Highlights of the 73rd Texas Legislature

Regular Session

September 1993

Lieutenant Governor Bob Bullock

Senate Research Center
September 10, 1993

Dear Reader:

The 73rd Regular Session of the Texas Legislature was, in my view and based on historical records, one of the most productive in the history of our state. Lawmakers started work early on the many significant problems facing Texas and worked diligently and responsibly until the closing moments of the session.

This document, *Highlights of the 73rd Texas Legislature: Regular Session*, is a review of that work and captures the scope of lawmakers' efforts. More than half the bills passed by the Legislature are described here.

Not everyone will approve of every bill listed in these pages. But, the measures are the work of the elected representatives of the people of Texas, who have a right to know what the session produced. That is why I asked the Senate Research Center to draft the *Highlights*, which I believe will be a useful tool for the citizens of our state.

This document typifies the meticulous work of the Senate Research Center, which was created in 1991. Since then, "Senate Research" as it is now known, has provided the Texas Senate and my office with essential and timely information upon which to base decisions affecting millions of lives.

I hope readers of the *Highlights* will find it informative.

Sincerely,

Bob Bullock
Lieutenant Governor

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General Revenue-Related Funds
$38.8 Billion
1994-95 Biennium

Biennial Growth in General Revenue Fund Spending and Appropriations
1979 to 1995

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<tr>
<th>Fiscal Year</th>
<th>General Revenue Expenditures</th>
<th>GR Expenditures For the Biennium</th>
<th>Percent Change(1)</th>
<th>Governor</th>
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<tr>
<td>1978</td>
<td>$3,403,587,655</td>
<td>$6,673,074,360</td>
<td>37.1%</td>
<td>Briscoe</td>
</tr>
<tr>
<td>1979</td>
<td>$3,269,486,705</td>
<td>$6,660,031,454</td>
<td>44.8%</td>
<td>Clements</td>
</tr>
<tr>
<td>1980</td>
<td>$3,870,890,089</td>
<td>$9,660,031,454</td>
<td>44.8%</td>
<td>Clements</td>
</tr>
<tr>
<td>1981</td>
<td>$5,789,141,365</td>
<td>$9,217,306,020</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1982</td>
<td>$6,688,966,680</td>
<td>$9,983,470,050</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1983</td>
<td>$9,217,306,020</td>
<td>$15,906,272,700</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1984</td>
<td>$9,883,470,050</td>
<td>$22,156,293,311</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1985</td>
<td>$12,771,565,298</td>
<td>$23,959,175,334</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1986</td>
<td>$12,771,565,298</td>
<td>$23,959,175,334</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1987</td>
<td>$12,771,565,298</td>
<td>$23,959,175,334</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1988</td>
<td>$11,869,488,171</td>
<td>$24,229,256,435</td>
<td>64.7%</td>
<td>Clements</td>
</tr>
<tr>
<td>1989</td>
<td>$12,359,768,264</td>
<td>$24,229,256,435</td>
<td>64.7%</td>
<td>Clements</td>
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<tr>
<td>1990</td>
<td>$13,741,964,981</td>
<td>$28,993,698,096</td>
<td>64.7%</td>
<td>Clements</td>
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<tr>
<td>1991</td>
<td>$15,251,733,115</td>
<td>$28,993,698,096</td>
<td>64.7%</td>
<td>Clements</td>
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<tr>
<td>1992</td>
<td>$16,627,200,000</td>
<td>$35,108,200,000</td>
<td>64.7%</td>
<td>Richards</td>
</tr>
<tr>
<td>1993(2)</td>
<td>$18,481,000,000</td>
<td>$35,108,200,000</td>
<td>64.7%</td>
<td>Richards</td>
</tr>
<tr>
<td>1994(3)</td>
<td>$19,831,900,000</td>
<td>$38,841,600,000</td>
<td>64.7%</td>
<td>Richards</td>
</tr>
<tr>
<td>1995(3)</td>
<td>$19,009,700,000</td>
<td>$38,841,600,000</td>
<td>64.7%</td>
<td>Richards</td>
</tr>
</tbody>
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Less adjustment for federal payments to hospitals for charity care: $1,228,300,000
Adjusted 94-95 Biennium Total(4) $37,613,300,000

Notes
1. Percent change column represents the percentage change over the previous biennium.
2. 1993 expenditures are estimated.
3. 1994-95 figures represent appropriations in S.B. 5.
4. Adjusted total reflects pass-through of federal funds through the state budget to local hospitals for charity care.
Employment in State Government

The appropriations bill authorizes a total of 227,262 state employees by 1995, an increase of 11,230 positions (5.9%) over the 1993 level.

Δ Criminal justice and public safety agencies account for 90% of this increase, with 10,121 new positions to staff new prisons mandated by the federal courts to reduce overcrowding in county jails and add peace officers to law enforcement functions.

Δ Health and human services agencies were funded an additional 832 employees, 7% of the total, to comply with court orders, federal mandates, and projected growth in eligible low-income clients.

Δ The Natural Resource Conservation Commission was funded 540 new staff from industry fees for compliance with the federally mandated Clean Air Act.

Δ The Attorney General’s office was funded an additional 400 staff positions primarily from federal funds, 250 of which will enforce child support laws.

Δ Several major agencies will experience cutbacks in staffing levels in the 1994-95 biennium, including:

- The Department of Insurance (205 employees);
- The Department of Transportation (114 employees); and
- The Department of Mental Health and Mental Retardation (2,037 employees).

Δ Early retirement incentive legislation was adopted, which is expected to encourage more than 2,000 of 12,000 eligible state employees to retire during the biennium. It is estimated this bill will generate cost savings of $40.8 million during the biennium.

Δ During the 1990s, employment growth has occurred largely as a result of uncontrollable factors such as court orders, federal mandates and enrollment growth. Between 1991 and 1992:

- 5,322 employees (46% of the total increase) were added to higher education institutions where enrollment is growing faster than the general population.
Appropriations/Budget

- 3,630 employees (31% of the total increase) were added to health and human service agencies to deal with rising caseloads caused by federal mandates.

- 2,284 employees (20% of the total increase) were added in public safety and corrections, primarily to staff new prisons.

### Public and Higher Education

<table>
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<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
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<tr>
<td>General Revenue</td>
<td>$20.9 billion</td>
<td>$1.4 million or 7.4% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$26.6 billion</td>
<td>$1.9 billion or 7.8% increase</td>
</tr>
</tbody>
</table>

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Public Education

△ $15.0 billion in general revenue was appropriated for public schools, a 7.4% increase over two years, or $1 billion more than 1992-93. Another $100 million was appropriated contingent upon additional revenue being certified by the comptroller.

△ Based on the 1994-95 appropriations, the per pupil expenditure in 1994 will be $2,110 (a $29 decrease from 1993) and $2,158 in 1995 (a $19 increase from 1993).

△ A 3.95% growth rate in student enrollment is expected from 1993 to 1995, with 3,322,453 students enrolled in 1994 and 3,386,688 in 1995. In the late 1980s the state experienced annual growth rates of less than 2%, but in the 1990s the state has experienced a 2% growth rate each year.

△ $10.0 million was appropriated for new year-round schools pilot projects.

△ $10.0 million was appropriated for the Successful Schools Award program. This program was established by the Texas Legislature to provide financial awards to schools which achieved high levels of student performance and/or demonstrated gains in student achievement.

△ The Texas Education Agency was appropriated $7.9 million less than the 1992-93 amount, a 15% reduction from administration.
Appropriations/Budget

Higher Education

Δ $5.9 billion in general revenue was appropriated for higher education, a 7.5% over two years, or $412.0 million increase from 1992-93. Appropriations for enrollment growth for 1994-95 are based on an overall estimated rate increase of 2.5%, with community colleges experiencing a 4.2% growth and four-year institutions a 0.85% increase.

Δ Border/South Texas Initiative -- $63.0 million in additional appropriations for programs for higher education institutions in the border/south Texas area and $239.0 million authorized in tuition revenue bonds for facility construction at these institutions.

Δ $50.4 million was appropriated for Tuition Equalization Grants. This appropriation, a 4.1% or $2 million increase from 1992-93, will provide 18,891 grants.

Δ $564,000 was appropriated in general revenue to continue the scholarship program for educationally disadvantaged students and recruitment of minority faculty and staff. The funds will provide approximately 730 scholarships.

