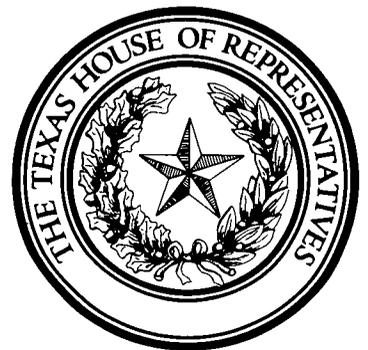
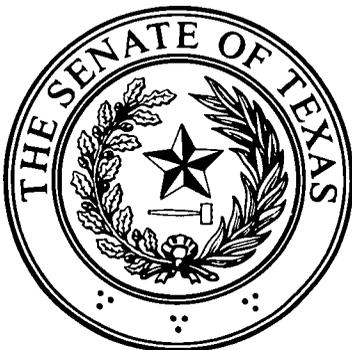


71st
LEGISLATIVE
SESSION



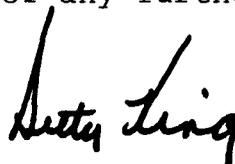
SUMMARY
OF
SIGNIFICANT
LEGISLATION



This publication is comprised of two sections: a SESSION HIGHLIGHTS section containing in-depth reviews of the major bills passed by the 71st Legislature, and a section containing brief summaries by subject of significant legislation passed during the 71st Session. Of the 1309 bills passed and signed into law from the Regular and First Called Sessions of the 71st Legislature, 539 are summarized herein. This total includes 300 of the 596 Senate bills enacted, and 239 of the 713 House bills enacted.

The table of contents lists the subject headings under which the bill summaries are included, while the index lists the bills in numerical order. Constitutional amendments and interim studies are also summarized within this document. Because of the importance of workers' compensation, and the attention devoted to the issue during the session, a summary of legislative efforts regarding workers' compensation is included in the SESSION HIGHLIGHTS section, although no legislation was ultimately passed. A reference to Session Law is made at the end of each brief summary. The brief bill summaries and the more in-depth reviews of the SESSION HIGHLIGHTS section are intended to provide a quick and ready reference which should be helpful in answering correspondence and telephone inquiries.

I would like to take this opportunity to acknowledge the staff of the Office of Bill Analysis, the authors of this publication, for their hard work and attention to detail in compiling this summary. I hope the information included in this publication proves useful to you. If I or my staff or the Office of Bill Analysis may be of any further assistance, please let us know.



BETTY KING
Secretary of the Senate

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SESSION HIGHLIGHTS

71st LEGISLATURE

AMUSEMENT, GAMES, SPORTS

Senate Bill 429 addresses the recent "pay for play" incidents, as well as other violations of National Collegiate Athletic Association (NCAA) rules by some of the member universities of the Southwest Conference, which brought into sharp focus the problem of maintaining a successful program while at the same time achieving the goals of higher education and of ensuring amateurism. The NCAA has authority only over the member institutions, not the individuals within the athletic programs. Thus, in ensuring compliance with its rules and standards, the NCAA penalizes universities, indirectly controlling the actions of individuals. The sanctions are sufficient to control the actions of those employed or enrolled at a university, yet are insufficient to control the actions of supporters or "boosters" of athletic programs who have no direct link with the university.

Senate Bill 429 makes it a Class A misdemeanor for a person to either solicit or accept a benefit as an inducement to enroll in college and participate in intercollegiate athletics and makes it a third degree felony for a person to offer or confer a benefit to an athlete as an inducement for the athlete to enroll in college and participate in intercollegiate athletics. The bill exempts from prosecution athletes who solicit or accept a benefit as an inducement, if they disclose the incident to the authorities in a

timely fashion, and close relatives of the athlete who offer the benefit to the athlete as an inducement to enroll in college and participate in intercollegiate athletics.

APPROPRIATIONS

During the regular session of the 71st Legislature, lawmakers approved a budget close to \$47 billion for the 1990-1991 biennium, representing an increase of nearly 12 percent (or \$5 billion) above the 1989 budgeted level of spending. The General Revenue Fund, comprised chiefly of tax dollars collected by the state, will provide approximately \$28 billion for expenditure, an almost 15 percent increase over the 1989 budget level.

The 71st Legislature enacted various measures during the regular session in order to balance the budget, including legislation addressing legal challenges to the insurance premiums tax and taking corrective action regarding the corporate franchise tax. Legislation was also adopted to increase available revenue through bookkeeping transfers, a one-time-only source of financing. In addition, unexpended balances were reappropriated in the new budget and other adjustments made to increase available revenue. The new budget does not require a general tax increase, and the temporary taxes adopted two years ago to meet budgetary shortfalls will expire in August, 1989.

Article IV, Section 14, of the Texas Constitution gives the governor the power to exercise a line-item veto over appropriations bills. Governor Clements used this power to veto various

appropriations made in Senate Bill 222, General Appropriations Act. For a discussion of the various provisions the governor vetoed, see the House Research Organization's Special Legislative Report, Vetoed of Legislation 71st Legislature, July 25, 1989.

Education

The 71st Legislature appropriated approximately \$16 billion in general revenue funds for education in the 1990-1991 biennium, representing an increase of approximately nine percent from 1989 spending levels.

Public Schools -- Approximately \$11 billion was allotted to public schools over the next biennium, representing an increase of six percent over the 1989 budgeted level. The foundation school program was the single largest item in the budget, with \$10.6 billion appropriated for the program, a 6.4 percent increase from 1989. The increase in the program's budget was to provide for anticipated public school enrollment growth. In addition, the foundation school program budget provided for \$450 million in new public school equalization aid in response to Edgewood v. Kirby, the case challenging the public school finance system. Other increases included \$2 million for a pilot prekindergarten program, \$6 million for implementation of the Long-Range Plan for Technology, \$2 million for early childhood pilot projects, and \$2 million for increased transportation costs at regional deaf schools. The foundation school program appropriation provided for \$253.4 million to finance textbooks, an increase of five percent

above the 1989 level.

Funding for the Texas Education Agency administration increased 6.9 percent to \$43.2 million, while funding for the state schools for the blind and the deaf remained approximately the same.

Higher Education -- The general academic senior colleges received approximately \$2 billion for the next biennium, a 12.6 percent increase above the 1989 level. This appropriation included faculty salary increases for both years of the new biennium, but salaries of individual faculty members continue to be determined strictly on the basis of merit. The allotment also included funding increases for libraries, building maintenance, general administration and student services, and departmental operating expenses. Other items included \$3.4 million for scholarships, \$11 million for the South Texas initiatives in higher education, and \$5.9 million in incentive funding for efficient energy management.

Health-Related Institutions and Items -- Funding for health-related institutions and items increased nearly 10 percent in the new budget to \$1.4 billion and included enhanced allocations for nursing programs, faculty positions at the Texas College of Osteopathic Medicine and The University of Texas Southwestern Medical Center at Dallas, and staffing of the new northeast Houston hospital by doctors of The University of Texas Health Science Center in Houston. Other institutions which received augmented funding are UTMB-Galveston for indigent health care and the Baylor Colleges of Medicine and Dentistry.

Community and Junior Colleges -- The 49 community/junior colleges received slightly more than \$1 billion for the 1990-1991 biennium, a 24 percent increase above the 1989 level. This enhanced funding reflected the growth in enrollment for two-year institutions and additional money distributed by formula to affected institutions.

Texas State Technical Institute -- The Texas State Technical Institute was allocated \$90.2 million, an increase of approximately five percent over the 1989 level. The increased funding was in response to additional construction, repairs, renovation projects, and changes in curriculum offerings.

Texas A&M Services -- Funding for Texas A&M Services totaled over \$202 million in general revenue funds for the 1990-1991 biennium, representing a 10.6 percent increase from the 1989 level of funding.

Other Education -- Funding was provided in the amount of \$23 million for remedial work related to the Texas Academic Skills Program (TASP) Examination. The Tuition Equalization Grants Program received \$42.6 million, an increase of nearly 15 percent from the 1989 budgeted level. Approximately \$4 million was allocated for the National Research Laboratory Commission for land acquisition and other projects related to the Superconducting Super Collider. An additional \$26 million for authorized bond debt retirement was provided.

Health and Human Services

Appropriations for health and human services totaled approximately \$5.3 billion for the 1990-1991 biennium, nearly a 20 percent increase over the 1989 level of funding. The Department of Human Services received approximately \$3 billion in general revenue funding, an 18 percent increase over the 1989 budget level. Funding from all sources for the department totaled over \$8 billion, an increase of almost 27 percent. The budgeted appropriations maintain current service levels, including normal caseload growth and rate increases related to inflation. The budgeted items also included funding to increase eligibility and service levels, as a result of federal legislation mandating that additional services be gradually phased-in.

Areas receiving enhanced funding included nursing home programs, for which \$77.1 million was provided to implement federal nursing home reform requirements (OBRA). A total of \$57 million in general revenue was allotted to increase the nursing home income eligibility cap to the maximum allowed by federal law and to adjust the community care income cap accordingly.

Medicaid coverage for pregnant women and for infants was expanded from 100 percent to 130 percent of the federal poverty level at a cost of \$24 million, and the age cap for children eligible for Medicaid who are in families between the AFDC income level but below 100 percent of the federal poverty level was gradually increased to age six in 1991. Allocations were increased

for rural and urban hospitals serving a disproportionate share of indigent patients. Other programs receiving expanded funding included foster care, post-adoption services, family violence services, family planning services, and youth-at-risk programs.

Many of the increases in expenditures from the general revenue fund will result in enhanced matching federal expenditures, resulting in a 31 percent increase in federal funding to over \$5 billion.

Department of Mental Health and Mental Retardation -- Approximately \$1.6 billion in general revenue was appropriated to finance the Department of Mental Health and Mental Retardation in the 1990-1991 biennium. This funding represents either a 23.7 percent or 11 percent increase, depending on whether or not a \$75 million emergency appropriation is used in 1989. Mental Health Services were increased by \$99.2 million in order to fund a settlement agreement in a lawsuit, to improve staffing and programming at state mental hospitals, and to enhance community mental health services. Mental Retardation Services received an additional \$190 million for the upcoming biennium, primarily in response to another litigation settlement agreement. Funds were also provided to improve staffing and programming at state schools and to enhance community mental retardation services.

The budget included a \$57 million capital improvement package to construct and improve state hospitals and schools. Also included is an increase in general revenue funding of the Texas

Department of Health in the amount of \$336.1 million, 13.5 percent above the 1989 level. Projects to be funded included AIDS-related programs. Other entities and areas which received significantly augmented funding in the 1990-1991 biennium are the Interagency Council on Early Childhood Intervention, the Texas Commission on Alcohol and Drug Abuse, the Texas Department on Aging, the Attorney General's Office for workers' compensation payments, and the Texas Rehabilitation Commission.

Public Safety and Corrections -- Approximately \$1.8 billion was allocated for operating expenses for the Department of Corrections in the 1990-1991 biennium, roughly a nine percent increase. The increase included funds to operate the additional capacity appropriated by the 70th Legislature. Approximately \$205 million was recommended for construction of an additional 5,809 bed capacity and for modifications of existing units. Bonded construction funds of \$198 million will finance these projects, while general revenue funds of \$1 million will finance replacement of construction capital equipment.

Texas Youth Commission -- Appropriations made to the Texas Youth Commission increased by \$13.6 million in the upcoming biennium, reflecting a 12.5 percent increase over the 1989 budgeted allotments.

Board of Pardons and Paroles -- The budget for the Board of Pardons and Paroles increased the agency's appropriation to \$191.8 million in the 1990-1991 biennium, a 48 percent increase over 1989

levels. The increase provided for additional parole supervision and halfway house beds as well as for intermediate care facilities to prevent parolees from returning to the state prison system.

Adult Probation Commission -- Funding for the Adult Probation Commission increased by 104 percent in the 1990-1991 budget to \$227.3 million. The allocation provides funding for all current activities of the commission at or above 1989 levels and allows the addition of 300 new probation offices and the funding for electronic monitoring and residential programs. A total of \$60 million was provided for the implementation of a community corrections program designed to promote the rehabilitation of offenders in their community rather than in a state institution.

Juvenile Probation Commission -- The Juvenile Probation Commission received a 52 percent increase in general revenue funding for a total of \$41 million. The increases were targeted toward aid to local juvenile probation departments and community corrections programs, as well as other programs.

Employee Benefits

A total of \$3.1 billion was appropriated to Employee Benefits during the 1990-1991 biennium from general-revenue-related funds, for an increase of 14 percent over the 1989 level of funding. A total of \$1.5 billion was appropriated to the Teacher Retirement System based on an employee retirement contribution rate of 7.65 percent, reduced from 8.0 percent, for a 12.8 percent increase. The Retired Employees Group Insurance Program and the Optional

Retirement Program received increases of 17.6 percent and 1.3 percent, respectively.

Contributions to the Employees Retirement System totaled \$582 million for the next biennium and were based on the statutory employee retirement contribution rate of 7.4 percent, an increase of 31.5 percent above the 1989 level. Included was a five percent across-the-board salary increase for state employees and nonfaculty employees of colleges and universities, with a minimum raise of \$60 per month. The budget increased the state's contribution for employee group insurance premiums to \$130 in 1990 and \$150 in 1991. Additional state group insurance contributions fund premium increases for employees insuring dependents, so that an employee will experience no more than a \$10 per year increase in his current expenditures for basic health insurance.

Transportation

Funding for the transportation function of the budget experienced an overall decrease in general revenue funding from 1989 levels. The Department of Highways and Public Transportation saved \$1.3 million in general revenue as a result of using nondedicated revenues from State Highway Fund No. 006. In terms of all funds, the department received \$5.1 billion, an increase of \$157.5 million in order to meet increased contractor payments for highway construction.

General Government

Approximately \$1.1 billion in general-revenue-related funds

was budgeted for the 1990-1991 biennium for the General Government function, a 45 percent increase above the 1989 budget. Total appropriations to the Office of the Attorney General increased by 40 percent to \$56 million in order to fund various division programs. The Department of Commerce received \$40.4 million in general-revenue-related funds, a slight increase over previous funding levels. Contingency appropriations were made for the department totalling \$6 million in general revenue for the biennium, including \$1.5 million for the Rural Economic Development Fund, \$.5 million for the Product Commercialization Fund, \$2 million for the Texas Exporters Fund, and \$2 million for the Workforce Development Incentive Fund.

The State Comptroller's Office received a total of \$257.3 million in general revenue funds, representing an eight percent increase over the 1989 budget. Funds were included to implement a new statewide accounting system. The State Preservation Board received an increase of \$155.4 million in general revenue funding for the upcoming biennium, \$154.5 million being attributed to the plan to restore the State Capitol and the old General Land Office Building and to construct an extension facility to serve the Capitol. The judiciary also received a 23.7 percent increase in funding for a total of \$108 million for the 1990-1991 biennium. This allocation funded judicial salary increases and the acquisition of a new computer system for the appellate courts, among other areas.

Natural Resources

Natural Resources received approximately \$293 million in general-revenue-related funds for the next biennium, a six percent increase from the 1989 budget. Among the amounts budgeted, \$10 million in general revenue was provided for the Water Assistance Fund, used to assist economically distressed areas in providing adequate water supply and sewer services. The new budget provided funding for additional safety measures regarding rail transport within the Railroad Commission and for salary increases for game wardens. Beach clean-up funding was also increased.

Regulatory Agencies

General revenue funding increased to a total of \$9.4 million for regulatory agencies, a 9.4 percent increase over 1989 levels of funding. The largest increase was directed toward the Texas Racing Commission, which received \$5.5 million, a 111.5 percent increase for the 1990-1991 biennium.

Article VII Capital Outlay

Separate appropriations for capital outlays by state agencies were made in Article VII of Senate Bill 222. Article VII capital outlay categories included Construction, Repair, and Renovation; Acquisition of Computer Equipment and Software; and Highway Construction Equipment. Appropriations made in Article VII were restricted to capital outlay purposes and expenditure of other appropriations for capital outlay purposes were authorized. A total of \$705 million was included for capital outlays in the

1990-1991 biennium.

CITY GOVERNMENT

Under Subsection (c), Section 26, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), ratepayers of a municipally owned electric utility outside the municipal limits may appeal any action of the governing body affecting the rates of the municipally owned electric utility by filing a petition for review with the Public Utilities Commission (commission). House Bill 911 requires the municipality that owns the electric utility to disclose to any person the number of ratepayers who reside outside the municipal limits and the names and addresses of those ratepayers. The bill requires the municipality to issue a written report stating the effect of a decision on each class of ratepayers. Further, the bill provides that any municipally owned electric utility whose rates have been appealed under Subsection (c) and for which the commission has ordered or orders a decrease in annual nonfuel base revenue which exceeds a certain amount and for which the commission finds that the rates paid by the combined residential or any other major customer class are removed from cost of service levels to a certain extent is subject to certain provisions. These provisions include that for 10 years the commission shall have appellate jurisdiction over the rates charged by the municipally owned electric utility within certain limits, including the right to order the implementation of ratesetting methodologies which the commission finds reasonable.

House Bill 1265 allows a municipality to require by ordinance the vacation, relocation of occupants, securing, repair, removal, or demolition of a substandard building. The bill allows the municipality to vacate, secure, remove, or demolish the building or relocate the occupants at the municipality's expense and to have a lien against the property until the property owner or another person having an interest in the legal title to the property reimburses the municipality for expenses incurred.

House Bill 3192 allows the governing bodies of municipalities to establish and provide for the administration of economic development programs, including the authority to make loans or grants of public money and provide personnel and services of the city. The programs are to promote state or local economic development and to stimulate business and commercial activity in the municipality. The bill also allows a municipality to administer or contract with other entities for the administration of the program and to accept resources to develop and administer the program.

COASTAL AFFAIRS AND BEACHES

The removal and disposition of abandoned offshore oil platforms in the Gulf of Mexico poses a serious problem to state and national officials. Currently, the Mineral Management Service of the U.S. Department of the Interior requires oil companies to remove platforms which are no longer producing and to restore the sea floor to its original condition. The National Fishing

Enhancement Act of 1984 mandated the creation of a national artificial reef plan and studies of various uses for abandoned oil and gas platforms.

The Texas General Land Office regulates oil leases in state water but has no requirements for the removal of abandoned oil platforms. Senate Bill 5 arose from an interim study examining the issue of transforming abandoned oil rigs into reefs. Recreational and commercial fishing surveys show that existing platforms are the most productive fishing areas in the Gulf.

Senate Bill 5 creates an artificial reef plan--to be developed and administered by the Texas Parks and Wildlife Department (TPWD)--that will enhance the state's fishery resources and commercial and recreational fishing and create scuba diving attractions off the Gulf Coast. The plan will generate revenue through the collection of grants and through donations of oil platforms from oil companies for the construction of the reefs. The bill requires the TPWD to promote, develop, maintain, monitor, and enhance the artificial reef potential in navigable Texas water and Federal Fisheries Conservation Zones adjacent to Texas water.

CONSUMER PROTECTION

Although the Joint Committee on Deceptive Trade Practices did not reach a consensus with respect to recommendations, evidence was presented that a need for changes in the Deceptive Trade Practices Act (DTPA) exists. Senate Bill 437 proposes amendments to the DTPA to limit its scope and application. The bill also strengthens

certain aspects of consumer protection provided under the DTPA.

CORRECTIONS

The Omnibus Criminal Justice Reform Bill

Agency Consolidation and Coordination -- House Bill 2335

creates the Department of Criminal Justice, combining the Texas Department of Corrections, Board of Pardons and Paroles, and Adult Probation Commission into three comparable divisions: the institutional division; the community justice assistance division; and the Board of Pardons and Paroles division. The Criminal Justice Policy Council was left out of the consolidation so that its role as an independent research body, with renewed responsiveness to the Legislature, would be maintained.

The department will be led by a board consisting of nine citizen members, appointed by the governor with the advice and consent of the Senate (similarly, new paroling authorities are to be appointed). The first appointments to the Board of Criminal Justice are scheduled for September 1, 1989, at which point only the Texas Department of Corrections (TDC) will fall under its authority. Accordingly, its primary duties during the remainder of calendar year 1989 will be to select new prison sites and hire an agency executive director by January 1, 1990. At that time, the parole and probation functions will also be consolidated under the new board.

The bill also creates a Legislative Criminal Justice Board (LCJB) to monitor the new agency's implementation of systemic

reforms, with the unique duties of attending the quarterly meetings of the Board of Criminal Justice and of overseeing the governor's new ability to remove members of the parole board subject only to LCJB approval.

To provide oversight, the statutory budget execution procedure is amended to allow maximum appropriations flexibility during the period of agency consolidation. The bill's provisions for greatly enhanced computer tracking of persons in the criminal justice system also increase accountability and coordination. The community justice assistance division is required (and funded) to implement an automated information management and tracking system that links local supervision officers to the state level and interfaces with the existing parole system. Additionally, the consolidated department and the Department of Public Safety (DPS) are required to achieve a full-scale, offender-based tracking system (OBTS) based on enhancements of the current computerized criminal history (CCH) system within DPS. The Criminal Justice Policy Council will play a consulting and advisory role in these developments, along with their additional new task of developing and testing a sentencing study design for the state.

Community Corrections -- The Community Justice Assistance Division (CJAD) of the new department is charged with establishing an application process and procedures for funding community justice programs, including the format for "community justice plans" to be submitted by local departments. The CJAD will also develop

standards for community correctional facilities, establish the facilities, and fund the facilities and caseload officers employed under workload guidelines. Under new and unique authority, the CJAD is also empowered to fund innovative correctional programs operated by counties through the sheriff's office, in addition to programs under the aegis of the judicially operated probation/community supervision and corrections departments.

The term "community correctional facilities" includes the panoply of programs that have been discussed in the legislature and elsewhere--boot camps, intermediate sanction and secure facilities, and substance abuse or DWI-treatment facilities--but also includes new ideas or new varieties of existing programs, conceived at the local level. Fully renewed grants for operation of these facilities are predicated on a state determination of the offender population's need for the local confinement program. Before a community correctional facility may be established, public notice is required, leading to a public hearing. The same standard applies to the parole statute and the parole division for siting of its facilities.

The bill rewrites current probation department law but remains centered around district judge-operated local departments. County courts exercising criminal jurisdiction are also brought into the management of local departments under the theory that the entire local correctional system must be brought together and that the misdemeanor probation population over which the county courts

have jurisdiction is similar to the felony population in district courts. In urban areas where the department is contiguous with the county, departments include more than one judicial district as in current law; in nonmetropolitan areas they may encompass more than one county. In areas where community corrections facilities exist or are to be established, the district judiciary is required to appoint a Community Justice Council (CJC) to develop the community justice plan in order to receive funding from the state CJAD. In smaller districts or where facilities are not sought, a community justice plan is required, but it may simply be prepared by the department and submitted by the judiciary. The local CJC will consist of local elected and appointed officials and may be assisted by a task force of local nonelected professionals in corrections, court administration, substance abuse treatment, mental health, education, and human services.

Significantly, the Board of Criminal Justice is charged with adopting a prison allocation formula by February 1, 1990. The formula is to replace the existing, historically based admissions quota system. Different weights could be assigned to the determining factors, for example, to put a small premium on historical prison use so that immediate negative impact on certain counties is mitigated; the formula would then be self-adjusting. In addition, the board is permitted to waive the allocation system for counties with extraordinary needs and for counties with a problem of jail overcrowding.

The budget contemplates a \$50 million fund for FY 1991 usage in developing community correctional programs, to be allocated under the same proportions that are dictated by the prison allocation system, so that a county or department receiving five percent of daily admission to the prison system would also be scheduled for receipt of five percent of \$50 million (\$2.5 million). The funding would be predicated on a sound description of anticipated use of the funds; it would be permissible and encouraged for local jurisdictions to combine their "entitlements" for jointly owned or operated correctional programs.

Prison Beds and Other Appropriations -- Last session the Legislature funded the construction of nearly 14,000 beds for the TDC, the majority of which are scheduled to come on line in the next few months, pushing TDC capacity to 46,000 beds by the end of 1989. This session, the Legislature passed House Bill 1477, providing for 5,000 maximum security and psychiatric beds at a cost of about \$140 million (not including operations or debt service), and Senate Bill 222, the General Appropriations Act, providing for construction of another 6,000 beds at a cost of about \$175 million (not including operations or debt service). With the completion of this total of almost 25,000 beds, it is projected that capacity will be at 60,000 beds in our prison system by the spring of 1993, second only to California's system of nearly 80,000 beds. Finally, the bond authority on the November ballot includes enough funds "left over" for an additional 4,500 beds.

The state's commitment to addressing capacity is clear, but leaders in criminal justice entered this legislative session fully aware that prison capacity is only one element of a restored, effective correctional system. Our growing systems of probation and parole--each the largest in the nation--are feeding prison demand by using two of every three admissions to TDC. Both probation and parole require considerably increased resources to effectively and safely supervise and correct their population. House Bill 2335 provides the legal authority and encouragement to achieve this objective, but more importantly the necessary funding was provided. To give a sense of the mandates and other possibilities that House Bill 2335 sets out, a brief description of the funding is necessary.

An enormously expanded probation/community corrections system was funded with a biennial budget for various programs of \$227.3 million, an increase of 113 percent.

The parole system, which also needs the ability to more closely supervise, treat, and sanction its growing population, was boosted with a \$191.9 million budget, an increase of 75 percent.

In the prisons, increased funding is provided to hire 84 additional substance abuse counselors and to support a treatment program for at least some of the 6,500 sex offenders in prison. Out of the sex offender treatment fund of \$1.5 million, \$130,000 is set aside for the biennium to support the Interagency Council on Sex Offender Treatment, a valuable coordinating body whose

continued existence is also required in the bill. Finally, the Council on Offenders with Mental Impairments is continued under the provisions of House Bill 2335, with funding provided at \$1.2 million for the biennium.

Sentencing Alternatives -- Some of the amendments relating to sentencing alternatives in House Bill 2335 include:

(1) allowing (not requiring) punishment by community corrections sentencing instead of TDC time and fines up to \$10,000, instead of \$5,000, in third degree felony cases;

(2) clarifying that third degree felonies may be convicted as such but punished as Class A misdemeanors;

(3) allowing home confinement, electronic monitoring, and drug testing as a condition of personal bond and permitting evidence of behavior under those sanctions to be introduced in mitigation of punishment;

(4) clarifying existing local jail-sentence alternatives (serving time in off-work hours with pay garnishment for restitution and other payments and county jail work release) by setting them out in a separate section of the code; new alternatives of electronic monitoring and community service in lieu of jail are also added;

(5) allowing fines to be discharged in lieu of "laying out" in jail time by submitting to electronic monitoring, performing community service, or working at public improvements for any local political subdivision;

(6) allowing the same array of options for appropriate convicted defendants in lieu of remaining in jail or getting out on an appeal bond;

(7) clarifying sheriffs' authorities and duties under the jail work release program and providing immunity from suit;

(8) extending periods of probation in cases of multiple concurrent convictions, particularly in DWI cases, to achieve a meaningful treatment impact and harsher punishment;

(9) requiring the inclusion of the probation-generated "client supervision plan" in the pen packet sent to the prison system when an inmate is accepted; and

(10) substantially rewriting the Probation Law in the Code of Criminal Procedure.

Constitutionality -- Senate Joint Resolution 54 and House Joint Resolution 101 were introduced to accompany this legislation, specifically to authorize drastic restructuring of criminal justice agencies.

COUNTY GOVERNMENT

Current Texas law allows the commissioners court of a county to impose a \$5 fee for each vehicle registered in the county. This money is credited to the county's road and bridge fund up to a certain amount. Remaining money is sent to the State Department of Highways and Public Transportation. Currently there are 6,243 state highway bridges and 9,734 city and county bridges in need of repair in Texas. A county's road and bridge fund can be used to

repair some of these bridges; however, it should be noted these funds are not required to be spent on bridge repair. Senate Bill 328 allows the commissioners court of a county to impose an additional fee for registering a vehicle in an amount of \$10 or less, except in a county with a population of 2.39 million or more, where the fee may not exceed \$5.

House Bill 2252 allows the commissioners court of a county with a population of over 250,000 to adopt a fire code and rules necessary to administer and enforce the code. This code applies to commercial establishments and public buildings in an unincorporated area of the county but not to an industrial facility having a fire brigade that conforms to certain standards. The bill sets forth procedures and regulations relating to building permits and inspections of buildings for compliance with the fire code.

COURTS

District

Senate Bill 621 allows a home-rule municipality to bring an action in district court against an owner of residential property that is not in substantial compliance with the municipal ordinances regarding fire protection, structural integrity, zoning, or disposal of refuse. The bill allows the district court to appoint a receiver to assist in the repair of the property and for the receiver to suspend mortgage payments without accumulation of interest. Further, the bill extinguishes the interests of unrecorded lienholders or unrecorded property owners and allows the

receiver to maintain control until having recovered all rehabilitation and maintenance costs.

Friend of the Court--Child Support

Senate Bill 826 allows a court to appoint a "friend" to assist the court in the monitoring and enforcement of orders for child support and possession of and access to a child.

Judges

House Bill 1976 allows a county judge or county commissioner to serve as a member of the governing body or as an officer or director of another entity, except a publicly traded corporation that does business with the county. The bill also allows a local public official to serve as a member of the board of directors of private, nonprofit corporations provided the official receives no compensation.

ECONOMIC DEVELOPMENT

The Texas Department of Commerce (TDOC), created by the 70th Legislature, was established to assist in the growth of our economy by providing assistance programs for all areas of our economy. The 71st Legislature enacted legislation enhancing existing programs and creating new programs to further meet the needs of our diverse state.

The TDOC established export assistance centers to help small businesses and medium-sized businesses through the complicated process of entering the export market. However, export transactions were unable to be completed because of the lack of

export financing. This problem is addressed by House Bill 369. This bill creates the Texas Exporters Loan Fund within the TDOC to guarantee loans by private lenders to businesses expanding or entering into export markets. It also requires the TDOC to give preference to Texas products when making guarantees.

In response to the overwhelming number of business failures in Texas, the "Texas Business Enhancement Fund" is created by House Bill 2803. The fund is designed to assist small business borrowers in obtaining loans that might not otherwise be available from banks or other lending programs. This bill allows financial institutions to create a portfolio of guaranteed loans backed by a reserve that is funded by small business borrowers and state government.

The Rural Industrial Development Act, enacted in 1971, exists primarily to make loans to industrial development corporations for the purpose of promoting and developing new and expanded industrial and manufacturing enterprises in rural areas. House Bill 613 restructures the Texas Rural Industrial Development Act as the Texas Rural Economic Development Fund, with the fund operating as a guaranteed loan fund to assist rural economic development, giving preference to food and fiber processing industries. House Bill 438 creates the Rural Economic Development Commission, staffed by the TDOC, to conduct studies and to make recommendations regarding revitalization of rural areas and the expansion of agribusiness.

The emphasis Texas has placed on expanding existing businesses and attracting new industries to the state has prompted

the need for work force training. Senate Bill 193 updates and expands existing law to require the TDOC to create a work force development incentive program with the goal of providing work force training for existing and new industries in Texas. This bill requires 40 percent of the money to be used on existing businesses in the state and provides for two-to-one private matching funds for grants of \$250,000 or more.

EDUCATION

Dropouts

Research indicates that students who participate in early education programs are retained less and exhibit fewer academic and nonacademic problems in school. Using the Kentucky Kenan Trust Family Literacy Project as a model, House Bill 1292 provides funds allocated on a competitive basis to districts to establish pilot programs for young children and the parents of young children to enhance the children's intellectual, emotional, and academic development.

During the 70th Legislative Session, House Bill 1010 mandated Texas' first statewide dropout reduction effort. The findings of the Joint Special Interim Committee on High School Dropouts underscored the complexity of the dropout problem in Texas. Senate Bill 152 requires school districts to prepare an annual dropout reduction plan with specific reporting requirements to be filed with the Central Education Agency.

The Joint Special Interim Committee on High School Dropouts

heard testimony from Lieutenant Governor William P. Hobby who recommended that the Legislature consider early childhood education as the most important factor toward advancing Texas economic development and reducing the prison population. He stated that "quality preschool programs will reduce dropouts by providing a social and intellectual head start for disadvantaged children." Senate Bill 246 lowers the age of participation in prekindergarten programs from four to three for low income children or those with English language deficiency.

The High School Dropout Committee also found that the "Communities in Schools" program, a support system concept initiated by the Houston ISD in 1978 which provides a variety of school and community services for at-risk children and their parents, has been very effective. Senate Bill 367 requires secondary schools in certain counties with certain at-risk student populations as identified by the education agency to participate in the Communities in Schools program. It establishes the intent regarding the expansion of this program throughout the state.

Senate Bill 1501 adds the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health to the list of agencies represented on the Interagency Coordinating Council on dropouts.

Finance

On June 7, 1987, District Judge Clark ruled that the current school finance system, implemented within local district boundaries

with unequal property wealth, is unconstitutional. Senate Bill 1019 establishes a two-tiered system of finance that guarantees school districts a substantially equalized system of funding above the basic program through a guaranteed yield system of tax effort.

Higher

Based on the recommendation by the Joint Committee on Higher Education in South Texas and a merger plan approved by The Texas A&M University System and the University System of South Texas, Senate Bill 122 establishes Texas A&I University, Corpus Christi State University, and Laredo State University as components of The Texas A&M University System. It also expands degree programs at Corpus Christi State University to include doctoral programs.

Senate Bill 94 authorizes state agencies which currently hold bond-issuing authority to apply for permission to designate all or part of a particular bond issue as college savings bonds. The bonds are required to be zero-coupon bonds, issued in small denominations, and of the type that encourage bondholders to retain the bonds until the date of maturity.

Technology

As a result of the State Board of Education's Long Range Technology Plan, 1988-2000, Senate Bill 650 addresses both economic and educational needs that can be met through technology. This legislation would address the state's educational need for comprehensive action in the areas of electronic information, telecommunications education technology development, and regional

education service centers.

