset date as parent agency, under Section 325.013, Government Code
(when used in last two columns)

| Bill | Change | Entity (Parent Entity) / Bill Location | Sunset Review | Expires |
|-------------|---------------|---|----------------------|----------------|
| HB81 | X | State Conservatorship Board / § 2 | | |
| HB510 | M | Commission on Uniform State Laws / § 1 | | |
| HB542 | M | Texas Workers' Compensation Insurance Fund Board of Directors / § 1 | | |
| HB713 | C | Legislative Oversight Committee on the TEXAS and Teach for Texas Grant Programs / § 1 | | |
| HB822 | C | Task Force on Federal Reimbursements to Counties / § 1 | | 2001 |
| HB1033 | ME | Texas Cancer Council / § 1 | 2011 | 2011 |
| HB1051 | RC RX | Optometric Health Care Advisory Committee / § 3 Therapeutic Optometry Technical Advisory Committee (Texas Optometry Board) / § 2 | | 2005 |
| HB1151 | E | Office for the Prevention of Developmental Disabilities / § 4 | 2001 | 2001 |
| HB1161 | C C | Tobacco Settlement Permanent Trust Account Investment Advisory Committee (Comptroller) / § 1.01 Tobacco Settlement Permanent Trust Account Administration Advisory Committee (Texas Department of Health) / § 2.01 | (2011) | (2011) |

Changes to State Entities

| | | | | |
|--------|----|---|--------|--------|
| HB1194 | M | Board of Directors of the Statewide Rural Health Care System / § 5 | | |
| | M | Advisory Committee on the Statewide Rural Health Care System / § 6 | | |
| HB1248 | M | Texas Board of Architectural Examiners / § 1.01 | 2003 | 2003 |
| HB1297 | RC | Lamar Institute of Technology / § 1 | | |
| | RX | Lamar University Institute of Technology / § 1 | | |
| | RC | Lamar State College—Port Arthur / § 2 | | |
| | RX | Lamar University at Port Arthur / § 2 | | |
| | RC | Lamar State College—Orange / § 2 | | |
| | RX | Lamar University at Orange / § 2 | | |
| HB1341 | C | Texas Courthouse Preservation Program Advisory Committee (Texas Historical Commission) / § 2 | (2007) | (2007) |
| HB1398 | C | Advisory Committee on Telemedical Consultations (Health and Human Services Commission) / § 1.25 | (2007) | (2007) |
| HB1400 | ME | Texas Commission for the Blind / § 1 | 2011 | 2011 |
| HB1401 | E | Texas Commission for the Deaf and Hard of Hearing / § 4 | 2011 | 2011 |
| HB1402 | E | Texas Rehabilitation Commission / § 2 | 2011 | 2011 |
| | RC | Rehabilitation Council of Texas (Texas Rehabilitation Commission) / § 6 | (2011) | (2011) |
| | RX | Rehabilitation Advisory Council (Texas Rehabilitation Commission) / § 6 | | |
| HB1433 | M | TexShare Advisory Board (Texas State Library and Archives Commission) / § 1 | (2007) | (2007) |
| HB1444 | C | Public Health Consortium / § 6 | | |
| HB1503 | E | Interagency Council on Early Childhood Intervention / § 10 | 2011 | 2011 |
| HB1504 | C | Consortium of Alzheimer’s Disease Centers (Texas Council on Alzheimer’s Disease and Related Disorders) / § 1 | | |
| | C | Consortium of Alzheimer’s Disease Centers Steering Committee (Texas Council on Alzheimer’s Disease and Related Disorders) / § 1 | | |
| HB1513 | C | Scientific Review Panel (Texas Health Care Information Council) / § 8 | | |

Changes to State Entities

| | | | | |
|--------|-----------------------|---|----------------------------------|--|
| | M | Technical Advisory Committee on Education About the Development and Dissemination of Provider Reports and Data (Texas Health Care Information Council) / § 2 | | |
| | M | Technical Advisory Committee on Health Benefit Plan Provider Aggregate Data by Service Area (Texas Health Care Information Council) / § 2 | | |
| | M | Technical Advisory Committee on the Public Use Data File Minimum Data Set (Texas Health Care Information Council) / § 2 | | |
| HB1610 | RC RX | Texas Council for Developmental Disabilities / § 4 Texas Planning Council for Developmental Disabilities / § 4 | 2011 | 2011 |
| HB1611 | E | Governor's Committee on People with Disabilities / § 4 | 2011 | 2011 |
| HB1848 | M | Texas Groundwater Protection Committee / § 1 | | |
| HB1864 | C | Promotora Program Development Committee (Texas Department of Health) / Article 1 | | 2001 |
| HB1865 | E | Texas Emancipation Juneteenth Cultural and Historical Commission / § 1 | 2011 | 2011 |
| HB1895 | C | Interagency Panel on State Agency Software Portfolio Management Training / § 1 | | |
| HB1919 | C | Joint Interim Committee on Health Benefit Mandates / § 1 | | 2001 |
| HB1976 | E | Commission on Human Rights / § 1 | 2011 | 2011 |
| HB1983 | RC RX | Commission on State Emergency Communications / § 3 Advisory Commission on State Emergency Communications / § 3 | 2011 | 2011 |
| HB2025 | C C | Border Health Institute / § 1 Border Health Institute Governing Board / § 1 | | |
| HB2085 | E E E C C | Texas Department of Health / § 1.02 Texas Board of Health / § 1.02 Toxic Substances Coordinating Committee / § 1.19 Advisory Council on Emergency Medical Services (Texas Department of Health) / § 19.01 Council on Cardiovascular Disease and Stroke (Texas Department of Health) / § 25.01 | 2011 2011 (2011) (2011) | 2011 2011 none (2011) (2011) |

Changes to State Entities

| | | | | |
|--------|---|---|--|--|
| | M | Advisory Board of Athletic Trainers (Texas Department of Health) / § 13.01 | (2011) | (2011) |
| HB2510 | M | Medical Advisory Committee (Texas Workers' Compensation Commission) / § 17 | (2007) | (2007) |
| HB2511 | C | Task Force on Workers' Compensation Electronic Information Exchange (Texas Workers' Compensation Commission) / § 7 | | |
| HB2599 | C | Prescribed Burning Board (Department of Agriculture) / § 1 | 2009 | 2009 |
| HB2617 | RC RX | Texas Commission on Private Security / § 5 Texas Board of Private Investigators and Private Security Agencies / §§ 5, 55 | 2009 | 2009 |
| HB2641 | E C C | Health and Human Services Commission / § 1.01 Advisory Committee for Local Governmental Entities (Health and Human Services Commission) / § 3.02 Advisory Committee on Information Resources Planning and Management (Health and Human Services Commission) / § 3.03 | 2007 (2007) (2007) | 2007 (2007) (2007) |
| HB2660 | RC RX | Drought Preparedness Council / § 7 Drought Response and Monitoring Committee / § 7 | | |
| HB2719 | C | "Go Texan" Partner Program Advisory Board (Department of Agriculture) / § 2 | (2007) | (2007) |
| HB2896 | C | State Medicaid Managed Care Advisory Committee (Health and Human Services Commission) / § 9 | (2007) | (2007) |
| HB2954 | X E E E E E E E E | Texas Low-Level Radioactive Waste Disposal Authority / Article 4 General Services Commission / § 1.02 Texas Department of Human Services / § 2.01 Texas Ethics Commission / § 2.05 Texas-Israel Exchange Fund Board / § 3.01 Official Cotton Growers' Boll Weevil Eradication Foundation Board / § 3.02 Children's Trust Fund of Texas Council / § 3.03 Office of State Prosecuting Attorney / § 5.01 Texas Judicial Council / § 5.01 | 2001 2003 2003 2007 2007 2007 none none | 2001 2003 2007 2007 2007 2007 none none |