Δ $78.8 million was added to pay for a 6.8% increase in student enrollment at community and state technical colleges.

Public Safety and Corrections

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$3.1 billion</td>
<td>$829.7 million or 37.0% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$4.3 billion</td>
<td>$514.2 million or 13.7% increase</td>
</tr>
</tbody>
</table>

Δ $3.0 billion in general revenue was appropriated to the Texas Department of Criminal Justice (TDCJ) for adult incarceration, probation and parole. Some of the items funded include:

- $480.4 million increase from 1992-93 to operate an additional 20,114 prison beds and 10,000 transfer facility beds (funded by emergency appropriations in 1993) to reduce the inmate backlog in county jails;

- $105.0 million in new funds for substance abuse treatment, including the operation of 7,500 drug treatment beds scheduled to come on-line during the 1994-95 biennium;
Appropriations/Budget

- $205 million for county jail backlog payments ordered by the courts;
- $67.9 million increase to provide an additional 2,500 diversionary slots as alternatives to incarceration; and
- $19.1 million in additional funds for operating 700 new beds for parole violators.

A total of $524.8 million to TDCJ in bond proceeds for construction and repair, including:

- $428.0 million for construction of 22,000 state jail beds (funding for 10,000 transfer facility beds, $125.8 million, was included in separate legislation); and
- $28.0 million for construction of a new 1,000-bed prison.

A $493.2 million in total funding for the Department of Public Safety, which is a 6.7% or $31.0 million increase from 1992-93. This appropriation includes funding for an additional 175 law enforcement officers.

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$9.5 billion</td>
<td>$1.8 billion or 23.7% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$23.6 billion</td>
<td>$4.3 billion or 22.5% increase</td>
</tr>
</tbody>
</table>

A Appropriates $4.3 billion in general revenue and $12.4 billion in all funds to the Department of Health for public health services to low-income families. Some of the programs funded include:

- $38.6 million in general revenue to provide immunizations for Texas' 4.8 million children. An estimated 30% to 40% of Texas' children are currently immunized;
- $3.7 million to establish a birth defects registry to be used for investigating causes of birth defects and other health conditions, and to implement other border health initiatives;
- $226.5 million for Title XIX and XX Family Planning, an increase of 17.6%, to provide services to approximately 500,000 individuals per year; and
- $72.8 million to provide HIV services and education for 16,000 individuals.
Δ Appropriates $2.3 billion in general revenue and $6.7 billion in all funds to the Department of Human Services (DHS) for services to low-income elderly and disabled and income assistance grants to low-income families. Some of the programs funded include:

- $2.3 billion for nursing home payments that will provide services to nearly 70,000 clients each year of the biennium;
- $804.3 million for community care services to approximately 81,000 elderly and disabled clients each year. This is an increase of $93.5 million over the 1993 level;
- $1.2 billion for AFDC grants to 880,000 below-poverty-level recipients each month;
- $179.0 million in employment training to enable 385,000 AFDC and food stamp clients to find work each year;
- $305.0 million in child care services, allowing approximately 21,000 low-income parents to work each year; and
- $18.1 million for family violence shelters and $8.4 million for at-risk youth programs.

Δ $580.9 million in general revenue and $960.3 million in all funds to the Department of Protective and Regulatory Services for the protection of children and vulnerable adults.

Δ $2.1 billion in general revenue and $2.2 billion in all funds to the Department of Mental Health and Mental Retardation for institutional and community services, and to comply with the federal court settlement.

Δ $54.7 million in general revenue and $275.4 million in all funds to the Texas Commission on Alcohol and Drug Abuse for prevention and treatment services.

Δ $166.3 million in general revenue and $200.5 million in all funds to the Texas Youth Commission (TYC) for care of delinquent youth. The majority of this funding will allow TYC to meet its internal policy of a six-month minimum stay before parole for approximately 70% of its commitments.
Appropriations/Budget

General Government

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$1.3 billion</td>
<td>$142.9 million or 12.5% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$3.0 billion</td>
<td>$135.1 million or 4.4% decrease</td>
</tr>
</tbody>
</table>

△ Excluding debt service payments appropriated to the Public Finance Authority, for such things as prisons and youth corrections, general revenue appropriations to General Government agencies actually decreased by $11.4 million or 1.2%.

△ $50.0 million to the Department of Commerce for the Smart Jobs Program, a new program aimed at retraining Texas workers in high-skill, high-wage jobs.

△ $238.0 million to the Attorney General for child support enforcement from federal funds and collections, a biennial increase of $8.0 million, to collect $905.0 million in child support on a total of 800,000 cases. This would represent a 37% increase in collections over the 1992-93 level.

△ $308.4 million to the Texas Public Finance Authority for debt service, a biennial increase of $144.0 million, to pay for construction of new prisons and other state facilities.

△ $810,000 for court security for appellate courts.

△ $74.4 million to the Department of Housing and Community Affairs for loans and grants to assist low-income home buyers.

Teacher and State Employee Retirement and Insurance

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$4.3 billion</td>
<td>$120.3 million or 2.9% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$5.4 billion</td>
<td>$366.7 million or 7.3% increase</td>
</tr>
</tbody>
</table>

△ Maintains employer matching requirements for teacher and state employee retirement, group health insurance, and federal social security.
Appropriations/Budget

Natural Resources

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$268.6 million</td>
<td>$3.9 million or 1.4% decrease</td>
</tr>
<tr>
<td>All Funds</td>
<td>$1.2 billion</td>
<td>$128.4 million or 11.5% increase</td>
</tr>
</tbody>
</table>

△ Funds full implementation of the federal Clean Air Act by increasing funding to the Texas Natural Resources Conservation Commission by $54.0 million above the 1993 level. This avoids a potential loss of $1.0 billion per year in federal funds.

△ Eliminates general revenue funding to the Low Level Radioactive Waste Disposal Authority, requiring it to be funded by user fees.

△ Provides debt service of $14.4 million to fund water and wastewater projects in colonias, economically distressed areas along the border with Mexico.

Regulatory

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$164.4 million</td>
<td>$5.1 million or 3.2% increase</td>
</tr>
<tr>
<td>All Funds</td>
<td>$360.2 million</td>
<td>$4.1 million or 1.2% increase</td>
</tr>
</tbody>
</table>

△ Reduces Department of Insurance appropriations by $7.2 million or 7.4% below 1992-93, reducing the staff by 204.5 positions.

△ Appropriates $20.0 million to the Public Utility Commission to regulate electric and telecommunications utilities.

△ Appropriates $85.1 million to the Texas Workers' Compensation Commission.

△ Appropriates $23.5 million in fees and revenues paid by the regulated industry to the Finance Commission for the regulation of banks, savings and loans, and pawn shops. This represents a 6.6% reduction in funding from the 1992-93 level.
Transportation

<table>
<thead>
<tr>
<th>TYPE OF FUNDS</th>
<th>1994-95 APPROPRIATION</th>
<th>CHANGE FROM 1992-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$14.6 million</td>
<td>No Change</td>
</tr>
<tr>
<td>All Funds</td>
<td>$6.26 billion</td>
<td>$650.2 million or 11.6% increase</td>
</tr>
</tbody>
</table>

Provides an additional $650.2 million in federal funds over 1992-93 for the Department of Transportation.

Bonds for Corrections and MHMR Facilities -
S.B. 1068 and S.J.R. 45
by Senators Whitmire, et al.
House Sponsor: Representative Hightower

Amends the Texas Constitution to authorize the Legislature, contingent upon voter approval, to issue up to $1.0 billion in general obligation bonds for construction projects, primarily for additional prisons or state jails.

Ballot Date: November 2, 1993.

Authorizes 12,000 state jail beds to house felons convicted of state jail offenses. These beds represent the initial capacity for the newly created State Jail Division of TDCJ. (See S.B. 532, S.J.R. 45, and S.B. 1068 below in Criminal Justice, and also TDCJ appropriations.)

Authorizes renovations for safety and compliance with the Americans with Disabilities Act at Texas Youth Commission facilities. Authorizes construction of a new Mental Health and Mental Retardation client facility at Laredo State Center and repair and renovations at a number of Mental Health and Mental Retardation institutions.