ENVIRONMENT

Senate Bill 740 requires school district boards, state agencies, and local transit authorities and districts to purchase, lease, or convert existing vehicles to use compressed natural gas or other alternative fuels.

Senate Bill 769 strengthens the authority of the Texas Air Control Board to require the use of compressed natural gas or other alternative fuels in rapid transit buses and certain local government and private fleet vehicles in standard metropolitan areas with populations of 350,000 or more.

FINANCE--SAVINGS AND LOANS

Senate Bill 607 abolishes the individual banking section, savings and loan section, and consumer credit section of the Finance Commission and transfers all their powers and duties, rights, and obligations to the Finance Commission as a whole. The commission membership is reduced from 12 to nine and is permitted to employ an executive director and staff. Various provisions of the Savings and Loans Act are amended, including, among others, provisions relating to prohibiting disclosure of information obtained during an investigation and relating to change of control.

GAMBLING

Currently, Subsection (a) of Section 47.04 of the Penal Code provides that a person commits an offense if he "uses or permits

another to use as a gambling place any . . . boat. . . ." Subsection (c) of that section provides that it is a defense to prosecution under Section 47.04 if the gambling place is aboard an ocean-going vessel that enters the territorial water of this state to call at a port in this state in the course of a bona fide voyage to or from a foreign port and certain listed conditions are met, including that no gambling takes place while the vessel is in the territorial water of Texas.

House Bill 141 deletes the underlined language from the Penal Code to allow a ship with a gambling place to pass through Texas territorial water without the necessity of being en route to a foreign port, thereby enabling it to travel outside the state's territorial water with the intent of providing gambling for the ship's passengers. This bill also provides for the regulation and inspection of those vessels.

HEALTH CARE

Omnibus Health Care Rescue Act

The Omnibus Health Care Rescue Act, House Bill 18, comprehensively addresses problems in health care delivery for all Texans but focuses in particular on the escalating crisis faced by rural areas in obtaining access to health care. Many of the problems addressed by the Act correspond with the recommendations of the Special Task Force on Rural Health Care Delivery in Texas. In summary, the Act addresses the crisis in health care as follows:

- (1) establishes the Center for Rural Health Care

Initiatives to coordinate and rebuild existing health services and programs in rural areas and assist in the development of new services and programs;

(2) requires the Department of Health to establish the Health Professions Resource Center to provide for the comprehensive collection and analysis of educational and employment trends for health professions in the state, especially those professions demonstrating an acute shortage, including nursing and those professions in which shortages occur in rural areas;

(3) provides for the establishment of a breast cancer screening program in rural counties with a population of 50,000 or less;

(4) establishes the Medical Care Advisory Committee to improve access and ensure reasonable, adequate, and equitable payments for health care services provided to medically indigent patients;

(5) establishes a swing bed program in accordance with federal regulations to provide reimbursement for skilled nursing patients treated in hospitals located in a county with a population of 100,000 or less;

(6) mandates cooperation among health care educational institutions to improve and expand programs for rural areas, including the creation or expansion of rural preceptor programs, mandatory one-month rotation through a rural setting for family practice residency programs, development of relief service programs

for rural physicians and allied health personnel, and the incorporation of a family practice clerkship during the third core clinical year of medical school;

(7) provides greater flexibility in the physician student loan repayment program;

(8) indemnifies physicians whose practice includes a minimum of 10 percent charity care in state and federal programs (Indigent Health Care and Treatment Act, Medicaid, Maternal and Infant Health Improvement Act, Texas Primary Health Care Services Act, Chronically Ill and Disabled Children's Services Act, or a contract with a migrant or community health center that receives funds under 42 U.S.C. 254b and 254c) and limits the recoverable damages to \$100,000 for prenatal, obstetrical, and emergency services and \$25,000 for other services (Indemnification provision expires in 1993);

(9) entitles a health care professional covered by the state indemnification program to a liability insurance premium discount (Discount provision expires in 1993);

(10) allows a physician to delegate to a registered nurse or physician assistant the act or acts of administering, providing, or carrying out a prescription drug order at a site serving a medically underserved population and provides for the training of such individuals in pharmacology and for the assignment of an identification number to such individuals;

(11) defines the qualifications of an expert witness

in suits against physicians which involve a health care liability claim;

(12) provides language to be used in jury instructions for health care liability claims; and

(13) mandates the development of emergency medical services and trauma care systems statewide.

Omnibus AIDS Bill

The Omnibus AIDS Bill, Senate Bill 959, addresses many of the recommendations of the Legislative Task Force on AIDS (acquired immune deficiency syndrome), including elimination of discrimination against people with human immunodeficiency virus (HIV), improvement of access to health and social support services, expansion of availability and quality of HIV counseling and testing services, and promotion of targeted HIV education programs and consistency of state policies regarding HIV. Specifically, the bill proposes numerous policy recommendations, including:

(1) establishes the Texas Department of Health (TDH) as the primary resource for HIV education, prevention, and risk reduction materials, policies, and information and directs TDH to develop model education programs to educate the public about AIDS and to include special components in the programs to reach youth, minorities, and those whose behavior places them at a higher risk to contract HIV;

(2) directs TDH to maintain information on public and private funding sources for HIV-related prevention, education,

treatment, and social support services, to disseminate such information to public and nonprofit agencies eligible for identified funding opportunities, and to make such information available to other interested parties on request and allows TDH to contract such services for more efficient delivery;

(3) requires TDH to provide technical assistance to nonprofit community organizations to most efficiently use limited resources to expand the availability of services to address the HIV epidemic;

(4) requires TDH to establish and administer a state grant program to nonprofit community organizations for HIV education, prevention, and risk reduction programs and for treatment, health, and social service programs for persons with HIV infection;

(5) establishes an HIV medication program under TDH to assist hospital districts, local health departments, public or nonprofit hospitals and clinics, nonprofit community organizations, and HIV-infected people in the purchase of medications effective in reducing hospitalizations due to HIV-related conditions;

(6) prohibits the release of test results indicating the presence of HIV infection without first giving the person tested the immediate opportunity for face-to-face posttest counseling, unless the test is for statistical purposes or to determine suitability for blood, organ, or tissue donation, directs TDH to establish voluntary, confidential HIV testing and to

complete contact tracing after confirmed positive tests, and prohibits HIV testing programs funded by TDH from being used to test for insurance or employment purposes;

(7) requires certain state-funded health clinics to provide HIV education and counseling and testing programs or referrals to such programs;

(8) requires each state agency to annually provide educational pamphlets to each state employee about methods of transmission and prevention of HIV infection, to adopt workplace and confidentiality guidelines concerning persons with AIDS and HIV infection, and to pay the costs of testing and counseling an employee concerning HIV infection if the employee was exposed while on the job;

(9) requires the Texas Department of Human Services (TDHS) to establish demonstration projects in nursing facilities to examine the costs and need for services appropriate to provide the care necessary for those persons with AIDS or HIV infection;

(10) requires all licensed substance abuse treatment facilities to provide HIV education and counseling to employees and clients and enables the Texas Commission on Alcohol and Drug Abuse to fund community outreach programs that provide HIV education, encourage behavior changes necessary to reduce HIV transmission, promote other HIV risk reduction activities, and encourage behavior consistent with state criminal law;

(11) requires the Texas Department of Corrections

(TDC) and other law enforcement agencies to establish HIV education programs for employees and inmates, to ensure that employees have infection control equipment and supplies readily available, and to develop a policy for handling HIV-infected inmates which is similar to the model policy developed by TDH;

(12) establishes guidelines concerning HIV education and counseling as bonding and probation conditions for those persons convicted of prostitution, sex-related crimes, and drug-related crimes;

(13) establishes as a third degree felony the intentional exposure of another to AIDS or HIV;

(14) directs the State Board of Education to encourage all school employees and volunteers to have inservice training about HIV and directs the Texas Education Agency to prepare and distribute an HIV information guide to all school personnel;

(15) directs the Higher Education Coordinating Board to encourage collaborative HIV research and funding for such research;

(16) requires TDH to establish partner notification programs;

(17) provides for the testing of persons suspected of exposing certain public service employees to reportable diseases, including HIV infection;

(18) requires consent for testing for HIV infection, except as otherwise provided by law;

(19) prohibits the sale, delivery, holding, or offering for sale of self-testing kits for AIDS or HIV infection;

(20) requires distribution of HIV educational material on issuance of a marriage license or declaration of informal marriage; and

(21) disallows unemployment compensation benefits if a person refused to provide services to a person with a communicable disease.

Other legislation concerning AIDS includes House Bill 2608, which sets forth conditions and procedures for HIV testing by life and health insurers, and House Bill 976, which amends the Real Estate License Act to exempt a person from civil liability or criminal prosecution who does not inquire about, make a disclosure related to, or release information related to whether a previous or current occupant of real property had, may have had, or has AIDS, HIV-related illnesses, or HIV infection. However, the bill does require a person who has actual knowledge that the previous owner or current occupant of real property had or has AIDS to disclose such information on specific request from a potential purchaser or lessee.

HEALTH INSURANCE

Senate Bill 911 includes mandatory coverage for chemical dependency with current mandatory coverage for alcoholism in the Insurance Code. The State Board of Insurance is directed by rule to adopt standards for the reasonable control of costs for

inpatient and outpatient treatment, which must also be approved by the Texas Commission on Alcohol and Drug Abuse.

HUMAN RELATIONS

Senate Bill 75 creates the Texas Fair Housing Act, which prohibits discrimination in housing on the basis of a person's race, color, religion, sex, handicap, familial status, or national origin. The Commission on Human Rights is required to administer this Act, investigate complaints of discriminatory housing practices, and provide technical and other assistance to entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices. An aggrieved person may file a civil action in a district court within two years after the termination of a discriminatory housing practice or the breach of a conciliation agreement to obtain appropriate relief. On request of the commission, the attorney general may intervene in an action if the commission certifies that the case is of general public importance or file a civil action in district court in certain cases. The bill establishes the Fair Housing Fund in the State Treasury to be used in administering this Act. It also provides that a person commits a criminal offense if the person intentionally intimidates or interferes with or attempts to interfere with a person for certain reasons stated in this Act.

HUMAN SERVICES

House Bill 1806 enables the Department of Human Services

(DHS) to continue to provide various services to adoptees and the adoptive families after an adoption and further requires full disclosure of information concerning the adoptee to the adoptive family.

The Legislature also passed House Bill 1345, which requires DHS to increase the Medicaid income eligibility cap for pregnant women and infants to 130 percent of federal poverty guidelines and for children four years old to 100 percent in 1990 and six years old to 100 percent in 1991. To fund the programs, an additional \$105.88 million was appropriated, to be matched by \$158.82 million from the federal government.

House Bill 318 raises the Medicaid income eligibility cap for persons qualifying for nursing home care and community care to at least \$1,104 and not more than the federal maximum limit. State appropriations of \$28.2 million will be matched by \$42.3 million from the federal government.

INDUSTRIAL DEVELOPMENT

Senate Bill 1205 expands the list of areas of a municipality, county, or a combination of local governments that may be designated as enterprise zones to encourage the development of the private sector in certain depressed urban and rural areas and to encourage the development of jobs for area residents. The bill expands the definition of qualified businesses who receive certain incentives and expands the group of businesses which can be specially designated as one of the few enterprise projects to

include businesses in zones having a population loss of at least 12 percent during the last six-year period instead of being keyed only to zones with high unemployment. The bill also provides other incentives and deletes certain requirements related to enterprise zones.

INSURANCE

Insurers and Agents

House Bill 1594 sets forth requirements for managing general agents (MGA), including the requirement that an MGA demonstrate the ability to pay \$100,000 in liability. It requires that any appointment as an MGA be reported on certain forms. Additionally, surplus line agents are required to report overdue balances, withdrawn settlement authority, or amounts held which exceed a certain limit.

Insurance Reform

Senate Bill 255 prescribes increased requirements for capital and surplus lines and procedures for audits, enforcement, confidentiality, supervision and conservatorship, and receivership and liquidation in the regulation of insurance companies doing business in the state. Insurance companies are required to file audited financial statements containing certain information with the State Board of Insurance (board). The commissioner of insurance is authorized to issue emergency cease and desist orders on the belief that enumerated violations are about to occur and hearings on such matters are provided for. Additionally, limits

are set on the length of time that the commissioner may keep information relating to the financial soundness of a company confidential. Guidelines relating to conservatorship of companies placed under supervision are prescribed and the supervision is prohibited from lasting more than 270 days. Guidelines for the receivership and liquidation of insolvent companies are prescribed, including the provision that a conservator and his agents are not liable for an action taken or not taken by them in the course of their duties. The commissioner is required to determine annually the net worth of individual insurers.

Senate Bill 262 provides guidelines for self-insurance pools of political subdivisions in an effort to ensure sound financial practices. Risk pools created by political subdivisions are required to establish a board of trustees for the pool who have certain qualifications; risk pools are allowed to invest only in those investments authorized by the Texas Trust Code; and the trustees of the pool are required to have the fiscal accounts and records of the pool audited annually. Guidelines relating to any insolvency of a risk pool are established; most counties are prohibited from providing coverage through a pool; and political subdivisions are authorized to pay all or part of the premiums and contributions. The use of state funds to pay for premiums and contributions is prohibited, and risk pools created under this article are not subject to the jurisdiction of the State Board of Insurance.

Life, Health, and Accident

Senate Bill 832 amends Article 21.07-6, Texas Insurance Code, to strengthen the standards for the licensing of third party administrators (TPAs) by setting forth certain requirements. Among these are the requirements that each plan administrator under the article be covered by and be doing business under a certificate of authority; that those administrators whose application for a certificate is approved obtain and maintain a fidelity bond; and the examination by the commissioner of insurance of each certified administrator. The bill also provides for the creation and operation of the Texas Health Insurance Risk Pool and provides a criminal penalty for TPAs who violate the article or a rule of the State Board of Insurance.

LAWYERS

Barratry

Barratry is the persistent incitement of litigation. Senate Bill 843 lists acts which are considered barratry if the lawyer performs them with the intent to obtain an economic benefit and provides that contingent fee contracts are voidable if the conduct which procured the contract violates state laws of the Disciplinary Rules of the State Bar of Texas regarding solicitation or barratry. It further requires contingent fee contracts for legal services to be in writing and signed by both the attorney and the client.

Designated Agent for Health Care Decisions

Texas law does not provide a lasting vehicle for the

designation of an agent to aid physicians in the treatment of severely injured or comatose patients unable to make medical decisions for themselves. House Bill 2098 allows an adult to designate an agent who could exercise a durable power of attorney for health care decisions for an adult who lacks the capacity to make health care decisions, subject to this Act or any express limitations on the agent's authority.

PROBATE

House Bill 570 clarifies provisions on probate court jurisdiction over testamentary trusts and conforms sections of the Probate Code relating to termination of and the handling of terminated guardianship assets. It provides for the orderly devise of estate assets to predetermined children and deletes the requirement that the comptroller certify that no estate taxes are due. Finally, it renumbers the classification of claims against decedents' estates and provides for notice to state government and charitable entities which are subjects of bequeaths from estates.

PROPERTY

Landlord/Tenant

Although current Texas law gives judicial remedies to a tenant who is unlawfully excluded from the tenant's premises by a landlord, some tenants may be unable to retain an attorney to take advantage of the remedies. Senate Bill 1288 allows a justice of the peace to issue a writ of reentry to a tenant who has been

unlawfully locked out of the tenant's premises and sets forth the procedures which must be followed.

Senate Bill 1289 clarifies the laws relating to forcible entry and detainer especially relating to landlord/tenant situations. It sets forth procedures that a landlord is required to follow when the landlord wants a tenant to vacate the premises.

Some landlords, in an effort to collect rent or to force a tenant from the premises, remove doors, windows, doorknobs, etc., from the property. Senate Bill 1290 prohibits a landlord from removing certain property from leased premises except for a bona fide repair or replacement. It also prohibits a landlord from interrupting utility service which is paid for by the tenant, except in certain emergencies.

In 1979, residential tenants and landlords worked together in support of a "habitability" bill which was designed to address the problems encountered when a landlord failed to repair conditions which materially affect the health and safety of the tenants. Senate Bill 1607 provides a simplified mechanism for relief for tenants when the landlord refuses to repair conditions which materially affect the tenants' health and safety.

Real Estate License

The Real Estate License Act was revised by House Bill 1212 to require continuing education as a condition of license renewal, to restrict recovery from the real estate recovery funds, and to clarify and broaden commission authority to address illegal or

unlicensed activity.

Residential Construction Liability

Senate Bill 1012 sets forth certain defenses to residential construction liability and provides procedures by which a claimant may have a construction defect repaired or seek damages for such a defect.

SAFETY

Senate Bill 41, the "motorcycle helmet law," requires that all persons operating or riding as a passenger on a motorcycle wear protective headgear and allows a medical exemption for an acute head or facial injury that may be worsened by wearing headgear.

SUNSET

Central Education Agency

Senate Bill 417 provides for the continuation, operation, and administration of the Central Education Agency (CEA). It requires the CEA and certain other state agencies to participate in a competitive cost review program. It further requires the accreditation cycle for schools to be based on school performance with a maximum cycle of six years. It requires transition planning for special education programs every three years and requires transition planning for special education students age 16 and over. Teacher appraisers are required to be recertified, and the Teachers' Professional Practices Commission is abolished. The bill divides the responsibilities for granting proprietary school

degrees between the CEA and the Higher Education Coordinating Board and establishes a GED pilot program for certain at-risk students.

Department of Agriculture

In Senate Bill 489, the Sunset Advisory Commission, based on its review of the TDA, recommends: continuation of the agency for another 12 years; continuation of the position of agriculture commissioner as an elected official; and several statutory modifications, the most significant of which is the creation of a nine-member "pesticide board" to be known as the Agriculture Resources Protection Authority (authority).

Although the authority will be chaired by the commissioner of agriculture, the chair does not have control of any of the members of the authority, most of whom are to be officials of academic institutions or other state employees who will not be answerable to the public. The authority will have the power to adopt any rule relating to pesticides, although there are provisions to restrict the authority's ability to repeal or amend existing rules in a way that would make them less protective of the public health, safety, or welfare. The authority will also have the ability to review and approve or disapprove any rule related to pesticides proposed by the TDA.

Texas Higher Education Coordinating Board

The Texas Higher Education Coordinating Board (THECB) was created in 1965 with the passage of the Higher Education Coordinating Act and is continued in existence by sunset

legislation, Senate Bill 457. The sunset review of THECB resulted in recommendations in administration, coordination of higher education, the control of degree programs, transfer of courses, campus planning, financial aid programs, and health insurance.

TAXATION--HOTEL, MOTEL OCCUPANCY

House Bill 1023 amends existing laws relating to taxes on occupancy of a hotel, motel, or similar establishment. Under this legislation, the municipal attorney or other attorney acting for a city may sue to collect a tax. The bill makes other provisions relating to: preexisting contracts, use of tax revenue, tax revenue for a manned space flight tourism facility, a general rule for allocation of revenue, enforcement by attorney general, general limitations on use of revenue, use of revenue in counties bordering Mexico, and use of revenue in counties with licensed racetracks.

TRANSPORTATION

Senate Bill 1190 creates the Texas High-Speed Rail Authority as an agency of the state to oversee the creation, construction, and operation of a high-speed rail facility.

UTILITIES--TELEPHONES

House Bill 174 requires operator service providers to supply certain information to subscribers including the provider's name and rate schedule. Hotels and motels are prohibited from charging more than 50 cents for calls for which the assistance of a hotel operator is required. The Public Utility Commission is required to

adopt rules establishing a statewide telecommunications relay access service for the hearing-impaired and the speech-impaired. An advisory committee is established to administer parts of the Act.

VEHICLES AND TRAFFIC

Safety Responsibility

Senate Bill 41 requires any person operating a motorcycle or riding as a passenger on a motorcycle to wear protective headgear that meets standards adopted by the Department of Public Safety.

Vehicle Registration

House Bill 2060 creates a criminal Class C misdemeanor and fines for weight violations of vehicles transporting ready-mixed concrete. Under this bill the Texas Department of Highways and Public Transportation is required to issue permits costing \$75 to the applicant allowing certain motor vehicles to operate on public roads and highways even if the vehicle's weight exceeds that normally allowable, but not greater than 80,000 pounds, plus 10 percent tolerance. Fifty dollars of the fee must go back to the county. The bill also increases from \$50,000 to \$60,000 the maximum base amount that may be kept by a county in its county road and bridge fund.

VEHICLES AND TRANSPORTATION

Driver's Licenses

House Bill 1935 strengthens commercial driver licensing and

testing standards. All drivers of commercial motor vehicles are required to have commercial driver's licenses after April 1, 1992. Testing and a records check of all applicants for a commercial driver's license is required. Criminal penalties for failure to maintain a commercial driver's license are provided. It also provides criminal penalties for failure of a driver of a commercial vehicle to maintain a commercial driver's license and that certain actions, including drunk driving, will result in cancellation of a commercial driver's license.

Rules of Road

Senate Bill 170 prohibits a person from operating an open bed pickup truck or an open flatbed truck at a speed in excess of 35 miles an hour or towing a flatbed trailer when such truck or trailer contains a child younger than 12 years of age.

WATER DEVELOPMENT

Senate Bill 2 is probably the most important bill related to water and wastewater service that passed during the 71st Legislature. It addresses one of the thorniest problems facing Texas counties along the Mexican border--the development of colonias, unincorporated residential subdivisions without water or sewer supplies.

The colonias arose as a result of unscrupulous developers and the lack of authority of counties to require the provision of adequate water and sewer services in those areas. State officials have been trying for years to find an appropriate and effective way

of addressing this problem through funding of water and sewer facilities and through the creation of county authority to regulate such development.

Senate Bill 2 is the result of an interim study of this issue and seeks to achieve those aims. The bill establishes a program to provide assistance to "economically distressed areas" for water supply and sewer service projects. The funding program will be through the Texas Water Development Board (TWDB). Senate Bill 2 authorizes the TWDB to pay all or part of the engineering costs for such facilities out of its research and planning fund. Also, the bill authorizes the TWDB to fund other facility costs out of 20 percent of the water development bonds being submitted to the voters for approval at the polls this fall.

In order to prevent the creation of new colonias while the existing ones are being supplied with water and sewer projects, the bill gives certain Texas counties (in economically distressed areas) the authority to require standards for plat approval, water and sewer services, and financial guarantees for new subdivisions. By incorporating provisions relating to water conservation, Senate Bill 2 also increases the ability of colonias residents to afford the long-term costs of providing water and sewer services. The bill provides model rules as a condition of eligibility for financial assistance in eligible counties.

Senate Bill 61 amends the Water Code to authorize the Water Development Board to issue water development bonds in an amount not

to exceed \$500 million, subject to adoption of the constitutional amendment proposed by Senate Joint Resolution 7. The bill also authorizes a list of projects, including those initiated for the sole purpose of conservation, that may receive financial assistance from the board.

WATER--GENERAL

The Clean Water Act and the United States Fish and Wildlife Service National Wetlands Inventory project contribute to the protection of the nation's wetlands. However, there has been increasing uncertainty in the identification and classification of particular land features as wetlands because of differing federal agency and statutory definitions of wetlands. Land features such as sewage treatment ponds, sanitary landfills, and concrete-lined irrigation ditches have been identified as wetlands in the National Wetlands Inventory mapping program. The lack of consistency in defining wetlands in Texas results in unwarranted potential legal liability for farmers, ranchers, and private property owners. Despite formal resolutions calling for congressional definitions of wetlands to be used in the Clean Water Act, Congress has not adopted a single congressional definition of wetlands for the purpose of federal law.

Senate Bill 1206 creates the Wetlands Act and establishes a state definition of a wetland in order to protect the rights of private property owners and to provide consistency in the identification and classification of land. The bill directs state

agencies to adopt a cohesive and unified state policy to regulate wetlands and thereby reduce confusion and conflict between state regulatory agencies and private individuals.

WORKERS' COMPENSATION SUMMARY

The 71st Legislature undertook the task of revising the Texas workers' compensation system during the regular legislative session and during the first called session. Although no legislation was adopted, a summary of the issues presented and of the events that occurred in attempting to resolve the problems associated with the state's workers' compensation system is included because of the great amount of time and energy devoted to achieving a resolution. The material in the summary is taken from the House Research Organization's Daily Floor Reports, dated June 20, 1989, June 22, 1989, and June 29, 1989, and from the House Research Organization's Comparison of House and Senate Versions of Senate Bill 1, from the first called session.

INTRODUCTION

Workers' compensation is a no-fault, state-supervised system established by law to pay the medical expenses of employees who are injured on the job and to compensate them for lost earnings. Employers who carry workers' compensation insurance (not required by law) receive protection from unlimited legal liability for on-the-job injuries to their employees, who receive compensation without having to sue their employers. The employer's insurance

company compensates the workers for job-related injuries without regard to fault, subject to statutory limits.

Disputes over claims or benefits are considered by the state Industrial Accident Board (IAB). Either side dissatisfied with an IAB ruling may appeal to state district court, where the facts are determined in a trial de novo, disregarding all prior IAB proceedings.

State law requires that workers' compensation insurance pay medical, disability, and death benefits for work-related injuries and diseases. An assigned risk pool exists as an association of all workers' compensation insurers established by law to insure employers who are refused coverage by individual insurers. Private employers are prohibited from insuring themselves by paying compensation claims directly to their injured workers. Public employers are allowed to self-insure, either individually, such as the State of Texas, or by establishing self-insurance pools, as local governments have done.

The 71st Legislature considered substantial changes in the workers' compensation system during the regular and first called sessions, but representatives of the various interest groups affected by the system, including insurers, employers, physicians and hospitals that treat injured workers, lawyers who represent the injured, and the workers themselves, never reached a consensus.

Proposals for change in the workers' compensation system considered during the two sessions focused primarily on five areas:

statutory limits on the amount and term of benefits; worker safety requirements; employer insurance and rate regulation; the administrative structure of the agency overseeing the system; and appeal of benefit decisions.

HOUSE BILL 1--REGULAR SESSION

House Bill 1 by Representative Richard Smith was the primary vehicle for debate on workers' compensation during the regular session. Three principal versions of the bill emerged during the regular session: the version passed by the House; the version that was reported by a Senate subcommittee; and the version that passed the Senate. A conference committee was appointed to resolve the differences between the House and Senate versions, but the committee could not agree on a final version of House Bill 1 before the regular session ended on May 29.

COMPARISON OF THE REGULAR SESSION VERSIONS OF HOUSE BILL 1

Medical Benefits

The House version of House Bill 1 would have changed the restrictions on medical benefits and the formula for figuring disability benefits. Injured employees and insurers no longer could have reached settlement agreements limiting or terminating medical benefits. Other modifications were made to provisions regarding an employee's ability to choose a health provider subject to an insurer's approval. The Senate version of House Bill 1 makes similar changes in provisions governing medical benefits. However,

an insurer's approval of a change in health care providers would have been required beginning with an injured worker's third, rather than second, choice. In addition, the Senate version would have created a vocational rehabilitation pilot program to help rehabilitate injured workers unable to return to gainful employment.

Disability Benefits

The House version would have changed the formula for figuring disability benefits, which would have been increased. Disability benefits would have been called "income benefits." They would no longer have been figured according to a statutory schedule listing specific injuries or based on loss of income and earning capacity. The types of income benefits would have included temporary disability, impairment, extended disability, and lifetime disability.

Parties could have entered into lump-sum settlement agreements for impairment benefits only. Lump-sum agreements could have been made only if the injured employee had returned to work for six months and had not received medical treatment towards final recovery from the injury for three months.

The Senate version would have retained the current system of figuring disability benefits based on the particular injury and the loss of income and earning capacity. However, the Senate version would have increased the maximum weekly benefit for death and lifetime benefits and for certain disability benefits. Also, the

Senate version would have allowed lump-sum settlements only if the insurer had denied liability or if the employee had healed to the full extent possible and had either returned to work or demonstrated hardship.

RESOLVING DISPUTED CLAIMS

System Administration

The House version would have replaced the three-member IAB with a six-member Texas Workers' Compensation Board. The members would have been appointed by the governor to six-year staggered terms but would have received no salary. A board-appointed executive director would have administered the workers' compensation system. The board also would have appointed the directors of the various divisions of the board created by the bill.

The Senate version would have replaced the IAB with a six-member Texas Workers' Compensation Commission, also consisting of gubernatorial appointees to serve staggered six-year terms. Members could have received up to \$100 per day for wages lost while performing commission duties. Also, the commission-appointed executive director, rather than the commission, would have appointed the heads of the divisions created under the bill.

Claim Dispute Resolution

The House version of House Bill 1 would have changed the process for resolving disputed claims, adding a third type of hearing at the board level, and replacing trial de novo with court

review conducted under the substantial evidence rule. At the board level, cases would have been subject to a benefit review conference, a contested case hearing, and an appeals panel hearing. A hearings division would have been created within the board to conduct benefit review conferences and contested case hearings.

The Senate version of House Bill 1 would have created a different process for resolving disputes. The first step in the House version for resolving disputed issues, a benefit review conference, would have been used, but only if the injured worker or the insurer requested it. The Senate would have provided two alternatives for resolving issues still disputed after a benefit review conference, either binding mediation and arbitration or a contested case hearing. Unlike the contested case hearing under the House version, an administrative law judge would have conducted the hearing, and the decision could have been appealed to district court in a trial de novo. However, the trial de novo would have been limited--only an issue raised and on which evidence had been introduced at the contested case hearing could have been raised at trial. Exceptions would have been made for certain newly discovered evidence.

Attorney's Fees

The House version of House Bill 1 would have lowered the attorney's fee cap to 25 percent of the difference between the income benefits the worker ultimately received and the benefits paid or offered by the insurer after a benefit review conference.

An attorney would have been entitled to receive a minimum fee of \$200.

WORKER SAFETY

The House version of House Bill 1 would have created a workers' health and safety division within the workers' compensation board to implement and enforce workplace safety laws, collect data on injuries and job safety, and identify employers with unreasonably high workers' compensation claims. The board would have been required to notify employers whose claims exceeded board guidelines. The board could have penalized employers who violated safety requirements through various mechanisms.

The Senate version would have retained responsibility for workplace safety within the Texas Department of Health. The department would have been required to adopt rules prohibiting unsafe work practices and could have penalized employers who violated safety rules through administrative penalties, as well as additional penalties. The Senate version also would have included a program to identify "extra-hazardous employers," those with high workers' compensation claims. It would have authorized the board to penalize these employers by at least the amount of income benefits paid under those injury claims.

The Senate version also would have established a back injury prevention program to instruct workers on how to minimize such injuries and a safety grant program for the prevention of occupational diseases. In addition, it would have required the

hiring of safety managers for certain large construction projects and safety training for workers in hazardous occupations. Public entities would have had to consider the safety records of contractors before granting public contracts.

SELF-INSURANCE

The House version of House Bill 1 would have allowed certain private employers to provide workers' compensation coverage by self insuring. To qualify, an employer would have been required to meet financial standards adopted by the board. Other requirements would have included safety programs at job sites, a security deposit, and excess insurance to cover liability beyond an employer's workers' compensation funds. To qualify for the self-insurance option under the House version, an employer would have had to pay a certain amount in an initial workers' compensation insurance premium level, with the limits to expire in 1994. The House version also would have established an association of self-insurers to cover unpaid claims of bankrupt self-insurers. Certified self-insurers would have contributed to the association for this purpose based on their claims paid for the preceding year.

The Senate version followed the House version for self-insurance, with some differences. Employers would have been required to have higher amounts of excess insurance and workers' compensation premiums paid in order to qualify for the self-insurance option. The minimum premium requirement would not have expired in 1994.

ASSIGNED RISK POOL

Under the House version of House Bill 1, the Texas Workers' Compensation Assigned Risk Pool would have become the Texas Workers' Compensation Pool. Although its structure would have been revised, it still would have provided coverage to those employers refused coverage in the voluntary market. It also would have been subject to the Open Meetings and Open Records laws.

The State Board of Insurance (SBI) would have assigned individual insurers to provide coverage to employers with annual premiums of less than \$10,000 and to employers that were not classified as extra-hazardous businesses. The SBI would have been required to create a division to reduce the number of employers in the pool. The division also would have encouraged insurers to volunteer to insure employers that would otherwise have been placed in the pool.

The Senate version would have created a Texas Workers' Compensation Insurance Facility to replace the assigned risk pool. It also would have been subject to the Open Meetings and Open Records laws.

The Senate version would have created an employers' safety plan under which the facility would have assigned insurers to cover employers with an annual premium of no less than \$5,000. Employers with excessive loss ratios would not have been eligible for coverage under the plan.

The Senate version would have created an accident prevention

fund administered by the facility to provide coverage for employers not eligible under the employers' safety plan but who were refused coverage in the voluntary market. The SBI would have been required to create a market assistance program to try to reduce the number of employers in the fund.

INSURANCE REGULATION

The House version would have required insurers to offer employers the options of deductibles with workers' compensation insurance coverage. The Senate version required a study by the workers' compensation commission on whether to require deductibles in workers' compensation insurance policies.

The Senate version of House Bill 1 would have permitted insurers to offer workers' compensation insurance rates of up to 25 percent less than the SBI-promulgated rate. The House version had no such provision.

The House version called for the SBI to reduce workers' compensation insurance premium rates by four percent for fiscal year 1990, 10 percent for fiscal year 1991, and 15 percent for fiscal year 1992, if the SBI found the reductions fair and reasonable. The Senate version contained no rollback provision.

SENATE BILL 1--FIRST CALLED SESSION

Senate Bill 1 by Senator John Montford was the primary focus of the first called session of the 71st Legislature. Once again, the House and the Senate were unable to reach an accord on a final

version of the bill, which failed to leave the conference committee before the end of the first called session on July 19, 1989.