Changes to State Entities

| | | | | |
|--------|----|--|--------|--------|
| | E | State Law Library / § 5.01 | none | none |
| | E | Secretary of State / § 5.01 | none | |
| | | (See SB351 note on the Children's Trust Fund of Texas Council. See SB374, including the accompanying note, on the Texas Department of Human Services.) | | |
| HB3084 | X | Funds Review Advisory Committee / § 18 | | |
| HB3271 | C | Interagency Work Group on Sharing of Data and Resources on Locating Parents and Relatives (Attorney General) / § 2 | | |
| HB3277 | C | Agriculture and Wildlife Research and Management Advisory Committee (Texas Agricultural Experiment Station) / § 1 | | |
| HB3431 | X | Workforce Development Legislative Oversight Committee / § 15 | | |
| HB3516 | M | Texas Funeral Service Commission / § 2 (See also SB440.) | 2001 | 2001 |
| SB7 | E | Public Utility Commission of Texas / § 2 | 2005 | 2005 |
| | E | Office of Public Utility Counsel / § 5 | 2005 | 2005 |
| | C | Electric Utility Restructuring Legislative Oversight Committee / § 39 | | |
| | C | Interim Committee on the Effect of Electric Utility Restructuring on the Tax Revenue of Certain Coastal Taxing Units / § 39 (See also SB560.) | | 2001 |
| SB71 | C | Judicial Compensation Commission / § 1 (Creation of the commission is subject to voter approval of the constitutional amendment proposed by SJR10.) | | |
| SB93 | RC | Advisory Committee on Assisted Living Facilities (Texas Department of Human Services) / § 1 | (2003) | (2003) |
| | RX | Advisory Committee on Personal Care Facilities (Texas Department of Human Services) / § 1 | | |
| | C | Work Group on Texas Accessibility Standards / § 9 | | |
| SB95 | C | Work Group on Regulation of Brain Injury Rehabilitation Programs / § 4 | | 2001 |

Changes to State Entities

| | | | | |
|-------|----|--|------|------|
| SB100 | C | Advisory Committee on the Design for a Quarter Dollar Commemorative Coin (Governor) / § 1 | | 2005 |
| SB310 | M | Texas Board of Occupational Therapy Examiners / § 1 | 2005 | 2005 |
| SB351 | E | Children's Trust Fund of Texas Council / § 1 (The 2011 date, however, is superseded by the 2007 date in HB2954, because the two bills are in direct conflict and HB2954 was passed later in the legislative session.) | 2011 | 2011 |
| SB354 | E | Center for Rural Health Initiatives / § 1 | 2011 | 2011 |
| | M | Center for Rural Health Initiatives Executive Committee / § 1 | 2011 | 2011 |
| SB355 | ME | Texas Incentive and Productivity Commission / §§ 1, 4 | 2003 | 2003 |
| SB356 | X | Texas Hospital Equipment Financing Council / § 1 | | |
| SB358 | E | Texas Department of Mental Health and Mental Retardation / § 1 | 2011 | 2011 |
| | C | Local Authority Technical Advisory Committee (Texas Department of Mental Health and Mental Retardation) / § 8 | | 2007 |
| | C | Committee on the Demonstration Program for Supported Housing Services to Mentally Ill Residents of Personal Care Facilities / § 21 | | 2001 |
| | C | Committee to Evaluate the Delivery and Regulation of Services to Residents of Intermediate Care Facilities for the Mentally Retarded (Health and Human Services Commission) / § 22 | | |
| SB365 | E | Texas Department of Criminal Justice / § 1.05 | 2011 | 2011 |
| | E | Texas Board of Criminal Justice / § 1.05 | 2011 | 2011 |
| | M | Private Sector Prison Industries Oversight Authority / § 1.25 | | |
| | M | Texas Council on Offenders with Mental Impairments / § 3.01 | | |
| | C | Multidisciplinary Team on the Review of Available Records of Potential Predators / § 4.01 | | |
| SB368 | X | Advisory Committee on Child Custody and Child Support (Supreme Court of Texas) / § 6 | | |

Changes to State Entities

| | | | | |
|-------|---|---|--------|--------|
| | X | Work Group on Implementation of a Unified Registry System for Child Support and Medical Support / § 50 | | |
| | C | Interagency Work Group on an Interagency Partnership Strategy (Attorney General) / § 51 | | |
| | C | County Advisory Work Group (Attorney General) / § 51 | | |
| | C | Information Resources Steering Committee (Attorney General) / § 51 | | |
| | E | Work Group on the State Case Registry and State Disbursement Unit / § 68 | | 2000 |
| SB370 | E | Department of Public Safety / § 1 | 2009 | 2009 |
| SB371 | RC | Correctional Managed Health Care Committee / §§ 1, 3 | 2005 | 2005 |
| | RX | Correctional Managed Health Care Advisory Committee / §§ 2, 3 | | |
| SB374 | C | Work Group on Long-Term Care Services (Texas Department of Human Services) / § 1.04 | 2004 | 2004 |
| | C | Work Group on Children's Long-Term Care and Health Programs (Texas Department of Human Services) / § 1.04 | | |
| | M | Texas Board on Aging / § 1.07 | | |
| | E | Texas Department on Aging / § 1.10 | | |
| | C | Aging Policy Council / § 2.03 | | |
| | RC | Texas Department of Aging and Disability Services / §§ 2.01, 2.02, 2.11 | | |
| | RX | Texas Department on Aging / §§ 2.02, 2.11 | | |
| | RX | Texas Department of Human Services / § 2.01 | | |
| | RC | Texas Board of Aging and Disability Services / §§ 2.01, 2.02 | | |
| | RX | Texas Board on Aging / § 2.02 | | |
| RX | Texas Board of Human Services / § 2.01 (The last six changes take effect in 2003.) | | | |
| SB440 | E | Texas Funeral Service Commission / § 1 (See also HB3516.) | 2001 | 2001 |
| SB494 | C | Advisory Committee on the Bob Bullock Texas State History Museum (State Preservation Board) / § 15 | (2007) | (2007) |
| SB560 | E | Public Utility Commission of Texas / § 1 | 2005 | 2005 |