Mandates a good faith effort to include participation by historically underutilized businesses in the issuance of at least 30 percent of all bond sales.
### Appropriations/Budget

**Direct Savings and Efficiencies**

Δ Legislation adopted from the Texas Performance Review and other sources will provide, in 1994-95, $2.07 billion in savings. Payment delays account for 51.4% of the savings, revenue measures 33.4%, and cost savings 15.2%. The specific savings breakdown (in millions) is as follows:

#### Payment Delays

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delay of state contributions to teacher and state employee retirement systems</td>
<td>$276.7</td>
</tr>
<tr>
<td>Delay of motor fuels tax allocation</td>
<td>300.0</td>
</tr>
<tr>
<td>Delay of Foundation School Program payment</td>
<td>248.9</td>
</tr>
<tr>
<td>Delay of higher education/junior college payments</td>
<td>239.3</td>
</tr>
<tr>
<td><strong>Total for Payment Delays</strong></td>
<td><strong>$1,064.9</strong></td>
</tr>
</tbody>
</table>

#### Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accelerated tax payments</td>
<td>$241.6</td>
</tr>
<tr>
<td>Certify taxes paid under protest</td>
<td>76.0</td>
</tr>
<tr>
<td>Modernize state's tax processing system</td>
<td>51.0</td>
</tr>
<tr>
<td>Abolish Lottery Stabilization Fund</td>
<td>130.3</td>
</tr>
<tr>
<td>Replacement of state funding with federal and other funds</td>
<td>116.4</td>
</tr>
<tr>
<td>Other revenue measures</td>
<td>75.6</td>
</tr>
<tr>
<td><strong>Total for Revenue Measures</strong></td>
<td><strong>$690.9</strong></td>
</tr>
</tbody>
</table>

#### Cost Savings

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's health care cost containment</td>
<td>$114.9</td>
</tr>
<tr>
<td>Selective contracting for Medicaid inpatient services</td>
<td>35.0</td>
</tr>
<tr>
<td>Early retirement incentive for state employees</td>
<td>40.7</td>
</tr>
<tr>
<td>Establishment of Advanced Placement Program</td>
<td>13.1</td>
</tr>
<tr>
<td>Limit formula funding for doctoral students</td>
<td>18.5</td>
</tr>
<tr>
<td>Other cost saving measures</td>
<td>93.4</td>
</tr>
<tr>
<td><strong>Total for Cost Savings Measures</strong></td>
<td><strong>$315.4</strong></td>
</tr>
</tbody>
</table>
School Finance and Accountability - S.B. 7

by Senator Ratliff

House Sponsors: Representatives Linebarger, et al.

△ Provides a new system to finance Texas' public schools.

△ Provides five options from which approximately 100 property-rich school districts must choose to bring their taxable property wealth down to $280,000 per student.

- **Consolidation by agreement**: Subject to the approval of the commissioner of education, the governing boards of any two or more school districts may consolidate into one district with a wealth per student equal to or less than the equalized wealth level.

- **Detachment and annexation of property**: By agreement of the governing boards of any two school districts, specific commercial property may be detached from one district and attached to the other district and so that the wealth per student of each district is equal to or less than the equalized wealth level.

- **Purchase of attendance credit**: A school district with a wealth per student that exceeds the equalized wealth levels may purchase attendance credits from the state to bring the wealth per student equal to or less than the equalized wealth level. Requires a local vote.

- **Contract for education of non-resident students**: The board of trustees of a district with wealth per student that exceeds the equalized wealth level may agree to educate enough students of another district so that the weighted average daily attendance of the students served reduces the district's wealth per student to an amount equal to or less than the equalized wealth level. An election is required in order for a district to choose this option.

- **Tax base consolidation**: The board of trustees of two or more districts may agree to conduct an election on the creation of a consolidated taxing district to fund the component school districts. Requires a local vote.
If, by October 19, 1993, a property-rich school district does not reduce its taxable property wealth to no more than $280,000 per student, the Commissioner of Education has the authority to detach or annex property to ensure that the school district achieves the $280,000 maximum wealth per student.

For the seven school districts that do not have sufficient commercial property to use detachment as an option to reduce to the $280,000 level by October 19, 1993, the commissioner of education has the authority to consolidate any district that fails to act.

Establishes accountability measures for school district performance.

Sets goals for public schools which include:

- All students should have access to an education of high quality.
- The achievement gap between educationally disadvantaged students and other populations will be closed.
- The state shall demonstrate exemplary performance in comparison to national and international performance standards.
- Qualified and effective teachers will be attracted and retained with adequate and competitive compensation commensurate with their responsibilities.

Requires the State Board of Education to create and implement a statewide assessment program that is primarily performance-based.

Requires the Texas Education Agency (TEA) to adopt a test designed to assess competence in specific skills in reading, writing, social studies, science and mathematics.

Establishes annual assessments in reading and mathematics for grades 3 through 8.

Requires TEA to adopt an end-of-year assessment instrument designed to assess competencies in mathematics, social studies, science, and language arts.
Requires the TEA, not later than 1994 - 1995, to adopt end-of-course tests for grades 9 through 12 for subjects defined by the commissioner of education and the State Board of Education.

School Finance - Bonds for Facilities - S.J.R. 4
by Senator Bivins
House Sponsors: Representatives Swinford, et al.
Defeated at election held May 1, 1993

Proposed a constitutional amendment authorizing the issuance of $750 million in state general obligation bonds or revenue bonds to assist school districts in partially financing facilities, and repealing the authorization for $750 million in state revenue bonds guaranteed by the permanent school fund.

School Finance - Funding - S.J.R. 7
by Senator Ratliff
House Sponsor: Representative Linebarger
Defeated at election held May 1, 1993

Proposed a constitutional amendment allowing limited redistribution of ad valorem taxes for schools, authorizing the legislature or local districts to set a minimum tax rate levied by county education districts, and placing a cap on the ad valorem levied by county education districts.

Tuition Revenue Bonds - H.B. 2058
by Representative Junell
Senate Sponsors: Senators Truan and Montford

Authorizes the issuance of tuition revenue bonds for certain public higher education institutions in Texas for the building or renovation of facilities. A total of $355.4 million worth of bonds, serving 15 institutions is authorized. Over $240 million are earmarked for institutions in the South Texas/Border Region as part of the South Texas/Border Region Initiative.
Higher Ed. Assistance Fund Expansion - S.J.R. 13
by Senator Lucio
House Sponsors: Representatives Counts and Denton

Δ Continues and expands the Higher Education Assistance Fund (HEAF), a fund designed to provide financial assistance to 26 public higher education institutions not receiving revenue from the Permanent University Fund. Ballot Date: November 2, 1993.

Δ Specifies that the Legislature may increase HEAF for five-year periods starting September 1, 2000, and each subsequent five-year period.

Δ Adds the Texas State Technical Colleges to the list of institutions eligible for HEAF in 1995.

Δ Allows bonds issued with HEAF funds to be used to acquire capital equipment and library books.

Δ Enabling legislation for this bill is provided in House Bill 1207.

Higher Education Assistance Fund - H.B. 1207
by Representatives Rudd and Duncan
Senate Sponsor: Senator Montford

Δ Increases the annual allocation from $100 million to $175 million per year to the Higher Education Assistance Fund, a fund designed to provide financial assistance to 26 public higher education institutions not receiving revenue from the Permanent University Fund. Also establishes a permanent endowment by depositing $50 million per year in the state treasury.

Delay in Education Payments - S.B. 380
by Senator Ratliff
House Sponsor: Representative Junell

Δ A one-week delay in the August 1995 state payment to school districts would generate a one-time savings of $248.9 million. Exceptions are made for cash-poor school districts.

Δ Delays in higher education payments for both four-year and junior colleges will generate savings of $239.0 million.
Education/Finance

Δ Eliminates doctoral students with more than 130 hours from higher education formula funding. Higher education institutions are allowed, but not required, to replace this funding by charging resident doctoral students with more than 130 hours the higher, non-resident tuition rate. The provision will be phased in over the biennium.

Refunds to the Foundation School Fund - H.B. 2369
by Representative Hernandez
Senate Sponsor: Senator Luna

Δ Allows the state to demand a refund of Foundation School Fund overpayments instead of having the overpaid amount withheld from the next year's allocations. School systems refusing to refund the money when asked could face having the amount certified as a debt by the state comptroller, and turned over to the attorney general for collection.
Model Safe School Checklist - S.B. 213
by Senator West
House Sponsor: Representative Delco

Provides for the creation and use of a model safe school checklist by school districts. Requires the State Board of Education to develop a model safe school checklist that a school district may use to assess a school's safety strengths and weaknesses.