**COMPARISON OF THE HOUSE AND SENATE
VERSIONS OF SENATE BILL 1**

Appeal of Administrative Rulings

The House version of Senate Bill 1 would allow appeal of an administrative ruling on workers' compensation benefits to a jury trial only if a fact dispute involved death benefits or lifetime disability income benefits or whether the injury occurred within the scope of employment. All administrative findings would be admissible unless the court sustained an objection to specific evidence raised during prior administrative hearings. For all other administrative rulings, appeals would be limited to review of legal points by a judge under the substantial evidence rule--the court could consider only whether the administrative decision was justified by the evidence, violated a law, or was an abuse of discretion.

The Senate version of Senate Bill 1 states that "judicial resolution of compensation rights will not be by trial de novo." It would retain appeal to a jury trial for all disputed issues of fact but would allow the jury to consider prior administrative findings.

Calculation of Benefits for Injured Workers

Under the House version of Senate Bill 1, disability benefits would no longer be figured according to a statutory schedule

listing injuries to specific parts of the body or be based on loss of income and earning capacity. Disability benefits would be called "income benefits" and would be of four types: temporary disability, occupational limitation income, extended disability, and lifetime disability. The maximum weekly benefit for temporary disability and lifetime disability would be 100 percent of the state average weekly wage (currently \$416). For occupational limitation and death benefits, the maximum would be 75 percent of the state average weekly wage. For extended disability benefits, the maximum would be 66.66 percent.

The Senate version would retain the current system of figuring disability benefits based on the particular injury and the loss of income and earning capacity. However, the maximum weekly benefit under the Senate version would be increased to 100 percent of the state annual average weekly wage for manufacturing workers for death and lifetime benefits and for the first 26 weeks of incapacity for other disability benefits. After 26 weeks, the cap for other disability benefits would be reduced to 70 percent of the state average weekly wage.

Worker Safety

The House version of Senate Bill 1 would create a workers' health and safety division within the new Texas Workers' Compensation Commission (which would replace the current Industrial Accident Board under both versions of the bill) to implement and enforce worker safety laws and identify employers with unreasonably

high workers' compensation claims. The commission could fine hazardous employers an amount based on the severity of the employee's injury, the size of the employer's payroll, and the contributing negligence of the employee.

The Senate version would leave responsibility for worker safety with the Texas Department of Health. The department could fine hazardous employers the same amount as under the House version.

Mandatory Insurance Coverage

The House version would keep workers' compensation coverage optional for employers. The Senate version would make workers' compensation insurance coverage mandatory by January 1, 1994, for all employers with more than four employees.

Coverage for Farm Workers

The House version of Senate Bill 1 would retain current law phasing in workers' compensation coverage for certain farm workers other than migrant or seasonal workers, who are covered under a different provision. The Senate version would change this provision by raising the threshold requirement for the number of farm workers employed from three to five.

Insurance Deductibles

The House version would require insurers to offer employers the option of deductibles with their workers' compensation insurance coverage--an amount the employer would agree to pay directly to cover part of each claim. The Senate version contains

no such requirement.

MAJOR POINTS OF AGREEMENT

The version of Senate Bill 1 that passed the House on July 5 eliminated certain differences with the Senate version that had been included in earlier House proposals. The areas in which agreement had been reached included self-insurance, attorney fees, insurer approval of health care provider change, joint insurance purchase, insurance rate deviation, rate adjustment for safety record, and assigned risk pool changes.

HIGHLIGHTS

ADOPTION

H.B. 879 (Barton/Brooks). Relates to the preparation of a social study in certain suits affecting the parent-child relationship. Clarifies who must make the social study and under what criteria. Requires the study to contain any history of physical, sexual, or emotional abuse suffered by the child. Requires a court which terminates a parent-child relationship to appoint a managing conservator but prohibits the court from appointing the Texas Department of Human Services as managing conservator unless certain conditions are met. Requires a copy of the social study to be made available to the prospective adoptive parents prior to a final decree of adoption. EFFECTIVE DATE: 8-28-89 (Chapter 1004)

AERONAUTICS

S.B. 1665 (Uribe/Warner). Allows a city to grant or loan public funds for financing any facilities on airport property which a city deems to be beneficial to the operation or economic development of the airport and for the public purpose of development and diversification of the economy. Amends the Municipal Airports Act to expand the authority of a city to use its money and bonds to plan, construct, install, equip, maintain, and operate facilities for aerospace aircraft; other equipment and vehicles related to air transportation or aerospace flight; cargo, freight, and mail handling, storage, and processing facilities; retrofitting aircraft; and facilities commonly found at airports for the comfort and accommodation of air travelers. Allows a city to obtain land outside the boundaries of the airport for the safe and efficient operation of the airport. EFFECTIVE DATE: 8-28-89 (Chapter 713)

S.B. 1707 (Barrientos/Delco). Creates new law relating to abatement of noise surrounding certain existing airports. Provides that the governing body of an incorporated city that is a party to a grant with the Federal Aviation Administration requiring the city to acquire land for a replacement airport must: comply with the requirements of the Aviation Noise Abatement Act on or before March 31, 1990; provide adequate soundproofing and noise reduction devices for all public buildings within the 65 or higher average day-night sound level contour; or contract, no later than March 31, 1990, to award a contract for land acquisition services for the purchase of real property required for the site and complete a master plan for the airport and provide the airport by December 31, 1996. Allows any affected person to bring suit to enforce these actions. EFFECTIVE DATE: 8-28-89 (Chapter 1216)

H.B. 2079 (Harris, C./McFarland). Allows cities which have created

a joint airport board to create a nonprofit airport facility financing corporation for the purpose of providing financing to pay the costs of any airport facilities and for other purposes as specified in the articles of incorporation. Provides that the bonds are to be payable solely from revenues or payments from users of the property pursuant to a lease or agreement between the corporation and the user. Requires any net earnings of the corporation to be paid to the joint board for the benefit of the cities. Exempts the proceeds of revenue bonds from compliance with competitive bidding statutes. Provides that the bonds be spent on contracts in accordance with the joint board's rules relating to the creation of contracting opportunities for minority-owned and women-owned businesses. Allows the joint board to self-insure its legal liability and that of its contractors and subcontractors for workers' compensation, for damage to a person or property of other, and for officers' and employees' liability. EFFECTIVE DATE: 8-28-89 (Chapter 124)

AGING

S.B. 482 (Carriker/Vowell). Requires the Texas Department on Aging to establish a statewide program entitled "Options for Independent Living" for persons 60 years of age or over to provide short-term support services by means of grants to area agencies on aging. EFFECTIVE DATE: 9-1-89 (Chapter 894)

S.B. 487 (Brooks/Kuempel). Requires that state agencies funded under appropriations for health, welfare, and rehabilitation that receive funds to provide case management services to the elderly or disabled provide their employees with information on the services other agencies provide to those populations; requires the staff to develop a comprehensive service plan for its clients. Requires the Department of Human Services (DHS) to publish notice of any funding or program changes under Medicaid and directs DHS to adopt certain rules relating to Medicaid payments; requires the Department on Aging to provide public information on the costs of long-term care; requires DHS and the Texas Department of Health (TDH) to inform people who are applying for or are denied eligibility for nursing home care of other potentially available community services and to adopt a single set of standards for nursing homes; provides for at least one unannounced inspection annually by TDH of nursing homes; clarifies that the definition of home health care does not include the provision of care under the DHS's attendant care program; requires certain facilities to notify TDH about resident deaths; establishes a separate licensure act for personal care homes; establishes the Advisory Committee on Personal Care Facilities; establishes a task force to study statewide implementation of a case management system for elderly and disabled persons; provides for a pilot project of long-term care case management. EFFECTIVE

DATE: 9-1-89 (Chapter 1085)

H.B. 2435 (Vowell/Carriker). Requires the board of the Texas Department on Aging to adopt a formula for the allocation of federal Title III funds to area agencies on aging according to the most recent population estimates available, to update this formula biennially, and to allocate all Title III funds received after September 1, 1992, according to the formula, in order to achieve equitable distribution of Title III funds among the state's 28 area agencies on aging. EFFECTIVE DATE: 8-28-89 (Chapter 1126)

AGRICULTURE

S.B. 64 (Sims/Cuellar, R.). Provides for an unbiased third party investigation of complaints concerning seed performance to be conducted by the Texas Department of Agriculture. EFFECTIVE DATE: 1-1-90 (Chapter 604)

S.B. 236 (Montford/Rudd). Authorizes independent ginning services to hold agricultural permits. EFFECTIVE DATE: 8-28-89 (Chapter 19)

S.B. 822 (Parmer/Waterfield). Provides for the creation and administration of the farmers market nutrition program in order to improve the diet of the elderly and of the clients in the Women, Infants, and Children Program and to increase market sales for small farmers selling in farmers markets. EFFECTIVE DATE: 8-28-89 (Chapter 1191)

S.B. 1035 (Sims/Saunders). Limits the Texas Department of Agriculture's authority to inspect and classify eggs in Texas to those places of business where eggs are offered for sale at the retail level. EFFECTIVE DATE: 9-1-89 (Chapter 1073)

S.B. 1117 (Montford/Smith, T.). Provides legislative authorization for implementation of the \$200 million agricultural water conservation bond program authorized by the voters in November, 1985, as part of the Texas Water Plan. EFFECTIVE DATE: 9-1-89 (Chapter 1103)

S.B. 1507 (Brooks/Saunders). Transfers the regulation of fish farming from the Parks and Wildlife Commission and the Parks and Wildlife Department to the commissioner of agriculture and the Department of Agriculture. Establishes a fish farm program, a fish farm fund, and the aquaculture executive committee. Provides licensing requirements for fish farmers and fish processing plants and requires the Parks and Wildlife Department to regulate the introduction and stocking of fish, shellfish, and aquatic plants into the public water of the state. EFFECTIVE DATE: 9-1-89

(Chapter 637)

S.B. 1602 (Parmer/Robnett). Establishes the Texas-Israel Semi-Arid Fund (TISAF) in the Texas Department of Agriculture. Provides grants to promote projects in the areas of water use and management, water conservation, intensive crop production, and new forms of energy for agricultural production. EFFECTIVE DATE: 8-28-89 (Chapter 1210)

ALCOHOLIC BEVERAGE REGULATION

S.B. 1071 (Green/Wilson). Removes the provision that a permit to sell liquor may be suspended or canceled if a permittee allowed an intoxicated person who presented a clear and obvious danger to himself and others to remain on the premises. Removes the provision that a person with a retail beer license may not allow an intoxicated person to remain on the licensed premises. EFFECTIVE DATE: 6-16-89 (Chapter 1200)

S.B. 1270 (Harris/Moreno, A.). Provides that a private club registration permittee may choose between two methods provided for calculating the amount of the annual state fee. States the renewal fees which will be paid by permittees holding valid permits on the effective date of this Act. EFFECTIVE DATE: 1-1-90 (Chapter 1204)

S.B. 1325 (Santiesteban/Berlanga). Permits the operation of minibars in a hotel with a mixed beverage permit, subject to rules and regulations promulgated by the Alcoholic Beverage Commission. EFFECTIVE DATE: 6-14-89 (Chapter 692)

H.B. 64 - 1st Called (Moreno, A./Harris). Amends various provisions of the Alcoholic Beverage Code, including those relating to record keeping, change in corporate control, consolidation of corporations which have substantially similar ownership, and permit expiration dates. EFFECTIVE DATE: 10-18-89

H.B. 1038 (Harrison/Montford). Permits a common carrier that does not hold a carrier permit to transport wine from the winery to a destination out of state if the common carrier can otherwise legally transport wine and if the holder of the winery permit furnishes documentation required by the Alcoholic Beverage Commission. EFFECTIVE DATE: 6-15-89 (Chapter 1017)

H.B. 1272 (Hudson, D./Bivins). Allows the Alcoholic Beverage Commission to issue a daily temporary private club permit only to a holder of a private club registration permit for the temporary serving of alcoholic beverages at an event sponsored by a political party or association, a charitable or civic organization, a

fraternal organization, or a religious organization. EFFECTIVE
DATE: 9-1-89 (Chapter 747)

H.B. 2260 (Wilson/Harris). Amends the Bingo Enabling Act to transfer the administration and enforcement of the Act from the comptroller to the Alcoholic Beverage Commission. Sets forth the requirements for organizations to meet in order to be issued a license by the commission. Allows the commission to employ officers or investigators to administer this Act. EFFECTIVE
DATE: 1-1-90 (Chapter 238)

ALCOHOLISM AND DRUG ABUSE

S.B. 302 (Zaffirini/Blackwood). Clarifies the Texas Alcohol and Drug Abuse Services Act by adding volatile chemicals, including inhalants, to the definitions of "drug abuse" and "drug dependent person" and by defining "substance abuse." EFFECTIVE
DATE: 5-15-89 (Chapter 88)

S.B. 1674 (Zaffirini/Madla). Addresses various problems encountered by the Texas Commission on Alcohol and Drug Abuse in licensing drug abuse treatment facilities. EFFECTIVE
DATE: 8-28-89 (Chapter 660)

H.B. 2121 (Soileau/Parker). Allows a municipality or county, jointly or with another local governmental entity, to create a commission to provide drug and alcohol education. EFFECTIVE DATE: 6-14-89 (Chapter 494)

AMUSEMENTS, GAMES, SPORTS

S.B. 429 (Glasgow/Laney). Makes it a Class A misdemeanor for either soliciting or accepting a benefit as an inducement to enroll in college and participate in intercollegiate athletics and a third degree felony for offering to or conferring a benefit on an athlete for enrolling in college and participating in intercollegiate athletics. Exempts from prosecution athletes who solicit or accept a benefit as an inducement, if they disclose the incident to the authorities in a timely fashion, and close relatives of the athlete who offer the benefit to the athlete as an inducement to enroll in college and participate in intercollegiate athletics. EFFECTIVE
DATE: 9-1-89 (Chapter 125)

H.B. 1738 (Craddick/Sims). Allows for the creation of a sports facility district to finance the construction, acquisition, and operation of a sports facility to serve a county. Provides for the issuance of revenue bonds and grants the power of eminent domain. EFFECTIVE DATE: 6-14-89 (Chapter 437)

ANIMALS

S.B. 497 (Sims/Gibson). Recommends continuation of the Texas Animal Health Commission (TAHC). Sets forth the statutory modifications recommended by the Sunset Advisory Commission concerning the TAHC, including authorization for the TAHC to charge fees, to enforce penalty provisions relating to noncompliance with record-keeping requirements, and to delegate its quarantine power to inspectors of the Texas Agricultural Experiment Station. EFFECTIVE DATE: 9-1-89 (Chapter 836)

S.B. 1461 (Brown/Campbell). Allows the Parks and Wildlife Department and cities and counties to participate in regional habitat conservation plans and certain efforts to protect endangered species. EFFECTIVE DATE: 8-28-89 (Chapter 700)

H.B. 3080 (Saunders/Carriker). Clarifies existing statutory provisions authorizing the Parks and Wildlife Department to issue permits for predator control and wildlife management from an aircraft. Provides for confiscation of certain equipment, such as aircraft, vehicles, and guns, in certain cases. EFFECTIVE DATE: 9-1-89 (Chapter 545)

APPROPRIATIONS

S.B. 222 (Caperton/Rudd). General Appropriations Act. Represents an increase of nearly 12 percent above the 1989 budget. EFFECTIVE DATE: 9-1-89 (Chapter 1263)

S.B. 338 (Caperton/Rudd). Provides certain additional emergency appropriations from the General Revenue Fund to: the Texas Department of Commerce; 49 junior and community colleges; the National Research Laboratory Commission; the Public Integrity Unit in the Travis County District Attorney's Office; the Pecos River Compact Commission; Tarleton State University; the Texas Department of Mental Health and Mental Retardation; the Department of Agriculture; and the State Preservation Board. Appropriates additional emergency funds to: the State Board of Dental Examiners from Dental Registration Fund 086; the attorney general from the amounts appropriated or transferred to the Texas Department of Human Services; and the Structural Pest Control Board from the structural pest control fund. Expresses the intent of the legislature to award State Preservation Board contracts to minority-owned and women-owned businesses. EFFECTIVE DATE: 6-1-89 (Chapter 229)

H.B. 1477 (Hightower/McFarland). Requires the Public Finance Authority to issue bonds in the amount of \$142,147,300 from the unissued balance of general obligation bonds and appropriates the

proceeds to the Texas Department of Corrections and the Texas Youth Commission for the payment of expenses incurred in procuring and renovating certain facilities. EFFECTIVE DATE: 4-13-89 (Chapter 14)

BUDGET--STATE

H.B. 1279 (Hury/Glasgow). Provides for requisite transfers to and from the general revenue fund in order to balance the state budget. Appropriates funds to the Central Education Agency for the foundation school program and provides for the distribution of trust funds. EFFECTIVE DATE: 8-31-89 (Chapter 16)

BUSINESS & COMMERCE

S.B. 133 (Johnson/Cain). Prohibits a pawnbroker from accepting building construction materials as pledged goods in a pawn transaction unless a record is established that contains certain information required for the purchase of used or secondhand personal property. EFFECTIVE DATE: 9-1-89 (Chapter 609)

S.B. 193 (Ratliff/Tallas). Requires the Department of Commerce to develop a work force development incentive program with the goal of providing work force training for existing and new industries in Texas. Requires that 40 percent of the money expended be used on existing businesses in the state and requires 2-to-1 private matching funds for training projects costing more than \$250,000. EFFECTIVE DATE: 8-28-89 (Chapter 812)

S.B. 570 (Santiesteban/McDonald). Requires a seller of authentic or nonauthentic Indian arts and crafts to request the suppliers to disclose the methods used in production, to determine whether the arts and crafts are in fact authentic, and to determine and disclose the nature of turquoise offered for sale. Provides a penalty for violation of the verification and disclosure requirements and for misrepresentation. EFFECTIVE DATE: 8-28-89 (Chapter 897)

S.B. 698 (Carriker/Patterson). Allows a retail service station or aircraft fueling facility located in certain unincorporated areas or municipalities to store gasoline, diesel fuel, aviation fuel, or kerosine in an aboveground storage tank. Requires the State Board of Insurance to adopt rules concerning the design, construction, and installation of tanks to be used. EFFECTIVE DATE: 6-16-89 (Chapter 1089)

S.B. 771 (Montford/Tallas). Clarifies the exemption provided in the Texas Business Opportunity Act for sales of an established and

ongoing business or enterprise by requiring that in order for such business or enterprise to qualify for the exemption, it must have actively conducted business before the sale or lease. Provides an exemption for a sale of business opportunity where the seller has a net worth of not less than \$25 million or is 80 percent or more owned by another person who in writing unconditionally guarantees performance by the person offering the plan and who has a net worth of more than \$25 million. EFFECTIVE DATE: 9-1-89 (Chapter 860)

S.B. 946 (Whitmire/Smith, T.). Establishes criteria and procedures to determine whether a covenant not to compete is enforceable. Allows a court to award damages and/or injunctive relief to the promisee under a covenant not to compete for a breach by the promisor of the covenant. EFFECTIVE DATE: 8-28-89 (Chapter 1193)

S.B. 1027 (Barrientos/Seidlits). Prohibits unauthorized duplicating, bootlegging, or labeling of recordings and performances. Prescribes the fines and punishments for such an offense. EFFECTIVE DATE: 9-1-89 (Chapter 339)

S.B. 1427 (Henderson/Dutton). Expands the limited liability of a subscriber or shareholder to include contractual obligations of the corporation on the basis of actual or constructive fraud or on the basis of the failure of the corporation to observe any corporate formality. EFFECTIVE DATE: 8-28-89 (Chapter 217)

S.B. 1814 (Ratliff/Valigura). Makes it a Class C misdemeanor to take or possess without the owner's consent or to destroy or alter clearly identified containers and shopping and laundry carts. EFFECTIVE DATE: 9-1-89 (Chapter 724)

H.B. 362 (Williamson/Green). Authorizes the creation of a product commercialization fund and an Office of Advanced Technology to aid in the commercialization of new and improved products made in this state. EFFECTIVE DATE: 9-1-89 (Chapter 817)

H.B. 369 (Cuellar, H./Henderson). Creates the Texas exporters loan fund to guarantee loans by private lenders to businesses expanding or entering into export markets. Authorizes the Department of Commerce to guarantee loans made by private lenders and requires the department to give preference to Texas products in making guarantees. EFFECTIVE DATE: 9-1-89 (Chapter 818)

H.B. 438 (Waterfield/Sims). Creates the Rural Economic Development Commission (staffed by the Department of Commerce) to conduct studies and to make recommendations regarding revitalization of rural areas and the expansion of agribusiness. EFFECTIVE DATE: 8-28-89 (Chapter 819)

H.B. 613 (Waterfield/Sims). Restructures the Texas Rural

Industrial Development Fund as the Texas rural economic development fund, with the fund operating as a guaranteed loan fund to assist rural economic development, giving preference to food and fiber processing industries. EFFECTIVE DATE: 9-1-89 (Chapter 820)

H.B. 995 (Counts/Green). Excludes marinas from the regulation of service stations with regard to the storage, handling, and use of flammable liquids. EFFECTIVE DATE: 8-28-89 (Chapter 1013)

H.B. 1768 (Lewis, R./Green). Requires that contracts for steel and steel products to be used for nonfederally assisted improvements to the state highway system be awarded under the same preference for U.S. products required for federally assisted projects. EFFECTIVE DATE: 6-14-89 (Chapter 440)

H.B. 2286 (Richardson/Edwards). Creates a small business innovation research program to provide grants for small businesses to conduct research having commercial applications and to aid in securing federal grants. EFFECTIVE DATE: 9-1-89 (Chapter 1121)

H.B. 2803 (Connelly/Henderson). Creates the Texas business enhancement fund to assist small business borrowers to obtain loans that might not otherwise be available from banks or other lending programs. Allows financial institutions to create a portfolio of guaranteed loans backed by a reserve that is funded by small business borrowers and state government. EFFECTIVE DATE: 9-1-89 (Chapter 281)

CEMETERIES

S.B. 1010 (Brown/Gibson). Revises certain definitions associated with perpetual care cemeteries and also increases the required deposit amounts to perpetual care trust funds for graves, crypts, and niches. Prescribes relative authority of adult relatives of a deceased to control disposition of the body. Provides guidelines for determining the location of perpetual care cemeteries in circumstances of municipal strip annexation. EFFECTIVE DATE: 9-1-89 (Chapter 208)

CHARITABLE AND NONPROFIT ORGANIZATIONS

S.B. 1025 (Brooks/Connelly). Allows a nonprofit corporation to lend money to or assist its officers if the loan or assistance may be expected to benefit the corporation. Allows a corporation to purchase or maintain insurance or to enter into other arrangements on behalf of any person who is or was a director, officer, or trustee of the corporation against any liability asserted against him and incurred by him. EFFECTIVE DATE: 8-28-89 (Chapter 1199)

CITY GOVERNMENT

S.B. 491 (Glasgow/Danburg). Amends the Government Code to identify the purpose and policies of a main street program and allows the Texas Historical Commission to prescribe a fee schedule for participation in the program. EFFECTIVE DATE: 4-19-89 (Chapter 23)

H.B. 911 (Smith, T./Montford). Requires the municipality that owns the electric utility to disclose to any person the number of ratepayers who reside outside the municipal limits and the names and addresses of these ratepayers. Requires the municipality to issue a written report stating the effect of a decision on each class of ratepayers. Provides that any municipally owned electric utility whose rates have been appealed under Subsection (c), Section 26, Public Utility Regulatory Act, and for which the commission has ordered or orders a decrease in annual nonfuel base revenue which exceeds a certain amount and for which the commission finds that the rates paid by the combined residential or any other major customer class are removed from cost of service levels to a certain extent is subject to certain provisions, including that for 10 years the commission shall have appellate jurisdiction over the rates charged by the municipally owned utility and may order the implementation of ratesetting methodologies which the commission finds reasonable. EFFECTIVE DATE: 8-28-89 (Chapter 1167)

H.B. 1265 (Robinson/Armbrister). Allows a municipality to require the vacation, relocation of occupants, securing, repair, removal, or demolition of a substandard building. Allows the municipality to vacate, secure, remove, or demolish the building or relocate the occupants at the municipality's expense and to have a lien against the property until the property owner or another person having an interest in the legal title to the property reimburses the municipality for expenses incurred. EFFECTIVE DATE: 8-28-89 (Chapter 743)

H.B. 1285 (Wallace/Parmer). Provides for the creation, maintenance, preservation, microfilming, destruction, and other disposition of and access to governmental records. Creates a comprehensive statute applying to all types of local governments. Clarifies and expands the authority of the Texas State Library and Archives Commission regarding local records. EFFECTIVE DATE: 9-1-89 (Chapter 1248)

H.B. 1587 (Wright/Brown). Allows a home-rule municipality to appoint a building and standards commission to hear and determine cases concerning violations of certain ordinances pertaining to construction materials or methods, fire safety, sprinklers, exits, damaged or deteriorated buildings, and refuse that creates breeding and living places for insects and rodents. Allows the commission

to order the repair of buildings, declare a building substandard, order peace officers to carry out the directives of the commission, order the removal of property or persons, and determine the amount and duration of civil penalties of up to \$1,000 a day per violation of an ordinance. EFFECTIVE DATE: 8-28-89 (Chapter 1113)

H.B. 1601 (Craddick/Sims). Allows the amount in an abandoned vehicle account which exceeds \$1,000 to be transferred to the city or county general revenue account for other law enforcement purposes. EFFECTIVE DATE: 9-1-89 (Chapter 421)

H.B. 1801 (Colbert/Whitmire). Allows a city without zoning to require sellers of restricted property within its jurisdiction to give purchasers, prior to the sale, written notice of land use restrictions on the property and the municipality's right to enforce compliance. EFFECTIVE DATE: 6-14-89 (Chapter 446)

H.B. 1874 (Dutton/Washington). Allows cities to issue certificates of obligation for the purpose of paying contractual obligations incurred in demolishing dangerous structures. EFFECTIVE DATE: 8-28-89 (Chapter 459)

H.B. 2297 (Smith, T./Santiesteban). Allows a municipality to impose liens, including homestead liens, to enforce payment of utility bills for municipally owned water, sewer, gas, or electric utility system except on rental property and for bills for service before the city adopts an ordinance allowing the imposition of a lien. Allows a municipally owned utility to require utility deposits. Prohibits a municipally owned utility from requiring a customer to pay for utility service for someone that lived at that address as a condition of connecting or continuing the customer's utilities and from requiring a customer's utility bill to be guaranteed by a third party as a condition of connecting or continuing the customer's service. EFFECTIVE DATE: 8-28-89 (Chapter 304)

H.B. 3187 (Smith, T./Barrientos). Requires the governing body of a municipality proposing to annex an area to prepare a service plan that provides for the extension of full municipal services to the area to be annexed no later than four and one-half years after the effective date of the annexation. Provides that cities over 1,500,000 in population are not required to extend water and wastewater utility services to any annexed area on any terms other than those policies, terms, and conditions that govern extensions of water and wastewater service within the municipality and that are contained within the service plan. Allows the governing body of a home-rule municipality with more than 225,000 inhabitants to annex for limited purposes an area that is not contiguous to the corporate boundaries of the municipality if the owner of the area consents to noncontiguous annexation. Amends and creates other

laws relating to: annexation for full purposes; consensual annexation; disannexation of previous annexations in general; validation of annexations and disannexations; designation of a planned unit development district in extraterritorial jurisdiction; creation of a political subdivision in an area proposed for a planned unit development district; municipal incorporation in extraterritorial jurisdiction; and extension of rules to extraterritorial jurisdiction. EFFECTIVE DATE: 9-1-89 (Chapter 822)

H.B. 3192 (McCollough/Carriker). Allows the governing bodies of municipalities to establish and provide for the administration of economic development programs, including making loans or grants of public money and providing personnel and services of the city. Requires that the programs promote state or local economic development and stimulate business and commercial activity in the municipality. Allows a municipality to administer or contract with other entities for the administration of the program and to accept resources to develop and administer the program. EFFECTIVE DATE: 6-14-89 (Chapter 555)

CIVIL REMEDIES AND LIABILITIES

S.B. 134 (Parker/Parker, J.). Adds a chapter to the Civil Practice and Remedies Code relating to security for certain judgments pending appeal. Adopts the recommendations set forth by the Special Interim Committee on Security for Judgments and sets forth statutory rules. EFFECTIVE DATE: 9-1-89 (Chapter 1178)

S.B. 657 (Parker/Hury). Exempts members of the emergency management council or a local emergency planning committee from personal civil liability for damages for an action arising from the performance of a person's duties on the council or committee. EFFECTIVE DATE: 8-28-89 (Chapter 851)

S.B. 823 (Parmer/Robinson). Exempts individuals who allow persons to harvest agricultural crops for distribution to needy persons from civil or criminal liability for injury unless the injury is a result of gross negligence, recklessness, or intentional misconduct. EFFECTIVE DATE: 6-16-89 (Chapter 1093)

S.B. 1066 (Green/Polumbo). Allows a municipality to bring a civil action for the enforcement of an ordinance relating to the preservation of public health as well as fire safety or to the fire safety of a building, the definition of which is expanded to include provisions relating to interior configuration and illumination. Allows a municipality to bring a civil action to enforce an ordinance relating to the interior configuration, design, illumination, or visibility of business premises exhibiting

live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification. EFFECTIVE DATE: 6-14-89 (Chapter 343)

H.B. 239 (Patterson/Sims). Limits the liability of an agricultural landowner, lessee, or occupant and removes the liability of such persons under the doctrine of attractive nuisance. EFFECTIVE DATE: 9-1-89 (Chapter 62)

H.B. 1856 (Tallas/Brown). Requires a suit against a surveyor for damages caused by an error in the survey to be brought within 10 years of the completion of the survey. EFFECTIVE DATE: 9-1-89 (Chapter 1233)

H.B. 2612 (Stiles/Green). Allows a commissioners court to indemnify county officers in certain circumstances involving the loss of county funds or the loss of or damage to personal property. EFFECTIVE DATE: 8-28-89 (Chapter 253)

COASTAL AFFAIRS AND BEACHES

S.B. 1571 (Brooks/Wallace). Makes the General Land Office the lead agency in coordinating and developing a long-term plan for the management of Texas coastal public land. EFFECTIVE DATE: 9-1-89 (Chapter 1145)

COMMON CARRIERS

S.B. 430 (Harris/Lewis, R.). Requires the Railroad Commission of Texas to establish simplified base rates and charges for motor bus carriers and allows motor bus companies to deviate from such base rates and charges by a prescribed percentage. Prohibits a motor company from engaging in predatory pricing and provides penalties for a violation of any provision of the Act respecting safety, certificates, or rates. EFFECTIVE DATE: 8-28-89 (Chapter 10)

CONSTITUTIONAL AMENDMENTS

The following resolutions contain the ballot language of the proposed constitutional amendments that will appear on the November 7, 1989, ballot for approval. These propositions are not in ballot order.

S.J.R. 4 (Brown/Morales). The constitutional amendment authorizing the Legislature to require or permit courts to inform juries about the effect of good conduct time and eligibility for parole or mandatory supervision on the period of incarceration

served by a defendant convicted of a criminal offense.

S.J.R. 5 (Montford/Smith, T.). The constitutional amendment to authorize the issuance of an additional \$500 million of Texas water development bonds for water supply, water quality, and flood control purposes.

S.J.R. 11 (McFarland/Berlanga). The constitutional amendment promoting economic growth, job creation, and fair tax treatment for Texans who export goods to other states and nations by restoring and allowing, on a local option basis, an ad valorem tax exemption for certain personal property that is in Texas only temporarily for the purpose of assembling, storing, manufacturing, processing, or fabricating.

S.J.R. 16 (Henderson/Danburg). The constitutional amendment to abolish the office of county surveyor in Cass, Ector, Garza, Smith, Bexar, Harris, and Webb counties.

S.J.R. 24 (McFarland/Hightower). The constitutional amendment authorizing the issuance of general obligation bonds for projects relating to facilities of corrections institutions, youth corrections institutions, and mental health and mental retardation institutions and for the expansion of statewide law enforcement facilities.

S.J.R. 34 (Armbrister/McKinney). The constitutional amendment granting to the people the right to decide whether to create and maintain hospital districts to protect the public well-being in a manner independent of the Legislature.

S.J.R. 44 (Montford/Smith, T.) The constitutional amendment to eliminate certain time limitations relating to the issuance of Texas agricultural water conservation bonds.

S.J.R. 53 (Haley/Colbert). The constitutional amendment to provide for using the permanent school fund and its income to guarantee bonds issued by the state for the purpose of aiding school districts.

S.J.R. 59 (Leedom/Robnett). The constitutional amendment to authorize local governments to invest their funds as provided by law.

S.J.R. 71 (Brown/Tallas). The constitutional amendment requiring a district attorney serving in Fort Bend County to be elected and serve a term in the manner provided by general law for criminal district attorneys.

S.J.R. 74 (Edwards/Delco). The constitutional amendment providing

for the issuance of general obligation bonds as college savings bonds to provide educational loans to students and to encourage the public to save for a college education.

H.J.R. 4 (Russell/Ratliff). The constitutional amendment authorizing the members of a hospital district board to serve four-year terms.

H.J.R. 13 (Willy/Brown). The constitutional amendment to authorize the Legislature to exempt property of nonprofit veterans organizations from ad valorem taxation.

H.J.R. 19 (Richardson/Brown). The constitutional amendment providing a bill of rights for crime victims.

H.J.R. 32 (Smith, T./Ratliff). The constitutional amendment authorizing the Legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes.

H.J.R. 33 (Perry/Barrientos). The constitutional amendment authorizing the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations to purchase fire-fighting equipment, to aid in providing necessary equipment and facilities to comply with federal and state law, and to educate and train their members.

H.J.R. 40 (Danburg/Harris). The constitutional amendment to require that a member of the Legislature, the secretary of state, and an elected or appointed officer, before assuming office, sign a written oath stating that the member, the secretary of state, or the officer did not engage in bribery to obtain the office.

H.J.R. 51 (Harrison/Edwards). The constitutional amendment authorizing the Legislature to provide for the recovery and further development of the state's economy, with goals of increasing job opportunities and other benefits for Texas residents, through state financing of the development and production of Texas products and businesses.