Changes to State Entities

| | | | | |
|--------|----|--|--------|--------|
| | E | Office of Public Utility Counsel / § 2 (See also SB7.) | 2005 | 2005 |
| SB590 | C | Texas A&M University System Coastal Bend Health Education Center / § 1 | | |
| SB602 | M | Interagency Council for Genetic Services / § 1 | | |
| SB677 | RC | Windstorm Building Code Advisory Committee on Specifications and Maintenance (Texas Department of Insurance) / § 1 | (2005) | (2005) |
| | RX | Advisory Committee on Building Specifications (Texas Department of Insurance) / §§ 2, 3 | | |
| SB751 | C | University of North Texas System / § 2 | | |
| SB862 | C | Public Multi-Disciplinary Task Force on Organ Allocation (Texas Department of Health) / § 5 | | 2000 |
| SB873 | X | Aquaculture Executive Committee / § 11 | | |
| | X | Aquaculture Advisory Committee / § 11 | | |
| SB888 | C | Electronic Recording Advisory Committee (Texas State Library and Archives Commission) / § 2 | (2007) | (2007) |
| SB931 | C | Advisory Committee on the Pharmacy Residency Program (Texas Higher Education Coordinating Board) / § 1 | | |
| SB964 | E | Dental Hygiene Advisory Committee (State Board of Dental Examiners) / § 24 | 2005 | 2005 |
| SB974 | C | Task Force on a Common Intergovernmental Electronic System / § 1 | | 2001 |
| SB995 | C | Harris County Hospital District Review Commission / § 1 | | 2001 |
| SB1088 | C | Texas Tech University System / § 2 | | |
| SB1127 | C | Interim Legislative Oversight Committee on the Review of the General Services Commission / § 18 | | |
| SB1130 | M | Group Benefits Advisory Committee (Employees Retirement System of Texas) / § 48 | | |
| SB1183 | C | Rural Veterinarian Incentive Program Committee / § 1 | | |
| SB1234 | C | Children's Mental Health Consortium (Health and Human Services Commission) / § 1 | | |

Changes to State Entities

| | | | | |
|--------|---|--|--------|--------|
| SB1252 | C | Task Force on the Internet Broadcast of Open Meetings (Department of Information Resources) / § 3 | | |
| SB1441 | M | Advisory Committee on Telecommunications Relay Access Service (Public Utility Commission of Texas) / § 4 | (2005) | (2005) |
| SB1580 | C | Texas Violent Gang Task Force / § 1 | | |
| SB1586 | C | Voucher Payment Program Work Group (Health and Human Services Commission) / § 1 | | |
| SB1591 | C | National Data Interchange Standards Task Force / § 4 | | 2005 |
| SB1650 | C | Risk Assessment Review Committee (Texas Department of Criminal Justice) / § 2 | (2011) | (2011) |
| SB1685 | C | Texas Oyster Council (Texas Department of Health) / § 3 | (2011) | (2011) |
| | C | Oyster Advisory Committee (Department of Agriculture) / § 4 | (2007) | (2007) |
| SB1746 | C | TEEP (Texas Environmental Education Partnership) Fund Board / § 5 | 2009 | 2009 |
| SB1775 | C | Service Contract Providers Advisory Board (Texas Department of Licensing and Regulation) / § 1 | (2003) | (2003) |
| SB1789 | M | Crime Stoppers Advisory Council (Governor) / § 1 | | |
| SB1851 | C | Open Records Steering Committee (General Services Commission) / § 3 | (2001) | (2001) |

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-eight agencies were scheduled for sunset review during the interim before the 76th Legislative Session, and 25 bills were enacted during the 1999 Regular Session establishing sunset provisions for those agencies. An additional measure, House Bill 2954, also was passed by the legislature and rescheduled sunset dates for various state agencies. Listed below are the bills, with effective dates, authors, sponsors, and captions for each. Bill summaries may be found in Chapter 1.

HOUSE BILL 1033

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Cancer Council.

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Madla

HOUSE BILL 1151

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Office for the Prevention of Developmental Disabilities.

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

HOUSE BILL 1400

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Commission for the Blind.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Zaffirini

HOUSE BILL 1401

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Commission for the Deaf and Hard of Hearing.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Harris

HOUSE BILL 1402

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Rehabilitation Commission.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Madla

HOUSE BILL 1503

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Interagency Council on Early Childhood Intervention.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: Harris

HOUSE BILL 1610

EFFECTIVE: 9-1-99

Relating to the continuation, functions, and change of the name of the Texas Planning Council for Developmental Disabilities.

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

Sunset Legislation

HOUSE BILL 1611

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Governor's Committee on People with Disabilities.

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: Zaffirini

HOUSE BILL 1865

EFFECTIVE: 9-1-99

Relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission.

HOUSE AUTHOR: Edwards

SENATE SPONSOR: R. West

HOUSE BILL 1976

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Commission on Human Rights.

HOUSE AUTHOR: Bosse

SENATE SPONSOR: Madla

HOUSE BILL 1983

EFFECTIVE: 9-1-99

Relating to the functions of the Advisory Commission on State Emergency Communications and emergency communication districts and to the continuation of the Advisory Commission on State Emergency Communications.

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Madla

HOUSE BILL 2085

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Board of Health and Texas Department of Health, including the operation of certain boards and councils administratively attached to the department; providing penalties.

HOUSE AUTHOR: McCall et al.

SENATE SPONSOR: J. E. Brown

HOUSE BILL 2617

EFFECTIVE: 9-1-99

Relating to the continuation of the Texas Board of Private Investigators and Private Security Agencies as the Texas Commission on Private Security, to the functions performed by that agency, and to certain powers of political subdivisions relating to alarm systems; providing a penalty.

HOUSE AUTHOR: Bosse et al.

SENATE SPONSOR: Harris

HOUSE BILL 2641

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Health and Human Services Commission.

HOUSE AUTHOR: Gray et al.

SENATE SPONSOR: J. E. Brown

HOUSE BILL 2954

EFFECTIVE: 9-1-99

Relating to the application of the sunset review process to certain state agencies.

HOUSE AUTHOR: Gray

SENATE SPONSOR: J. E. Brown

SENATE BILL 351

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Children's Trust Fund of Texas Council.

SENATE AUTHOR: Zaffirini et al.

HOUSE SPONSOR: Gray et al.

SENATE BILL 354

EFFECTIVE: 8-30-99

Relating to the continuation and functions of the Center for Rural Health Initiatives.

SENATE AUTHOR: Madla

HOUSE SPONSOR: McCall et al.

SENATE BILL 355

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Incentive and Productivity Commission.

SENATE AUTHOR: Harris

HOUSE SPONSOR: Bosse

SENATE BILL 356

EFFECTIVE: 9-1-99

Relating to the abolition of the Texas Hospital Equipment Financing Council.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: McCall et al.

SENATE BILL 358

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Texas Department of Mental Health and Mental Retardation and to certain facilities that provide care for persons with mental illness.

SENATE AUTHOR: Madla

HOUSE SPONSOR: Gray et al.

SENATE BILL 365

EFFECTIVE: 9-1-99

Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, the administration of the Texas Council on Offenders with Mental Impairments, and the civil commitment of sexually violent predators.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: McCall

SENATE BILL 368

EFFECTIVE: 9-1-99

Relating to court-ordered child support, including the child support enforcement functions of the office of the attorney general and the sunset review of those functions and the implementation of the child support enforcement provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing civil and criminal penalties.