School Community Guidance Centers - S.B. 807
by Senator West
House Sponsor: Representative Johnson

Authorizes any governmental agency concerned with children in a school district to establish or finance a school-community guidance center jointly with the school district according to terms approved by the governing body of each entity participating in the project.

Penalty for Passing a Stopped School Bus - H.B. 1084
by Representative Denton
Senate Sponsor: Senator Sibley

Increases the penalty for illegally passing a stopped school bus from the current $50-$200 range to $200-1,000. Violators could also lose their licenses for up to six months.

Peace Officers for School Districts - H.B. 633
by Representative Hernandez
Senate Sponsor: Senator Whitmire

Authorizes school districts to commission peace officers whose jurisdiction may include the entire school district. Requires a school district police department and any law enforcement agency with which it has overlapping jurisdiction to enter into a memorandum of understanding that outlines communication and coordination procedures.
School Security Personnel - H.B. 634
by Representative Hernandez
Senate Sponsor: Senator Whitmire

- Requires security personnel employed by a school district to be commissioned police officers.

School District Peace Officers - H.B. 635
By Representative Hernandez
Senate Sponsor: Senator Whitmire

- Adds school district peace officers to the definition of peace officers under the Code of Criminal Procedure, which gives them recognized status as a peace officer.

Compulsory School Attendance - H.B. 1372
by Representative S. Turner
Senate Sponsor: Senator Shelley

- Requires an attendance officer to file a complaint against a parent of, or person standing in parental relation to, a student, for failure to require a student to go to school.

Student Suspensions - H.B. 2364
by Representative Hernandez
Senate Sponsor: Senator Luna

- Authorizes a school district which has suspended a student to place the student in the appropriate educational setting.

Required Public School Attendance - H.B. 1019
by Representative Eckels
Senate Sponsor: Senator Shelley

- Requires a child to attend a minimum of 170 days of the regular school term until either graduation from high school equivalency certificate is obtained.
Education/Drop-Out Prevention

At-Risk Students - H.B. 1261
by Representative Alonzo
Senate Sponsor: Senator Barrientos

Δ Establishes a grant/donation funded Texas Partnership and Scholarship Fund to encourage students at-risk of dropping out of high school to remain in school, graduate and seek a college education.

Δ Provides financial assistance to institutions of higher education, school districts, and nonprofit organizations that operate partnership programs designed to encourage students who are at risk of dropping out to remain in school.

Communities in Schools Programs - S.B. 454
by Senator Barrientos
House Sponsor: Representative Stiles

Δ Expands the required Communities in Schools Program by an additional 135 elementary and secondary schools, in addition to the 140 campuses currently funded. The program is available to campuses if the number of students who are at risk of dropping out of school equals at least 10 percent of the number of students in average daily attendance.

Δ Allows a board of directors, made up of community representatives, to set up community based support programs to prevent students from dropping out of school. The board of directors for each community will use their own discretion in setting up programs which will help the community. Some examples of programs they might administer include drug counseling, family problem solving, and creating summer jobs for high school students.

Δ Provides funding by compensation education funds.

School Counseling Programs - S.B. 297
by Senator Barrientos
House Sponsor: Representative Berlanga

Δ Increases the minimum fund allocation by the Commissioner of Education for school counseling programs from $5,000,000 each fiscal year to $7,500,000 each year for assistance to children at risk of dropping out of school.
Student Parent Support Services - S.B. 393
by Senator Barrientos
House Sponsor: Representative Linebarger

Δ Allows any school district to provide an integrated program of educational and support services for students who are pregnant or who are parents.

Δ Requires that notice of each live birth to a school-age mother shall be forwarded to the commissioner of education.

Δ Adds any student that is pregnant or a parent to the list of those defined as "at risk of dropping out of school," and eligible for special services.

Summer Programs - S.B. 679
by Senator Luna
House Sponsor: Representative Ogden

Δ Allows summer programs for students who face being retained in the lower grade level to keep them from failing and allow them extra time to master the material. Two types of programs are available:

Δ An optional district-paid program available to all school systems based on an application process to extend the school year by up to 45 days for students in grades K-8. To provide funding, a district could reduce the regular school year by up to five days with the commissioners approval.

Δ A state-funded pilot program of $10 million extending the school year by up to 30 days in grade 1 in 1993-1994, and for grades 1 and 2 in 1994-1995.

Truancy - H.B. 681
by Representative Hill
Senate Sponsor: Senator Wentworth

Δ Modifies compulsory attendance laws to specify that:

Δ A child who will turn six after September 1, but before January 1, of a regular school year may be enrolled in the first grade for that school year if the school board approves and the parent makes a written request seeking approval to the district's trustees.
A child who will turn five after September 1 but before January 1 of a regular school year may be enrolled in kindergarten for that school year if the parent files a written request with the school board.

**Students with Disabilities - H.B. 1686**

*by Representative Hochberg*

*Senate Sponsor: Senator Shapiro*

Authorizes the commissioner of education to withhold up to $2 million in special education funding to pay for a pilot study of programs for the inclusion of students with disabilities into regular classrooms.
Education/Personnel

Teacher Recruitment - S.B. 95
by Senator Lucio
House Sponsor: Representative Linebarger

Δ Authorizes the education commissioner to coordinate and administer a
teacher recruitment program to identify the need for teachers in certain
subject areas and geographic regions, and to encourage members of
minority groups to enter the profession.

Δ Recruits talented high school students to teaching. Current teachers
would be enlisted to volunteer to encourage secondary students to
consider entering the profession.

Sick Leave - S.B. 997
by Senator Zaffirini
House Sponsor: Representative Johnson

Δ Allows eligible school employees to use up to two sick leave days per year
(instead of one sick day per semester) for personal business if their district
does not otherwise grant two or more personal leave days a year.

School Trustee Regulations - S.B. 1342
by Senator Chris Harris
House Sponsor: Representative Johnson

Δ Prohibits school board members from applying for or soliciting
employment with that school district until the members' terms have
expired, or until they have resigned and successors have been named.

Δ Prohibits school board members, their spouses and a business in which
they have a significant interest, from entering into any contract with the
school district until the members' terms have expired or they have
resigned and their successors been named.

Teacher Suspensions - H.B. 2415
by Representative Hochberg
Senate Sponsor: Senator Henderson

Δ Sets rules that allow a teacher to be suspended without pay pending the
resolution of a termination hearing.

Δ Includes the following reasons for discharge during the school year:

• immorality;
• conviction of any felony, or other crimes involving moral turpitude;

• drunkenness;

• repeated failure to comply with official direction;

• physical or mental incapacity preventing performance of the contract; and

• repeated and continuing neglect of duties.

Assault Leave for School District Employees -
S.B. 936
by Senator Brown
House Sponsor: Representative Eckels

Δ Requires a school district to comply immediately with any employee's request to be placed on assault leave. Allows the school district to change the assault leave status if warranted and charge the time off against an employee's accrued sick leave.

Δ Authorizes a school district to coordinate an employee's assault leave benefits with temporary income benefits due under workers' compensation regulations so that the total compensation will be equal to 100% of the employee's weekly pay.
Telecommunications for Schools - H.B. 653
by Representative Ashley Smith
Senate Sponsor: Senator Lucio

Requires the "dominant telecommunications carrier" to offer a reduced rate for telecommunications services related to education provided by an institution to students who are not on campus via television or other modes of communication used by schools.

Braille Text Books - S.B. 1363
by Senator Moncrief
House Sponsor: Representative Naishtat

Requires publishers to produce computer files of state-adopted texts that can be converted into braille when required to do so by the State Board of Education.

Educational Technology - H.B. 183
by Representatives Ashley Smith, et al.
Senate Sponsor: Senator Armbrister

Allows the Texas Education Agency to establish one or more pilot, model or demonstration projects to test the effectiveness/feasibility of educational technologies that are not currently generally used in school districts.
Foreign Language and Culture - S.B. 487

by Senator Zaffirini
House Sponsor: Representative Henry Cuellar

Establishes the Texas Academy of Foreign Language and Culture at the Texas Higher Education Coordinating Board by contracting with the federal National Endowment for the Humanities to provide funding and program administration without using state money. Financial assistance will be provided for high school summer language programs and for scholarships for college students pursuing careers in teaching a foreign language.