H.J.R. 101 (Hightower/McFarland). The constitutional amendment authorizing the Legislature to organize and combine various state agencies that perform criminal justice functions.

H.J.R. 102 (Hudson/Barrientos). The constitutional amendment to limit the salary of the Lieutenant Governor and the Speaker of the House of Representatives to not more than one-half of the Governor's salary and to limit the salary of a member of the Legislature to not more than one-fourth of the Governor's salary

and to set the amount of per diem received by a member of the Legislature at the amount allowed for federal income tax purposes as a deduction for living expenses incurred by a state legislator in connection with official business.

CONSUMER PROTECTION

S.B. 437 (Montford/Harris, C.). Proposes specific amendments to the Deceptive Trade Practices-Consumer Protection Act (DTPA) to limit the scope and application of the DTPA and to strengthen certain aspects of the consumer protection provided under the DTPA. EFFECTIVE DATE: 9-1-89 (Chapter 380)

S.B. 442 (Johnson/Clemons). Revises various provisions of the law relating to the sale and advertisement of timeshare interests to require the inclusion of a statement of the retail value of promotional benefits, the region in which the promotion is being conducted, and the beginning and ending dates of the promotion. Permits a purchaser to cancel a contract to purchase a timeshare interest before the sixth, instead of the fourth, day after the contract is signed. EFFECTIVE DATE: 9-1-89 (Chapter 381)

CORPORATIONS AND ASSOCIATIONS

S.B. 971 (Ratliff/Shine). Allows cities located in a county with a population of 500,000 or less (excludes Harris, Dallas, Bexar, and Tarrant counties) to create corporations for the purpose of developing new and expanded business enterprises, pursuant to the purpose of the Development Corporation Act of 1979. Provides for voter-approved funding by the lesser of a one-half of one percent sales tax or the amount equal to two percent minus the combined rate of all other sales taxes in the city. EFFECTIVE DATE: 6-14-89 (Chapter 877)

H.B. 472 (Wolens/Harris). Amends the Texas Business Corporation Act to provide Texas with more modern and flexible corporate laws. Provides options for structuring business combinations that are not available in other jurisdictions and are intended to make Texas a more attractive jurisdiction in which to incorporate. EFFECTIVE DATE: 8-28-89 (Chapter 801)

CORRECTIONS

S.B. 192 (Glasgow/Hightower). Permits a person sentenced to the Texas Department of Corrections but confined in a county jail to reach his or her presumptive parole date while in jail and to be sent to a pre-parole facility under the jurisdiction of the Board

of Pardons and Paroles if the person is determined to be eligible for release. EFFECTIVE DATE: 4-26-89 (Chapter 33)

S.B. 289 (Lyon/Willy). Allows a sheriff to request that the Texas Commission on Jail Standards inspect a facility to determine areas in the facility in which fire sprinkler heads should not be placed, based on inmates' access to the areas, the suitability of other types of fire prevention and smoke dispersal devices, and the likelihood of vandalism of the sprinkler system or attempted suicide using the sprinkler head. EFFECTIVE DATE: 4-19-89 (Chapter 20)

H.B. 1779 (Evans/Washington). Permits a defendant to submit to electronic monitoring or to perform community service in lieu of serving a jail sentence or in discharge of a fine, permits a person to be sentenced to electronic monitoring more than once, and makes it a Class B misdemeanor to damage an electronic monitoring device. EFFECTIVE DATE: 8-28-89 (Chapter 1040)

H.B. 2335 (Hightower/McFarland). Provides the basis for wholesale changes in the Texas criminal justice system, including agency reorganization, sentencing law amendments, and prison construction. Creates the Texas Department of Criminal Justice. EFFECTIVE DATE: 9-1-89 (Chapter 785)

COUNTY GOVERNMENT

S.B. 24 (Washington/Eckels). Allows certain counties to develop and administer programs to stimulate business and commercial activity in the county and requires the county to design the program to increase participation by minority-owned and women-owned businesses in public contract awards by the county by establishing a contract percentage goal for those businesses. Exempts any work performed under a contract for community and economic development from certain competitive bidding procedures. EFFECTIVE DATE: 8-28-89 (Chapter 1060)

S.B. 52 (Glasgow/Watkins). Allows a commissioners court to meet in a county building other than the county courthouse. Allows the commissioners court of a county with more than 350,000 people to meet in the regular meeting place of another political subdivision when meeting with that political subdivision. Validates any action taken by a commissioners court in a building other than the courthouse. Allows a commissioners court to meet once a month on a day of the week to be designated by the court at the last regular term of each fiscal year of the county. EFFECTIVE DATE: 6-14-89 (Chapter 601)

S.B. 179 (Green/Colbert). Allows county clerks to store or

maintain in a computer an index for the official public records. Provides for security and protection of the computerized index. EFFECTIVE DATE: 6-16-89 (Chapter 1064)

S.B. 252 (Montford/Russell). Requires that the Texas Veterans Commission be responsible for the training and certification of the veterans county service officers. Requires the commission to pay for initial and continuing training and requires the commissioners court to pay for travel and lodging unless state funds are appropriated for that purpose. Amends the service requirements for qualification as a veterans county service officer and provides that the officer shall serve at the pleasure of the commissioners court instead of for a two-year period. EFFECTIVE DATE: 9-1-89 (Chapter 364)

S.B. 328 (Tejeda/Taylor). Allows the commissioners court of a county to impose an additional fee for registering a vehicle in an amount of \$10 or less, except in a county with a population of 2.39 million or more, where the fee may not exceed \$5. EFFECTIVE DATE: 8-28-89 (Chapter 1083)

S.B. 681 (Krier/Guerrero). Allows a county tax assessor-collector, with commissioners court approval, to deputize an individual or business entity to issue motor vehicle license registration receipts or prepare or accept applications for title transfers on a limited or full service basis. Sets forth eligibility requirements and allows a deputy working on a full service basis to collect up to a \$5 fee. EFFECTIVE DATE: 9-1-89 (Chapter 853)

S.B. 936 (Ratliff/Johnson, J.). Allows all counties to self-insure for medical care and hospitalization and to provide compensation, accident, hospital, and disability insurance. Allows a county providing such coverage to reinsure its liabilities or to purchase stop-loss coverage. Requires a county providing such coverage to purchase stop-loss coverage for any amount in excess of 125 percent of the projected paid premiums. EFFECTIVE DATE: 6-14-89 (Chapter 872)

S.B. 1122 (Brown/Tallas). Decreases the time period in which a county treasurer is required to successfully complete a course of instruction in the performance of the duties of county treasurer from two years to one year after the date on which a person first takes office as county treasurer. EFFECTIVE DATE: 9-1-89 (Chapter 42)

S.B. 1159 (Tejeda/Beauchamp). Allows a county with a population of 750,000 or more (Tarrant, Bexar, Dallas, and Harris counties) to nominate territory of a municipality to be included in an enterprise zone. EFFECTIVE DATE: 6-14-89 (Chapter 359)

S.B. 1340 (Leedom/Robnett). Allows political subdivisions of the state by contract to pool their funds in public investment pools, delegate the authority to hold legal title to the funds to the pool, and designate an officer or employee of the pool as the responsible investment officer. EFFECTIVE DATE: 8-28-89 (Chapter 693)

S.B. 1585 (Glasgow/Campbell). Adds to the purposes for which a county may issue certificates of obligation: to construct, renovate, or improve a county-owned building and to construct a bridge or an approach to a bridge connected to or part of a county road. EFFECTIVE DATE: 6-14-89 (Chapter 648)

S.B. 1628 (Glasgow/Horn). Allows any county to construct, enlarge, furnish, equip, and operate a parking station and other related facilities near any county-owned facility or building. EFFECTIVE DATE: 9-1-89 (Chapter 711)

H.B. 187 (Robinson/Zaffirini). Allows counties to reduce, withhold, or donate the compensation of certain county and precinct officers. Allows a county to accept, as a gift, all or part of a county or precinct officer's salary. Requires newly elected officers who campaigned on a platform of abolishing the office to file an affidavit stating that the officer elects not to be paid for the officer's services. Allows a county or precinct officer to elect to reduce the amount of compensation for that office. EFFECTIVE DATE: 6-18-89 (Chapter 1259)

H.B. 302 (Hill, A./Johnson). Allows a county commissioners court by order to exempt food purchases by the county from the formal competitive bidding process set out in the Local Government Code. EFFECTIVE DATE: 9-1-89 (Chapter 962)

H.B. 960 (Stiles/Carriker). Requires a county auditor to examine the accounts of all precinct, county, and district officials at least once each county fiscal year and to report the findings to the commissioners court of the county. EFFECTIVE DATE: 9-1-89 (Chapter 1007)

H.B. 1314 (Tallas/Brown). Allows county funds to be invested in certain certificates of deposit issued by a state or federal savings and loan association domiciled in this state. EFFECTIVE DATE: 6-15-89 (Chapter 754)

H.B. 1364 (Turner/Green). Allows a commissioners court to authorize the county fire marshal to charge a reasonable fee to a person requesting certain fire inspections. EFFECTIVE DATE: 8-28-89 (Chapter 760)

H.B. 1434 (Eckels/Parmer). Requires district attorneys, juvenile

boards, and probation departments to follow purchasing requirements and procedures applicable to a county. Provides criminal penalties for a municipal officer or employee or a county officer or employee who intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid competitive bidding requirements. Establishes county boards to appoint county purchasing agents in counties with a population of 150,000 or less. Requires the purchasing agent to adopt rules and procedures that provide for competitive bidding on certain items and that allow the agent to carry out the agent's defined duties. Provides alternative multistep competitive proposal procedures for the purchase of certain items by counties with a population of 125,000 or more. EFFECTIVE DATE: 9-1-89 (Chapter 1250)

H.B. 1555 (Stiles/Carriker). Requires a county commissioner to complete a continuing education course in the performance of the duties of county commissioner at least once in each 12-month period. EFFECTIVE DATE: 1-1-90 (Chapter 413)

H.B. 1577 (Polumbo/Brown). Clarifies language in Subchapter F, Chapter 441, Government Code, relating to management and disposition of county records. Sets out the process of the disposition of scheduled records. EFFECTIVE DATE: 9-1-89 (Chapter 123)

H.B. 1659 (Russell/Ratliff). Allows a commissioners court to order a public road to be closed, abandoned, or vacated when a new road is ready to replace it and when certain other conditions have been met. EFFECTIVE DATE: 6-14-89 (Chapter 428)

H.B. 2252 (Campbell/Green). Allows the commissioners court of a county with a population of over 250,000 to adopt a fire code and rules necessary to administer and enforce the code. Provides that the code apply to commercial establishments and public buildings in an unincorporated area of the county but not to an industrial facility having a fire brigade that conforms to certain standards. Sets forth procedures and regulations relating to building permits and inspections of buildings for compliance with the fire code. EFFECTIVE DATE: 1-1-91 (Chapter 296)

COURTS

Administration

S.B. 1085 (McFarland/Perry). Consolidates the collection process for state fees in criminal cases and requires their collection in all cases including those where conviction or disposition is deferred. Affects positively the collections for the Compensation to Victims of Crime Fund, particularly by including defensive

driving. EFFECTIVE DATE: 10-1-89 (Chapter 347)

S.B. 1621 (Edwards/Harris, C.). Requires certain counties to provide voluntary settlement weeks in district courts, constitutional and statutory county courts, and family law courts. Sets forth guidelines, procedures, and rules relating to settlement weeks. EFFECTIVE DATE: 8-28-89 (Chapter 1211)

County

S.B. 846 (Dickson/Counts). Sets forth the qualifications of the Judge of the County Court at Law of Nolan County. EFFECTIVE DATE: 8-28-89 (Chapter 203)

H.B. 153 (Cuellar, H./Zaffirini). Increases the amount in controversy jurisdiction of a county court at law in Webb County to matters which exceed \$500 and do not exceed \$50,000. Gives a county court at law jurisdiction over appeals and final rulings of the Industrial Accident Board and proceedings to expunge a criminal arrest record. EFFECTIVE DATE: 9-1-89 (Chapter 944)

District

S.B. 621 (Johnson/Blair). Allows a home-rule municipality to bring an action in district court against an owner of residential property that is not in substantial compliance with the municipal ordinances regarding fire protection, structural integrity, zoning, or disposal of refuse. Allows the district court to appoint a receiver to assist in the repair of the property. Allows the receiver to make repairs and to suspend mortgage payments without accumulation of interest. Extinguishes the interests of unrecorded lienholders or unrecorded property owners. Allows the receiver to maintain control until having recovered all rehabilitation and maintenance costs. EFFECTIVE DATE: 9-1-89 (Chapter 389)

S.B. 1379 (Parmer/Hill, P.). Creates new judicial districts in Texas in the following counties: Dallas; Lubbock; Dimmit, Maverick, and Zavala; Collin; Denton; Williamson; Anderson and Cherokee; Hidalgo; Tarrant (six new districts, four of which dependent on creation of a county crime control district); and Victoria. Districts come into existence from August 28, 1989, to September 1, 1991. EFFECTIVE DATE: 8-28-89 (Chapter 632)

General

S.B. 297 (Caperton/Valigura). Provides for the certification of persons who have fulfilled certain requirements as court reporters.

Increases the amount allowed for travel expenses. Provides for the reimbursement of expenses of court reporters engaged in official duties during a trial being held under a change of venue order. EFFECTIVE DATE: 6-14-89 (Chapter 367)

S.B. 826 (Green/Dutton). Provides for the appointment of a friend of the court to assist the court in the monitoring and enforcement of orders for child support and possession of and access to a child. Sets forth duties of the friend and authorizes compensation for services. EFFECTIVE DATE: 9-1-89 (Chapter 909)

S.B. 908 (Whitmire/Smith, A.). Allows a person to appeal an interlocutory order of a district court, county court at law, or a county court that denies a motion for summary judgment based on the assertion of governmental immunity. EFFECTIVE DATE: 6-14-89 (Chapter 915)

H.B. 647 (Hunter, B./Dickson). Allows a district clerk to provide a plan for storage of records by any number of methods, including image processing technology or optical data storage. EFFECTIVE DATE: 8-28-89 (Chapter 978)

Judges

S.B. 66 (Whitmire/Hill, P.). Allows a qualified former and retired appellate judge or justice to be included on a list of judges who are eligible to serve temporarily as visiting judges. Requires the county to pay a former judge or justice serving as a visiting judge the same compensation the regular judge of the court is entitled to receive. EFFECTIVE DATE: 8-28-89 (Chapter 82)

S.B. 483 (Carriker/Counts). Amends the requirements that a retired county judge must meet to be appointed a special county judge of certain counties. Keeps the requirement that a county judge must have served at least eight years as a county judge but deletes the requirement that the county judge must have qualified for service retirement under the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two. EFFECTIVE DATE: 9-1-89 (Chapter 833)

S.B. 1564 (Glasgow/Hill, P.). Requires a retired judge to submit a certification to the presiding judge of the administrative region that he or she did not resign after having received notice that the State Commission on Judicial Conduct had instituted formal proceedings against him or her. Requires a retired or former judge to certify that he or she agrees not to appear in court as an attorney for two years after qualification as a visiting judge. Recertification for subsequent two-year periods is automatic unless willingness not to appear is revoked. Authorizes the Chief Justice

of the Supreme Court to permanently assign a retired or former appellate judge to the administrative region in which that judge resides for reassignment to a district or statutory county court in the region. EFFECTIVE DATE: 8-28-89 (Chapter 646)

H.B. 1162 (Ovard/Leedom). Permits an active court of appeals justice who has had trial court experience to be assigned as a visiting judge by the presiding judge of the administrative region in which the assigned judge sits. EFFECTIVE DATE: 9-1-89 (Chapter 726)

H.B. 1976 (Stiles/Dickson). Allows a county judge or county commissioner to serve as a member of the governing body or as an officer or director of another entity, except a publicly traded corporation that does business with the county. Allows a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation. EFFECTIVE DATE: 8-28-89 (Chapter 475)

H.B. 3012 (Campbell/Edwards). Allows a county judge or county commissioner to serve on the governing body of or on any committee serving certain associations and nonprofit organizations. EFFECTIVE DATE: 8-28-89 (Chapter 1133)

CRIMES

Against Morals

S.B. 1191 (Edwards/Hudson, D.). Increases the offense of possession of child pornography from a Class A misdemeanor to a third degree felony. EFFECTIVE DATE: 9-1-89 (Chapter 361)

Against Persons

S.B. 1711 (Brooks/Danburg). Establishes the Sexual Assault Prevention and Crisis Service within the Texas Department of Health. Establishes statutory minimum standards and service requirements. EFFECTIVE DATE: 9-1-89 (Chapter 666)

H.B. 370 (Valigura/Washington). Makes it a Class A misdemeanor for a public servant, acting under color of office or employment, to intentionally subject another to sexual harassment. EFFECTIVE DATE: 9-1-89 (Chapter 1217)

Against Property

S.B. 12 (Sims/Junell). Makes the offense of arson applicable to those fires or explosions deliberately or maliciously caused on open-range lands. Provides an exception to the offense of arson for "controlled burning." EFFECTIVE DATE: 9-1-89 (Chapter 31)

S.B. 789 (Montford/Laney). Adds a new section to the Penal Code to create the offense of interference with railroad property. Makes it a Class B misdemeanor for a person to throw an object or fire a gun at a train unless bodily injury resulted, in which case it would be a third degree felony; creates a Class C misdemeanor if a person, without the effective consent of the owner, enters or remains on railroad property, knowing that it is railroad property; establishes a Class A misdemeanor for a person who tampers with, obstructs, or in any manner causes the derailment of a train, unless the person causes pecuniary loss, in which case the grade of the offense varies depending on the amount of the loss. EFFECTIVE DATE: 9-1-89 (Chapter 908)

S.B. 1289 (Brown/Robnett). Clarifies existing law relating to forcible entry and detainer, especially relating to landlord/tenant situations. EFFECTIVE DATE: 9-1-89 (Chapter 688)

H.B. 1777 (Wolens/Washington). Makes it criminal mischief to intentionally or knowingly make markings on the tangible property of the owner without the owner's effective consent; creates a third degree felony to cause criminal mischief, with a loss of less than \$20,000, in a place of worship or a community center that provides medical, social, or educational programs; creates a second degree felony to cause criminal mischief to a place of worship or community center that provides medical, social, or educational programs, if the loss is more than \$20,000; and makes it a third degree felony to desecrate a place of worship or burial. EFFECTIVE DATE: 9-1-89 (Chapter 1253)

Cults

S.B. 30 - 1st Called (Zaffirini/Schlueter). Increases the punishment for certain enumerated offenses to the next highest category of offense if the victim was younger than 17 at the time of the offense and the offense was committed as part of a ritual or ceremony. EFFECTIVE DATE: 10-18-89

Drugs

S.B. 29 (Barrientos/Smith, T.). Attempts to plug loopholes in the chemical precursor laws (governing substances used to manufacture

illegal drugs such as methamphetamines) by requiring purchasers and sellers of precursors to obtain a permit from the Department of Public Safety (DPS) and by making the seller submit a report to the DPS before delivering the substances. Attempts to regulate the laboratory equipment used to manufacture the substances. Exempts purchasers and sellers furnishing, selling, or transferring substances for educational or research purposes. EFFECTIVE DATE: 9-1-89 (Chapter 776)

S.B. 32 - 1st Called (Zaffirini/Schlueter). Makes a defendant ineligible for a jury recommendation of probation for conviction of delivery of a controlled substance to a minor where the defendant was 21 years old or older. EFFECTIVE DATE: 10-18-89

S.B. 1677 (Zaffirini/Blackwood). Makes it a Class A misdemeanor for a person to deliver, sell, possess, or manufacture (with intent to deliver or sell) inhalant paraphernalia, knowing that the recipient or intended recipient intends to inhale, ingest, apply, use, or introduce into the body a volatile chemical, abusible glue, or aerosol paint. Relates to the monitoring and enforcing of regulations relating to volatile chemicals, abusible glues, and aerosol paints. EFFECTIVE DATE: 9-1-89 (Chapter 661)

H.B. 24 (Clemons/Lyon). Imposes a tax on the transfer of illegal controlled substances and provides penalties for the failure or attempt to avoid paying such a tax. Provides an additional means for placing drug dealers in prison, even if evidence of actual drug dealing is slim or nonexistent. EFFECTIVE DATE: 9-1-89 (Chapter 1152)

H.B. 65 - 1st Called (Morales/Whitmire). Sets procedures concerning the seizure and forfeiture of property that is: used or intended to be used in the commission of a felony; the proceeds gained from the commission of a felony; or obtained with the proceeds gained from the commission of a felony. Establishes procedures for the disposition of forfeited property, permits an agency to maintain and use property forfeited to it with the condition that the agency purchase the interest of any interest holder, and allows for disposition of the proceeds of an auction to be according to a local agreement for alternative disposition. EFFECTIVE DATE: 10-18-89

H.B. 989 (Polumbo/Brown). Provides for the use of forfeited controlled substances, raw materials, and drug paraphernalia in investigations under the Controlled Substances Act; provides procedures for the maintenance of forfeited substances and materials; and establishes a third degree felony for a person to divert substances or materials obtained under the Controlled Substances Act. EFFECTIVE DATE: 9-1-89 (Chapter 1011)

H.B. 1507 (Granoff/Edwards). Places the unlawful manufacture, delivery, or possession of anabolic steroids and human growth hormones in Penalty Group IV of the Controlled Substances Act for purposes of punishment. Clarifies the provisions for the posting of the steroid law notice relating to growth hormones. EFFECTIVE DATE: 9-1-89 (Chapter 403)

Drug Testing

S.B. 29 - 1st Called (Zaffirini/Schlueter). Mandates testing for controlled substances for every offender placed on probation, released on parole, or released to mandatory supervision, based upon a finding of a controlled substance in the probationer's or inmate's body or when controlled substance use is related to the offense. Permits the Adult Probation Commission to adopt procedures for the administration of testing for controlled substances. EFFECTIVE DATE: 1-1-90

Miscellaneous

H.B. 5 (Morales/Tejeda). Expands prosecution opportunities under the organized crime statutes, by defining "combination" as three or more persons who collaborate in carrying on criminal activities. Includes fraud offenses (Chapter 32, Penal Code) in the list of predicate crimes. EFFECTIVE DATE: 9-1-89 (Chapter 782)

H.B. 220 (Cain/Lyon). Creates the offense of a fraudulent transfer of a motor vehicle. Attempts to restrict the activities of "auto equity promoters," persons who agree to take possession of an unpaid-for vehicle and contract to sublease or sell the vehicle to a third party. Makes certain transfers, without the owner's consent or with intent to harm or defraud the owner, a second or third degree felony depending on the value of the automobile. EFFECTIVE DATE: 9-1-89 (Chapter 954)

H.B. 507 (Harris, J./Armbrister). Makes it a Class B misdemeanor to interrupt, disrupt, impede, or otherwise interfere with a peace officer, emergency medical services provider, or a fire fighter while in the commission of the person's lawful duties. EFFECTIVE DATE: 9-1-89 (Chapter 1162)

H.B. 1476 (Barton/Dickson). Makes it a Class A misdemeanor if an operator of a motor vehicle, driving while intoxicated, recklessly engaged in conduct that placed another in imminent danger of serious bodily injury. EFFECTIVE DATE: 9-1-89 (Chapter 771)

H.B. 2312 (Cuellar, H./Montford). Adds to the offense of breach of computer security the giving of a debit card number and bank

account number to another without the effective consent of the person employing the security system, expands the elements constituting "harmful access" to a computer, and increases the penalty range for such offenses. Provides for venue for computer crimes and establishes civil remedies for harmful access. EFFECTIVE DATE: 9-1-89 (Chapter 306)

CRIME PREVENTION

S.B. 1694 (Parmer/Carter). Allows, for the purpose of deterring crime and for the rehabilitation of criminals, the creation of a crime control district in certain urban counties. Requires the district to assist local governments in addressing the widespread and growing problem of crime. Allows the district to provide certain programs and assistance to police, prosecutors, courts, and probation and parole officers. Creates the district and imposes an additional sales tax of up to one-half percent upon approval by the voters at a special election to decide the issue. EFFECTIVE DATE: 6-14-89 (Chapter 664)

CRIME STOPPERS

S.B. 85 (Whitmire/Smith, A.). Permits a judge to require as a condition of probation that a probationer make a payment of no more than \$50 to a crime stoppers program. EFFECTIVE DATE: 8-28-89 (Chapter 86)

S.B. 149 (Brown/Tallas). Permits a judge to require a convicted defendant to repay all or part of a crime stoppers reward used in obtaining his conviction, without the necessity that the defendant be placed on probation. EFFECTIVE DATE: 9-1-89 (Chapter 611)

S.B. 1451 (Barrientos/Carter). Places a \$2 fee on all persons released on bond. Provides that the proceeds from the fees are to be placed in a fund created within the criminal justice division of the governor's office to give grants to local crime stoppers organizations. Replaces crime victims funds that had been utilized by the governor's crime stoppers advisory council, but which were eliminated in the appropriations bill. EFFECTIVE DATE: 9-1-89 (Chapter 698)

CRIME VICTIMS COMPENSATION

S.B. 358 (Zaffirini/Yost). Increases the court costs on conviction of certain offenses in order to generate more revenue for the crime victims compensation fund. EFFECTIVE DATE: 9-1-89 (Chapter 827)

S.B. 359 (Zaffirini/Yost). Increases the maximum amount of pecuniary loss for which a person may be compensated under the Crime Victims Compensation Act. EFFECTIVE DATE: 9-1-89 (Chapter 828)

S.B. 361 (Zaffirini/Yost). Brings certain Texas statutes into compliance with federal guidelines. Modifies the definition of "victim" to include a person who, at the time of the crime, is a Texas resident and is in a state without a crime victims compensation program and who suffers personal injury or death that would be compensable if the crime had occurred in Texas. Requires the Industrial Accident Board to award a payment to an eligible victim regardless of the victim's relation to the offender. EFFECTIVE DATE: 8-28-89 (Chapter 188)

S.B. 439 (Armbrister/Morales). Requires a probation department to deposit all restitution payments made by a probationer in an interest-bearing account and requires the department to transfer the payment to the victim as soon as practicable. Provides a procedure to be followed when the victim cannot be found. EFFECTIVE DATE: 9-1-89 (Chapter 111)

H.B. 568 (Hightower/Glasgow). Adds to the items included in a judgment in a felony case a statement regarding the amount to be paid to the victim of a felony, the name and address of the victim, or the address of a person or agency who will forward the payment to the victim. EFFECTIVE DATE: 9-1-89 (Chapter 806)

CRIME VICTIMS RIGHTS

H.B. 828 (Richardson/Barrientos). Requires that a victim assistance coordinator be designated by the prosecutor in every jurisdiction to work outside the prosecutor's office and clarifies the duties of these coordinators; requires local law enforcement agencies to designate a crime victim liaison counselor. Spreads responsibility for crime victims rights among local law enforcement and prosecution offices. Specifies certain police-related rights of victims that must be conveyed by the law enforcement agency's crime victim liaison and requires the state Crime Victim Clearinghouse to develop victim assistance standards for distribution to local law enforcement officers and prosecutors. EFFECTIVE DATE: 9-1-89 (Chapter 996)

CRIMINAL PROCEDURE

General

S.B. 356 (Zaffirini/Blackwood). Establishes the statewide fees to

be charged of a defendant convicted of a misdemeanor for services performed by peace officers. Entitles the county or municipality to keep four-fifths of the amount of each fee received for services performed by peace officers. EFFECTIVE DATE: 9-1-89 (Chapter 826)

S.B. 638 (Johnson/Larry). Allows a court to permit a judge to sentence a person to house arrest and impose as a condition of the sentence that the defendant perform community service work. EFFECTIVE DATE: 6-16-89 (Chapter 848)

Insanity Defense

S.B. 754 (Montford/Madla). Updates the procedures in the Code of Criminal Procedure for the transfer of inmates to mental hospitals and the determination of a defendant's competency to stand trial, so as to conform to the new standards supplied in the Mental Health Code and the Mentally Retarded Persons Act. Permits a mentally ill defendant to be confined in any institution designated by the Texas Department of Mental Health and Mental Retardation (previously they could only be sent to Vernon State Hospital) and deletes the 60-day minimum stay requirement for persons who have been found incompetent but are likely to regain competence. EFFECTIVE DATE: 6-14-89 (Chapter 393)

Pretrial Procedure

S.B. 208 (Glasgow/Parker). Amends the provision regarding the qualifications of grand jurors so as to avoid the possible conflicts of interest and requires a grand jury witness to be informed of the witness's Miranda rights. EFFECTIVE DATE: 9-1-89 (Chapter 1065)

Sentencing and Punishment

S.B. 54 (Brown/Morales). Reinstates the jury instruction that permits the jury to consider the existence of parole and good time in sentencing a defendant. Accompanied by S.J.R. 4 to assure that this provision, which was held unconstitutional in 1987, withstands a constitutional challenge. EFFECTIVE DATE: Voter approval of S.J.R. 4 (Chapter 103)

Trial

S.B. 55 (Brown/Smith, A.). Allows the police to record the oral or sign language statement of an accused without having to inform

the accused that the statement is being recorded and requires that a copy of the recording be provided to the defendant's attorney. EFFECTIVE DATE: 9-1-89 (Chapter 777)

S.B. 72 (Green/Rangel). Supplements the Miranda warnings given to a child to reflect the possibility of confinement in the Texas Department of Corrections for a term of up to 30 years if the child is convicted of certain offenses. EFFECTIVE DATE: 9-1-89 (Chapter 84)

EDUCATION

General

S.B. 199 (Parker/Luna). Expands the areas of priority research under the advanced technology program to include environment. EFFECTIVE DATE: 6-14-89 (Chapter 621)

S.B. 417 (Green/Hammond). Provides for the continuation, operation, and administration of the Central Education Agency. Requires the Central Education Agency and certain other state agencies to participate in a competitive cost review program. Requires the accreditation cycle for schools to be based on school performance with a maximum cycle of six years. Requires transition planning for special education programs every three years and requires transition planning for special education students age 16 and over. Requires recertification of teacher appraisers. Takes the Teachers' Professional Practices Commission and the Commission on Standards for the Teaching Profession out of the sunset review process. Divides the responsibilities for granting proprietary school degrees between the agency and the Higher Education Coordinating Board. Establishes a GED pilot program for certain at-risk students. EFFECTIVE DATE: 8-28-89, part; 9-1-89, part; 9-1-91, part (Chapter 813)

EDUCATION--PRIMARY AND SECONDARY

Finance

S.B. 519 (Green/Berlanga). Prohibits a district from making split purchases to avoid the state limitation of \$5,000 on competitive bids and makes it a Class B misdemeanor and an offense involving moral turpitude for an employee of a school to do so. EFFECTIVE DATE: 6-16-89 (Chapter 1070)

S.B. 623 (Johnson/Hammond). Raises the floor of contracts required to be submitted to competitive bidding from \$5,000 to \$10,000 in order to lower overhead costs of school districts.