SENATE AUTHOR: Harris

HOUSE SPONSOR: Bosse et al.

SENATE BILL 370

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Department of Public Safety of the State of Texas; providing penalties.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Bosse

SENATE BILL 371

EFFECTIVE: 9-1-99

Relating to the continuation and functions of the Correctional Managed Health Care Advisory Committee.

SENATE AUTHOR: J. E. Brown

HOUSE SPONSOR: Gray

SENATE BILL 374

EFFECTIVE: See below

Relating to the provision of certain long-term care services, to the continuation and functions of the Texas Department on Aging, and to the eventual consolidation of the Texas Department of Human Services and the Texas Department on Aging into a new agency on aging and disability services. This act takes effect September 1, 1999, except for Article 2, which takes effect September 1, 2003.

SENATE AUTHOR: Zaffirini

HOUSE SPONSOR: Gray et al.

SENATE BILL 440

EFFECTIVE: 9-1-99

Relating to the review of the Texas Funeral Service Commission under the Texas Sunset Act.

SENATE AUTHOR: Moncrief

HOUSE SPONSOR: Capelo

CHAPTER 5

VETOED LEGISLATION

Of the legislation passed during the 1999 Regular Session, Governor George W. Bush vetoed 24 house bills, 7 senate bills, 1 house concurrent resolution, and 1 senate concurrent resolution. The governor also vetoed several items of appropriation in House Bill 1, the General Appropriations Act. A list of the 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 59

HOUSE AUTHOR: Cuellar
SENATE SPONSOR: Duncan

Relating to making a voter information guide for judicial elections available to the public on the Internet.

HOUSE BILL 64

HOUSE AUTHOR: Greenberg et al.
SENATE SPONSOR: Lucio

Relating to a Texas community investment program to assist certain businesses in distressed areas of the state.

HOUSE BILL 247

HOUSE AUTHOR: Puente
SENATE SPONSOR: Wentworth

Relating to the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.

HOUSE BILL 617

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

Relating to waiver applications by a public school campus or district.

HOUSE BILL 1418

HOUSE AUTHOR: Seaman et al.
SENATE SPONSOR: Armbrister

Relating to optional career and technology education programs offered by public school districts and a study of career and technology education programs.

HOUSE BILL 1733

HOUSE AUTHOR: V. Luna
SENATE SPONSOR: Zaffirini

Relating to a continuing advisory panel to provide policy guidance concerning special education and related services.

HOUSE BILL 1847

HOUSE AUTHOR: Hill
SENATE SPONSOR: Madla

Relating to the presumed validity of a district act or proceeding.

Vetoed Legislation

HOUSE BILL 1851

HOUSE AUTHOR: Thompson
SENATE SPONSOR: Harris

Relating to guardianships and other related matters concerning incapacitated persons.

HOUSE BILL 2045

HOUSE AUTHOR: Brimer
SENATE SPONSOR: Harris

Relating to financing capital improvements and facility expansions through the assessment of impact fees.

HOUSE BILL 2107

HOUSE AUTHOR: Cook et al.
SENATE SPONSOR: Armbrister

Relating to assistance to certain volunteer fire departments and to the imposition of a tax to finance that assistance.

HOUSE BILL 2155

HOUSE AUTHOR: Yarbrough
SENATE SPONSOR: Harris

Relating to the creation and operation of the Texas State Board of Mechanical Industries and the regulation of plumbing and mechanical laws and programs by that board; providing penalties.

HOUSE BILL 2175

HOUSE AUTHOR: Uher
SENATE SPONSOR: Armbrister

Relating to the regulation of the practice of chiropractic.

HOUSE BILL 2186

HOUSE AUTHOR: Dutton
SENATE SPONSOR: R. Ellis

Relating to summary judgments issued by a court.

HOUSE BILL 2300

HOUSE AUTHOR: Hunter
SENATE SPONSOR: R. Ellis

Relating to the publication by the Texas Board of Professional Engineers of a roster of engineers.

HOUSE BILL 2388

HOUSE AUTHOR: Jim Solis
SENATE SPONSOR: Madla

Relating to the sale or lease by a county of real property in connection with certain economic development programs.

HOUSE BILL 2536

HOUSE AUTHOR: Y. Davis
SENATE SPONSOR: R. West

Relating to the salary of the county judge of Dallas County.

HOUSE BILL 2557

HOUSE AUTHOR: Glaze
SENATE SPONSOR: Ratliff

Relating to the application of the open meetings law and the open records law to certain entities eligible to receive funds under the federal community services block grant program.

HOUSE BILL 2725

HOUSE AUTHOR: Pickett et al.
SENATE SPONSOR: Lucio

Relating to the collection of costs in criminal cases.

HOUSE BILL 2794

HOUSE AUTHOR: Gutierrez
SENATE SPONSOR: Wentworth

Relating to the automation of the compulsory motor vehicle inspection system.

HOUSE BILL 2891

HOUSE AUTHOR: Bailey
SENATE SPONSOR: Gallegos

Relating to the creation of the Aldine Community Improvement District; authorizing the issuance of bonds and the imposition of taxes.

HOUSE BILL 2977

HOUSE AUTHOR: Hamric
SENATE SPONSOR: Lindsay

Relating to the authority of the Texas Natural Resource Conservation Commission to certify that the discharge of a pollutant will not cause a violation of certain water quality standards under the Federal Water Pollution Control Act and to certain authority of the railroad commission relating to water quality.

HOUSE BILL 3120

HOUSE AUTHOR: Chisum
SENATE SPONSOR: Haywood

Relating to the prosecuting attorneys and assistants in certain counties.

HOUSE BILL 3635

HOUSE AUTHOR: Naishtat
SENATE SPONSOR: Wentworth

Relating to the Probate Court No. 1 of Travis County.

HOUSE BILL 3685

HOUSE AUTHOR: Flores
SENATE SPONSOR: Lucio

Relating to the appeal of a driver's license or vehicle registration suspension, cancellation, or revocation.

HOUSE CONCURRENT RESOLUTION 310

HOUSE AUTHOR: Brimer
SENATE SPONSOR: Harris

Instructing the enrolling clerk of the house to make technical corrections to H.B. 2045.

SENATE BILL 247

SENATE AUTHOR: R. Ellis et al.
HOUSE SPONSOR: Hinojosa

Relating to defense and pretrial information gathering standards for indigent people who are accused of crime.

SENATE BILL 321

SENATE AUTHOR: R. Ellis
HOUSE SPONSOR: Smithee

Relating to collection of attorney's fees in certain contract actions.

Vetoed Legislation

SENATE BILL 621

SENATE AUTHOR: Gallegos

HOUSE SPONSOR: Farrar

Relating to conditions of employment for peace officers employed by certain transportation authorities.

SENATE BILL 956

SENATE AUTHOR: Madla

HOUSE SPONSOR: Eiland et al.

Relating to the regulation of certain insurance agents and to the consolidation of insurance agent licenses; providing penalties.

SENATE BILL 1434

SENATE AUTHOR: Duncan

HOUSE SPONSOR: Puente

Relating to the retention or refund of certain money collected or received by a state agency.

SENATE BILL 1525

SENATE AUTHOR: Madla

HOUSE SPONSOR: Uher

Relating to the practice of dietetics.