Curriculum Mastery Plan - S.B. 705

by Senator Haley
House Sponsors: Representatives Linebarger, et al.

Requires the State Board of Education to establish by May 31, 1995, a curriculum that will allow a student to progress in the minimum amount of time needed for the student to master the elements of the curriculum.

Requires the plan to include provisions for accelerating instruction as needed to allow each student to maintain constant progress in mastering the elements of the curriculum.

Athletic Facilities and Discrimination - H.B. 800

by Representative Gallego
Senate Sponsor: Senator Lucio

Prohibits a school district from using an athletic facility anywhere in the United States for practice or for competition if the facility bars its use to any individual on the basis of race, color, religion, creed, national origin or gender.

Includes facilities that provide sports or exercise equipment/facilities to its customers or members or to the guests of its customers or members as the definition of "athletic facility."

Regional Libraries - H.B. 1589

by Representative Alexander
Senate Sponsor: Senator Haley

Allows public school districts, higher education institutions and state and local governments to form regional library systems to make all materials freely available to all participants in the system.
Evaluation of Performance of Public Schools
H.B. 2332
By Representative Johnson
Senate Sponsor: Senator Sibley

Δ Clarifies the evaluating of the performance of accredited public school districts rather than individual campuses, which are not accredited.
Texas A&M International University - S.B. 6
by Senator Zaffirini
House Sponsor: Representative Henry Cuellar

Conforms with action by Texas A&M University Board of Regents, to change the name of Laredo State University to Texas A&M International University, authorizes the university to offer baccalaureate, masters and doctoral level courses, and provides for interim funding of the institution.

University of North Texas Health Science Center - S.B. 346
by Senator Moncrief
House Sponsors: Representatives Carter and Berlanga

Changes the name of the Texas College of Osteopathic Medicine to the University of North Texas Health Science Center at Fort Worth.

Tuition Exemptions for Certain Veterans and Children - H.B. 1356
by Representative Delco
Senate Sponsor: Shelley

Provides for tuition and fee exemptions at institutions of higher education for veterans of the armed forces, (or their children), who were killed in action, missing in action, or whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States.

These exemptions are also provided for students in foster care or other residential care under conservatorship of the Department of Protective and Regulatory Services on or after the day preceding the student's 18th birthday.

Chiropractic Colleges - S.B. 201
by Senator Parker
House Sponsors: Representatives Jackson and Wolens

Authorizes the Texas Higher Education Coordinating Board to contract with the Texas Chiropractic College and Parker College of Chiropractic for the preparation and instruction of Texas undergraduate medical students as doctors of chiropractic.
Δ Prohibits the board from contracting with the two colleges if a public school of chiropractic is established.
Proprietary Schools - H.B. 1705
by Representative Delco
Senate Sponsor: Senator Barrientos

Requires the commissioner of higher education to conduct a review to reduce the regulation of small proprietary schools and authorizes the State Board of Education to amend provisions governing small proprietary schools.
Penal Code Revision - S.B. 1067
by Senators Whitmire, et al.
House Sponsor: Representative Place

Rewrites the Texas Penal Code to provide longer prison terms in traditional prisons for violent offenders and shorter sentences with greater opportunities for rehabilitation in state jails and community-based programs for nonviolent felons.

Doubles the amount of time certain violent criminals must serve before becoming eligible for parole.

- Requires "3g" offenders to serve half of their sentence or 30 years, whichever is less, before being eligible for parole, instead of the current one-fourth or 15 years.

- Adds murder, capital murder, and indecency with a child to the list of "3g" offenses, which currently consists of aggravated kidnapping, aggravated sexual assault, aggravated robbery, and possession of a deadly weapon during the commission of a felony.

- Increases the time served before being eligible for parole from 35 years to 40 years for capital murder.

Creates a new category of offenses called "state jail felonies" punishable by terms of up to two years in state jails.

- The State jail felony category falls between a third degree felony and a Class A misdemeanor in the ranking of offenses by seriousness.

- A judge is allowed to sentence an offender to community supervision with initial jail time of up to one year, depending upon prior criminal history.

- An offender is ineligible for state jail if a weapon was used in the commission of a state jail felony or if the offender has a prior conviction for a "3g" offense.

- There will be no time off for good behavior, known as "good time," for state jail felons.
Criminal Justice/Public Safety

Stalking - S.B. 25
by Senators Moncrief, et al.
House Sponsor: Representatives McCall, et al.

△ Creates the offense of "stalking" and provides penalties.
   △ Includes stalking within the offense of harassment, and defines it as engaging in conduct on more than one occasion with intent to harass, annoy, alarm, abuse, torment, or embarrass another and threatening bodily injury, or to commit an offense against the person or the person's family or property.
   △ Provides that a stalking offense is punishable as a Class A misdemeanor, except that the offense is a felony of the third degree if the actor has been previously convicted for the conduct, or violates a court order to refrain from such behavior.
   △ Requires prison officials to notify the victim and local authorities within 30 days of the offender's release or immediately upon his or her escape from custody.

Reckless Discharge of a Firearm - S.B. 145
by Senator West
House Sponsor: Representative Cain

△ Provides that a person commits a Class A misdemeanor if the person recklessly discharges a firearm inside the corporate limits of a municipality having a population of 10,000 or more.

Hate Crimes - S.B. 456
by Senators Ellis, et al.
House Sponsor: Representative Hochberg

△ Creates penalties for offenses motivated by bias or prejudice and establishes conditions of community supervision or parole for such offenders.
   △ Defines bias or prejudice as the defendant having intentionally selected the victim primarily because of bias or prejudice against a person or group.
   △ Denies probation for persons convicted of murder or previous hate crime convictions.
Criminal Justice/Public Safety

Δ Provides that punishment for an offense is increased to the punishment prescribed for the next highest category of offense if bias or prejudice are proven.

Δ Requires minimum prison or jail time as a condition of probation.

**Drug and Weapon Free Zones - S.B. 16**

*by Senators Brown, et al.*

*House Sponsor: Representative Hill*

Δ Establishes drug-free and weapon-free zones and provides penalties.

Δ Doubles the minimum term of confinement and the maximum fine for offenses committed in the drug-free zones.

Δ Defines drug-free zones to include schools, playgrounds, youth centers, video arcades, swimming pools, and institutions of higher education.

Δ Requires an offender to serve five years before becoming eligible for parole for violations in drug-free zones.

Δ Prohibits release to mandatory supervision for drug violators in drug free zones.

Δ Defines weapon-free zones as the premises of primary and secondary schools.

Δ Increases punishment for violations in weapon-free zones to next highest category of offense.

**License to Carry a Handgun - H.B. 1776**

*by Representative Wilson*

*Senate Sponsor: Senator Patterson*

Δ Requires a referendum to express the voters' opinions on whether the Department of Public Safety should adopt rules for the issuance of licenses to carry handguns.
Creation of State Jail Division - S.B. 532
by Senators Whitmire, et al.
House Sponsor: Representative Hightower

△ Creates the State Jail Division within the Texas Department of Criminal Justice to oversee the development of State Jail Felony Facilities and authorizes the department's institutional division to develop transfer facilities to house sentenced felons awaiting transfer from county jails to prison.

△ Directs the Jail Division to establish nine regions within the state, composed of county community supervision and corrections departments (CSCDs), and allocate beds to each region based on an equitable formula.

△ Directs the Jail Division to cooperate with CSCDs in developing inmate education and treatment programs within the facilities.

△ Requires the Jail Division to contract with the Institutional Division of TDCJ to acquire or construct at least 70 percent of the beds.

△ Requires the remaining state jail facilities to be located at sites in the nine regions and to incorporate locally developed innovations. Pilot treatment projects may be continued with the Travis County Initiative, which is permissive.

△ Directs the Texas Board of Criminal Justice to adopt a timetable for implementation of the projects.

Prison "Transfer" Bed Funding - S.B. 171
by Senators Montford, et al.
House Sponsor: Representative Hightower

△ Authorizes and funds an emergency plan to add 10,000 beds to the Texas Department of Criminal Justice - Institutional Division to relieve the backlog of sentenced felons in Harris County jails in response to a federal court order in Alberti, a jail overcrowding lawsuit involving the state and Harris County, and provides funding for all counties coping with jail overcrowding.