Lowers the requirements for the advertising of bids on contracts greater than \$25,000. EFFECTIVE DATE: 9-1-89 (Chapter 54)

S.B. 913 (Parmer/Linebarger). Establishes a school child care services fund in the state treasury to distribute money to school districts for the purpose of elementary child care. EFFECTIVE DATE: 9-1-89 (Chapter 1192)

S.B. 951 (Haley/Colbert). Establishes a school facilities aid fund governed by the bond review board to provide facilities aid to Texas school districts. Authorizes the bond review board to issue revenue bonds, administer the aid program, and collect the payment under the aid program. Provides for the administration of the program and establishes guidelines for eligibility for aid. EFFECTIVE DATE: 8-28-89 (Chapter 815)

S.B. 1019 (Parker/Glossbrenner). Establishes a two-tiered system of finance that guarantees school districts a substantially equalized system of funding above the basic program through a guaranteed yield system of tax effort. EFFECTIVE DATE: 9-1-89 (Chapter 816)

General

S.B. 40 (Green/Rodriguez). Deletes the requirement that first grade students demonstrate minimum basic skills in certain subjects and modifies the requirements of the assessment instruments. EFFECTIVE DATE: 8-28-89 (Chapter 1061)

S.B. 95 (Parker/Berlanga). Deletes the requirement of the State Board of Education that public schools must hire guidance counselors as a prerequisite for school district accreditation. EFFECTIVE DATE: 8-28-89 (Chapter 887)

S.B. 96 (Parker/Glossbrenner). Eliminates the one-year time restriction currently placed on foreign exchange teacher service in Texas. EFFECTIVE DATE: 8-28-89 (Chapter 32)

S.B. 125 (Green/Eckels). Exempts all school district employees who report students whom the employee suspects of using, passing, or selling drugs, abusable glues, paints, volatile chemicals, or alcohol on a school campus from civil liability. EFFECTIVE DATE: 8-28-89 (Chapter 608)

S.B. 151 (Barrientos/Glossbrenner). Requires certain school districts to provide family life education and on-site or contracted day care for pregnant and parenting students. EFFECTIVE DATE: 9-1-89 (Chapter 1063)

S.B. 152 (Barrientos/Glossbrenner). Requires school districts to prepare an annual dropout reduction plan to be reviewed by the district's board of trustees. EFFECTIVE DATE: 5-25-89 (Chapter 135)

S.B. 246 (Barrientos/Luna, G.). Lowers the age of participation in prekindergarten programs from four to three for low-income children or those with English language deficiency. EFFECTIVE DATE: 8-28-89 (Chapter 1179)

S.B. 367 (Barrientos/Arnold). Requires secondary schools in certain counties with certain at-risk student populations as identified by the education agency to participate in the Communities in Schools program. Establishes the intent regarding the expansion of this program throughout the state. EFFECTIVE DATE: 9-1-89 (Chapter 89)

S.B. 405 (Barrientos/Arnold). Allows school districts to admit pregnant students to special education programs without undergoing intelligence test requirements. EFFECTIVE DATE: 6-14-89 (Chapter 376)

S.B. 424 (Whitmire/Colbert). Requires local school boards to adopt policies prohibiting the possession of a paging device by a student on school property or at a school-sponsored event. EFFECTIVE DATE: 6-14-89 (Chapter 378)

S.B. 650 (Parker/Williamson). Implements the State Board of Education's 1988-2000 Long-Range Plan for Technology through the development of a comprehensive plan for the access and utilization of technology in public schools. EFFECTIVE DATE: 6-16-89; 1-1-91 (Chapter 814)

S.B. 865 (Krier/Arnold). Allows school boards to require payment for driver education courses equal to the actual district cost per student for the current school year. EFFECTIVE DATE: 9-1-89 (Chapter 868)

S.B. 1043 (Haley/Goolsby). Specifies in statute that asbestos removal and environmental cleanup are maintenance expenses, thereby allowing school districts to issue bonds to finance the removal programs. EFFECTIVE DATE: 6-14-89 (Chapter 886)

S.B. 1112 (Haley/Glossbrenner). Requires a student to attend class for at least 80 days in a semester in order to receive credit, unless the district finds that extenuating circumstances exist. EFFECTIVE DATE: 8-28-89 (Chapter 353)

S.B. 1668 (Zaffirini/Glossbrenner). Provides for increased counseling for abused children, drug abuse prevention efforts,

identification of emotionally disturbed children, and cooperation between juvenile authorities, school districts, and law enforcement personnel. EFFECTIVE DATE: 9-1-89 (Chapter 658)

H.B. 571 (Grusendorf/McFarland). Requires the school term to begin no earlier than the Monday of the calendar week in which September 1 falls, rather than no earlier than September 1. EFFECTIVE DATE: 5-5-89 (Chapter 60)

H.B. 769 (Garcia/Zaffirini). Authorizes the board of trustees of a single-member trustee independent school district to fill a vacancy on the board. EFFECTIVE DATE: 5-9-89 (Chapter 68)

H.B. 884 (Hammond/Green). Provides for the continuation, membership, operation, and administration of the State Textbook Committee. Allows the State Board of Education to authorize a publisher to ship textbooks directly to school districts under certain conditions. EFFECTIVE DATE: 9-1-89; 1-1-91 (Chapter 1005)

H.B. 983 (Grusendorf/Parker). Allows multiple sets of questions to be adopted for assessment tests to enhance security and increase academic topics covered. Requires that tests and norms used be less than three years old. Provides specific guidelines for the calculation of norms. Requires that the test results used for the purpose of college admissions be reported to the Central Education Agency on a district-by-district basis and in comparison to state and national averages. EFFECTIVE DATE: Beginning of 1990-1991 school year (Chapter 1010)

H.B. 1153 (Horn/Haley). Requires the school board which has expelled a student to provide a district which has allowed the student to enroll a copy of the expulsion order. Allows the district in which the student enrolls to decide whether to allow the student to attend classes. EFFECTIVE DATE: 6-14-89 (Chapter 503)

H.B. 1292 (Arnold/Barrientos). Provides funds allocated on a competitive basis to districts to establish pilot programs for young children and the parents of young children to enhance the children's intellectual, emotional, and academic development. EFFECTIVE DATE: 8-28-89 (Chapter 748)

H.B. 1440 (Park/Ratliff). Provides for the identification of children enrolled in school and for notification of authorities if proof of identification is not made within a specified time period. EFFECTIVE DATE: 9-1-89 (Chapter 1224)

H.B. 1840 (Earley/Haley). Provides that interfering with a school bus by exhibiting or threatening to exhibit a firearm is a felony

under state law. EFFECTIVE DATE: 9-1-89 (Chapter 452)

H.B. 2566 (Glossbrenner/Parker). Eliminates career ladder certificates. Requires performance criteria to be adopted by September 30th of the school year for which the criteria are to apply. Modifies criteria for advancement on the career ladder. EFFECTIVE DATE: 9-1-89; 9-1-90 (Chapter 585)

HIGHER EDUCATION

Finance and Tuition/Scholarships

S.B. 78 (Parker/Lewis, R.). Provides additional statutory authority for Lamar University at Port Arthur and Lamar University at Orange to spend higher education assistance funds for acquiring land or for constructing and equipping buildings or other permanent improvements in addition to their current authority to purchase library books and materials. EFFECTIVE DATE: 8-28-89 (Chapter 85)

S.B. 94 (Henderson/Delco). Authorizes state agencies which currently hold bond-issuing authority to apply for permission to designate all or part of a particular bond issue as college savings bonds. Requires bonds to be of a type that encourages the purchaser to hold the bonds until maturity, such as zero coupon or capital appreciation bonds, and issued in small denominations, and of the type that encourage bondholders to retain the bonds until the date of maturity. EFFECTIVE DATE: 6-16-89 (Chapter 1177)

S.B. 196 (Carriker/Gavin). Expands resident status for the purpose of tuition and fees at state colleges and universities. EFFECTIVE DATE: 8-28-89 (Chapter 620)

S.B. 1095 (Brooks/Hury). Establishes the Centennial Scholars Matching Fund at The University of Texas Medical Branch at Galveston for the purpose of establishing professorships and scholarships. EFFECTIVE DATE: 6-14-89 (Chapter 928)

S.B. 1351 (Carriker/Finnell). Creates the Outstanding Rural Scholar program and the Outstanding Rural Scholar fund. Establishes a loan forgiveness program for rural scholars and establishes the Outstanding Rural Scholar Advisory Committee to maximize state resources in addressing the shortage of health care professionals throughout rural Texas. EFFECTIVE DATE: 6-18-89 (Chapter 1262)

H.B. 3 (Lewis, G./Parker). Establishes the Texas college work-study program to provide jobs, funded in part by the state, to financially needy students. Establishes the Texas educational

opportunity grant program to provide grants to financially needy students. EFFECTIVE DATE: 8-28-89 (Chapter 1151)

H.B. 558 (Delco/Barrientos). Changes the optional installment payment plan for state college tuition and fees from a two-payment to a three-payment plan and eliminates the four-payment plan. Allows college and university governing boards to register or give semester credit to students who are behind on their payment plans if the board desires. EFFECTIVE DATE: 8-28-89 (Chapter 805)

General

S.B. 47 (Uribe/Hinojosa). Establishes The University of Texas--Pan American and The University of Texas--Pan American--Brownsville as components of The University of Texas System. EFFECTIVE DATE: 9-1-89 (Chapter 181)

S.B. 122 (Truan/Cavazos). Establishes Texas A&I University, Corpus Christi State University, and Laredo State University as components of The Texas A&M University System. Expands degree programs at Corpus Christi State to include doctoral programs. EFFECTIVE DATE: 9-1-89 (Chapter 105)

S.B. 253 (Barrientos/Delco). Allows a state employee to qualify for insurance benefits under the Texas State College and University Employees Uniform Insurance Benefits Act if the employee works for a state college or university but is not a member of the Teacher Retirement System of Texas because a condition of his employment is that he be enrolled as a student. EFFECTIVE DATE: 6-16-89; 9-1-89 (Chapter 1180)

S.B. 457 (Parker/Vowell). Provides for the continuation of the Texas Higher Education Coordinating Board. EFFECTIVE DATE: 9-1-89, part; 9-1-90, part; 9-1-91, part; part contingent on adoption of constitutional amendment (Chapter 1084)

S.B. 514 (Brooks/Hury). Allows hospitals operated as part of university systems to purchase hospital-related materials, supplies, and equipment through a group purchasing program that offers purchasing services at discount prices to two or more hospital facilities. EFFECTIVE DATE: 9-1-89 (Chapter 193)

S.B. 583 (Zaffirini/Cuellar, H.). Provides that a graduate school of international trade is established at Laredo State University upon approval of the governing board of Laredo State University and the Texas Higher Education Coordinating Board. EFFECTIVE DATE: 9-1-89 (Chapter 195)

S.B. 647 (Truan/Cavazos). Expands Corpus Christi State University

to a four-year university, authorizes doctoral programs at the university, and provides that funding for Texas A&I University and Del Mar College not be negatively affected by the expansion. EFFECTIVE DATE: 9-1-89 (Chapter 197)

S.B. 770 (Brooks/Colbert). Creates the Institute of Biosciences and Technology at Texas A&M University and establishes its purposes, objectives, and duties. EFFECTIVE DATE: 8-28-89 (Chapter 905)

S.B. 1510 (Brooks/Criss). Renames the research institute at Texas A&M University at Galveston the Texas Institute of Oceanography and establishes that the institute is for research only. EFFECTIVE DATE: 8-28-89 (Chapter 638)

H.B. 638 (Harris, C./McFarland). Requires state colleges and universities to establish short courses in English proficiency for faculty members whose primary language is not English. Requires appropriate faculty members to complete the course and pass a spoken language test. Allows the state to withhold a percentage of the appropriations of schools who fail to establish the course. EFFECTIVE DATE: 9-1-89 (Chapter 975)

H.B. 715 (Guerrero/Parker). Provides for the continuation of the Texas Guaranteed Student Loan Corporation and makes statutory modifications. Allows more flexibility in appointments and removes participating lenders from board eligibility. Provides for statutory lender and school advisory committees. Requires the state auditor to review the independent audit of the corporation, the appointment of an internal auditor, and the inclusion of the corporation under the Open Meetings Act. Directs the corporation to charge students the lowest guarantee fee possible. Authorizes the corporation to engage in additional revenue-generating activities. Authorizes payment in two portions of the statutory filing fees due in Travis County when suit is filed on student loan borrowers who default. Allows additional participation requirements for high default rate schools and lenders. Requires that state licensing agencies not renew licenses of persons who are in default on student loans after a one-year warning period or who are in default on repayment agreements with the corporation. EFFECTIVE DATE: 9-1-89 (Chapter 985)

H.B. 857 (Granoff/Green). Requires public notification of the meetings of the Educational Commission of the States. Requires an annual report from the commission and repeals application of the Sunset Act to the commission. EFFECTIVE DATE: 9-1-89 (Chapter 1000)

H.B. 1654 (Uher/McFarland). Requires executive search committees to make public record certain information about finalists for the

opportunity grant program to provide grants to financially needy students. EFFECTIVE DATE: 8-28-89 (Chapter 1151)

H.B. 558 (Delco/Barrientos). Changes the optional installment payment plan for state college tuition and fees from a two-payment to a three-payment plan and eliminates the four-payment plan. Allows college and university governing boards to register or give semester credit to students who are behind on their payment plans if the board desires. EFFECTIVE DATE: 8-28-89 (Chapter 805)

General

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S.B. 457 (Parker/Vowell). Provides for the continuation of the Texas Higher Education Coordinating Board. EFFECTIVE DATE: 9-1-89, part; 9-1-90, part; 9-1-91, part; part contingent on adoption of constitutional amendment (Chapter 1084)

S.B. 514 (Brooks/Hury). Allows hospitals operated as part of university systems to purchase hospital-related materials, supplies, and equipment through a group purchasing program that offers purchasing services at discount prices to two or more hospital facilities. EFFECTIVE DATE: 9-1-89 (Chapter 193)

S.B. 583 (Zaffirini/Cuellar, H.). Provides that a graduate school of international trade is established at Laredo State University upon approval of the governing board of Laredo State University and the Texas Higher Education Coordinating Board. EFFECTIVE DATE: 9-1-89 (Chapter 195)

S.B. 647 (Truan/Cavazos). Expands Corpus Christi State University

to a four-year university, authorizes doctoral programs at the university, and provides that funding for Texas A&I University and Del Mar College not be negatively affected by the expansion. EFFECTIVE DATE: 9-1-89 (Chapter 197)

S.B. 770 (Brooks/Colbert). Creates the Institute of Biosciences and Technology at Texas A&M University and establishes its purposes, objectives, and duties. EFFECTIVE DATE: 8-28-89 (Chapter 905)

S.B. 1510 (Brooks/Criss). Renames the research institute at Texas A&M University at Galveston the Texas Institute of Oceanography and establishes that the institute is for research only. EFFECTIVE DATE: 8-28-89 (Chapter 638)

H.B. 638 (Harris, C./McFarland). Requires state colleges and universities to establish short courses in English proficiency for faculty members whose primary language is not English. Requires appropriate faculty members to complete the course and pass a spoken language test. Allows the state to withhold a percentage of the appropriations of schools who fail to establish the course. EFFECTIVE DATE: 9-1-89 (Chapter 975)

H.B. 715 (Guerrero/Parker). Provides for the continuation of the Texas Guaranteed Student Loan Corporation and makes statutory modifications. Allows more flexibility in appointments and removes participating lenders from board eligibility. Provides for statutory lender and school advisory committees. Requires the state auditor to review the independent audit of the corporation, the appointment of an internal auditor, and the inclusion of the corporation under the Open Meetings Act. Directs the corporation to charge students the lowest guarantee fee possible. Authorizes the corporation to engage in additional revenue-generating activities. Authorizes payment in two portions of the statutory filing fees due in Travis County when suit is filed on student loan borrowers who default. Allows additional participation requirements for high default rate schools and lenders. Requires that state licensing agencies not renew licenses of persons who are in default on student loans after a one-year warning period or who are in default on repayment agreements with the corporation. EFFECTIVE DATE: 9-1-89 (Chapter 985)

H.B. 857 (Granoff/Green). Requires public notification of the meetings of the Educational Commission of the States. Requires an annual report from the commission and repeals application of the Sunset Act to the commission. EFFECTIVE DATE: 9-1-89 (Chapter 1000)

H.B. 1654 (Uher/McFarland). Requires executive search committees to make public record certain information about finalists for the

position of chief executive officer of an agency of higher education. EFFECTIVE DATE: 8-28-89 (Chapter 1252)

H.B. 2853 (Schlueter/Dickson). Provides statutory authorization for the creation of Central Texas University as a four-year university in Killeen, dependent on the closure of the American Educational Complex and the American Technological University. EFFECTIVE DATE: 9-1-94, conditional on dissolution (Chapter 1255)

H.B. 2974 (Cuellar, H./Zaffirini). Establishes a center for border economic and enterprise development at Pan American University, Laredo State University, and The University of Texas at El Paso. EFFECTIVE DATE: 9-1-89 (Chapter 586)

ELECTIONS

Absentee Voting

S.B. 1484 (Whitmire/Martinez). Requires the absentee voting clerk, in areas with a county population in excess of 200,000, to keep absentee voting places open for extended hours during the last week of the absentee voting period. EFFECTIVE DATE: 9-1-89 (Chapter 1142)

Administration

H.B. 2201 (Glossbrenner/Whitmire). Requires the authority responsible for having ballots printed to notify the secretary of state within 24 hours when new ballots are to be printed because of a printing error on the original ballots. Requires printers that are registered to print ballots to file a notice with the secretary of state within 48 hours after they receive an order to reprint ballots to rectify a mistake. Provides that ordering new ballots to be printed or actually printing new ballots without notifying the secretary of state is an offense. EFFECTIVE DATE: 9-1-89 (Chapter 289)

Campaign Finance

H.B. 820 (Hill, A./Krier). Authorizes certain campaign contribution and expenditure reports to be filed with the secretary of state by telephonic facsimile machine. EFFECTIVE DATE: 9-1-89 (Chapter 994)

General

S.B. 1050 (Krier/Schlueter). Relates to the boundaries and establishment of county election precincts and requires the collection and furnishing of county precinct election and voter election information so that the redistricting process will function more efficiently. EFFECTIVE DATE: 9-1-89 (Chapter 114)

School District

H.B. 59 (Cavazos/Truan). Allows members of the board of trustees of a junior college district to be elected from single-member trustee districts. EFFECTIVE DATE: 9-1-89 (Chapter 1029)

ENVIRONMENT

General

S.B. 740 (Henderson/Cain). Requires school district boards, state agencies, and local transit authorities and districts to purchase, lease, or convert existing vehicles to use compressed natural gas or other alternative fuels. EFFECTIVE DATE: 8-28-89 (Chapter 1189)

S.B. 769 (Caperton/Berlanga). Strengthens the authority of the Texas Air Control Board to require the use of compressed natural gas or other alternative fuels in rapid transit buses. Requires the board to adopt, if necessary, rules to require certain rapid transit authorities to use vehicles that run on natural gas or other alternative fuels. Provides incentives to discourage fuel oil use in certain utility or industrial boilers. EFFECTIVE DATE: 8-28-89 (Chapter 1190)

H.B. 1022 (Williamson/Glasgow). Exempts political subdivisions or their designated agents from the payment of fees prescribed for off-premise outdoor signs. EFFECTIVE DATE: 8-28-89 (Chapter 1014)

H.B. 2885 (Smith, T./Brooks). Authorizes the General Land Office to accept title to property from the federal government following remediation of a Superfund site; designates the state agency responsible for future maintenance; and requires the property to be held by the land office on behalf of the state. EFFECTIVE DATE: 6-14-89 (Chapter 507)

Hazardous, Toxic, and Nuclear Waste

S.B. 544 (Truan/Earley). Designates the Texas Radiation Control Agency as the holder of titles to state lands which pose a radiation hazard and prohibits such titles from reverting to constitutionally vested agencies. EFFECTIVE DATE: 6-14-89 (Chapter 840)

S.B. 1101 (Truan/Pierce). Requires railroad companies that transport hazardous materials in or through the state to adhere to certain reporting requirements. Directs the Texas Railroad Commission to compile data and disseminate the data to local emergency management agencies. EFFECTIVE DATE: 9-1-89 (Chapter 350)

S.B. 1102 (Tejeda/Lewis, R.). Grants the Texas Railroad Commission statutory authority to regulate the safe packing or transportation of hazardous materials within the state. Exempts transportation of hazardous materials by vessel or aircraft from the provisions of this Act. EFFECTIVE DATE: 5-26-89 (Chapter 214)

S.B. 1116 (Montford/Saunders). Authorizes the Commissioner of the Texas Department of Health to grant, deny, renew, revoke, suspend, or withdraw licenses for the recovery, processing, and disposal of uranium mill tailings. EFFECTIVE DATE: 9-1-89 (Chapter 930)

S.B. 1222 (Santiesteban/Saunders). Amends the Texas Oil and Hazardous Substances Spill Prevention and Control Act. Improves the administration of the Texas Spill Response Fund, the state's cost recovery, and the state's agencies coordination with and reimbursement from federal agencies. EFFECTIVE DATE: 9-1-89 (Chapter 99)

H.B. 183 (Robnett/Armbrister). Provides for state regulation of the installation of underground storage tanks and provides a penalty for violation in accordance with federal guidelines. EFFECTIVE DATE: 9-1-89 (Chapter 244)

H.B. 391 (Smith, A./Santiesteban). Streamlines the waste management permit application process by exempting federally designated programs from the requirement that applicants comply with state requirements in effect at the time the application was submitted. EFFECTIVE DATE: 9-1-89 (Chapter 118)

H.B. 1588 (Schlueter/McFarland). Establishes a groundwater protection cleanup program affecting both underground and aboveground storage tanks and a state remediation fund to clean up releases from petroleum storage tanks. Provides that the state remediation fund will consist of registration fees charged to

eligible operations, delivery truck loading fees, and funds received for corrective and enforcement actions. EFFECTIVE DATE: 5-31-89 (Chapter 228)

H.B. 1963 (Garcia/Truan). Creates the Texas Hazardous Materials Safety Council to coordinate the collection of data concerning hazardous materials, review planning and coordination of accident response to accidents involving hazardous materials, recommend legislation on hazardous materials, and ensure a unified response to federal hazardous material regulations. EFFECTIVE DATE: 9-1-89 (Chapter 569)

H.B. 2468 (Harris, J./Brown). Requires a commercial infectious waste incinerator to install emissions control technology based on the Texas Air Control Board's rules prescribing control of emission of air contaminants as soon as practicable. EFFECTIVE DATE: 6-14-89 (Chapter 322)

Solid Waste

S.B. 444 (Armbrister/Holzheuser). Requires plastic bottles and containers to bear a label indicating the basic material used to produce them, in order to facilitate recycling efforts. EFFECTIVE DATE: 9-1-89 (Chapter 36)

S.B. 1502 (Brown/Saunders). Amends existing law to facilitate the financing, investigation, and remediation of abandoned hazardous waste sites, also known as Superfund sites. EFFECTIVE DATE: 9-1-89 (Chapter 703)

S.B. 1511 (Santiesteban/Valigura). Provides for the recovery of attorney's fees, court costs, and reasonable investigative costs incurred by the attorney general and local governments in prosecuting litter and illegal dumping offenses; adds Travis County as a venue for cases brought by the attorney general. EFFECTIVE DATE: 9-1-89 (Chapter 639)

S.B. 1516 (Carriker/Valigura). Prohibits a person from storing more than 500 used or scrap tires on any publicly or privately owned property unless the person has registered the storage site with the department. Allows the department to register a site to store more than 500 used or scrap tires but requires persons storing more than 500 used or scrap tires to shred, split, or quarter them before storage or disposal. Directs the State Department of Highways and Public Transportation to use scrap tires converted to rubberized asphalt paving by a facility in this state, if that material is used for paving roads; directs the State Purchasing and General Services Commission to give preference to such facilities in purchasing rubberized paving. EFFECTIVE

DATE: 9-1-89 (Chapter 640)

S.B. 1517 (Brooks/Saunders). Exempts from the separate permit requirement a recycling or waste separation facility which is part of a permitted municipal solid waste facility. Exempts certain waste transfers from permit requirements. Requires the Department of Health to establish a waste minimization and recycling office. Exempts a corporation engaged solely in the business of recycling sludge from the franchise tax. EFFECTIVE DATE: 9-1-89 (Chapter 641)

S.B. 1518 (Brooks/Saunders). Exempts an application for a municipal solid waste management facility which does not burn or incinerate from the technical review by the Air Control Board. EFFECTIVE DATE: 6-14-89 (Chapter 400)

S.B. 1519 (Brooks/Saunders). Requires the Department of Health to develop a long-range state solid waste plan. Requires development of regional, county, and local long-range solid waste plans in coordination with each other. EFFECTIVE DATE: 9-1-89 (Chapter 1143)

S.B. 1521 (Brooks/Valigura). Creates a waste reduction advisory committee. Requires the Texas Water Commission to establish a waste minimization and reduction group to develop appropriate programs and provide incentives for their use. EFFECTIVE DATE: 6-14-89 (Chapter 704)

S.B. 1522 (Brooks/Valigura). Declares that it is the public policy of the state to have adequate capacity for the proper management of industrial and hazardous waste generated in Texas and that the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Directs each state agency with the authority to permit a solid waste management facility to provide a thorough and timely review, issuance, or denial of any permit application. EFFECTIVE DATE: 6-14-89 (Chapter 705)

H.B. 1237 (Polumbo/Green). Addresses the "revolving door" syndrome in certain state agencies by prohibiting the issuance of a permit by the Texas Water Commission, the Texas Air Control Board, or the Texas Department of Health to an applicant who has obtained assistance from a former employee of one of these agencies whose responsibilities included certain involvements in the permit process. EFFECTIVE DATE: 9-1-89 (Chapter 1175)

H.B. 2494 (Valigura/Brooks). Simplifies the notice requirement for an applicant for a municipal solid waste permit and allows the applicant to meet jointly with representatives from all agencies involved in approving a landfill permit. EFFECTIVE DATE: 9-1-89 (Chapter 583)

H.B. 2979 (Saunders/Parker). Provides that it is in the public interest to require hazardous waste to be stored, processed, and disposed of only at permitted hazardous industrial solid waste facilities; allows for conditional acceptance of Class I nonhazardous industrial solid waste and some small quantities of hazardous waste in a municipal solid waste facility. EFFECTIVE DATE: 9-1-89 (Chapter 536)

Water

S.B. 856 (Truan/Earley). Requires the Texas Radiation Control Agency to adopt and enforce groundwater protection standards compatible with federal standards. EFFECTIVE DATE: 9-1-89 (Chapter 913)

S.B. 1525 (Ratliff/Wentworth). Amends the Water Code to allow the United States Environmental Protection Agency to delegate to the Texas Water Commission the authority to permit and enforce the National Pollutant Discharge Elimination System. EFFECTIVE DATE: 8-28-89 (Chapter 642)

H.B. 1332 (Culberson/Santiesteban). Amends the Texas Water Code to allow the Texas Water Commission to consider certain factors related to regionalization efforts in the permitting process for waste discharge permits. EFFECTIVE DATE: 9-1-89 (Chapter 757)

H.B. 1458 (Guerrero/Santiesteban). Establishes the Texas Groundwater Protection Committee as an entity with certain statutory authority to safeguard and protect the groundwater of the state. EFFECTIVE DATE: 9-1-89 (Chapter 768)

H.B. 1546 (Smith, T./Santiesteban). Amends existing law relating to water pollution control and abatement programs to authorize the Texas Water Commission to establish rules for development of such plans and for their submittal, review, and approval. EFFECTIVE DATE: 8-28-89 (Chapter 411)

FAMILY

General

S.B. 1 (Parmer/Clemons). Repeals Section 32.0331, Human Resources Code, which allowed the Texas Department of Human Services to recover medical assistance payments through the enforcement of claims or liens against the property and estate of the recipient on the death of the recipient if there were no surviving dependent children or spouse. EFFECTIVE DATE: 5-26-89 (Chapter 180)

S.B. 67 - 1st Called (Krier/Harris, C.). Amends the necessary statutes to meet the federal government's requirements under the Family Support Act of 1988 to continue receiving federal funding for child support collection. EFFECTIVE DATE: 11-1-89; 1-1-90

S.B. 188 (Krier/Harris, C.). Sets forth nonbinding guidelines for courts considering cases that determine the possession of and access to a child of a parent named possessory conservator. EFFECTIVE DATE: 9-1-89 (Chapter 617)

S.B. 307 (Glasgow/Hill, P.). Corrects and clarifies nonsubstantive errors enacted in the 70th Legislature. Provides that a suit to annul a marriage on the grounds that it occurred less than 72 hours after issuance of the marriage license may not be brought more than 30 days after the date of marriage. EFFECTIVE DATE: 9-1-89 (Chapter 369)

S.B. 308 (Glasgow/Luna, G.). Eliminates any potential conflict between the Texas Uniform Child Custody Jurisdiction Act and the federal Parental Kidnapping Prevention Act of 1980. Clarifies that habeas corpus is available only if a valid custody order has been entered or if a suit affecting the parent-child relationship is not currently pending. EFFECTIVE DATE: 9-1-89 (Chapter 50)

S.B. 309 (Glasgow/Hill, P.). Allows the court or jury to consider the best interest of the child and whether the child had been voluntarily relinquished to a third party for a period of one year in determining whether the parent or the third party should be appointed managing conservator. EFFECTIVE DATE: 9-1-89 (Chapter 370)

S.B. 395 (Krier/Luna, G.). Provides a procedure allowing a court, in suits affecting the parent-child relationship, to clarify orders, decrees, or judgments not specific enough to be enforced by contempt. EFFECTIVE DATE: 9-1-89 (Chapter 52)

S.B. 1359 (Glasgow/Seidlits). Requires a petition for adoption or a suit for appointment of a nonparent managing conservator with authority to consent to adoption to include a statement of whether there has been compliance with the Interstate Compact of the Placement of Children. EFFECTIVE DATE: 6-14-89 (Chapter 630)

S.B. 1643 (Green/Thompson). Allows spouses to create a right of survivorship for any or all of their community property. Sets forth the rules and procedures relating to the agreement creating a right of survivorship. EFFECTIVE DATE: 8-28-89 (Chapter 655)

H.B. 254 (Garcia/Krier). Provides that "danger to the physical health or safety of a child" does not require an actual prior injury to a child and allows a court to consider the abuse or

neglect of another child when making a determination of danger to a child. EFFECTIVE DATE: 8-28-89 (Chapter 960)

H.B. 582 (Garcia/Zaffirini). Allows a court to have access to certain mental health records in certain suits involving the placement of a child who is under the conservatorship of the Texas Department of Human Services. EFFECTIVE DATE: 8-28-89 (Chapter 809)

H.B. 713 (Uher/Armbrister). Broadens the definition of "family home" by deleting the requirement that after-school care be restricted to those elementary school children who are siblings of other children who receive care there. EFFECTIVE DATE: 6-15-89 (Chapter 984)

H.B. 1868 (Shelley/Green). Lowers the maximum allowed user fee to be paid to the Harris County Commissioners Court for the receipt, disbursement, and recordation of child and spousal payment but requires it to be paid at the initiation of a suit for divorce, for annulment, or to declare a marriage void in which the parties are parents. Authorizes a fee for certain other services. EFFECTIVE DATE: 8-28-89 (Chapter 457)

Juvenile Delinquency

S.B. 39 (Green/Craddick). Requires the fingerprinting and authorizes the photographing of a child found to have engaged in delinquent conduct, thereby ensuring the identity of the juvenile appearing before the court. EFFECTIVE DATE: 9-1-89 (Chapter 80)

S.B. 1386 (Bivins/Shea). Provides a crime victims bill of rights in the juvenile justice system, similar to that already in existence for victims of crimes committed by adult offenders. Applies when a child has committed sexual assault, kidnapping, or aggravated robbery or where the victim has suffered bodily injury or death as a result of the child's conduct that violated a penal law. EFFECTIVE DATE: 6-14-89 (Chapter 633)

H.B. 535 (Berlanga/Santiesteban). Provides that conduct in need of supervision includes: conduct other than a traffic offense that violates Section 42.08, Penal Code, prohibiting public intoxication; conduct that on three or more occasions violates a penal law of the grade of misdemeanor punishable by fine only; or conduct that violates a penal ordinance of any political subdivision of this state. Prevents a court from prosecuting or convicting a child younger than 17 years of age of a violation of a misdemeanor punishable by fine only or a penal ordinance of any political subdivision of this state. EFFECTIVE DATE: 9-1-89 (Chapter 1245)

Violence

S.B. 71 (Green/Rangel). Makes the Family Code temporary restraining order time period conform to the time period specified in the Texas Rules of Civil Procedure. Provides that the temporary restraining order expires not later than 14 days unless it is extended as provided by the rules. EFFECTIVE DATE: 9-1-89 (Chapter 83)

S.B. 171 (Krier/Eckels). Provides additional protections for victims of family violence by strengthening and clarifying provisions concerning protective orders in the Family Code, Penal Code, and Code of Criminal Procedure. EFFECTIVE DATE: 9-1-89 (Chapter 614)

S.B. 571 (Barrientos/Collazo). Makes committing criminal trespass in a shelter center operated by a public or private nonprofit organization providing shelter and services to victims of family violence a Class A misdemeanor. EFFECTIVE DATE: 9-1-89 (Chapter 139)

H.B. 1230 (Morales/Green). Provides for higher categories of punishment for assault against a family member or violation of a protective order when a person has previously been convicted of intentionally or knowingly threatening a member of the actor's family with imminent bodily injury. Provides additional protections for victims of family violence by altering and clarifying provisions regarding protective orders. EFFECTIVE DATE: 9-1-89 (Chapter 739)

H.B. 1231 (Morales/Brooks). Permits a peace officer to arrest, without a warrant, a person who the officer has probable cause to believe has committed an assault resulting in bodily injury to a member of the person's family or household. Requires a peace officer, if reasonably necessary to verify an allegation of a violation of a protective order or an assault against a member of the family or household, to remain at the scene of the investigation to verify the allegation and to prevent the commission of family violence. EFFECTIVE DATE: 8-28-89 (Chapter 740)

H.B. 1495 (Garcia/Armbrister). Directs the Commission on Law Enforcement Officer Standards and Education to require courses and programs to provide training to certain peace officers in the investigation of cases involving family violence and sexual assault. Requires the commission to direct law enforcement agencies to provide continuing in-house instruction for its officers in the recognition of cases involving family violence or sexual assault. EFFECTIVE DATE: 6-15-89 (Chapter 773)

H.B. 2094 (Hinojosa/Carriker). Requires the Department of Public Safety Uniform Crime Reporting Bureau to include in its report of the number and nature of offenses a statistical breakdown of those offenses in which family violence was involved. EFFECTIVE DATE: 9-1-89 (Chapter 490)

FEES AND OTHER NONTAX REVENUE

Local

H.B. 1333 (Culberson/Santiesteban). Amends Water Code provisions relating to the imposition, collection, and use of standby fees by certain water districts. Provides for a first lien to secure standby charges, thereby making collection of those fees less difficult. EFFECTIVE DATE: 8-28-89 (Chapter 1218)

State

S.B. 1085 (McFarland/Perry). Requires specified state court costs in criminal cases to be reported by cities and counties in lump-sum amounts, which would then be allocated to the appropriate fund by the comptroller. Clarifies that court costs may be imposed in criminal cases where the defendant is convicted, including cases in which probation, deferred adjudication, or deferred disposition is granted. Provides that cities and counties are allowed to retain interest earned on state court costs and fees in criminal cases. EFFECTIVE DATE: 10-1-89 (Chapter 347)

S.B. 1544 (Brooks/Saunders). Grants the Texas Water Commission the authority to establish fees on the receipt of in-state and out-of-state hazardous waste at commercial facilities in order to reduce the volume of hazardous waste shipped into Texas and to promote waste reduction activities by hazardous waste generators located in Texas. EFFECTIVE DATE: 6-16-89 (Chapter 1144)

FINANCIAL

Banks

S.B. 962 (Sims/Lucio). Eliminates treating advance notice of any call report as grounds for removing an officer or employee of the Banking Department. Allows a state bank or trust company to change its domicile to an existing branch location within 30 miles of its then-present location or to any location within the city of its domicile on prior approval. Provides that a person is not qualified to be a director or officer if the bank holds a charged-off "obligation" against him, rather than only a

charged-off "note." Requires notice of intention to remove a director or officer. EFFECTIVE DATE: 6-16-89 (Chapter 1196)

S.B. 1001 (Carriker/Wallace). Requires a sign at a branch facility and all official bank documents to bear the name of the principal bank and, if a different branch name is used, to identify the facility as a branch. EFFECTIVE DATE: 8-28-89 (Chapter 880)

H.B. 2433 (Wallace/Carriker). Requires a sign at a branch facility and all official bank documents to bear the name of the principal bank and, if a different branch name is used, to identify the facility as a branch. EFFECTIVE DATE: 8-28-89 (Chapter 1239)

Credit Unions

S.B. 969 (Haley/Marchant). Provides statutory clarification and broadens the powers of conservators and liquidators under the supervision of the Credit Union Commission. Authorizes state or federal credit unions to maintain and to rent safe deposit boxes. EFFECTIVE DATE: 8-28-89 (Chapter 1098)

General

S.B. 10 (Green/Wright). Subjects savings and loans, hotels, and private safe deposit companies to the same statutes that regulate safe deposit boxes maintained by banks. Clarifies notice procedures prior to auctioning contents of box and provides that unauctioned contents of a box be remitted to the state treasury. EFFECTIVE DATE: 4-26-89 (Chapter 30)

S.B. 139 (Glasgow/Horn). Provides that a financial statement does not sufficiently show the name of the debtor when filed under a trade name unless that name is so similar to the name of the debtor so as to be discoverable during a search utilizing the debtor's legal name. EFFECTIVE DATE: 9-1-89 (Chapter 18)

S.B. 413 (Harris/Smith, A.). Requires a loan agreement in excess of \$50,000 made by a financial institution to be in writing and signed. EFFECTIVE DATE: 9-1-89 (Chapter 831)

S.B. 785 (Henderson/Hury). Amends the Texas Securities Act to exempt from registration securities that have been designated or approved for designation on notice of issuance on the National Association of Securities Dealers Automated Quotation National Market System. EFFECTIVE DATE: 4-26-89 (Chapter 40)

S.B. 1072 (Green/Marchant). Requires trust companies to maintain an amount of capital prescribed by the Banking Commissioner.