SENATE BILL 1703

SENATE AUTHOR: R. Ellis

HOUSE SPONSOR: Cuellar et al.

Relating to loan assistance for low-income individuals and families.

SENATE CONCURRENT RESOLUTION 56

SENATE AUTHOR: Lindsay et al.

HOUSE SPONSOR: R. Lewis

Encouraging the Texas Natural Resource Conservation Commission to eliminate duplication between its Section 401 water quality certification program and the review conducted by the United States Army Corps of Engineers.

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, having been duly certified by the Comptroller of Public Accounts pursuant to Article III, Section 49a of the Texas Constitution, has been presented to me for action. This bill appropriates an estimated \$98.1 billion from all fund sources which includes \$55.1 billion from the General Revenue Fund for the fiscal biennium beginning September 1, 1999.

Total appropriations, when adjusted for inflation, population growth and property tax relief, reflect an increase of 1.9 percent over the current budget. Since 1994-95, real per capita spending has grown only 3.6 percent and has also grown less than the overall growth in the state economy. Spending as a percent of personal income has declined steadily from 9.5 percent in 1994-95 to 8.5 percent for 2000-01, a level last achieved 10 years ago.

Conservative budgetary policies and a growing state economy have resulted in the strongest fiscal condition for the state in recent history. When the Seventy-sixth Legislature convened in regular session, it was presented with the opportunity and the challenge to allocate some \$3.6 billion of additional state revenue above the current general revenue spending level. Even though the available revenue amount was subsequently increased to \$6.4 billion, the total cost of various proposals and requests far exceeded this record amount of "new money." Crafting the final state budget involved careful review and consideration of competing proposals ultimately determined by setting priorities.

The proposed state budget that I submitted to the Legislature presented my key fiscal priorities and the criteria against which I would evaluate fiscal proposals:

| <u>Key Fiscal Priorities</u> | <u>Fiscal Criteria</u> |
|--|--|
| <ul style="list-style-type: none"> • Meet Basic Needs • Cut State Taxes • Lower School Property Taxes • Improve Funding for Public Schools • Achieve Longer-term Benefits | <ul style="list-style-type: none"> • Whether the benefits are broadly shared • Whether the economic health of the state is strengthened • Whether the achievement of key objectives is promoted • Whether the philosophy of limited and efficient government, local control, personal responsibility, and strong families is supported |

I am pleased that through the passage of House Bill 1, along with Senate Bill 4, Senate Bill 441 and other measures, these priorities are accomplished. Over the next two years, tax relief measures will save Texans \$2.1 billion, including \$1.35 billion in property tax relief; school teachers will receive a \$3,000 pay raise; public education will receive 60 percent of all new general revenue spending; and endowments created with tobacco settlement proceeds will benefit health-related services for years to come.

This responsible budget supports the largest tax cut in our state's history, funds the basic needs and priorities of our growing state, and is good for Texas. Accordingly, I apply my veto authority sparingly. My item vetoes, totaling approximately \$51.1 million, would eliminate funding included for proposed legislation that did not pass and for legislation that I vetoed. I hereby veto the following items from House Bill 1, Seventy-sixth Legislature, Regular Session, 1999, and include a statement of my objections to each of those items.

ARTICLE I - GENERAL GOVERNMENT

State Office of Risk Management

Page I-77

2. **Contingency Appropriation for Senate Bill 1590.** Contingent upon the enactment of Senate Bill 1590, or similar legislation relating to the detection, investigation and prosecution of fraud in the workers' compensation program for state employees, by the Seventy-sixth Legislature, Regular Session, the State Office of Risk Management is hereby appropriated \$430,411 for fiscal year 2000 and \$346,781 for fiscal year 2001 out of the General Revenue Fund for the purpose of implementing that Act. The State Office of Risk Management 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 1590, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by 6.0 for fiscal year 2000 and by 6.0 for fiscal year 2001.

This veto action deletes a rider that was contingent upon proposed legislation that did not pass.

Secretary of State

Page I-82

11. **Contingency Appropriation for House Bill 1699.** Contingent upon the enactment of House Bill 1699, or similar legislation relating to voter registration information, processes and procedures, by the Seventy-sixth Legislature, Regular Session, the Office of the Secretary of State is hereby appropriated \$183,072 to Strategy B.1.1., Elections Administration, for fiscal year 2000 out of the General Revenue Fund for the purpose of implementing that Act.

This veto action deletes a rider that was contingent upon proposed legislation that did not pass.

ARTICLE II - HEALTH AND HUMAN SERVICES

Department of Health

Page II-45

73. **Contingency Appropriation for Senate Bill 1533.** Contingent upon the enactment of Senate Bill 1533, or similar legislation relating to the hazardous substances law, by the Seventy sixth Legislature, Regular Session, the Texas Department of Health is hereby appropriated \$56,153 for fiscal year 2000 and \$60,230 for fiscal year 2001 out of additional revenues collected pursuant to Senate Bill 1533 for the purpose of implementing that Act. In no event shall be amount expended out of, or transferred from, this appropriation exceed the amount of additional revenues generated pursuant to Senate Bill 1533. The additional revenues generated must be sufficient to cover the costs of the appropriation as well as any indirect costs associated with the implementation of the provisions of the bill.

This veto action deletes a rider that was contingent upon proposed legislation that did not pass.

ARTICLE III - EDUCATION

Texas Forest Service

Page III-217

5. **Contingency Appropriation for House Bill 2107.** Contingent upon the enactment of House Bill 2107, or similar legislation relating to assistance to certain volunteer fire departments and to the imposition of a tax to finance that assistance, by the 76th Legislature, Regular Session, Texas Forest Service is hereby appropriated \$375,000 for fiscal year 2000 and \$394,000 for fiscal year 2001 out of additional revenues collected pursuant to House Bill 2107 for the purpose of implementing that Act. In no event shall the amount expended out of appropriations identified by this provision exceed the amount of additional revenues generated pursuant to House Bill 2107.

House Bill 2107 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

52. **Contingency Appropriation for House Bill 2794.** Contingent upon the enactment of House Bill 2794, or similar legislation relating to the automation of the compulsory motor vehicle inspection system, by the Seventy-sixth Legislature, Regular Session, the Department of Public Safety is hereby appropriated \$22,466,004 for fiscal year 2000 and \$22,645,479 for fiscal year 2001 out of the General Revenue Fund 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. In no event shall the amount expended out of, or transferred from, appropriations identified by this provision exceed the amount of additional revenues generated pursuant to House Bill 2794 or similar legislation. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

House Bill 2794 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

ARTICLE VI – NATURAL RESOURCES

Low-Level Radioactive Waste Disposal Authority

Page VI-15

| | For the Years Ending | |
|---|----------------------|--------------------|
| | August 31, 2000 | August 31, 2001 |
| A.1.1. Strategy: ADMINISTRATIVE OVERSIGHT | | \$ 3,812,044 |
| Grand Total, LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY | | \$ 3,812,044 |
| Other Direct and Indirect Costs Appropriated Elsewhere in this Act | | \$ 152,865 |

This veto action eliminates funding for the second year of the biennium. The agency functions are being transferred to the Texas Natural Resource Conservation Commission. Therefore, the fiscal year 2000 appropriation is adequate to meet agency needs.