△ Appropriates an additional $125 million for the current biennium in unused general obligation funds to TDCJ-ID for the emergency plan.
Criminal Justice/Funding and Expansion/Facilities

△ Appropriates an additional $125.8 million for the current biennium to TDCJ from the economic stabilization fund for the emergency plan.

△ Requires the criminal justice department to make a good faith effort to include minority-owned businesses in at least 20 percent of the total value of construction contracts awarded.

Note: For reference, the following are the numbers and types of secure correctional beds currently in operation, or authorized and funded, as of June 25, 1993.

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>In Operation</th>
<th>Under Construction</th>
<th>Authorized by 73rd Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison</td>
<td>58,307</td>
<td>17,208</td>
<td>1,008</td>
</tr>
<tr>
<td>Boot Camp</td>
<td>422</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psychiatric</td>
<td>528</td>
<td>1,100</td>
<td></td>
</tr>
<tr>
<td>Detention</td>
<td>3,550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geriatric</td>
<td></td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Substance Abuse</td>
<td>1,072</td>
<td>9,000</td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td>2,000</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td></td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>State Jail</td>
<td></td>
<td></td>
<td>22,000</td>
</tr>
<tr>
<td>Intermediate Sanction</td>
<td>1,097</td>
<td></td>
<td>700</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>66,976</strong></td>
<td><strong>29,368</strong></td>
<td><strong>33,708</strong></td>
</tr>
</tbody>
</table>

Source: Texas Department of Criminal Justice, Legislative Budget Office

Temporary Housing of Prisoners - S.B. 175
by Senator Parker
House Sponsor: Representative Stiles

△ Authorizes the Commission on Jail Standards to adopt rules governing the temporary housing of prisoners in connection with specific correctional programs to alleviate overcrowding in county jails.
Criminal Justice/Funding and Expansion/Facilities

Availability of Federal Funding - TDCJ - S.B. 378
by Senator Whitmire
House Sponsor: Representative Hightower

This bill is intended to maximize both the availability of federal funds to the Texas Department of Criminal Justice and the efficiency and economy of TDCJ operations.

Establishes a Federal Funds Committee, appointed by the TDCJ board, to be responsible for maximizing TDCJ federal grant and entitlement funding.

Requires TDCJ to assess the long-term administrative segregation and maximum security needs of the institutional division once every three years.

Decreases the release pay for inmates from $200 to $100 and provides state-funded transportation to either the parole officer's location or inmate's personal residence upon release, saving the state an estimated $7 million over the 1994-95 biennium.

Establishes a Managed Health Care Advisory Committee whose purpose is to develop a managed health care plan for all inmates. Managed health care plans have proven to be an effective cost containment strategy in controlling health care costs in other states.

Temporary Housing for Inmates - H.B. 1116
by Representatives Stiles, et al.
Senate Sponsor: Senator Whitmire

Allows the institutional division of the Texas Department of Criminal Justice to house inmates in tents or tent-like structures unless prohibited by federal law or a specific court order.
Denial of Bail for Violent or Sexual Offenses

H.J.R. 23

by Representative Grusendorf

Senate Sponsor: Senator Nelson

Proposes a constitutional amendment permitting the denial of bail to certain persons charged with certain violent or sexual offenses committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state. **Ballot Date: November 2, 1993.**

Sexual Offender Program Registration - H.B. 181

by Representative Hill

Senate Sponsor: Senator Whitmire

Requires the registration of certain persons convicted of obscenity offenses under the sexual offender registration program.

Adds child pornographers to the list of those people who must be registered under this program.

Tuberculosis Testing in Correctional Facilities - S.B. 57

by Senator Moncrief

House Sponsor: Representative Hirschi

Requires employees and volunteers of county jails or community correctional facilities who meet screening requirements set by the Board of Health, to present proof of a negative TB status.

Prohibits workers who test positive for TB from beginning or continuing their duties unless they are noninfectious and under a physician's care.

Requires inmates who are likely to be in the county jail or community facility for more than 14 days and who meet the board's screening guidelines to be tested for tuberculosis.

Requires inmates who test positive to have a diagnostic evaluation and adequate medical treatment, including preventive therapy.
Continuity of Care for Offenders - S.B. 252
by Senator Moncrief
House Sponsor: Representative Hightower

△ Requires the Texas Department of Criminal Justice and related agencies to adopt a memorandum that establishes their respective responsibilities to institute continuity of care and services programs for the following offenders: those who are mentally ill, physically disabled, terminally ill or elderly.

Conditions of Parole - S.B. 338
by Senator Parker
House Sponsor: Representative Stiles

△ Authorizes the parole panel to require, as a condition of release to mandatory supervision, that the person to be released on parole attend counseling sessions for substance abusers or participate in an approved substance abuse program or facility.

Programs for Family Violence Offenders
H.B. 119
by Representative Brimer
Senate Sponsor: Senator Chris Harris

△ Authorizes courts to order an offender convicted of family violence as a condition of probation to undergo counselling sessions for the elimination of violent behavior, or to attend a battering intervention and prevention program.

△ Requires the probationer to pay for part or all of the reasonable costs incurred by the victim for counselling made necessary by the offense for a period of up to one year after the date on which the court ordered such payment.

Volunteer Work Program for Inmates - H.B. 864
by Representatives Johnson, et al.
Senate Sponsor: Senator Haley

△ Authorizes inmates awaiting transfer from a county jail to the institutional division of the Texas Department of Criminal Justice to volunteer to participate in any work program operated by a sheriff that uses the labor of those convicted of misdemeanors, and requires the director of the institutional division to award good conduct time to a
Criminal Justice/Offenders/Inmates

defendant for diligent participation in a voluntary work program operated by a sheriff.

Community Service in Lieu of Fines - H.B. 930
by Representative Turner
Senate Sponsor: Senator Whitmire

Â Allows a justice or judge to require a defendant who fails to pay a previously assessed fine or costs, to discharge all or part of the fine or costs by performing community service.

Â A defendant may discharge an obligation of community service by paying at any time the fine and costs assessed.

Â Community service may be performed only for a governmental entity or certain nonprofit organizations.

Â Except in certain cases, a judge or justice may not require more than 16 hours of community service per week. A defendant discharges the equivalent of $50 of fines and costs for every eight hours of community service.

Inmate Participation in Public Improvement Projects - H.B. 1056
by Representative Delco, et al.
Senate Sponsor: Senator Barrientos

Â Authorizes inmates participating in a county jail industries program to be put to work on public improvements and maintenance projects in a municipality situated in whole or in part in a county.
Criminal Justice/Children

Murder of a Child - S.B. 13
  by Senators Brown, et al.
  House Sponsor: Representative Combs

Δ Adds the murder of a child under age six to the list of offenses punishable by death.

Alcoholic Beverage Regulations - S.B. 55
  by Senator Sibley
  House Sponsor: Representative Nieto

Δ Amends the Alcoholic Beverage Code to change the burden of proof required to prosecute the offense of selling alcohol to a minor from "knowingly" to "with criminal negligence" as defined in the Penal Code.

Arrest of Public School Students - H.B. 23
  by Representative De La Garza
  Senate Sponsor: Senator Shelley

Δ Requires a law enforcement agency that arrests or detains a public primary or secondary school student to notify the superintendent of the school district in which the student is enrolled.
Criminal Justice/Enforcement

Administrative Driver's License Revocation
S.B. 1
by Senators Zaffirini, et al.
House Sponsor: Representative Wolens

Provides for the implementation of a statewide administrative driver's license suspension and revocation program targeting drunk drivers. Allows suspension and revocation at an administrative level, rather than requiring judicial proceedings, as under current law.

Requires an arresting officer to serve notice of driver's license suspension if a voluntary specimen of breath or blood shows illegal concentrations of alcohol or if a person refuses to submit a specimen.

Authorizes a person who receives notice of suspension to request a hearing before an administrative law judge prior to the effective date of the suspension.

Requires notice of suspension to be withdrawn if the arresting officer had no reasonable suspicion to stop and arrest the person.

Provides for longer periods of suspension for persons previously convicted of driving while intoxicated if an administrative law judge finds that the person's specimen showed illegal concentrations of alcohol and that the arresting officer had reasonable suspicion to stop and arrest the person.

Driver's License Suspension - S.B. 387
by Senator Bivins
House Sponsor: Representative Stiles

Requires the automatic suspension of a person's driver's license upon the final conviction or adjudication of that person for a misdemeanor or felony offense involving alcohol or controlled substances.