Increases financial reporting requirements and voids certain trust company charters which have failed to obtain replacement charters. EFFECTIVE DATE: 9-1-89 (Chapter 344)

S.B. 1081 (Edwards/Johnson, S.). Provides guidelines for the management, investment, and expenditure of endowment funds of privately supported educational, religious, and charitable organizations in order to eliminate uncertainty regarding legal restrictions on the management, investment, and expenditure of funds and to enable the organizations to maximize their resources. EFFECTIVE DATE: 5-26-89 (Chapter 213)

H.B. 128 - 1st Called (Smith, A./Harris). Clarifies the changes made by S.B. 607 of the 71st Regular Session with regard to the membership of The Finance Commission of Texas, clarifies the expiration date for the terms of office and the dates for appointment to the offices and legitimizes any actions taken by the current members until the Governor has appointed the new members. EFFECTIVE DATE: 10-18-89

Savings and Loans

S.B. 607 (Harris/Gibson). Amends The Texas Banking Code to abolish the banking section, the savings and loan section, and the consumer credit section and transfers all powers and duties, rights, and obligations to The Finance Commission of Texas. Amends various provisions of the Savings and Loan Act, including provisions relating to prohibiting disclosure of information obtained during an investigation and relating to change of control. EFFECTIVE DATE: 9-1-89 (Chapter 780)

FIRE FIGHTERS AND POLICE

S.B. 978 (McFarland/Carter). Allows police departments to use abandoned motor vehicles rather than auctioning them. Allows the vehicle to be used as long as the department considers it to be cost effective, otherwise it must be auctioned. Prohibits the department from using a vehicle with a garagekeeper's lien. Provides that the bill does not apply to the City of Houston. EFFECTIVE DATE: 9-1-89 (Chapter 921)

H.B. 1073 (Brimer/Parmer). Allows municipalities to authorize, by ordinance, fire fighters and police officers to receive shift differential pay if they work a shift in which more than 50 percent of the time worked is after 6 p.m. and before 6 a.m. EFFECTIVE DATE: 8-28-89 (Chapter 1172)

GAMBLING

H.B. 141 (Hury/Brooks). Deletes the requirement that a gambling ship that enters the territorial waters of Texas to call at a port in Texas be in the course of a bona fide voyage to or from a foreign port in order to establish an affirmative defense to prosecution. Provides for the regulation and inspection of those vessels. EFFECTIVE DATE: 9-1-89 (Chapter 1030)

HANDICAPPED PERSONS

S.B. 957 (Parmer/Hill, A.). Allows an employer to obtain criminal history record information maintained by the Department of Public Safety to investigate an applicant for employment in subsidized housing who would have on-the-job access to the residences of elderly and disabled occupants. EFFECTIVE DATE: 9-1-89 (Chapter 1194)

S.B. 983 (Brooks/Hill, P.). Establishes a state funding mechanism for court-appointed volunteer advocate programs in which trained volunteers appointed by judges are advocates for the best interests of abused and neglected children. Provides that the programs are to be administered by the Office of Court Administration. Establishes eligibility and criteria for the award of contracts. EFFECTIVE DATE: 6-14-89 (Chapter 922)

S.B. 1509 (Brooks/Madla). Creates an "In-Home and Family Support Program" for persons with disabilities and their families to be administered by the Department of Human Services. EFFECTIVE DATE: 9-1-89 (Chapter 1208)

S.B. 1527 (Zaffirini/Carter). Establishes the Office for the Prevention of Developmental Disabilities to minimize the economic and human losses in Texas caused by preventable disabilities. EFFECTIVE DATE: 9-1-89 (Chapter 1209)

S.B. 1587 (Brooks/Vowell). Authorizes the Texas Commission for the Deaf to remove Telecommunication Devices for the Deaf (TDDs) from state agencies that do not submit use reports to the commission. Requires the commission to submit an annual report to the Legislative Budget Board and the Governor's Office of Budget and Planning regarding the use and removal of TDDs. EFFECTIVE DATE: 9-1-89 (Chapter 219)

S.B. 1651 (Barrientos/Cain). Exempts entities that own, manage, control, or operate vehicles which are used to provide transportation subsidized by and provided to clients of listed health and human service agencies and community action agencies from regulation as a "motor bus company" under the Texas Railroad

Commission. Requires each agency to stipulate in its contract with a transportation provider the amount of liability insurance coverage necessary for these vehicles. EFFECTIVE DATE: 6-14-89 (Chapter 657)

H.B. 2116 (Vowell/Brooks). Creates the Commission on Children, Youth, and Family Services within the Texas Health and Human Services Coordination Council to coordinate services among agencies and promote the efficient delivery of services to children, youth, and families. EFFECTIVE DATE: 9-1-89 (Chapter 1237)

HEALTH

S.B. 204 (Sims/Junell). Allows all cities in Texas the option of choosing either a physician or nonphysician as director of a local health department or public health district. EFFECTIVE DATE: 5-17-89 (Chapter 107)

S.B. 312 (Tejeda/Schoolcraft). Authorizes the Texas Department of Health to license and regulate private or public EMS providers, revises terminology relating to EMS personnel to conform with national usage, amends statutes regarding fees for EMS providers, and clarifies the authority of the department to conduct unannounced inspections. EFFECTIVE DATE: 9-1-89 (Chapter 372)

S.B. 959 (Brooks/McDonald). Addresses many of the recommendations of the Legislative Task Force on AIDS including: improving access to health and social support services, especially those that provide cost-effective alternatives to hospitalization; expanding the availability and quality of HIV counseling and testing services; promoting targeted HIV education programs; and promoting consistency of state policies regarding HIV. Defines state agency responsibilities relating to HIV education and workplace policies and programs; establishes under the Texas Department of Health (TDH) the HIV Medication Program, a grant program for HIV education, health, and social services, a funding clearinghouse, and a technical assistance program; requires TDH to conduct epidemiologic analyses and to develop model education programs, materials, and policies; establishes requirements for HIV counseling and testing programs; limits disclosure of HIV information in real estate transactions; specifies criminal justice system requirements; establishes education and workplace policy requirements; and includes restrictions on unemployment compensation benefits. EFFECTIVE DATE: 9-1-89 (Chapter 1195)

S.B. 1588 (Brooks/McDonald). Restores the anatomical gift statement on the back of the Texas driver's license. EFFECTIVE DATE: 1-1-90 (Chapter 709)

S.B. 1785 (Brooks/Park). Clarifies definitions in the Natural Death Act to address problems concerning the condition and competence of the patient. Ensures the witnessing of the directive for the withholding or withdrawal of life-sustaining procedures by disinterested, yet relatively accessible persons. EFFECTIVE DATE: 9-1-89 (Chapter 674)

H.B. 18 (McKinney/Brooks). Addresses many of the recommendations of the Special Task Force on Rural Health Care Delivery in Texas. Responds to the rural health care crisis by: (1) establishing the Center for Rural Health Initiatives to coordinate, develop, and rebuild health services and programs in rural areas of the state; (2) establishing the Health Professions Resource Center for the collection and analysis of educational and employment trends for health professions in Texas; (3) establishing the Hospital Care Advisory Committee to improve access and ensure reasonable, adequate, and equitable payments for health care services given to medically indigent Texans; and (4) providing numerous other services to address deficiencies in the rural health care delivery system in Texas. Addresses issues regarding insurance and liabilities of certain health care professionals and expert witnesses in a suit against a physician. Provides standards and objectives for emergency medical services and trauma care systems. EFFECTIVE DATE: 9-1-89 (Chapter 1027)

H.B. 791 (McKinney/Tejeda). Requires the Texas Department of Health to provide statewide coordination and support for a statewide system of poison and drug information services. Allows the department to allocate funds to regional centers for poison control. Establishes the Coordinating Committee on Poison Control within the department. Allows an EMS provider to create and operate a subscription program, exempt from the Insurance Code, to fund emergency medical services. Includes industrial ambulances and other industrial emergency response vehicles under the definition of "authorized emergency vehicle" in the Uniform Act Regulating Traffic on Highways. EFFECTIVE DATE: 8-28-89 (Chapter 991)

H.B. 1711 (Barton/Brooks). Permits the Texas Board of Health to request certain cancer information from hospitals, clinical laboratories, and cancer treatment centers in a board-prescribed format and provides for compensation to the entities furnishing the information. EFFECTIVE DATE: 8-28-89 (Chapter 434)

H.B. 1849 (Blair/Johnson). Requires pharmacies to make certain information regarding the therapeutic use of drugs and the names and cost index ratios of generically equivalent drugs readily available to consumers and to update such information periodically. EFFECTIVE DATE: 8-28-89 (Chapter 1232)

H.B. 2356 (McDonald/Santiesteban). Creates the Advisory Committee on Immigration to make recommendations and advise the Texas Health and Human Services Coordinating Council on immigration issues, including implementation of the State Legalization Impact Assistance Grant program authorized by the Immigration Reform and Control Act of 1986. EFFECTIVE DATE: 9-1-89 (Chapter 1125)

H.B. 2484 (Blair/Johnson). Establishes the Council on Minority Health Affairs to study issues, identify gaps in the delivery system, and make recommendations to agencies and to the legislature concerning health and human services for minorities. EFFECTIVE DATE: 9-1-89 (Chapter 581)

H.B. 2972 (Cuellar, H./Zaffirini). Requires the Texas Department of Health to establish the office of Texas-Mexico Health and Environmental Issues within the department to coordinate and promote health and environmental issues between this state and Mexico. EFFECTIVE DATE: 9-1-89 (Chapter 1049)

HEALTH CARE--INDIGENT

S.B. 788 (Brooks/Barton). Authorizes a physician to supply drugs and other remedies free of charge to patients, but expressly prohibits a physician from operating a retail pharmacy without complying with the Texas Pharmacy Act. EFFECTIVE DATE: 6-14-89 (Chapter 907)

H.B. 630 (Lewis, R./Parker). Requires counties to adopt at the beginning of the fiscal year the eligibility standards for indigent health care and treatment to be used that year. Provides that the standards may be made more or less restrictive, but no more restrictive than those established by the Texas Department of Human Services under Section 1.06 of the Indigent Health Care and Treatment Act. Provides for credit for expenditures toward eligibility for state assistance. Sets forth procedures and requirements for the sale of a hospital. EFFECTIVE DATE: 5-17-89 (Chapter 120)

H.B. 1106 (Tallas/Glasgow). Provides exemptions to the definition of "public hospital" under the Indigent Health Care and Treatment Act to clarify the obligation of certain joint city/county hospitals to provide services under the Act. EFFECTIVE DATE: 9-1-89 (Chapter 500)

HIGHWAYS

S.B. 1791 (Leedom/Cain). Authorizes the State Department of Highways and Public Transportation to grant certain highway improvement contracts in cases of emergency. EFFECTIVE DATE: 6-14-89 (Chapter 722)

H.B. 319 (Robinson/Brooks). Authorizes the commissioners court of a county to prohibit the accumulation of refuse within 50 feet of a public highway, to provide for the removal of such refuse, and to assess the property owner for the costs accrued in removing the refuse. EFFECTIVE DATE: 9-1-89 (Chapter 964)

HISTORIC PRESERVATION

S.B. 294 (Krier/Gibson). Establishes the Texas preservation trust fund to provide a source of funding for historic preservation projects throughout the state. EFFECTIVE DATE: 9-1-89 (Chapter 366)

HISTORIC PRESERVATION AND MUSEUMS

S.B. 594 (Sims/Kuempel). Makes several housekeeping changes in the Government Code relating to the membership, powers, and duties of the State Preservation Board. EFFECTIVE DATE: 8-28-89 (Chapter 900)

HUMAN RELATIONS

S.B. 75 (Johnson/Shine). Creates the Texas Fair Housing Act, which prohibits discrimination in housing on the basis of a person's race, color, religion, sex, handicap, familial status, or national origin. Requires the Commission on Human Rights to administer this Act, investigate complaints of discriminatory housing practices, and provide technical and other assistance to entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices. Authorizes an aggrieved person to file a civil action in a district court within two years after the termination of a discriminatory housing practice or the breach of a conciliation agreement to obtain appropriate relief. Authorizes the attorney general at the request of the commission to intervene in an action in district court for appropriate relief. Creates the Fair Housing Fund in the state treasury to be used in administering this Act. Provides that a person commits a criminal offense if the person intentionally intimidates or interferes with or attempts to interfere with a person for certain reasons stated in this Act and provides that the

offense is a Class A misdemeanor. EFFECTIVE DATE: 1-1-90
(Chapter 1081)

HUMAN SERVICES

Child Services

S.B. 1480 (Barrientos/Guerrero). Establishes the Child Care Advisory Board to implement a program to use state-owned buildings for child care facilities. EFFECTIVE DATE: 9-1-89 (Chapter 1207)

S.B. 1547 (Zaffirini/Barton). Requires child-placing agencies to have an annual audit and deletes this requirement for other 24-hour child care facilities. Provides that licenses of registered family homes need not be renewed biennially. EFFECTIVE DATE: 9-1-89 (Chapter 707)

S.B. 1698 (Zaffirini/Vowell). Establishes "Services for Runaways and At-Risk Youth" as a statutory program under the Texas Department of Human Services; expands mandatory reporting of suspected child abuse to include abuse by any person and not just the child's caretaker; clarifies responsibility for investigation of child abuse and neglect reports; includes refusal by a parent to let a child return home after running away or being placed in residential treatment in the definition of neglect; provides service requirements for abused children and their families; requires the department to develop a minimum baseline of services and outcome measures to evaluate the effectiveness of services; authorizes a court to require families to participate in services on request of the department; establishes that the department is responsible for providing services to children seven years of age and older and younger than 10 who are referred by law enforcement for exhibiting serious predelinquent behavior; authorizes the court to require the families of these children to participate in services on the department's request; and adds the definition of child abuse to the protective order statutes. EFFECTIVE DATE: 9-1-89; 9-1-90 (Chapter 1265)

S.B. 1718 (Krier/Cain). Establishes the Texas Children 2000 Committee to issue and review requests for proposals for the development of a Texas Children 2000 Plan that addresses the current and future needs of the children of the state; requires the committee to recommend a proposal to the Legislative Budget Board (LBB) by September 1, 1989; requires the LBB to enter into a two-year contract for the development of the plan with an option to renew every two years until the year 2000; specifies the qualifications of a potential contractor and the required components of the contract; and authorizes the LBB to accept gifts, grants, and donations for use in developing the plan. EFFECTIVE

DATE: 8-28-89 (Chapter 668)

H.B. 1806 (Collazo/Brooks). Allows the Department of Human Services to continue to provide postadoption services to adoptees and adoptive families. Provides that those services include financial assistance, respite care, placement services, parenting programs, support groups, counseling services, and medical aid. Creates the Postadoption Services Advisory Committee to monitor postadoption services, study costs and benefits, review adoptee/adoptive family issues, and submit a biennial report to the Legislature. Requires the written report on an adoptee to include any history of abuse suffered by the child, information on the child's siblings and their genetic history, psychological evaluations of the child, criminal histories of the child or the child's family members, and information indicating the child's eligibility for state or federal assistance. Requires authorities placing a child for adoption to inform prospective adoptive parents of their right to examine records and other information relating to the history of the child. Authorizes adoptive parents to receive all written records of the child as if the child were born to the parents. EFFECTIVE DATE: 8-28-89 (Chapter 1231)

General

S.B. 1237 (Barrientos/Melton). Allows the Texas Department of Human Services to consider the fact that a person is or has been on probation for certain felony or misdemeanor offenses when issuing, renewing, denying, or revoking a license for a child-care facility. EFFECTIVE DATE: 9-1-89 (Chapter 679)

H.B. 2473 (Danburg/Brooks). Expands state agency membership on the Texas Health and Human Services Coordinating Council; creates the Interagency Council for Services for the Homeless as a subcommittee to the council; allows the council to establish a client omnibus registry and exchange to facilitate the exchange of data among agencies; creates the Human Services Interagency Committee; and creates the Texas Human Immunodeficiency Virus Medication Program to assist governmental entities, private groups, and individuals in the purchase of medications for HIV infection. EFFECTIVE DATE: 9-1-89 (Chapter 1240)

Medical Assistance

S.B. 1678 (Brooks/Vowell). Requires the Department of Human Services (DHS) to promulgate rules for presumptive eligibility for pregnant women who meet the basic eligibility requirements for Medicaid. Requires DHS to establish case management projects for high risk pregnant women and high risk children up to age one.

Replaces the Advisory Committee on Maternal and Infant Health with the Maternal and Child Health Advisory Committee. Empowers DHS to pursue the use of local funds as part of the state's share for matching available federal Medicaid funds. EFFECTIVE DATE: 9-1-89 (Chapter 1215)

H.B. 1345 (Wright/Brooks). Requires the Department of Human Services (DHS) to set certain income eligibility caps for medical assistance for pregnant women, infants, and children. Requires DHS to authorize the providing of respite care by hospitals and to establish a medically needy program for pregnant women, children, and caretakers who have high medical expenses. Requires DHS to restore a portion of the reduction in provider reimbursements. Requires DHS to assure that its rate standards for inpatient hospital services on a prospective payment basis assure: (1) reasonable, yet adequate, payment rates; (2) payment methodology for hospital services that sets the hospital-specific standardized amount at a minimum of \$1,600; and (3) the adjustment in payment rates for services furnished by disproportionate share hospitals accounts for the essential role of rural hospitals in caring for medically indigent persons in rural areas. Provides that the disproportionate share fund is a special fund and separate account in the DHS fund that reimburses annually hospitals that render a high volume of services to medically indigent persons in the state. Requires payments to hospitals to be at least \$5 million annually in excess of the amounts contained in the 1990-1991 appropriations bill. EFFECTIVE DATE: 9-1-89 (Chapter 1219)

INDUSTRIAL DEVELOPMENT

S.B. 1205 (Uribe/Smith, T.). Expands the list of areas which may be designated as enterprise zones in order to encourage the development of the private sector in certain depressed urban and rural areas and to encourage the development of jobs for area residents. Expands the definition of qualified businesses who receive certain incentives. Expands the group of businesses which can be specially designated as one of the few enterprise projects to include businesses in zones having a population loss of at least 12 percent during the last six-year period instead of being keyed to just zones with high unemployment. Provides other incentives and deletes certain requirements related to enterprise zones. EFFECTIVE DATE: 8-28-89; 9-1-91 (Chapter 1106)

H.B. 4 (Smith, A./Montford). Authorizes the Texas Department of Commerce to establish, maintain, and operate offices in foreign countries. EFFECTIVE DATE: 8-28-89 (Chapter 938)

H.B. 28 - 1st Called (Junell/Sims). Provides the authority for

municipalities to acquire land other than by eminent domain and to construct or acquire facilities for lease to political subdivisions or state agencies for public use, including grants for prisons, or to an individual or other private entity for use in manufacturing or other commercial purposes. Contains provisions regulating the issuance of municipal bonds for these purposes, including the form and provisions of the bonds, elections, and the approval by the attorney general. Provides for the refunding of the bonds. Allows the municipality to impose ad valorem taxes to pay the bonds. EFFECTIVE DATE: 10-18-89

H.B. 131 - 1st Called (Finnell/Carriker). Provides the authority for counties to acquire land other than by eminent domain and to construct or acquire facilities for lease to political subdivisions or state agencies for public use, including grants for prisons or other law enforcement facilities, or to an individual or other private entity for use in manufacturing or other commercial purposes. Contains provisions regulating the issuance of county bonds for these purposes, including the form and provisions of the bonds, elections, and the approval by the attorney general. Provides for the refunding of the bonds. Allows the county to impose ad valorem taxes to pay the bonds. EFFECTIVE DATE: 10-18-89

INSURANCE

General

S.B. 410 (Caperton/Perez). Provides for insurance coverage for spouses who separate or divorce and sets forth procedures and guidelines. EFFECTIVE DATE: 9-1-89 (Chapter 377)

S.B. 582 (Armbrister/Schlueter). Creates a criminal offense for charging more than would normally be charged for a good or service that a person knows will be reimbursed by insurance proceeds or for submitting a claim knowing that the charges for which the reimbursement is sought are higher than would normally be charged if the good or service were not being paid for by insurance. EFFECTIVE DATE: 9-1-89 (Chapter 898)

S.B. 1084 (McFarland/Stiles). Excludes certain expenses from insurance coverage for indemnity and would limit the amount of insurance required with respect to indemnity obligations for certain mineral agreements. EFFECTIVE DATE: 9-1-89 (Chapter 1102)

S.B. 1685 (Montford/Cavazos). Provides that a person engaged in the business of insurance commits an offense by knowingly or intentionally misapplying property that has come into the person's

possession and provides for the venue for criminal prosecution of persons engaged in the business of insurance. EFFECTIVE DATE: 6-14-89 (Chapter 662)

Insurers and Agents

H.B. 1594 (Gavin/McFarland). Allows certain individuals licensed as managing general agents (MGA) to incorporate. Expands the definition of who is an MGA and provides minimum guidelines for contracts with MGAs. Provides prohibitions on reinsurance. Sets forth certain requirements for MGAs, including requirements pertaining to account reports, records, and escrow accounts. Provides additional requirements for license applicants and those to whom a license may be issued. Provides certain continuing requirements for licensed corporations and individuals. Requires an MGA to be able to pay up to \$100,000 on a claim against the agent. Requires certain notices to be sent to the State Board of Insurance. Provides for reimbursement of guaranty funds. EFFECTIVE DATE: 9-1-89 (Chapter 1114)

H.B. 1995 (Brimer/Bivins). Requires that the insurance agent of record be informed by the conservator, supervisor, or liquidator of all communications with its policyholders and requires carriers purchasing blocks of business from delinquent insurers to issue limited agency contracts to the insurance agent of record at the time of the sale. EFFECTIVE DATE: 9-1-89 (Chapter 480)

Life, Health, and Accident

S.B. 226 (Harris/Gavin). Increases the \$50,000 limit on group mortgage life insurance coverage to \$125,000, if the indebtedness is secured by a first lien on real estate. EFFECTIVE DATE: 6-14-89 (Chapter 623)

S.B. 334 (Henderson/Gavin). Allows domestic insurers to deposit securities with a foreign securities clearing agency that provides for book entry settlement and custody of internationally traded securities. EFFECTIVE DATE: 8-28-89 (Chapter 187)

S.B. 458 (Barrientos/Smith, T.). Allows persons whose insurance policies cover mental health services the freedom to choose a licensed professional counselor as a treatment provider and to be reimbursed for this treatment under existing insurance coverage. EFFECTIVE DATE: 9-1-89 (Chapter 75)

S.B. 832 (Montford/Gavin). Amends Article 21.07-5, Insurance Code, to strengthen the standards for the licensing of Third Party Administrators (TPAs) by setting forth certain requirements.

Requires a certificate of authority; sets forth procedures for application, approval, and denial of a certificate. Requires certificate holders to maintain a fidelity bond of not less than \$10,000. Provides a criminal penalty for violations of this article. Authorizes examination of each administrator who holds a certificate of authority. Provides other requirements and procedures relating to an administrator's duties and conduct. Provides for the creation and operation of the Texas Health Insurance Risk Pool. EFFECTIVE DATE: 9-1-89 (Chapter 1094)

S.B. 911 (McFarland/Harris, C.). Expands mandatory health insurance coverage to include coverage for "chemical" dependencies and defines "chemical dependency" as the abuse of, psychological or physical dependence on, or addiction to alcohol, a controlled substance, or a toxic inhalant. EFFECTIVE DATE: 1-1-90 (Chapter 1097)

H.B. 116 - 1st Called (Berlanga/Edwards). Tightens the State Board of Insurance's regulation of Medicare supplement insurance policies issued to Texas residents and brings the state's statutes and regulatory authority into conformity with recently mandated federal minimum requirements. EFFECTIVE DATE: 10-18-89

H.B. 162 (Rudd/Montford). Allows a dependant grandchild who is less than 21 years old and living with and in the household of a policyholder to be included within the coverage provided in the policy. EFFECTIVE DATE: 9-1-89 (Chapter 155)

H.B. 204 (Schlueter/Brooks). Reduces the criminal punishment for a violation of the state laws regulating plumbing from a Class B misdemeanor to a Class C misdemeanor. EFFECTIVE DATE: 9-1-89 (Chapter 158)

H.B. 251 (Gavin/Harris). Authorizes a Chapter 20, Insurance Code, corporation to contract with physicians; eliminates certain filing requirements; and relaxes certain requirements relating to the composition of the directors. EFFECTIVE DATE: 3-22-89 (Chapter 7)

H.B. 468 (Eckels/Parmer). Requires insurance companies that issue policies that provide coverage for Alzheimer's disease to accept a clinical diagnosis of Alzheimer's disease as demonstrable proof of the disease, sufficient to authorize payment of benefits. EFFECTIVE DATE: 9-1-89 (Chapter 800)

H.B. 1083 (Gavin/Montford). Provides that state residents insured under policies which are issued by insurance companies not licensed in Texas have the same freedom of choice in selection of their health care practitioners as residents covered under policies issued by companies licensed in Texas. EFFECTIVE DATE: 8-28-89

(Chapter 1022)

H.B. 2608 (McKinney/Washington). Regulates the testing of HIV-infected persons and persons with AIDS by insurers. Addresses problems related to the impact of HIV and AIDS on the availability and affordability of health coverage. EFFECTIVE DATE: 9-1-89 (Chapter 1041)

Property and Casualty

S.B. 319 (Green/Brimer). Requires that evidence of a general liability insurance policy be filed with the State Board of Insurance prior to the issuance of a certificate of registration to persons engaged in activities relating to fire extinguisher and fixed fire extinguisher systems, fire alarm and fire detection devices and systems, fire protection sprinkler systems, and fireworks. EFFECTIVE DATE: 6-14-89 (Chapter 823)

S.B. 615 (Harris/Cain). Provides a means by which the Texas Employers Insurance Association (TEIA) can be converted into a regular mutual company under the provisions of the Insurance Code, thereby enabling TEIA to write a diversified book of insurance business in Texas and in other states. Provides the first necessary step toward infusing more capital into the company by eventual conversion of TEIA to a stock insurance company. EFFECTIVE DATE: 5-17-89 (Chapter 112)

S.B. 668 (Caperton/Hury). Provides for the application of the open meetings and open records laws to the Texas Catastrophe Property Insurance Association. EFFECTIVE DATE: 8-28-89 (Chapter 852)

H.B. 2753 (Shea/Carriker). Prohibits the writing of automobile and crop/hail insurance by farm mutuals to prevent control of farm mutuals by nonmembers, to increase the operating expense ratio, to make farm mutuals subject to the Asset Protection Act, and to increase surplus impairment and loss reserve requirements. EFFECTIVE DATE: 8-28-89 (Chapter 273)

Reform

S.B. 255 (Montford/Gavin). Increases requirements for capital and surplus lines for insurance companies and increases financial requirements. Amends provisions relating to procedures for audits, enforcement, confidentiality, supervision and conservatorship, and receivership and liquidation in the regulation of insurance companies doing business in the state. Requires insurance companies to file audited financial statements containing certain

information with the State Board of Insurance and authorizes the commissioner of insurance to issue emergency cease and desist orders on the belief that enumerated violations are about to occur and provides for hearings on such matters. Sets limits on the length of time that the commissioner may keep information relating to the financial soundness of a company confidential. Prohibits the supervision from lasting more than 270 days. Sets forth guidelines for the receivership and liquidation of insolvent companies, including the provision that a conservator and his agents are not liable for an action taken or not taken by them in the course of their duties. EFFECTIVE DATE: 9-1-89; 1-1-91 (Chapter 1082)

S.B. 262 (Montford/Laney). Sets forth guidelines for self-insurance pools of political subdivisions in an effort to ensure sound financial practices. Requires risk pools created by political subdivisions to establish a board of trustees; requires that risk pools invest only in those investments authorized by the Texas Trust Code; and requires the trustees of the pool to have the fiscal accounts and records of the pool audited annually. Establishes guidelines relating to any insolvency of a risk pool; prohibits most counties from providing coverage through a pool; and authorizes a political subdivision to pay all or part of the premiums and contributions. Prohibits the use of state funds to pay for premiums and contributions and states that risk pools created under this article are not subject to the jurisdiction of the State Board of Insurance. EFFECTIVE DATE: 9-1-89 (Chapter 1067)

H.B. 1098 (Shea/Harris). Authorizes the State Board of Insurance to conduct hearings for the purposes of issuing cease and desist orders to unlicensed or unauthorized insurers who are in violation of Article 1.14-1, Insurance Code, and to unauthorized insurers who are also engaging in or threatening to engage in unfair methods of competition or unfair or deceptive acts. EFFECTIVE DATE: 8-28-89 (Chapter 1025)

H.B. 1099 (Shea/Harris). Authorizes the Commissioner of the State Board of Insurance to issue cease and desist orders prior to notice and hearing, which are effective immediately for certain violators. Allows an insurer to file an antifraud action against fraudulent insurance practices and to recover reasonable expenses. EFFECTIVE DATE: 6-15-89; 9-1-89 (Chapter 1026)

INTERIM STUDIES

Resolutions and Bills Requesting or Authorizing Interim Studies

S.C.R. 2 - 1st Called (Haley/Saunders). Creates the Old San

Antonio Road Preservation Commission to study the development of a preservation plan for the roadway.

S.C.R. 49 (Zaffirini/Cuellar, H.). Establishes a joint select committee to study the development and establishment of a four-year college at Laredo State University.

S.R. 17 (Brooks). Continues the existence of the Task Force on Waste Management Policy.

S.R. 113 - 1st Called (Brooks). Directs the Senate Committee on Health and Human Services to examine and propose a long-term strategy in regard to long-term care of the elderly, to people with physical and mental disabilities, and to related issues.

S.R. 163 - 1st Called (Brooks). Creates the Task Force on Waste Reduction and Minimization to assess the scope and consistency of state and federal regulations pertaining to waste minimization and reduction. (This resolution supersedes S.R. 837 of the Regular Session.)

S.R. 175 - 1st Called (Brooks). Creates the Senate Interim Committee on Redistricting to study the issues attendant to the redistricting process.

S.R. 176 - 1st Called (Zaffirini). Directs the Senate Committee on Health and Human Services to examine the availability and establishment of services to families of child abuse victims.

S.R. 184 - 1st Called (Brooks). Creates the Special Interim Committee on Guardianship to study the needs of the elderly and persons with disabilities or debilitating diseases with regard to guardianship and trustee issues.

S.R. 203 - 1st Called (Parker). Creates a special committee to investigate rate-making and oversight policies for workers' compensation insurance policies.

S.R. 292 (Brooks). Establishes the Texas Heroes Monument Commission to implement the restoration of the Texas Heroes Monument as planned during the 70th Legislature.

S.R. 362 (Washington). Creates a committee to study the desirability of making Texas Southern University a component of one of the two major state university systems.

S.R. 418 (Zaffirini). Establishes a task force to study the demand for higher education services in areas of the state not currently served by higher education institutions.

S.R. 615 (Parker). Directs the Senate Committee on Jurisprudence to study state law concerning the blood and organ donation industry to ensure an adequate and safe supply for Texans and to study the feasibility of a state-sponsored blood bank.

S.R. 653 (Zaffirini). Directs the Senate Natural Resources Committee to examine and propose state policy in the regulation of technologically enhanced naturally occurring radioactive materials.

S.R. 655 (Sims). Directs the Senate Natural Resources Committee to review regulatory policies relating to hunting seasons and licenses issued by the Texas Parks and Wildlife Department.

S.R. 687 (Uribe). Directs the Senate Natural Resources Subcommittee on Water to study the feasibility of designating areas surrounding resacas in the Rio Grande Valley as state parkland.

S.R. 693 (Johnson). Creates a Senate special committee to study the role and scope of state support for Bishop College and an evaluation of alternative forms of governance.

S.R. 699 (Uribe). Directs the Senate Natural Resources Subcommittee on Water to study the impact of the border infrastructure on the ecological environment due to expansion of maquiladora trade agreements.

S.R. 745 (Brown). Directs the Senate Criminal Justice Committee to conduct a study on diabolic cult activities.

S.R. 746 (Johnson). Creates the Special Advisory Committee on the Creation and Expansion of Minority and Women-Owned Business Ownership Opportunities. Directs the committee to make recommendations on using current bonding practices for small business expansion and start-up loan assistance and to formulate a plan to remedy past discriminatory practices.