ARTICLE IX – GENERAL PROVISIONS

Page IX-23

Sec. 9-11.12. **Contingency Appropriation for House Bill 2155.** Contingent upon enactment of House Bill 2155, or similar legislation by the Seventy-sixth Legislature relating to the creation of the Texas State Board of Mechanical Industries, all appropriations and FTEs appropriated to the Texas State Board of Plumbing Examiners shall be transferred to the new Texas State Board of Mechanical Industries. In addition, the Texas Department of Licensing and Regulation shall transfer \$1,115,379 and 20 FTEs in fiscal year 2000 and \$1,115,379 and 20 FTEs in fiscal year 2001 to the Texas State Board of Mechanical Industries. The Texas Natural Resource Conservation Commission shall also transfer \$161,599 and 3 FTEs in fiscal year 2000 and \$161,599 and 3 FTEs in fiscal year 2001 to the Texas State Board of Mechanical Industries. Other direct and indirect costs appropriated elsewhere in this Act are estimated to be \$621,641 in fiscal year 2000 and \$642,750 in fiscal year 2001. It is the intent of the Legislature that fees, fines, and other miscellaneous revenues as authorized and generated by the Board of Mechanical Industries cover, at a minimum, the cost of appropriations made above as well as other direct and indirect costs listed above. In addition, the Texas State Board of Mechanical Industries is hereby appropriated \$195,251 in fiscal year 2000 and \$173,171 in fiscal year 2001 out of general revenue, for the purpose of moving and rent expenses, contingent upon the Texas State Board of Mechanical Industries assessing fees sufficient to generate a like amount above the amounts attributable to the transferred industries' revenue collection in the Comptroller's Biennial Revenue Estimate, as determined by the Comptroller. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided by this provision to be within the amount of fee revenue expected to be available.

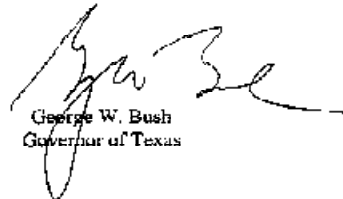
House Bill 2155 was vetoed by the Governor; consequently, this veto action eliminates funding proposed for the implementation of that bill.

Governor's Veto Proclamations

House Bill 1 was received by the Governor's Office less than ten days prior to adjournment of the Regular Session of the Seventy-sixth 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 20th day of June, 1999.




George W. Bush
Governor of Texas

Elton Bomer
Secretary of State



FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 pm 6/21/99

JUN 21 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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. 59 because of the following objections:


House Bill No. 59 creates an inappropriate role for the Secretary of State by requiring that office to post information on the Internet about judicial candidates. Information about candidates should be distributed by the candidates themselves, political parties, and other private organizations, not by government officials. Additionally, this proposal might create the false impression that the Secretary of State guarantees the truth of information provided by the candidates.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:25 AM 3/26/00

JUN 23 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

41-2746

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. 64 because of the following objection:

House Bill No. 64 is similar to a bill vetoed last session. The bill 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 31st day of May, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:00pm O'CLOCK

MAY 31 1999
Etta Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

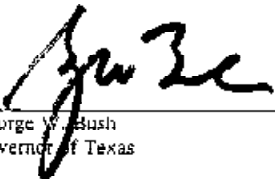
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 247 because of the following objection:

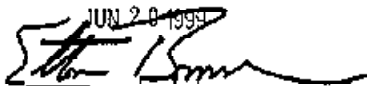
House Bill No. 247 gives unprecedented authority to private citizens to act as enforcers of city ordinances. This authority should rest with city officials.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45am 10CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 617 because of the following objections:

House Bill No. 617 has the good intention of encouraging involvement in Texas schools, but has the unintended consequence of undermining local school board authority and delaying the process of waiver requests.

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, 1999



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:45 PM 07:00

JUN 20 1999
Etta Benson
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 1418 because of the following objections:

House Bill No. 1418 creates a new "certificate of initial mastery" which could dilute Texas' effort to insist on high academic standards for our public schools

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45pm O'CLOCK

JUN 20 1999
John L. Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

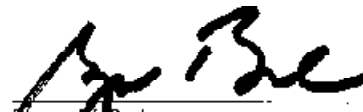
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 1733 because of the following objections:

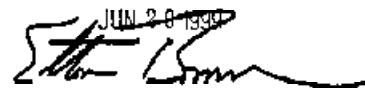
House Bill No. 1733 removes from the Texas Education Code the 17-member limit on the size of the Special Education Advisory Panel. This change could create undue pressure to expand the Panel's membership to an unworkable size and thus severely impair its capacity to function effectively. Further, the bill unfairly prohibits a parent of a child with disabilities from serving on the Panel if the parent is an employee of a school district or a program that delivers services under the Individuals with Disabilities Education Act.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM 6'CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

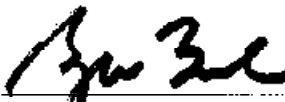
TO ALL TO WHOM THESE PRESENTS SHALL COME:

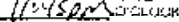
Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **House Bill No. 1847** because of the following objections:

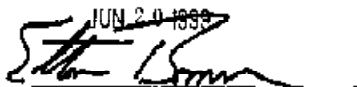
House Bill No. 1847 creates an unreasonable one-year statute of limitations on a citizen's right to challenge the wrongful governmental acts of hundreds of special purpose districts across the state, including conservation districts, reclamation districts, municipal utility districts, irrigation districts, river authorities, and drainage districts. Citizens should have more time to challenge those governmental actions, as they do under similar laws that currently apply to other governmental entities.

IN TESTIMONY WHEREOF, I have hereto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE


JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

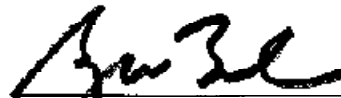
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 1851** because of the following objections:

House Bill No. 1851 would permit a court to validate, without parents' approval, a minor child's long-term contract with a sports team, entertainment agency, or other party. It would also take away the child's rights under current Texas law to modify or terminate the contract after reaching the age of eighteen. This bill fails to recognize the importance of the parent-child relationship and could lead to exploitation of minors.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:43am 6/20/99

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 2045** because of the following objections:

House Bill No. 2045, which addresses "impact fees" paid by developers, could cause an increase in property taxes and force additional costs of new developments upon existing residents. This proposal would also restrict the flexibility of local governments to determine how to pay for new development. This bill addresses an important issue that needs to be considered further during the interim.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM

JUN 20 1999
Ed Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto House Bill 2107 because of the following objection:

House Bill No. 2107 imposes an unwarranted tax increase on fireworks that would force the effective sales tax in some areas of the state to exceed the statutory limit of 8.25 percent. The bill would compel consumers to pay for a new fire prevention program that duplicates an established and already funded program controlled and implemented by the Commission on Fire Protection. The Commission's existing program addresses the issues raised by this bill thus rendering it 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 28th day of May, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM, 05/28/99

MAY 28 1999
Etta Benson
Secretary of State

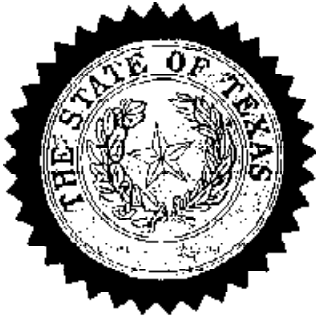
OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

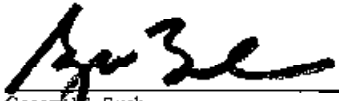
TO ALL TO WHOM THESE PRESENTS SHALL COME:

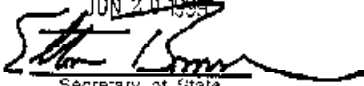
Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **House Bill No. 2155** because of the following objections:

(House Bill No. 2155 abolishes the Plumbing Board and merges it into the newly created State Board of Mechanical Industries, which will also regulate the lawn irrigation and air conditioning industries. The existing system that regulates these varying professionals is preferable.