Expands coverage to misdemeanors per federal mandate of an existing automatic suspension law.
Vehicle Theft Checkpoints - H.B. 116
by Representatives De La Garza, et al.
Senate Sponsor: Senator Lucio

△ Authorizes the Department of Public Safety to establish a program in conjunction with local law enforcement authorities to staff checkpoints to prevent stolen vehicles, including farm tractors and construction equipment, from entering Mexico. Requires a driver's license and proof of insurance to be provided when crossing the border.

Money Laundering - H.B. 354
by Senator Whitmire
House Sponsor: Representative Henry Cuellar

△ Provides that a person commits a money laundering offense by knowingly acquiring, facilitating, or investing the proceeds of criminal activities. Allows a defense to prosecution for money laundering for persons who act to facilitate the lawful seizure of the proceeds of criminal activities or for bona fide legal fees if the attorney does not know the money came from criminal activity.

△ Authorizes the attorney general, upon request of the prosecuting attorney, to assist in the prosecution of money laundering offenses.

△ Adds money laundering to the offenses under the Penal Code for persons engaging in organized criminal activity as members of a criminal street gang.

△ Requires criminal referrals reports by financial institutions on currency and foreign transaction reports to be filed with the attorney general.

△ Requires duplicate reporting to the attorney general of trade or business cash receipts of more than $10,000 for which the IRS requires a return.

△ Authorizes the attorney general to accept gifts and grants on behalf of the state to defray the cost of law enforcement duties.

△ Creates the Attorney General Law Enforcement account within the general revenue fund in the state treasury. Required deposits to the fund include law enforcement-related gifts and grants and forfeited assets.
Criminal Justice/Enforcement

Civil Suits Against Gang Activity - H.B. 697
by Representative Cain
Senate Sponsor: Senator Whitmire

- Redefines "common nuisance" and "public nuisance" to include criminal street gangs and allows courts to enjoin a public nuisance when asked by a public attorney.

Ignition Devices for DWI Offenders - S.B. 371
by Senator Bivins
House Sponsor: Representative Place

- Allows courts to prohibit a person convicted of a first or second offense of DWI or of DWI involuntary manslaughter, as a condition of probation, from operating a motor vehicle unless it is equipped with an ignition interlock device, which is a breath analysis mechanism.

Enforcement of Premarital and Marital Agreements - S.B. 123
by Senator Chris Harris
House Sponsor: Representative Goodman

- Changes HB 1274 from the 73rd Legislature, Regular Session, to enforce premarital and marital agreements pending on September 1, 1993, in addition to those executed after that date.
Victims of Crime Compensation Program
S.B. 209
by Senators Chris Harris, Moncrief, et al.
House Sponsors: Representatives Vowell and Naishat

△ Adds review and enforcement tools for the Crime Victims Compensation program in order to deter fraud and waste.

△ Authorizes the attorney general to establish utilization review of mental health and related services in the Crime Victims Compensation program.

△ Allows the attorney general to reconsider certain Crime Victims Compensation awards and require refunds of awards paid by mistake.

△ Establishes civil penalties of $2,500 to $25,000 and administrative penalties of up to $10,000 per item of service, plus Attorney General's Office increased expenses for Crime Victims Compensation claims that contain false statements.

Victims of Crime Compensation Fund - H.B. 2178
by Representative Black
Senate Sponsor: Senator Whitmire

△ Increases the amount of money going into the Compensation to Victims of Crime Fund.

△ Requires a $5 monthly fee from probationers.

△ Requires an $8 monthly fee from parolees, and an additional $5 from parolees convicted of violent crimes.

△ Increases court costs collected by courts from individuals convicted of offenses.

△ Establishes a Sexual Assault Program Fund and grant program.

△ Clarifies victim eligibility requirements for receiving funds.

△ Restricts use of funds from the Victims of Crime Fund for other purposes.

△ Authorizes the attorney general to accept gifts, grants, and donations to the fund, and requires an annual report on such gifts, grants, and donations.
Criminal Justice/Victims

Limit attorney fees to 25 percent of the amount a victim obtains from the fund.

Victim Testimony in Sexual Offense Cases -
H.B. 261
by Representative Place
Senate Sponsor: Senator Wentworth

Provides that the uncorroborated testimony of a victim in sexual offense cases is enough to convict the accused if the victim informed any person of the offense within one year after the date the offense occurred.

Provides that uncorroborated testimony of a victim younger than age 18 is sufficient to convict the accused without the requirement to inform another person of the act within one year.
Judicial Training on Family Violence, Sexual Assault and Child Abuse - H.B. 238

by Representative Greenberg
Senate Sponsor: Senator Barrientos

A Requires training of judges related to the problems of family violence, sexual assault and child abuse.

A Requires the Supreme Court to implement an eight hour training course on family violence, sexual assault and child abuse.

A Requires all judges holding office on December 31, 1993, to attend this course by August 31, 1996. All new judges must attend this course within their first term of office.

A Allows those judges who do not hear cases of this nature to be excused from attending.

Constitutional Amendment - Qualifications of Sheriffs - S.J.R. 18

by Senator Parker
House Sponsor: Representative Stiles

A Proposes a constitutional amendment to require the qualifications of sheriffs to be prescribed by the legislature. Ballot Date: November 2, 1993.

Qualifications of Sheriffs - S.B. 339

by Senator Parker
House Sponsor: Representative Stiles

A Requires a person, in order to to serve as a sheriff, to possess a high school diploma or equivalency certificate, has not been convicted of a felony and is 21 years of age or has completed at least 60 hours of study from an accredited college.

A Requires a sheriff to be licensed by the Commission on Law Enforcement Officer Standards and Education within two years after taking office.

Note: This bill is the enabling legislation for S.J.R. 18.
Criminal Justice/Agency and Personnel

Law Enforcement Personnel Training - S.B. 473
by Senator West
House Sponsor: Representative Dutton

Requires the Texas Commission on Law Enforcement Officer Standards and Education to establish a comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for licensed individuals.

Requires cities that employ peace officers to provide each officer with such a training program every 24 months.

Department of Public Safety - Sunset - S.B. 510
by Senator Moncrief
House Sponsor: Representative Counts

Reauthorizes the Department of Public Safety and makes the following provisions:

Authorizes a municipal fire department to obtain criminal history records of an applicant for a beginning post with the fire department.

Authorizes a political subdivision that employs, licenses, or regulates drivers of public transportation vehicles to have access to criminal history information relating to such employees.

Transfers the responsibility for law enforcement in the Capitol Complex from the General Services Commission to DPS.

Continues authority of DPS and affected Texas Rangers to conduct wiretaps.
Criminal Justice/General

Disclosure of Persons Exceeding State Speed Limits - H.B. 187
by Representative Craddick
Senate Sponsor: Senator Sibley

Prohibits information relating to a violation of a federally imposed speed limit, as long as it does not exceed the state speed limit, from being reported to any person or state government entity other than the Department of Public Safety.

Crime Control and Prevention Districts - H.B. 22
by Representative De La Garza
Senate Sponsor: Senator Barrientos

Authorizes counties with a population of more than 130,000 or a city in a county with a population of more than 1.5 million to create a crime control and prevention district.

Some of the programs a crime control and prevention district may administer include mobilized crime analysis units, home security inspection programs, an automated fingerprint analysis center, a computerized criminal history system, and citizen crime-reporting projects.

Allows a prevention district to charge a sales and use tax in addition to other sales and use tax.

Encourages coordination of efforts among local law enforcement community supervision and corrections departments, and juvenile probation.

Criminal Record Check on Employees Working on Residential Property - S.B. 536
by Senator Montford
House Sponsor: Representative Naishat

Authorizes the Department of Public Safety to release information on criminal convictions of applicants for employment at facilities that provide lodging for compensation.
Criminal Justice/General

Exoneration and Forfeiture of Bail - S.B. 599
by Senator Lucio
House Sponsor: Representative Place

Δ Includes disposition of the criminal case as a basis for exoneration of bail and guidelines for the state's failure to issue a warrant for the forfeiture of bail.
Civil Justice Reform

Alfaró - Forum Non Conveniens - S.B. 2
by Senators Montford, O.H. Harris, et al.
House Sponsor: Representative Junell

Δ Allows Texas courts to use the doctrine of forum non conveniens to choose not to hear certain personal injury and wrongful death suits. Reverses the Texas Supreme Court ruling in Alfaró v Dow Chemical Co., 786 S.W. 2d 674.