S.R. 747 (Caperton). Creates a special committee to study contract and procurement practices of state agencies.

S.R. 748 (Truan). Directs the Senate Health and Human Services Subcommittee on Health Services to study the need for, the availability of, and the quality of presently accessible psychiatric care, both public and private, for children, as well as alternatives to hospitalization for psychiatric needs of children.

S.R. 749 (Truan). Directs the Senate Health and Human Services Subcommittee on Health Services to study the control and regulation of exposure to radiation, including currently unregulated sources of radiation.

S.R. 757 (Truan). Creates a committee to study the structure, operation, and variance in property rates within the region served by the Catastrophic Property Insurance Pool (CATPOOL).

S.R. 759 (Glasgow). Directs the Senate Committee on Jurisprudence to study the efficiency and fairness of current practices relating to foreclosures on real property.

S.R. 760 (Glasgow). Directs the Senate Committee on Jurisprudence to study the rationale for the lack of uniform jurisdiction and determine the feasibility of implementing a uniform grant of jurisdiction for all statutory county courts.

S.R. 761 (Johnson). Directs the Senate Committee on Nominations to study gubernatorial nominations authorized by statute, providing information on the agency affected and information on appointees indicating their sex, ethnicity, area of residence, and length of service.

S.R. 763 (Edwards). Creates the Senate Committee on Affordable Higher Education to study means by which higher education can be made more affordable for Texans.

S.R. 770 (Edwards). Creates the Senate Committee on Medigap Insurance to study the regulation of the medigap insurance industry in Texas.

S.R. 773 (Uribe). Directs the Senate Health and Human Services Committee to study the quality of indoor air in the public buildings of the state.

S.R. 775 (Parker). Creates the Texas Aquatic Product Advisory Commission to assist the state in reviewing programs and formulating policies affecting fishing in Texas.

S.R. 791 (Glasgow). Directs the Senate Jurisprudence Committee to study present law and procedures governing marital dissolution.

S.R. 801 (Truan). Directs the Senate Health and Human Services Subcommittee on Health Services to make the services provided by family therapists and therapists skilled in dealing with services for children a part of the study authorized by S.R. 748.

S.R. 837 (Brooks). Creates the Task Force on Waste Reduction and Minimization to study all aspects of and issues relating to the reduction and minimization of all waste products by local, state, and federal governments. (This resolution was superseded by S.R. 163 - 1st Called Session.)

S.R. 864 (Brooks). Directs the Senate Committee on Health and

Human Services to monitor the Child Protective Services program and the Chronically Ill and Disabled Children program, examine the feasibility of establishing a single point of entry for all health and human services agencies and programs, and assess the adequacy of the range of services available to elderly and disabled persons.

S.B. 417 (Green/Hammond). Creates a committee to consider the policies of the Texas Higher Education Coordinating Board, the Central Education Agency, and other agencies regarding proprietary school programs. (H.C.R. 115 requests a similar study.)

S.B. 1677 (Zaffirini/Blackwood). Creates the Special Inhalant Abuse Committee to monitor and evaluate the effect of S.B. 1677 in curbing the problem of inhalant abuse.

H.C.R. 107 (Arnold/Barrientos). Creates the Statewide Media Task Force on Dropout Prevention. Charges the task force to develop and implement a statewide multimedia campaign that will focus attention on the need to stay in school.

H.C.R. 115 (Dutton/Washington). Creates a special joint committee to study state regulation of proprietary schools, evaluating the state's effectiveness in ensuring quality course work and adequately preparing students for employment in a trade or profession. (S.B. 417 authorizes a similar study.)

H.C.R. 116 (Stiles/Haley). Authorizes a study to review current health care benefits for educators and the concept of a statewide program of health care for school districts.

H.C.R. 238 (Madla/Washington). Establishes a task force to review the Mentally Retarded Persons Act of 1977 and develop recommendations for amending and improving the Act.

H.C.R. 240 (Patterson/Harris). Creates a committee to investigate the bank and savings and loan crisis.

H.R. 1 (Wilson). Creates a committee to study the arrest procedures and practices of police departments to determine the amount of force used in arrest and custody procedures.

H.R. 60 (Grusendorf). Authorizes a committee to study the concerns that exist in the education community regarding open enrollment and study the feasibility and problems of open enrollment among all public schools. (S.B. 417 authorizes a similar study.)

H.R. 605 (Hilderbran). Creates a committee to study the role of dedicated funds and federal mandates in the appropriations process.

H.R. 693 (Stiles). Directs the House Corrections Committee to investigate the basis for the dismissal of two parole officers by the Board of Pardons and Paroles.

LABOR

S.B. 340 (Edwards/Lewis, R.). Prohibits the Public Utility Commission from interfering with terms and conditions of employment that are the product of a collective bargaining agreement under federal law. EFFECTIVE DATE: 8-28-89 (Chapter 1182)

H.B. 1569 (Glossbrenner/Haley). Requires political subdivisions to prescribe special shoring requirements as well as compliance with the Occupational Safety and Health Administration's standards of trench safety for trenches more than five feet deep in construction projects in which a political subdivision is involved. EFFECTIVE DATE: 8-28-89 (Chapter 1111)

H.B. 1728 (Shine/Dickson). Amends the Texas Unemployment Compensation Act to provide for recalculation of the experience tax rate by a purchaser of a business from a previous owner. EFFECTIVE DATE: 9-1-89 (Chapter 436)

H.B. 1941 (Turner/Sims). Directs the Texas Employment Commission to serve a notice of assessment on a defaulting employer that states the amount of contributions, penalties, and interest outstanding in lieu of a civil suit, unless the employer files a timely petition for judicial review. EFFECTIVE DATE: 9-1-89 (Chapter 468)

LAW ENFORCEMENT

S.B. 432 (Lyon/Guerrero). Allows a commissioned officer of the Department of Public Safety to engage in certain off-duty activities which do not adversely affect the operations or reputation of the department. Authorizes the department to adopt guidelines relating to off-duty employment. EFFECTIVE DATE: 9-1-89 (Chapter 379)

S.B. 916 (Tejeda/Morales). Makes it a Class B misdemeanor for a person to flee from a peace officer who is attempting to detain the person for the purpose of questioning or investigating possible criminal activity; creates an exception if the detention is without reasonable suspicion to investigate; makes it a Class A misdemeanor if a person's flight from arrest or detention recklessly puts another in imminent danger of serious bodily injury; makes it a third degree felony for a person's flight from arrest or detention to be the direct cause of the serious bodily injury or death of a

peace officer. EFFECTIVE DATE: 9-1-89 (Chapter 126)

H.B. 9 (Stiles/Tejeda). Raises from a second to a first degree felony the offense of aggravated assault with a deadly weapon on a peace officer, member or employee of the Board of Pardons and Paroles, jailer, guard, or probation officer or employee of an adult probation department; classifies the same offense as a third degree felony where an adult probation officer is the victim; and creates a first degree felony of deadly assault on an adult probation officer. EFFECTIVE DATE: 9-1-89 (Chapter 939)

H.B. 731 (Blackwood/Lyon). Makes it a third degree felony for a person to intentionally or knowingly and with force take or attempt to take from a peace officer the officer's firearm with the intention of harming the officer or a third person. EFFECTIVE DATE: 9-1-89 (Chapter 986)

H.B. 832 (Patterson/Lyon). Authorizes a peace officer from another state in fresh pursuit of a person for the purpose of arrest for a felony to continue the pursuit into Texas and make the arrest. Defines the term "peace officer." EFFECTIVE DATE: 8-28-89 (Chapter 997)

H.B. 1312 (Collazo/Parker). Allows county work programs to be used for the benefit of political subdivisions as well as counties, allows pretrial detainees to volunteer for participation in such programs, and provides a Class A misdemeanor offense for failure to return to custody when serving time in a jail for off-hours sentence or in jail release. EFFECTIVE DATE: 9-1-89 (Chapter 753)

LAWYERS

S.B. 843 (Uribe/Wolens). Lists acts which are considered barratry if performed with an intent to obtain an economic benefit and sets forth the circumstances under which intent to obtain an economic benefit is presumed. Requires contingent fee contracts for legal services to be in writing and signed by both the attorney and the client. Provides that contingent fee contracts are voidable if the conduct which procured the contract violates state laws or the Disciplinary Rules of the State Bar of Texas regarding solicitation or barratry. EFFECTIVE DATE: 9-1-89 (Chapter 866)

H.B. 2098 (McDonald/Montford). Allows an adult to designate an agent to exercise a durable power of attorney for health care decisions on behalf of the adult when the adult lacks the capacity to make health care decisions, subject to this Act or any express limitations on the agent's authority. EFFECTIVE DATE: 6-14-89 (Chapter 491)

MALPRACTICE

S.B. 742 (Whitmire/Evans). Requires insurers to report certain malpractice claim information to the Texas Board of Podiatry Examiners and allows the State Board of Insurance to impose authorized sanctions against any insurer subject to this article who fails to report the required information. EFFECTIVE DATE: 9-1-89 (Chapter 201)

MENTAL HEALTH AND MENTAL RETARDATION

S.B. 463 (Glasgow/Garcia). Removes the statutory requirement that an area have a minimum population of 200,000 to qualify for the establishment of a community mental health and mental retardation center and empowers the Texas Department of Mental Health and Mental Retardation to make the decision whether to establish such a center. EFFECTIVE DATE: 8-28-89 (Chapter 1185)

S.B. 1322 (Dickson/Granoff). Requires courts to notify attorneys of their duties under Section 45 of the Mental Health Code. Requires an attorney who represents a person who is the subject of proceedings for court-ordered mental health services to notify that person of the person's rights to attend or waive a hearing and permits independent evaluation by a psychiatrist of the proposed patient's choice. Requires mentally ill patients to be notified about the protection and advocacy system available to them. EFFECTIVE DATE: 9-1-89 (Chapter 1139)

S.B. 1426 (Truan/Madla). Provides procedures for Texas Department of Human Services and Texas Department of Mental Health and Mental Retardation cooperation in providing community services and intermediate care facilities to persons with mental retardation or mental illness and regulates the persons and facilities providing those services; provides criminal penalties. EFFECTIVE DATE: 6-16-89; 9-1-89 (Chapter 1141)

S.B. 1697 (Zaffirini/Blackwood). Directs the Texas Department of Mental Health and Mental Retardation (TDMHMR) to ensure the development and expansion of community services for children with mental illness or mental retardation and their families and to prepare and review budgets, develop policies, and increase interagency coordination relating to children's services. Requires TDMHMR to provide core services in each service area for children, adolescents, and adults and to emphasize early intervention services for children and adolescents at risk of developing severe emotional disturbance or mental illness. Requires programs provided by or receiving funds from the Texas Commission on Alcohol and Drug Abuse to provide specified minimum services, to require each treatment program to make annual reports on the rate of

relapse of persons who have received treatment services, and to adopt rules and standards for discharge planning and client follow-up. EFFECTIVE DATE: 9-1-89 (Chapter 1148)

H.B. 264 (Clemons/Haley). Provides that the corpus or interest of certain types of trusts for the benefit of a mentally ill person with aggregate principal amounts of \$50,000 or less shall not be considered property liable for the person's support and that only that portion of the estate that exceeds \$50,000 shall be considered liable. EFFECTIVE DATE: 9-1-89 (Chapter 63)

H.B. 580 (Madla/Barrientos). Requires community mental retardation centers to receive approval from the Texas Department of Mental Health and Mental Retardation before acquiring real property or buildings with any state funds or required local matching funds. Requires such centers to give 60 days notice to the department before entering into a legally binding agreement to acquire real property with nonstate funds. Allows a community center to issue bonds or notes and to enter into contracts, with restrictions. EFFECTIVE DATE: 8-28-89 (Chapter 223)

H.B. 1347 (Madla/Brooks). Expands and clarifies provisions for home care for persons who are mentally disabled to include persons with pervasive developmental disorders and persons younger than four years old who are eligible for early childhood intervention services. Allows the Texas Department of Mental Health and Mental Retardation commissioner to grant additional amounts above the \$3,600 grant for home care on an individual basis. EFFECTIVE DATE: 9-1-89 (Chapter 1220)

H.B. 2382 (Melton/Parmer). Requires the Texas Department of Mental Health and Mental Retardation to designate an employee as a youth suicide prevention officer, who will serve as a liaison to the Central Education Agency and public schools on matters relating to the prevention of and response to suicide or attempted suicide by public school students. EFFECTIVE DATE: 6-14-89 (Chapter 315)

MINORS

S.B. 115 (Krier/Berlanga). Prohibits a person, as a commercial enterprise, from knowingly providing a tobacco product to a minor younger than 18 years of age. Makes an offense a Class C misdemeanor. EFFECTIVE DATE: 9-1-89 (Chapter 607)

S.B. 402 (Zaffirini/Collazo). Establishes the confidentiality of internal records or notations in the state clearinghouse which relate to missing children or persons and unidentified bodies. Requires local law enforcement agencies to enter the name and identifying information of a missing child or person into the

national crime information center's missing persons file and information about unidentified bodies in the national crime information center's unidentified persons file. EFFECTIVE DATE: 8-28-89 (Chapter 190)

H.B. 878 (Barton/Brooks). Requires state agencies to provide the Office of Youth Care requested information for investigations or reviews of complaints of abuse or neglect in a facility operated by the agency within 10 working days of the request. Provides further deadlines for provision of information. Requires the office to submit an annual report to the governor, the Legislature, and each of the agencies affected. Requires the Office of Youth Care to review complaints of investigations of abuse or neglect by the Texas Department of Human Services. EFFECTIVE DATE: 9-1-89 (Chapter 1003)

H.B. 1087 (Seidlits/Carriker). Enables local law enforcement agencies to perform criminal history record checks on any adults residing in a house for which an application for designation as a temporary safe haven for school-age children has been made. EFFECTIVE DATE: 6-15-89 (Chapter 1023)

NURSING HOMES

S.B. 332 (Edwards/Hill, A.). Repeals existing law regarding criminal conviction checks for nurse trainees for and employees of nursing homes and custodial care homes and establishes a separate chapter in the Human Resources Code which incorporates existing law and expands the requirement for criminal conviction checks to include employees of personal care homes, adult day care centers, and facilities providing care for mentally retarded persons. Provides a criminal penalty for breach of confidentiality. EFFECTIVE DATE: 9-1-89 (Chapter 1181)

H.B. 318 (Denton/Edwards). Requires the Texas Department of Human Services to raise the income eligibility cap for persons qualifying for nursing home care to the federally allowed maximum and requires the cap for community care for aged and disabled persons to be the same as the cap for nursing home care. EFFECTIVE DATE: 9-1-89 (Chapter 1107)

H.B. 541 (Richardson/Edwards). Establishes the office of state long-term care ombudsman in the Texas Department on Aging to serve as an advocate for nursing home residents. Provides a criminal penalty (Class B misdemeanor) for intentional interference with an ombudsman performing official duties. EFFECTIVE DATE: 9-1-89 (Chapter 159)

OCCUPATIONAL REGULATION

General

S.B. 147 (Green/Harris, C.). Requires additional recordkeeping for persons engaged in the automobile salvage business and provides penalties for persons who fail to comply with provisions of the Act. EFFECTIVE DATE: 9-1-89 (Chapter 610)

S.B. 737 (Ratliff/Smith, A.). Amends the Texas Engineering Practice Act to expand the information required to be included in a registration application; increases the allowed examination fee to \$100; allows for reduced fees for senior engineers; expands the enforcement power of the board; and provides that information compiled regarding an application is privileged and confidential. EFFECTIVE DATE: 9-1-89 (Chapter 1090)

S.B. 743 (Montford/Schlueter). Removes the exemption allowing any person to practice architecture provided they do not use the title of "architect"; specifies by exception which architectural activities may be engaged in by a person not registered under this Act; increases the enforcement authority of the Texas Board of Architectural Examiners; and authorizes a fine. EFFECTIVE DATE: 1-1-90 (Chapter 858)

S.B. 759 (Harris/Shea). Requires the Texas Department of Labor and Standards to register and to regulate talent agencies; provides a penalty. EFFECTIVE DATE: 9-1-89 (Chapter 202)

S.B. 795 (Montford/Craddick). Amends the Land Surveying Practices Act to modernize and clarify language, to update educational, experience, and licensing requirements, and to broaden the board's regulatory powers; explains powers of county surveyors; and provides penalties. EFFECTIVE DATE: 9-1-89 (Chapter 1091)

S.B. 896 (Harris/Danburg). Amends various provisions of the law relating to coin-operated machines to address enforcement problems under current law, to provide consistent administrative remedies to the comptroller, and to clarify that tax permits are only needed for machines in use and provides a penalty. EFFECTIVE DATE: 9-1-89 (Chapter 1096)

S.B. 1256 (Lyon/Cavazos). Requires the Texas Real Estate Commission to provide for the certification of real estate appraisers. Provides for the certification of real estate appraisers in order to conform to federal requirements for real estate transactions involving federal agencies. Creates the Texas Real Estate Appraiser Certification Committee. EFFECTIVE DATE: 9-1-89 (Chapter 682)

S.B. 1695 (Haley/Clemons). Creates the Contest and Gift Giveaway Act to regulate persons who in connection with the sale of goods or services offer prizes or gifts and solicit participation in sweepstakes or contests. Provides an exception for a sales presentation conducted in conjunction with a business seminar, trade show, or similar gathering. Provides that the violation of any provision of this Act is a deceptive trade practice and provides a penalty. EFFECTIVE DATE: 9-1-89 (Chapter 665)

H.B. 460 (Eckels/Montford). Requires persons, firms, or corporations managing specialty shops to register with and submit an application for the appropriate permit to the State Board of Barber Examiners and to hold a permit for the shop. Provides for the course requirements of barber schools and colleges. Amends existing law to reflect changes and trends in the barber profession, including wig specialty shops and manicurist specialty shops. Provides penalties. EFFECTIVE DATE: 9-1-89 (Chapter 1159)

H.B. 1213 (Schlueter/Caperton). Amends the Securities Act to clarify definitions, removes the exemption for the sale or issue of certain investment contracts in connection with an employee benefit plan, and adds an exemption for the sale or distribution of certain described securities. Includes a salesman or issuer or an affiliate of a dealer, salesman, or issuer in the list of persons or companies against which procedures against fraudulent practice may be instigated and for which a receiver may be appointed for persons or assets. Increases the application fee from \$250 to \$10,000 for approval of a stock exchange whose listed securities will be exempt. EFFECTIVE DATE: 9-1-89 (Chapter 733)

H.B. 1794 (Hunter, B./Green). Permits and regulates motor fuel dispensing in Texas from automated, unattended outlets. EFFECTIVE DATE: 8-28-89 (Chapter 444)

Health Occupations

S.B. 169 (Harris/Stiles). Updates the definition of the practice of chiropractic to include analyzing, examining, or evaluating the biomechanical condition of the spine and musculoskeletal system of the body. EFFECTIVE DATE: 8-28-89 (Chapter 227)

S.B. 237 (Glasgow/Gibson). Gives the Board of Health the option of issuing to chiropractors who are licensed in other states licenses by reciprocity. Clarifies and amends licensing provisions for chiropractors. EFFECTIVE DATE: 9-1-89 (Chapter 363)

S.B. 480 (Barrientos/McDonald). Allows registered nurses to administer medications or treatments prescribed by a licensed

podiatrist. EFFECTIVE DATE: 5-26-89 (Chapter 192)

S.B. 622 (Johnson/Hudson, D.). Requires participation in continuing education for registered and licensed vocational nurses as a condition for renewal of a registration certificate or license. Allows a fee to be charged to defray costs incurred in approving providers and programs. EFFECTIVE DATE: 9-1-89 (Chapter 390)

H.B. 1118 (Vowell/Zaffirini). Permits a recipient under the medical assistance program to select a licensed psychologist to perform health care services or procedures covered under the program if the psychologist is authorized by law to perform the services or procedures rather than only under the direct supervision of a physician. EFFECTIVE DATE: 8-28-89 (Chapter 1173)

H.B. 1466 (Denton/Brooks). Requires the Texas Department of Human Services to request a criminal conviction check on certain applicants for employment at a home health agency for the elderly or disabled before an offer of employment may be made. EFFECTIVE DATE: 9-1-89 (Chapter 1225)

H.B. 1667 (Rudd/Krier). Provides that a licensee under the Licensed Professional Counselors Act who works in a setting or situation which is exempt under the Act is still required to comply with the Act and associated rules. Allows the Texas State Board of Examiners of Professional Counselors to require a licensed professional counselor to pass an examination before receiving a specialty designation. EFFECTIVE DATE: 9-1-89 (Chapter 429)

OIL AND GAS

S.B. 132 (Krier/Morales). Adds natural gas liquids to the definition of "utility" for the purpose of allowing an owner of a security interest in a natural gas liquid pipeline to file in the secretary of state's office. EFFECTIVE DATE: 5-4-89 (Chapter 49)

H.B. 504 (Horn/Brown) Creates new law to clarify the regulation of motor fuel mixtures sold in Texas. EFFECTIVE DATE: 1-1-90 (Chapter 1033)

H.B. 1318 (Williamson/Carriker). Allows the Texas Railroad Commission to obtain salvage value of the equipment and hydrocarbons recovered during state-funded oil and gas well plugging operations. Provides a criminal penalty for the removal of the equipment by an unauthorized person. EFFECTIVE DATE: 9-1-89 (Chapter 755)

OPEN MEETINGS AND OPEN RECORDS

S.B. 404 (Henderson/Hilbert). Adds transcripts of professional public school employees from institutions of higher education to the list of information which is exempt from the open records law. EFFECTIVE DATE: 5-17-89 (Chapter 110)

PARKS AND WILDLIFE

Hunting and Fishing

H.B. 1301 (Schlueter/Harris). Expressly prohibits the sale and purchase of wild redbfish in Texas. EFFECTIVE DATE: 12-31-90 (Chapter 224)

H.B. 1417 (Berlanga/Lyon). Provides that the attorney general's office may bring a lawsuit in a court in Travis County to recover damages for unlawfully taken or possessed wildlife resources. Provides that commercial fishing regulations apply to any person on board a licensed commercial fishing boat while commercial fishing plates are on board, with an exception. EFFECTIVE DATE: 9-1-89 (Chapter 73)

H.B. 3085 (Saunders/Lyon). Separates statutes governing shooting preserves and shooting resort licenses and renames shooting preserves as hunting leases. Combines all statutes that govern the hunting of pen-reared birds into one subchapter. EFFECTIVE DATE: 9-1-89 (Chapter 512)

Licenses

S.B. 697 (Carriker/Counts). Amends the Parks and Wildlife Code to add a "hunting cooperative" to the definition of shooting preserve and to assess a license fee of \$60 for each cooperative regardless of acreage or number of landowners involved. EFFECTIVE DATE: 9-1-89 (Chapter 856)

Water Safety

S.B. 276 (Parker/Connelly). Provides criminal penalties for operating a moving vessel, aquaplane, water skis, or another similar device while intoxicated. Provides for the taking of a specimen to determine the level of intoxication. EFFECTIVE DATE: 7-1-89 (Chapter 185)

POLITICAL SUBDIVISIONS

S.B. 820 (Uribe/Hinojosa). Authorizes the creation and issuance of bonds by public facility corporations to purchase the obligations of certain sponsoring local governmental entities. EFFECTIVE DATE: 9-1-89 (Chapter 1071)

H.B. 860 (Moreno, A./Uribe). Expands the list of purchases exempt from competitive bidding requirements for cities and counties to include personal property sold at an auction or a going-out-of-business sale or sold by another political subdivision, a state agency, or a federal government entity. EFFECTIVE DATE: 8-28-89 (Chapter 1001)

H.B. 1786 (Laney/Haley). Allows a political subdivision, in lieu of adopting land use assumptions for each service area, to adopt systemwide land use assumptions covering all of the area subject to its jurisdiction for the purpose of imposing impact fees, with certain prohibitions. Allows a political subdivision, in lieu of separately adopting land use assumptions and a capital improvements plan for a service area, to consolidate the land use assumptions and the capital improvements plan and adopt both plans and the impact fees simultaneously. EFFECTIVE DATE: 8-28-89 (Chapter 566)

PROBATE

H.B. 570 (Wright/Green). Clarifies provisions on probate court jurisdiction over testamentary trusts. Conforms sections of the Probate Code relating to termination of and the handling of terminated guardianship assets. Provides for orderly devise of estate assets to predetermined children. Deletes the requirement that the comptroller certify that no estate taxes are due. Renumbers the classification of claims against decedents' estates. Provides for notice to state government and charitable entities which are subjects of bequeaths from estates. EFFECTIVE DATE: 9-1-89 (Chapter 1035)

PROPERTY

General

S.B. 1275 (Barrientos/Guerrero). Requires the rate of prejudgment interest in condemnation cases to be the same as the rate of postjudgment interest at the time of judgment. Requires the interest to be computed as simple interest. EFFECTIVE DATE: 9-1-89 (Chapter 626)

S.B. 1288 (Brown/Robnett). Allows a justice of the peace to issue a writ of reentry to a tenant who has been unlawfully locked out of the tenant's premises. Sets forth guidelines and procedures relating to a writ of reentry. EFFECTIVE DATE: 9-1-89 (Chapter 687)

S.B. 1290 (Brown/Robnett). Prohibits a landlord from removing certain property from leased premises except for a bona fide repair or replacement and prohibits a landlord from interrupting utility service which is paid for by the tenant, except in certain emergencies. EFFECTIVE DATE: 9-1-89 (Chapter 689)

H.B. 862 (Hudson/Armbrister). Adopts the Uniform Vendor and Purchaser Risk Act which allocates the risk of loss to the vendor if neither legal title nor possession has been transferred to the purchaser. Provides that the purchaser bears the risk of loss if either legal title or possession has been transferred. EFFECTIVE DATE: 9-1-89 (Chapter 1002)

H.B. 1486 (Russell/Ratliff). Limits the application of another state's laws to those contracts involving the sale, lease, or other disposition of goods for a consideration of \$50,000 or less. Clarifies the provision relating to notice in such contracts. EFFECTIVE DATE: 9-1-89 (Chapter 772)

Health

H.B. 976 (Danburg/Washington). Amends the Real Estate License Act to exempt a person from civil liability or criminal prosecution because that person did not inquire about, make a disclosure related to, or release information related to whether a previous or current occupant of real property had, may have had, or has AIDS, HIV-related illnesses, or HIV infection. Requires a person who has actual knowledge that the previous owner or current occupant of real property had or has AIDS to disclose such information on specific request from a potential purchaser or lessee. EFFECTIVE DATE: 8-28-89 (Chapter 1171)

License

H.B. 1212 (Schlueter/Armbrister). Relates to the regulation of real estate brokers, salesmen, and investors by revising the Real Estate License Act to include continuing education as a condition of license renewal, restricting recovery from the real estate recovery funds, and clarifying and broadening commission authority to address illegal or unlicensed activity. EFFECTIVE DATE: 9-1-89; 8-31-91 (Chapter 169)

Liens

S.B. 1321 (Dickson/Smith, T.). Addresses the deficiencies in the current law relating to mechanic's liens, as seen by property owners, contractors, subcontractors, and suppliers. Attempts to make lien provisions for public and private projects as consistent as possible and simplifies the notice and filing requirements. EFFECTIVE DATE: 9-1-89 (Chapter 1138)

H.B. 1359 (Cain/Sims). Gives a motor vehicle mortgagee a lien on a cause of action or other claim that arises for the vehicle owner in connection with an accident caused by the negligence of a third party. EFFECTIVE DATE: 9-1-89 (Chapter 171)

Tenant/Landlord

S.B. 1607 (Johnson/Guerrero). Provides a simplified mechanism for relief for tenants when the landlord refuses to repair conditions which materially affect the tenants' health and safety. EFFECTIVE DATE: 8-28-89 (Chapter 650)

PROSECUTING ATTORNEYS

S.B. 374 (Zaffirini/Kuempel). Adds the county attorney of Lamar County and the district attorney of the 22nd Judicial District to the professional prosecutors law. EFFECTIVE DATE: 9-1-89; 9-1-93 (Chapter 373)

PUBLIC EMPLOYEES

County and Municipal

H.B. 959 (Stiles/Carriker). Requires a district judge or judges to hold a public hearing before setting the amount of annual compensation of the county auditor, assistant auditors, and court reporters. EFFECTIVE DATE: 8-28-89 (Chapter 1169)

H.B. 1405 (Craddick/Sims). Amends the whistle-blower statute to require an employee of a local governmental body to exhaust any applicable grievance or appeal procedures adopted by the local governmental body to resolve disputes concerning suspension or termination of the employee suing for injunctive relief, damages, or both. EFFECTIVE DATE: 9-1-89 (Chapter 1222)

H.B. 2963 (Evans/Henderson). Allows a municipality to establish and operate an electronic funds transfer system to transfer certain pay and payments directly into municipal officers' and employees'

accounts in financial institutions. EFFECTIVE DATE: 8-28-89
(Chapter 1047)

State Employees

S.B. 112 (Leedom/Richardson). Creates the Texas Incentive and Productivity Commission to oversee the implementation and maintenance of a program to reward employee suggestions which result in savings or other benefits to the state. EFFECTIVE DATE: 6-14-89 (Chapter 888)

S.B. 357 (Brooks/Russell). Establishes a sick leave pool to benefit certain state employees who suffer a catastrophic illness or injury. EFFECTIVE DATE: 9-1-89 (Chapter 1183)

S.B. 438 (Armbrister/Morales). Provides that juvenile probation personnel are state employees for the purposes of indemnification by the state for damages arising out of an act or omission by those employees in the course and scope of their office. EFFECTIVE DATE: 6-16-89 (Chapter 1184)

S.B. 897 (Montford/Laney). Transfers the administration of the deferred compensation plan for employees of state agencies and political subdivisions from the comptroller to the Employees Retirement System. EFFECTIVE DATE: 9-1-90 (Chapter 205)

S.B. 898 (Montford/Laney). Strengthens and clarifies the role of the plan administrator in serving as an administrative and fiduciary agent in a deferred compensation plan for employees of state agencies and political subdivisions. EFFECTIVE DATE: 5-25-89 (Chapter 146)

S.B. 899 (Montford/Laney). Provides clear and concise legislative authority for the 401(k) Plan under deferred compensation for employees of state agencies and political subdivisions. EFFECTIVE DATE: 5-25-89 (Chapter 147)

PUBLIC LANDS, BUILDINGS, AND RESOURCES

S.B. 542 (Leedom/Tallas). Establishes guidelines for any real estate transaction ordered by legislation. Authorizes the asset management division in the General Land Office to negotiate a sale or lease of state property when no responsive bids are received. EFFECTIVE DATE: 8-28-89 (Chapter 839)

S.B. 1235 (Barrientos/Guerrero). Authorizes the sale at fair market value of the East Campus of the Texas School for the Deaf. Provides that the proceeds of the sale be appropriated to the State

Purchasing and General Services Commission and used only to retire revenue bonds authorized by the Act. Provides that bonds are to be issued by the Texas Public Finance Authority and used for the development, renovation, construction, and furnishing of facilities for the Texas School for the Deaf at its existing South Campus location. EFFECTIVE DATE: 6-16-89 (Chapter 1203)

REAL ESTATE AGENTS

S.B. 436 (Carriker/Cavazos). Adds specifically defined services performed by an individual as a real estate broker or salesman and specifically includes services of instructors who teach real estate licensees on the list of services not included in the term "employment" under the Texas Unemployment Compensation Act, with the effect that unemployment compensation taxes would not be paid by employers hiring these individuals. EFFECTIVE DATE: 4-19-89 (Chapter 22)

RESIDENTIAL

S.B. 1012 (Montford/Harris, C.). Adds Chapter 27 to the Property Code setting forth certain defenses to residential construction liability and providing procedures by which a claimant may have a construction defect repaired or seek damages for such a defect. EFFECTIVE DATE: 9-1-89 (Chapter 1072)

RETIREMENT SYSTEMS

General

S.B. 187 (Brown/Eckels). Provides for the direct payment of pension benefits from a public retirement system to qualified nonemployee spouses and authorizes a spousal consent requirement for the selection of certain retirement options. EFFECTIVE DATE: 9-1-89 (Chapter 616)

S.B. 365 (Leedom/Robnett). Allows the governing board of a public retirement system to make an annual contribution to the State Pension Review Board not to exceed the rate of 50 cents per active and annuitant member as of September 1 of the year for which a contribution is made. Requires the comptroller to deposit the amounts collected in the newly created State Pension Review Board fund in order to pay certain expenses, including those of training and educational activities for trustees and administrators of public retirement systems. EFFECTIVE DATE: 9-1-89 (Chapter 893)

H.B. 2606 (Robnett/Harris). Permits state retirement systems

(Employees Retirement System of Texas, Teacher Retirement System of Texas, and Judicial Retirement System of Texas) to have their eligible securities held by the Depository Trust Corporation. EFFECTIVE DATE: 8-28-89 (Chapter 251)

Municipal

H.B. 1885 (Kuempel/Montford). Makes changes to and additions in the Texas Municipal Retirement System. Prohibits a city from excluding an employee from the city's retirement system during a trial or probationary period of employment. Amends, both technically and substantively, the provisions of Title 110B which deal with employee participation in military service. Makes other substantive and technical changes relating to membership in, benefits from, and administration of the Texas Municipal Retirement System. EFFECTIVE DATE: 9-1-89 (Chapter 462)

Police and Fire Fighters

S.B. 930 (Montford/Laney). Revises the present law relating to the Firemen's Relief and Retirement Fund in its entirety and makes certain substantive changes that are largely technical in nature which have been approved by the boards of trustees of the local retirement systems for paid fire fighters. Titles the new Act the Texas Local Fire Fighters Retirement Act. EFFECTIVE DATE: 9-1-89 (Chapter 98)

State Employees

S.B. 46 (Barrientos/Finnell). Provides for the payment of unrecovered contributions and accrued interest to the designated beneficiary of a retiree who has received a standard annuity from the Employees Retirement System of Texas. EFFECTIVE DATE: 9-1-89 (Chapter 81)