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, 1999




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM
JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

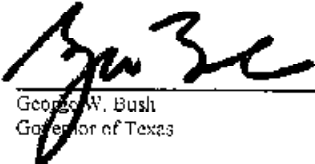
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2175 because of the following objections:

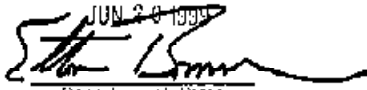
House Bill No. 2175 lowers the standards for regulation of chiropractors, including deleting the criminal penalties the Texas Board of Chiropractic Examiners may currently impose for certain violations. Chiropractors should be held to the same standards as other health care providers to ensure the safety and health of the public.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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. 2186 because of the following objection:

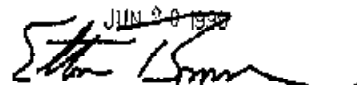
House Bill No. 2186 proposes an unnecessary and confusing change to summary judgment law in civil cases. The proposed new requirements for trial judges conflict with the existing rules adopted by the Texas Supreme Court. This bill would discourage the speedy resolution of civil cases and encourage frivolous lawsuits.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM '99

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

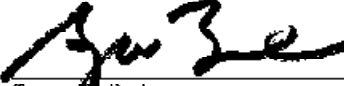
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2300 because of the following objections:

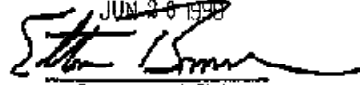
House Bill No. 2300, which requires the Texas State Board of Professional Engineers to publish a roster of its licensees on the Internet, is unnecessary, because House Bill No. 1544, which I have signed into law, better fulfills the same purpose.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 pm mclink

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

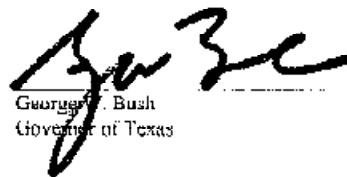
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2388** because of the following objections:

House Bill No. 2388 would authorize county commissioners to sell public property without public notice or a competitive bidding process. The bill would also allow county commissioners to sell public property to private individuals at less than fair market value.

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, 1999.




George W. Bush
Governor of Texas

FILED IN OFFICE OF THE
SECRETARY OF STATE
11:45am 6/20/99

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

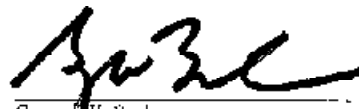
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2336 because of the following objections:

House Bill No. 2336 inappropriately determines the pay of the county judge of Dallas County. The Dallas County commissioners court is best equipped to determine the appropriate compensation of its county judge.

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, 1999.




George W. Bush
Governor of Texas

FILED BY THE CLERK OF THE
OFFICE OF THE GOVERNOR
11:45pm 6/20/99

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

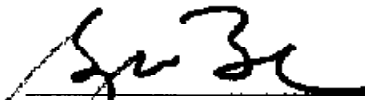
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2557 because of the following objection:

House Bill No. 2557, designed to solve one specific problem, could subject non-profit and faith-based organizations in Texas to unnecessary government intrusion. The intent of this legislation, to ensure public accountability for certain community services block grant funds, is better accomplished through rulemaking by the Texas Department of Housing and Community Affairs. My office has directed the Department to review its rules, policies and contracts to ensure fiscal accountability.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 pm O'CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 2725 because of the following objection:

House Bill No. 2725 gives attorneys an unfair advantage over other debt collection businesses.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:51 Spms O'CLOCK

JUN 20 1999
Etta Benson
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

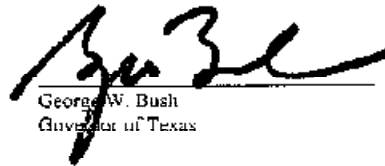
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 2794 because of the following objections:

House Bill No. 2794 proposes to increase the fee charged for an annual vehicle safety inspection by two dollars, an unnecessary increase.

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, 1999




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM - 0' CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 11, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **House Bill No. 2891** because of the following objections:

House Bill No. 2891 proposes to allow directors of a municipal improvement district in the Aldine area of Harris County to impose a sales tax without voter approval. The safeguard of voter review is necessary to ensure that district residents have a role in the district's financial decisions.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED BY _____ OF THE
SECRETARY OF STATE
11:48 AM - 2 CLOCK

JUN 20 1999
Edna Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 2977 because of the following objections:

The general purpose of HB 2977, to encourage development of a regional flood control plan for Harris County, is sound. However, the bill contains a provision which eliminates the state's role in protecting water quality for development projects on wetlands. This provision could weaken water quality protection and invite additional federal involvement in environmental matters.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM O'Clock

JUN 20 1999
Ethan Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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. 3120 because of the following objections.

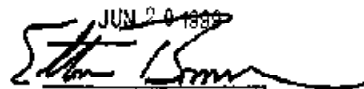
House Bill No. 3120, which proposes that the county attorney for Carson County be given authority to prosecute felony cases, received no funding from the legislature to accomplish its purposes. These felony cases are currently prosecuted by the District Attorney for the 100th Judicial District.

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, 1999




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM 20' CLOCK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 3635 because of the following objections:

House Bill No. 3635 is an unwarranted expansion of the Travis County Probate Court's jurisdiction. House Bill No. 2380, which I have signed into law, more appropriately addresses a probate court's jurisdiction over cases pending in other state courts.

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, 1999



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 a.m. - 0 CLOCK

JUN 20 1999
Etta Benson
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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. 3685** because of the following objections:

House Bill No. 3685, which addresses the appeal of drivers' license decisions by the Department of Public Safety, is unnecessary. These decisions, which involve DWI, drug offenses, suspensions for habitual violators, and suspensions for failure to maintain auto insurance, are fully addressed in House Bill No. 3641, which I have signed into 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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM 6:00 CLK

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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 **House Concurrent Resolution No. 310** because of the following objections.