S.B. 58 (Barrientos/Kuempel). Provides an increase in certain annuities payable by the Employees Retirement System of Texas. EFFECTIVE DATE: 9-1-89 (Chapter 602)

H.B. 827 (Richardson/Barrientos). Authorizes a member of the Employees Retirement System of Texas to receive service credit in that system for accumulated sick leave. EFFECTIVE DATE: 9-1-89 (Chapter 1165)

H.B. 1494 (Hinojosa/Brooks). Reduces to 50 the required age for eligibility for full benefits from the state's law enforcement and custodial officer supplemental retirement fund. Increases funding

from each criminal conviction with 90 percent of that amount going to the law enforcement and custodial officer supplemental retirement fund and 10 percent to the Employees Retirement System of Texas. EFFECTIVE DATE: 9-1-89 (Chapter 1227)

Teachers

S.B. 490 (Montford/Robnett). Sets forth guidelines relating to membership, participation, and credit in and benefits, administration, and confidentiality of records of the Teacher Retirement System of Texas. EFFECTIVE DATE: 9-1-89 (Chapter 835)

H.B. 85 (Rudd/Caperton). Authorizes increased benefits for members of the Teacher Retirement System of Texas and an increase in the state's contribution to the system. EFFECTIVE DATE: 8-28-89; 9-1-89 (Chapter 222)

H.B. 487 (Smith, R./Montford). Authorizes a member of the Employees Retirement System of Texas to hire a certified investment advisor and to pay for those services with funds in the member's custodial account or annuity. EFFECTIVE DATE: 6-16-89 (Chapter 1161)

SAFETY

S.B. 41 (Lyon/McKinney). Requires any person, except a person with a narrowly defined medical exemption, operating or riding a motorcycle to wear protective headgear. EFFECTIVE DATE: 9-1-89 (Chapter 15)

S.B. 320 (Green/Thompson, S.). Gives the state fire marshal the authority to enter certain buildings to investigate the cause, origin, and circumstances of a fire. Authorizes the State Board of Insurance to develop educational programs on fire prevention and safety. EFFECTIVE DATE: 8-28-89 (Chapter 186)

S.B. 589 (Carriker/Oakley). Requires the governor to designate a state agency to establish and administer a motorcycle operator training and safety program; establishes a separate fee of \$21 for four-year renewals of motorcycle licenses and requires \$5 of the fee to be deposited in the motorcycle education fund in the state treasury; deletes existing requirement for county tax collectors to remit \$.75 of the annual registration fee for motorcycles and mopeds and reduces this fee from \$30.75 to \$30; expands the program to include information to the general public about sharing the roadway with motorcycles; provides for administration of the program; and adds a representative of the Texas Motorcycle Dealers Association to the advisory board. EFFECTIVE DATE: 9-1-89

(Chapter 842)

S.B. 1103 (Tejeda/Cain). Grants the Texas Railroad Commission statutory authority to enter private property to conduct safety inspections relating to the packaging, loading, or transportation of hazardous materials. EFFECTIVE DATE: 6-14-89 (Chapter 351)

SALARIES AND EXPENSES

H.B. 101 (Hinojosa/Glasgow). Increases the salaries of various state court justices and judges for fiscal years 1990 and 1991, thereby also increasing the amount paid to those persons whose compensation is linked to judicial salaries. EFFECTIVE DATE: 9-1-89 (Chapter 1258)

H.B. 2211 (Parker/Glasgow). Specifies the amount of compensation certain prosecutors are entitled to receive. Equalizes with district judges the compensation received by certain district attorneys, criminal district attorneys, and county attorneys. Establishes new salaries for certain district attorneys, criminal district attorneys, and county attorneys for fiscal years 1990 and 1991 and makes related appropriations. EFFECTIVE DATE: 9-1-89 (Chapter 1254)

SPECIAL DISTRICTS AND AUTHORITIES

S.B. 113 (Henderson/Connelly). Clarifies confirmation election procedures for certain regional water districts. EFFECTIVE DATE: 8-28-89 (Chapter 48)

S.B. 631 (Montford/Craddick). Amends existing law relating to the supervision, budget review, and sunset review of certain water districts and authorities and river authorities. EFFECTIVE DATE: 8-28-89 (Chapter 196)

S.B. 907 (Armbrister/McKinney). Regulates the creation, administration, powers, duties, operation, and financing of hospital districts. EFFECTIVE DATE: Upon passage of constitutional amendment proposed by S.J.R. 34 (Chapter 206)

S.B. 1207 (Santiesteban/Smith, T.). Provides that sellers of real property in certain water districts notify interested buyers of certain tax rate and district bond debt information before entering into a binding agreement. EFFECTIVE DATE: 8-28-89 (Chapter 935)

S.B. 1735 (Zaffirini/Kuempel). Creates the Canyon Regional Water Authority and provides for its administration. EFFECTIVE DATE: 8-28-89 (Chapter 670)

H.B. 1189 (Marchant/Santiesteban). Requires approval of the Texas Water Commission for the issuance of tax bonds other than refunding bonds by any less than countywide district created pursuant to Article XVI, Section 59, of the Texas Constitution. EFFECTIVE DATE: 9-1-89 (Chapter 729)

H.B. 1567 (Hunter, T./Armbrister). Expands to all municipalities the authority to establish a municipal drainage utility system within municipal boundaries. EFFECTIVE DATE: 8-28-89 (Chapter 1230)

H.B. 2248 (Junell/Santiesteban). Dissolves 22 inactive water and municipal utility districts that have no long-term debt and have either requested dissolution or have not maintained contact with the Texas Water Commission. Allows the School Land Board to partially dissolve municipal utility districts or water district authorities by removing from their authority any or all permanent school fund land. EFFECTIVE DATE: 8-28-89 (Chapter 573)

H.B. 2485 (Campbell/Armbrister). Provides for the acquisition, construction, and financing of roads and turnpikes and the creation, conversion, and powers of certain entities authorized to acquire, construct, and finance roads and turnpikes. EFFECTIVE DATE: 8-28-89 (Chapter 1241)

H.B. 3099 (McCollough/Dickson). Creates the Central Texas Underground Water Conservation District and provides for its operation. EFFECTIVE DATE: 8-28-89 (Chapter 514)

H.B. 3160 (Berlanga/Green). Provides for the creation, administration, powers, duties, operation, financing, and dissolution of municipal management districts and the power of certain entities to contract with the district. Authorizes the creation by order of the Texas Water Commission of municipal management districts only in areas devoted primarily to commercial development and business activity which may need incremental services and amenities that are necessary to maintain and expand the areas that may not be typically provided by cities. EFFECTIVE DATE: 8-28-89 (Chapter 1056)

STATE AGENCIES

S.B. 104 (Leedom/Williamson). Requires the implementation of a mail management plan in state agencies to improve mail service and reduce the cost of mail service to state agencies. EFFECTIVE DATE: 9-1-89 (Chapter 778)

S.B. 612 (Armbrister/Saunders). Requires the Texas Employment Commission to prepare and deliver local employment impact

statements to accompany certain rules proposed by state agencies.
EFFECTIVE DATE: 9-1-89 (Chapter 845)

S.B. 677 (Harris/Harris, C.). Sets forth the contract process for governmental entities to follow in the procurement of certain architectural and engineering services. EFFECTIVE DATE: 9-1-89 (Chapter 392)

S.B. 734 (Haley/Shine). Gives the Texas Employment Commission access to certain criminal history record information of applicants for security sensitive positions. EFFECTIVE DATE: 9-1-89 (Chapter 113)

S.B. 852 (Edwards/Luna, A.). Sets forth guidelines relating to the structure, power, and duties of the Texas National Research Laboratory Commission and to the development of the superconducting super collider. EFFECTIVE DATE: 8-28-89 (Chapter 397)

S.B. 870 (Leedom/Gibson). Requires the State Purchasing and General Services Commission to develop a long-range plan relating to the needs of state agencies in Travis County for space. Requires the commission to establish and maintain a six-year capital planning cycle and to report biennially a master facilities plan to the Governor's Office of Budget and Planning and the Legislative Budget Board. EFFECTIVE DATE: 9-1-89 (Chapter 869)

H.B. 1506 (Williamson/Edwards). Provides that members of an agency governing board have a statutory right to dissent against any action taken by the board and to have a written statement to that effect entered into the official board minutes. EFFECTIVE DATE: 6-16-89 (Chapter 1228)

STATE AGENCIES--NEWLY CREATED

H.B. 708 (Perry/Barrientos). Creates the fire department emergency program under the jurisdiction of the newly created Fire Department Emergency Board. Provides that the program is created in order to promote efficient fire protection for the state through the provision of financial assistance, scholarships, and grants to public fire-fighting organizations. Provides that this Act takes effect only if H.J.R. 33, 71st Legislature, Regular Session, is approved. EFFECTIVE DATE: 1-1-90 (Chapter 983)

H.B. 1803 (Colbert/Whitmire). Creates the Office of Grant Information within the department of commerce and provides that it is responsible for collecting and disseminating information relating to certain grants. EFFECTIVE DATE: 9-1-89 (Chapter 447)

H.B. 2736 (Williamson/Caperton). Creates the Department of

Information Resources. Directs the newly created department to coordinate and direct the use of information resources technologies by state agencies and to provide the most efficient retrieval and exchange of information within and among the various agencies and branches of government. Abolishes the Automated Information and Telecommunications Council and transfers all records, personnel, property, and unspent appropriations to the Department of Information Resources. EFFECTIVE DATE: 8-28-89 (Chapter 788)

STATE FINANCES--MANAGEMENT AND CONTROL

S.B. 245 (McFarland/Gibson). Expands the types of short-term investments in which the state treasurer is authorized to invest state funds. Requires the state treasurer to give Texas banks first consideration when investing in direct security repurchase agreements. Limits the state treasurer's authority to invest state funds in corporations which do business in the Republic of South Africa. Makes other amendments relating to the collection and management of certain funds by the state. EFFECTIVE DATE: 5-11-89 (Chapter 78)

S.B. 541 (Leedom/Gibson). Requires an agency or institution to provide the Texas Public Finance Authority an analysis of projects that are financed with bonds issued by the authority. EFFECTIVE DATE: 9-1-89 (Chapter 896)

S.B. 558 (McFarland/Hightower). Allows the Texas Public Building (Finance) Authority to issue additional general obligation bonds of up to \$400 million and appropriates the proceeds to various agencies for purchase and repair of facilities and to the Department of Public Safety for purchasing and repairing the Austin Independent School District Administration building. EFFECTIVE DATE: 9-1-89 (Chapter 387)

S.B. 872 (Caperton/Schlueter). Requires the comptroller to transfer one-half of any unencumbered positive balance in the General Revenue Fund at the close of the 1988-1989 biennium to the economic stabilization fund in conformance with the constitutional amendment approved by the voters in November, 1988. EFFECTIVE DATE: 6-14-89 (Chapter 870)

S.B. 984 (Caperton/Williamson). Corrects obsolete accounting language relating to the deposit and expenditure of money and securities. Authorizes the comptroller and the treasurer to determine the deposit and warrant information necessary for reporting needs. Provides a legal basis for an efficient and effective manner of writing warrants, which the uniform statewide accounting system will provide. Provides the sole authority for and the proper accounting treatment of petty cash accounts

established out of funds in the state treasury. Streamlines the administration and operation of petty cash accounts so that physical control of the accounts is in the treasury and other accounting procedures are improved. EFFECTIVE DATE: 9-1-89; 9-1-91 (Chapter 207)

S.B. 985 (Caperton/Williamson). Requires the comptroller to implement the uniform statewide accounting system with the advice of the Uniform Statewide Accounting System Committee. Eliminates the need for agencies to submit to and reconcile with multiple systems by having fixed asset data regarding state property maintained in a centralized state record. EFFECTIVE DATE: 9-1-89 (Chapter 781)

S.B. 1316 (Parmer/Vowell). Prescribes guidelines relating to the implementation and operation of programs under the state oil overcharge funds administration. EFFECTIVE DATE: 9-1-89 (Chapter 691)

S.B. 1341 (Leedom/Robnett). Prescribes guidelines relating to the collateral eligible to secure deposits of public funds. EFFECTIVE DATE: 9-1-89 (Chapter 627)

S.B. 1342 (Leedom/Robnett). Amends guidelines relating to the investment of public funds to allow investment in certificates of deposit issued by savings and loans, prime domestic bankers' acceptances, and certain commercial paper. EFFECTIVE DATE: 8-28-89 (Chapter 628)

STATE PURCHASING

S.B. 318 (Leedom/Williamson). Requires the State Purchasing and General Services Commission to give preference to available state-owned space in filling a request for space. Sets forth law relating to the lease of space by state agencies including procedures and regulations for competitive bidding. EFFECTIVE DATE: 9-1-89 (Chapter 779)

S.B. 1813 (Armbrister/Schlueter). Provides the State Purchasing and General Services Commission with greater flexibility in the acquisition of state buildings. Authorizes the Texas Public Finance Authority to finance the acquisition of buildings in Travis, Tarrant, and Harris counties. EFFECTIVE DATE: 6-16-89 (Chapter 1244)

H.B. 2721 (Williamson/Sims). Allows the Texas Public Finance Authority to issue obligations to finance the lease or acquisition of equipment and buildings by state agencies. Provides a mechanism whereby a state agency may purchase computer equipment with

contingent appropriations from the issuance of such obligations. Requires the approval of the attorney general before the issuance of certificates of participation and other instruments that evidence a proportionate interest in payments due to be made by issuers of the instruments. EFFECTIVE DATE: 9-1-89 (Chapter 786)

STATUTORY REVISION

S.B. 1047 (Parker/Rudd). Amends the Government Code to clarify the use of the terms "includes" and "including" in the construction of statutes and provides that it is not legislative intent that reenacted text prevail over changes in the same text made by another amendment. EFFECTIVE DATE: 8-28-89 (Chapter 340)

S.B. 1104 (Glasgow/Polumbo). Revises nonsubstantively the Texas statutes relating to juvenile boards, juvenile probation departments, domestic relations offices, and other family services. EFFECTIVE DATE: 9-1-89 (Chapter 352)

SUNSET BILLS

S.B. 479 (Barrientos/Wilson). Continues the existence of the Commission on Human Rights and makes certain amendments in its powers and duties. EFFECTIVE DATE: 9-1-89 (Chapter 1186)

S.B. 505 (McFarland/Guerrero). Continues the existence of the Multistate Tax Compact Commissioner for the state and makes certain changes in the duties of the commissioner. EFFECTIVE DATE: 9-1-89 (Chapter 24)

S.B. 506 (McFarland/Guerrero). Continues the Interagency Council for Genetic Services. Requires the council to conduct a study to determine the most cost-effective and functional method for delivering genetic services and to develop a resource allocation plan for genetic services during each biennium. EFFECTIVE DATE: 9-1-89 (Chapter 90)

S.B. 508 (McFarland/Granoff). Continues the existence of the Texas Surplus Property Agency and makes changes in the composition, powers, and duties of the board and the agency and the disposition of surplus and salvage property. EFFECTIVE DATE: 9-1-89 (Chapter 1086)

H.B. 1258 (Gibson/Armbrister). Continues in existence the Committee on State Revenue Estimates and changes the committee's composition and chairman. EFFECTIVE DATE: 9-1-89 (Chapter 1176)

TAXATION

Cigarette

H.B. 2619 (Stiles/McFarland). Consolidates cigarette and other tobacco products tax stamp operations in the treasury in order to increase compliance with and collection of the taxes. EFFECTIVE DATE: 10-1-89 (Chapter 240)

Energy Resources

S.B. 963 (Henderson/McWilliams). Provides a tax incentive in the form of an exemption, credit, or refund for certain certified high-cost gas wells as an incentive for the production of difficult- or expensive-to-produce gas. EFFECTIVE DATE: 9-1-89 (Chapter 1197)

H.B. 428 (Perry/Carriker). Provides for a reduced oil production tax rate for oil produced from certain enhanced recovery projects. EFFECTIVE DATE: 1-1-90 (Chapter 795)

H.B. 2945 (Hury/Glasgow). Restores the revenue collected from the gas utility administration tax to approximately its former level. EFFECTIVE DATE: 10-1-89 (Chapter 241)

Franchise

S.B. 1000 (Carriker/Parker, J.). Alters the basis of allocation for bank franchise tax receipts. Allows certain corporations to use alternate methods to determine surplus and gross receipts and allows certain title insurance holding companies to have a credit against franchise taxes. EFFECTIVE DATE: 1-1-90 (Chapter 1198)

H.B. 1306 (Hury/Glasgow). Includes the retained earnings of a subsidiary corporation or other investee before acquisition in the cost to the parent or investor corporation and in calculating the parent's or investor's surplus for purposes of applying the franchise tax. Repeals the section of the Tax Code allowing use of an alternate method of determining the amount of taxable capital allocated to the state for franchise tax purposes. EFFECTIVE DATE: 3-2-89 (Chapter 3)

H.B. 3032 (Gibson/Haley). Establishes a procedure for issuing credits for local bank franchise taxes unlawfully or erroneously collected. Grants a banking corporation the right to pursue legal remedies other than the taking of credits against current or future taxes. EFFECTIVE DATE: 8-28-89 (Chapter 510)

General

S.B. 1481 (Glasgow/Hury). Amends existing law to reflect recent court interpretations of the First and Fourteenth Amendments to the United States Constitution as they relate to certain state taxes, the rulemaking authority of the comptroller concerning those taxes, and exemptions from limited sales, excise, and use tax. EFFECTIVE DATE: 8-28-89 (Chapter 231)

H.B. 1302 (Schlueter/Whitmire). Allows the comptroller to contract with outside services to collect delinquent taxes from persons residing outside the state. EFFECTIVE DATE: 1-1-91 (Chapter 752)

Hotel/Motel Occupancy

H.B. 1023 (Wolens/Leedom). Amends existing laws relating to taxes on occupancy of a hotel, motel, or similar establishment. Allows the municipal attorney or another attorney acting for a city to sue to collect a tax. Makes other provisions relating to: preexisting contracts; use of tax revenue for a nonprofit manned space flight tourism facility; allocation of revenue for convention center facilities and campaigns designed to promote the arts and encourage tourism and conventions; enforcement by attorney general; general limitations on use of revenue; use of revenue in counties bordering Mexico; and use of revenue in counties with licensed racetracks. EFFECTIVE DATE: 10-1-89 (Chapter 1110)

H.B. 1147 (Moreno, A./Santiesteban). Exempts the United States, Texas, or an agency, institution, board, or commission of Texas, other than an institution of higher education, from state, county, and municipal hotel occupancy taxes. Exempts officers and employees of an exempted entity from the taxes when traveling on or otherwise engaged in official business. EFFECTIVE DATE: 9-1-89 (Chapter 504)

Motor Fuels

H.B. 1155 (Hury/McFarland). Strengthens the powers of the comptroller in regard to the administration, imposition, collection, and enforcement of motor fuels taxes. EFFECTIVE DATE: 9-1-89 (Chapter 168)

H.B. 2034 (Luna, A./Krier). Allows Texas to participate in a cooperative agreement with another state for the exchange of information and assessment of taxes relating to the motor fuel use of interstate fleets of motor vehicles. EFFECTIVE DATE: 8-28-89 (Chapter 484)

Occupation

H.B. 1954 (Hury/Caperton). Provides that investments used to determine a company's tax rate are valued on a quarterly basis. Provides for a phased-in modification of the premium tax imposed on certain life, accident, and health insurers and health maintenance organizations, so that beginning January 1, 1995, a flat rate of 1.75 is imposed. Imposes on each insurance carrier and health maintenance organization a tax on the first \$450,000 of gross premiums or revenues equal to one-half the rate paid in the corresponding tax year. Clarifies provisions regarding the calculation of retaliatory premium taxes assessed against foreign companies. EFFECTIVE DATE: 8-28-89 (Chapter 237)

Property

S.B. 531 (Henderson/Vowell). Adds, strengthens, and clarifies provisions relating to the operation, membership, and function of the State Property Tax Board. Requires the appointment of a technical advisory committee to provide expertise to the board and requires a performance audit of an appraisal district under certain circumstances. Continues the board until September 1, 2001. EFFECTIVE DATE: 9-1-89 (Chapter 384)

S.B. 1312 (Henderson/Luna, A.). Amends various sections of the Tax Code relating to ad valorem tax abatement in a reinvestment zone in order to stimulate business development in certain areas. EFFECTIVE DATE: 9-1-89 (Chapter 1137)

H.B. 82 (Stiles/Parker). Exempts from state ad valorem taxation all tangible personal property not used for the production of income, other than manufactured homes. Allows a governing body to tax tangible personal property otherwise exempt after holding a public hearing. EFFECTIVE DATE: 1-1-90 (Chapter 76)

H.B. 432 (Stiles/Henderson). Sets forth several amendments regarding the imposition, administration, and collection of ad valorem taxes by an appraisal district. Allows a property owner to designate a person as an agent to receive all communications from a taxing unit. Sets forth restrictions on the conduct of appraisal district boards and chief appraisers, including anti-nepotism provisions and contractual conflict of interests prohibitions, and provides an offense for violation of these restrictions. Appoints a taxpayer liaison officer and provides guidelines for service on an appraisal review board. Clarifies provisions regarding the procedures and methods used to appraise property and requires a reappraisal of property at least every three years. Clarifies provisions regarding protests of appraisals and appeals of orders. Requires interest to be included with certain refunds. EFFECTIVE

DATE: 6-15-89; 9-1-89; 1-1-90 (Chapter 796)

H.B. 1078 (Berlanga/Santiesteban). Provides that property bequeathed to an institution of higher education is exempt from property taxes from the date of the decedent's death unless the property is leased to a private business or the bequest is successfully contested in probate court. Exempts from taxation certain property of higher education development foundations or an alumni association located on land owned by the state for the benefit of an institution of higher education. Exempts from all ad valorem taxes all oil, gas, and other mineral interests owned by an institution of higher education. EFFECTIVE DATE: 8-28-89 (Chapter 1021)

H.B. 1225 (Guerrero/Barrientos). Allows property taxes to be paid by credit card if a processing fee is assessed. Allows a tax collector to enter into a contract with a property owner to establish an escrow account to provide for payment of property taxes. EFFECTIVE DATE: 8-28-89 (Chapter 737)

H.B. 2475 (Vowell/Santiesteban). Reinstates the temporary storage and use exclusion to exempt tangible personal property for use solely outside the state from the state sales and use tax. EFFECTIVE DATE: 10-1-89 (Chapter 323)

H.B. 2959 (Schlueter/Bivins). Exempts from taxation of the appraised value of property the portion of a person's property consisting of "freeport goods" or goods transported into the state or acquired by a property owner in the state for the purpose of being forwarded outside the state. Requires an appraisal office to allocate to Texas the portion of the fair market value of a taxable commercial aircraft that is used both inside and outside this state that fairly reflects the aircraft's use in this state. Allows a taxing unit to take action to continue to tax the exempted property. Provides that certain portions of this Act take effect only if the constitutional amendment proposed by S.J.R. 11, 71st Legislature, Regular Session, is approved. EFFECTIVE DATE: 8-28-89; 1-1-90 (Chapter 534)

Property--Homestead

H.B. 1270 (Thompson, S./Green). Allows property owners age 65 or older to pay property taxes on a homestead in installments. EFFECTIVE DATE: 9-1-90 (Chapter 746)

Sales

S.B. 693 (Santiesteban/Vowell). Allows the comptroller to develop

a system by which a maquiladora enterprise may make certain tax-free purchases in the state. EFFECTIVE DATE: 6-14-89 (Chapter 903)

H.B. 112 (Schlueter/Armbrister). Provides for a 25 percent refund of sales and use taxes paid on manufacturing equipment and machinery purchased during 1990 and 1991. Provides for a phased-in reduction of the amount of the taxes collected under this chapter in yearly 25 percent increments, with full exemption occurring in 1995. EFFECTIVE DATE: 8-28-89 (Chapter 154)

H.B. 340 (Arnold/Haley). Exempts from sales and use taxes food, candy, gum, and toys sold from a vending machine for 25 cents or less. EFFECTIVE DATE: 10-1-89 (Chapter 1158)

H.B. 1425 (Connelly/Caperton). Exempts the repair, maintenance, creation, and restoration of a computer program not sold by the person performing the service from the definition of "taxable services" under Section 151.0101(a), Tax Code. EFFECTIVE DATE: 10-1-89 (Chapter 1249)

H.B. 2215 (Schlueter/Dickson). Provides that the collection of a municipal sales and use tax in a newly annexed area before the effective date of the tax does not affect the validity of the tax collection. Provides guidelines for collection of taxes by nonresidents of Texas in accordance with federal law. EFFECTIVE DATE: 6-14-89 (Chapter 291)

State

S.B. 1573 (Caperton/Hury). Remedies certain fiscal problems caused by current procedures regarding tax dollars that are unavailable for appropriation as a result of legal challenges. Corrects other problematic areas that have arisen because of litigation, such as the absence of a statute of limitation for some taxes and injunctions against collection of taxes. EFFECTIVE DATE: 9-1-89 (Chapter 232)

H.B. 1421 (Hury/Caperton). Raises the gross premiums receipts tax for unauthorized insurers and for surplus lines insurance. Clarifies provisions regarding the calculation of retaliatory taxes imposed on certain insurers. Sets forth provisions relating to the taxation of reciprocal or interinsurance exchanges. EFFECTIVE DATE: 6-12-89 (Chapter 242)

TRANSPORTATION

S.B. 1190 (Whitmire/Cain). Creates the Texas High-Speed Rail

Authority as an agency of the state to grant a franchise for and to oversee the creation, construction, and operation of a high-speed rail facility; grants the authority to make rules and provide penalties; provides for other necessary powers. EFFECTIVE DATE: 6-16-89 (Chapter 1104)

S.B. 1307 (Montford/Robnett). Provides that the mass transit department of a city with a population of 56,000 or more not in another mass transit authority be allowed to expend sales tax funds on municipal street construction, reconstruction, or maintenance for mass transit purposes. EFFECTIVE DATE: 8-28-89 (Chapter 1136)

S.B. 1557 (Bivins/Waterfield). Adds grain and rice elevator businesses to the list of businesses eligible to hold an agricultural permit for the transportation of agricultural commodities. EFFECTIVE DATE: 6-14-89 (Chapter 645)

H.B. 563 (Smith, T./Barrientos). Provides procedures and requirements relating to the withdrawal of a unit of election from a metropolitan transportation authority, including requirements relating to collection of taxes. Defines a unit's net financial obligation to the authority and a unit's share of unencumbered assets of the authority. Applies only to a transportation authority in which the principal city has a population of fewer than 750,000 persons and in which the rate of the sales and use tax exceeds one-half of one percent. EFFECTIVE DATE: 9-1-89 (Chapter 1034)

H.B. 608 (Criss/Brooks). Allows a company that operates a railroad passenger service but does not construct, own, or maintain a railroad track to elect to incorporate under the Texas Business Corporation Act and exempts these companies from regulation by the Texas Railroad Commission. EFFECTIVE DATE: 8-28-89 (Chapter 971)

H.B. 1263 (Stiles/Caperton). Changes the public transportation fund formula program allocations, with 20 percent going to urbanized areas with a population greater than 200,000; 40 percent going to urbanized areas with a population of 50,000 to 200,000; and 40 percent going to urbanized areas with a population of less than 50,000 or to rural areas. Changes the discretionary program and includes more specific application requirements and procedures for designated recipients. Sets forth the provisions for which money from the formula and discretionary programs may be used. EFFECTIVE DATE: 9-1-89 (Chapter 742)

TRAP DEVICES AND WIRETAPPING

H.B. 241 (Smith, T./McFarland). Creates criminal penalties and

civil actions for the interception of certain communications or communications signals, including stored communications, and authorizes the use of pen registers, trap and trace devices, and mobile tracking devices. EFFECTIVE DATE: 9-1-89 (Chapter 958)

H.B. 910 (Smith, T./McFarland). Authorizes the interception of certain electronic communications and defines offenses relating to the unlawful interception, use, or disclosure of those communications. EFFECTIVE DATE: 9-1-89 (Chapter 1166)

UTILITIES

H.B. 174 (Cavazos/Edwards). Requires operator service providers to supply certain information to subscribers including the provider's name and rate schedule. Prohibits hotels and motels from charging more than 50 cents for local calls for which the assistance of a hotel operator is not required. Requires the Public Utility Commission to adopt rules establishing a statewide telecommunications relay access service for the hearing-impaired and the speech-impaired. Establishes an advisory committee. EFFECTIVE DATE: 9-1-89 (Chapter 1154)

H.B. 2478 (Smith, T./Brown). Provides for changes in the manner in which the deadline for entering a final order in municipal rate case appeals is calculated. EFFECTIVE DATE: 9-1-89 (Chapter 325)

VEHICLES AND TRAFFIC

Driver's Licenses

H.B. 850 (Hammond/Zaffirini). Prohibits the Department of Public Safety from issuing a driver's license to any person under the age of 18 unless the person has obtained a high school diploma or its equivalent or is a student enrolled in a public or private school who attended school for at least 80 days in the fall or spring semester preceding the date of application or has been enrolled for at least 45 days and is currently enrolled in a program to prepare persons to pass the high school equivalency exam. EFFECTIVE DATE: 9-1-89 (Chapter 821)

H.B. 1935 (Carter/Montford). Establishes a system for testing, licensing, and enforcement of drivers of commercial motor vehicles to comply with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986 and regulations of the Federal Highway Administration. Strengthens commercial driver licensing and testing standards. Requires any driver of a commercial motor vehicle to have a commercial driver's license after April 1, 1992. Requires testing and a record check of all applicants for a

commercial driver's license. Provides criminal penalties for failure to maintain a commercial driver's license. Provides that certain actions, including drunk driving, will result in cancellation of a commercial driver's license. Sets forth criminal penalties for failure to maintain a commercial driver's license. EFFECTIVE DATE: 4-1-90; 4-1-92 (Chapter 236)

Equipment

H.B. 750 (Russell/Haley). Authorizes operation on the highways of motor buses not exceeding 45 feet in length which have air brakes and either four tires on the rear axle or three or more axles. EFFECTIVE DATE: 9-1-89 (Chapter 44)

General

H.B. 243 (Valigura/Brown). Limits the amount of traffic fines that may be retained by cities with populations of less than 5,000 to an amount equal to 30 percent of all revenues from any source collected by that city in the prior year, excluding federal funds and bond proceeds. EFFECTIVE DATE: 9-1-89 (Chapter 233)

Rules of Road

S.B. 170 (Parker/Kubiak). Prohibits a person from operating at a speed in excess of 35 miles an hour an open bed pickup truck or an open flatbed truck or towing a flatbed trailer on a public street or highway when a child younger than 12 years of age is occupying the bed of the truck or trailer, except in case of an emergency. EFFECTIVE DATE: 9-1-89 (Chapter 613)

S.B. 1284 (Tejeda/Willy). Requires the magistrate or clerk of courts of record to file a written record of cases within 30 days after conviction of forfeiture of bail on a charge of certain traffic violations. EFFECTIVE DATE: 9-1-89 (Chapter 685)

H.B. 1408 (Saunders/Caperton). Authorizes the Public Safety Commission to implement a "parameter" emissions inspection and maintenance program for automobiles in any area of the state. EFFECTIVE DATE: 6-15-89 (Chapter 763)

H.B. 1476 (Barton/Dickson). Provides that drivers fleeing or attempting to elude a police officer while intoxicated may be convicted of a Class A misdemeanor. EFFECTIVE DATE: 9-1-89 (Chapter 771)

Vehicle Registration

S.B. 378 (Leedom/Blackwood). Authorizes a judge to dismiss a charge of driving with an expired vehicle registration, an expired driver's license, or an expired vehicle inspection certificate if the defendant remedies the situation within 10 days and provides for an administrative fee. EFFECTIVE DATE: 9-1-89 (Chapter 189)

H.B. 2060 (Russell/Armbrister). Creates a Class C misdemeanor and establishes fines for violations of weight allowances of vehicles transporting ready-mixed concrete. Requires the State Department of Highways and Public Transportation to issue permits costing \$75 to applicants seeking to operate certain motor vehicles on public roads and highways even if the vehicle's weight exceeds that normally allowable, up to a 10 percent tolerance in axle weight and a five percent tolerance in gross weight, not to exceed 80,000 pounds in total gross weight. Requires \$50 of the fee to go back into the county treasuries, allocated according to the proportion of all county roads in the state which are maintained by each county, and increases from \$50,000 to \$60,000 the maximum base amount that may be kept by a county in its county road and bridge fund. EFFECTIVE DATE: 9-1-89; 1-1-90 (Chapter 488)

WATER

S.B. 1067 (Green/Turner). Allows certain cities to take over a private utility providing substandard or excessively costly services through a process already available for takeovers involving nonprofit water supply or sewer service corporations. EFFECTIVE DATE: 8-28-89 (Chapter 926)

S.B. 1212 (Santiesteban/Smith, T.). Amends Chapter 52 of the Texas Water Code, relating to underground water conservation districts and to management and critical areas. Establishes a relationship between management area boundaries, area boundaries, and district boundaries. Simplifies procedures for annexation of land by existing districts. Streamlines the process of designating critical areas. Clarifies the roles of the water agencies in the critical area process. Provides for the consolidation of existing districts. EFFECTIVE DATE: 9-1-89 (Chapter 936)

H.B. 1808 (Smith, T./Santiesteban). Clarifies the Texas Water Commission's (TWC) jurisdiction over retail water and sewer utilities and addresses substantive problems previously encountered by the TWC in implementing the regulatory program. EFFECTIVE DATE: 9-1-89 (Chapter 567)

WATER DEVELOPMENT

S.B. 61 (Montford/Smith, T.). Authorizes the Water Development Board to issue water development bonds in an amount not to exceed \$500 million. Authorizes the water supply account to be used by the board to provide financial assistance to political subdivisions for water supply projects including those initiated solely for conservation purposes and those intended for retail distribution.
EFFECTIVE DATE: 6-16-89 (Chapter 1062)

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