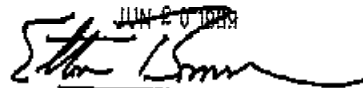
House Concurrent Resolution No. 310 makes numerous technical corrections to House Bill No. 2045, which addresses impact fees charged to developers by political subdivisions. This resolution is unnecessary, because I have vetoed House Bill No. 2045.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 30th day of June, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM 06/30/99

JUN 30 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 247 because of the following objection:

Senate Bill No. 247 proposes a drastic change in the way indigent criminal defendants are assigned counsel. While well intentioned, the effect of the bill is likely to be neither better representation for indigents nor a more efficient administration of justice. The bill inappropriately takes appointment authority away from judges, who are better able to assess the quality of legal representation, and gives it to county officials. The bill creates the potential for counties to set up a new layer of bureaucracy that could result in increased backlogs and decreased court efficiency. In addition, the bill poses a danger to public safety by requiring a judge to release a defendant if the defendant has not been assigned a lawyer within 20 days of requesting one.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM UICLRX

JUN 20 1999
John L. Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 321 because of the following objections:

Senate Bill No. 321 would likely result in higher insurance costs for Texas consumers and encourage unnecessary litigation. Current law allows recovery of attorneys' fees when an insurance company has acted deceptively or unfairly.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM - 06/20/99

JUN 20 1999
Etta Benson
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

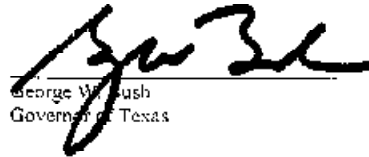
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 621 because of the following objection:

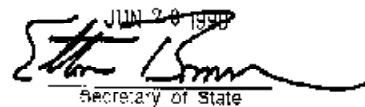
Senate Bill No. 621 deprives local citizens of the right to disapprove agreements made with transit authority peace officers under this bill's "meet and confer" provisions. This bill departs from existing "meet and confer" laws.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.




George W. Bush
Governor of Texas

FILED BY THE OFFICE OF THE
SECRETARY OF STATE
11:45pm 6/20/99

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

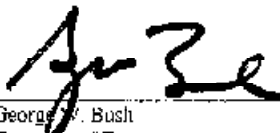
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 956 because of the following objections:

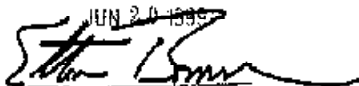
Senate Bill No. 956 was intended to be a beneficial revision of the Texas insurance agent licensing laws. Late in the session, however, an unrelated amendment was added to the bill that relieves bail bondsmen from any liability on bond forfeiture for one year. This provision jeopardizes public safety by weakening the obligation of bondsmen to ensure criminal defendants appear in court.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45am O'LOUGH

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

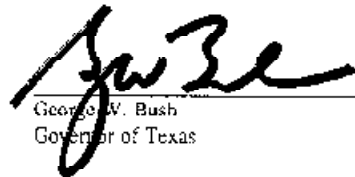
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 1434 because of the following objection:

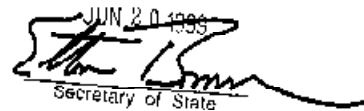
Senate Bill No. 1434, which addresses the crediting of refunds by the Comptroller against money owed to the state, is unnecessary. The objectives of the bill are more fully addressed in House Bill No. 3211, which I have signed into law.

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, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
L. C. G. S. P. JUN 20 1999

JUN 20 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

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. 1525 because of the following objections:

Senate Bill No. 1525 amends the Licensed Dietician Act to require the licensure of persons who merely give nutritional counseling, inappropriately extending governmental regulatory control to those who simply give advice about good nutrition.

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, 1999.



George W. Bush
George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:47 AM
JUN 20 1999
Ethan Brown
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

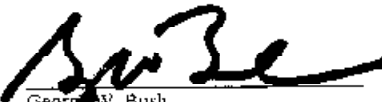
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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. 1703** because of the following objections.

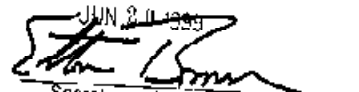
The goal of Senate Bill No. 1703, to encourage more low income housing, is better accomplished through Senate Bill 1287, which I signed into law.

IN TESTIMONY WHEREOF, I have hereto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45pm W. CLOCK

JUN 21 1999

Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR


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 **Senate Concurrent Resolution No. 56** because of the following objections:

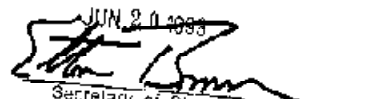
Senate Concurrent Resolution No. 56 directs the Texas Natural Resource Conservation Commission to reduce its role in protecting water quality for development projects on wetlands. This provision could weaken water quality protection and invite additional federal involvement in environmental matters.

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 1999.




George W. Bush
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 PM 6/20/99

JUN 20 1999

Secretary of State

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| Senate Bill 1609 | Government—Special Districts | Senate Bill 1685 | Health |
| | | Senate Bill 1690 | Natural Resources and Environmental Regulation |
| | | Senate Bill 1703 | Economic Development |
| | | Senate Bill 1706 | Courts—General |
| | | Senate Bill 1718 | Civil Remedies and Procedures |

- Senate Bill 1719 Courts—General
- Senate Bill 1724 Education
- Senate Bill 1726 Elections
- Senate Bill 1730 Government—County
- Senate Bill 1731 Energy and Utility
Regulation
- Senate Bill 1734 Criminal Justice and
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- Senate Bill 1735 Family Law and
Juvenile Justice
- Senate Bill 1741 Family Law and
Juvenile Justice
- Senate Bill 1742 Property Interests
- Senate Bill 1746 Education
- Senate Bill 1747 Education
- Senate Bill 1751 Transportation,
Highways, and Motor
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- Senate Bill 1755 Government—Special
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- Senate Bill 1763 Education
- Senate Bill 1765 Education
- Senate Bill 1766 Education
- Senate Bill 1770 Government—Special
Districts
- Senate Bill 1771 Government—Special
Districts
- Senate Bill 1775 Occupational
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- Senate Bill 1780 Education
- Senate Bill 1784 Education
- Senate Bill 1789 Criminal Justice and
Procedure
- Senate Bill 1794 Government—Special
Districts
- Senate Bill 1797 Energy and Utility
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- Senate Bill 1804 State Taxes and Tax
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- Senate Bill 1807 Government—County
- Senate Bill 1816 Family Law and
Juvenile Justice
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- Senate Bill 1822 Government—Special
Districts
- Senate Bill 1824 Courts—General
- Senate Bill 1832 Elections
- Senate Bill 1833 Health
- Senate Bill 1840 Government—Special
Districts
- Senate Bill 1841 Education
- Senate Bill 1846 Government—General
- Senate Bill 1851 Government—General
- Senate Bill 1853 Education
- Senate Bill 1855 Government—Special
Districts
- Senate Bill 1857 Health
- Senate Bill 1861 Education
- Senate Bill 1862 Government—State
- Senate Bill 1866 Government—Special
Districts
- Senate Bill 1870 Government—Special
Districts
- Senate Bill 1881 Government—Special
Districts
- Senate Bill 1883 Energy and Utility
Regulation
- Senate Bill 1884 Insurance
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- Senate Bill 1901 Agriculture
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- Senate Joint
Resolution 10 Courts—General
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Resolution 12 Banking and Finance
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Resolution 16 Education
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Resolution 21 Property Taxation
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Resolution 22 Property Interests
- Senate Joint
Resolution 26 Public Officials and
Employees