Δ Provides different standards of proof in the application of the doctrine of forum non conveniens for a person who is not a legal resident of the United States and for a person who is a legal resident.

Δ Authorizes a court, with respect to a person who is not a legal resident of the U.S., to stay or dismiss a case if the court finds that, in the interest of justice, a case would be more properly heard in a forum outside of Texas.

Δ Authorizes a court, with respect to a person who is a legal resident of the U.S., to stay or dismiss a case, if it is proved by a preponderance of the evidence that:

• a forum outside of Texas is the more appropriate forum;

• an action in Texas would work a substantial hardship on the party requesting the move and justice would be served by moving the place of action; and

• the stay or dismissal would not result in unreasonable duplication or proliferation of litigation.

Δ Prohibits a court, unless the injury or death resulted from a violation of federal or Texas law, from exercising the doctrine if:

• a claimant in the action is a legal resident of Texas;

• a party makes a prima facie case showing that an act or omission causing the injury occurred in Texas;

• the action is brought under the federal Employers' Liability Act, the federal Safety Appliance Act, or the federal Boiler Inspection Act;
Civil Justice Reform

• it is alleged that the personal injury or death was caused by a means of air transportation designed, manufactured, sold, maintained, inspected, or repaired in Texas, or occurred while traveling in or on a means of air transportation during a trip originating from or destined for a location in Texas; or

• it is an action based in harm caused by asbestos.

Δ Regardless of residency, an action cannot be dismissed if a violation of United States or Texas law caused the injury.

Products Liability - S.B. 4
by Senators Parker, O.H. Harris, et al.
House Sponsor: Representative Seidlits

Δ Establishes for the first time, statutory standards in products liability cases.

Δ Requires a manufacturer to indemnify a seller for all losses arising out of a products liability action, except for any loss caused by the seller's own negligence or misconduct.

Δ Provides that a manufacturer and seller are not liable for damage caused by products for personal consumption that are inherently unsafe and known by the ordinary consumer to be unsafe. These products include tobacco and alcohol.

Δ Requires claimants in design defect cases to prove there was a safer alternative design that:

• would have prevented or significantly reduced the risk of the claimant's personal injury, property damage, or death without substantially impairing the product's utility; and

• was economically and technically feasible when the product left control of the manufacturer or seller by the application of existing or reasonable scientific knowledge.

Δ Requires claimants in actions brought against manufacturers or sellers of firearms and ammunition to prove that the design was defective, causing the firearm or ammunition not to function in the manner expected.

Δ Requires products liability actions regarding manufacturing equipment to be brought within 15 years after the sale of the equipment, or for however long the equipment was expressly stated to be safe beyond that date.
Civil Justice Reform

Medical Malpractice Lawsuits - S.B.s 1409 and 1410
by Senator Parker
House Sponsor: Representative Martin

Δ Attempts to curb the filing of non-meritorious medical malpractice lawsuits, and reduce the costs in malpractice cases.

Δ Continues the Medical Liability and Insurance Improvement Act that provides standards for informed consent to patients, limitations on damages in a wrongful death action, and protection for health-care providers under the Deceptive Trade Practice Act.

Δ Requires a plaintiff to provide, within a certain time period, a written opinion from an expert that the actions of the physician or health care provider were negligent and a proximate cause of the injury, harm or damage. Allows a plaintiff to post a cost bond in lieu of the expert written opinion.

Δ Standardizes discovery proceedings to reduce costs and resolve disputes more quickly.

Δ Expands the state indemnification program, which currently provides $100,000 in liability coverage for physicians who treat indigent patients, to include certain health clinics that provide charity care.

Barratry - S.B. 1227
by Senators Henderson, Lucio, and Chris Harris
House Sponsor: Representative Wolens

Δ Increases criminal penalties for the offenses of barratry (improperly soliciting lawsuits), falsely holding oneself out to be a lawyer, and the unauthorized practice of law.

Δ Prohibits contacting accident victims within 30 days of the accident unless the victim indicates a desire to be contacted.

Δ Requires the State Bar of Texas to adopt rules governing lawyer advertising and written solicitations to prospective clients.
Civil Justice Reform

Motor Vehicle Accident Reports - H.B. 272
by Representative Goodman
Senate Sponsor: Senator Haley

△ Makes motor vehicle accident reports confidential for 180 days, except that a law enforcement agency may provide copies to those persons listed in the bill. Some of the persons so authorized include the peace officer investigating the accident, a driver or passenger involved, a guardian or parent of a person involved, and an insurance representative of a person involved.

Texas Lawyer Referral Services Quality Assurance Act - H.B. 1926
by Representative T. Hunter
Senate Sponsor: Senator Armbrister

△ Creates the Texas Lawyer Referral Services Quality Assurance Act to regulate lawyer referral services.

△ Establishes as its purpose, enhancement of access to qualified legal services for the general public.

△ Requires an entity to be certified by the state bar to operate a lawyer referral service in this state.

△ Authorizes a lawyer who is licensed and in good standing in this state and maintains an office in the geographical area served by the Lawyer Referral Service to receive referrals for potential clients.

△ Prohibits a lawyer from charging more to a client referred by a service than any other client.

△ Requires a lawyer referral service to establish written policies and procedures to suspend or remove a lawyer or firm from the referral service's list of subscribers.

△ Requires the state bar to adopt reasonable rules subject to the approval of the supreme court to administer this article.
Civil Justice Reform

Residential Construction Liability Act - H.B. 1395

by Representative Duncan
Senate Sponsor: Senator Montford

△ Makes substantive and clarifying changes to the Residential Construction Liability Act.

△ Provides that a contractor is not responsible for any percentage of damages caused by the failure of a person, other than the contractor or his agent, employee or subcontractor, to take reasonable action to maintain the residence.

△ Additionally, a contractor is not responsible for any damages caused by the contractor's reliance on written information relating to the residence or real property that was obtained from official government records, if the information was false or inaccurate and the contractor could not reasonably have known.

△ Increases the period in which the contractor has to inspect the property from 21 to 35 days after the date of the required notice.

△ Increases the period in which the contractor may make a written offer of settlement from 31 to 45 days after the date of the notice. Authorizes the contractor and the claimant to agree in writing to extend these periods.

△ Requires a claimant to prove that the damages were proximately caused by the construction defect.

△ Includes homeowners warranty companies in the definition of "contractor," so the warranty companies get the same protections as builders.

Immunity from Liability for Alternative Dispute Resolution Facilitators - H.B. 2237

by Representative Todd Hunter
Senate Sponsor: Senator Henderson

△ Provides liability protection for certain volunteers by granting immunity from civil liability to impartial third parties who voluntarily facilitate alternative dispute resolution procedures and who do not act with wanton and willful disregard of the rights, safety, or property of another.
Civil Justice Reform

Referral - Alternative Dispute Resolution
H.B.
by Representative Bomer
Senate Sponsor: Senator Turner

Prohibits referral of a case for alternative dispute resolution if a motion to transfer venue or a motion for special appearance is pending.

Appeals of Freedom of the Press Issues - S.B. 76
by Senator Turner, et al.
House Sponsor: Representative Cain

Expedites litigation of First Amendment issues by allowing an interlocutory appeal from a denial of summary judgment that is based upon a claim against or defense by a member of the media arising under the free speech or free press clause of the First Amendment.

Exemption From Liability for Persons Installing LPG Systems - S.B. 779
by Senator Armbrister
House Sponsor: Representative Earley

Exempts a person who installs or services a liquefied petroleum gas (LPG) system in a residential, commercial, or public building from liability under the following conditions:

- the person was licensed to perform the service;
- the service was performed in compliance with safety rules and standards adopted by the Railroad Commission;
- the person had no control over operation of the LPG system;
- the person was not negligent; and
- the person did not supply a defective product that was a producing cause of the harm.
Civil Justice Reform

Witnesses in Civil Cases - H.B. 887
by Representative Senfronia Thompson
Senate Sponsor: Senator Brown

△ Increases the fee paid to a witness in a civil case from $1 to $10 for each day the witness attends court; eliminates the six cent per mile travel reimbursement.

△ Increases the maximum distance from which a witness may be subpoenaed from 100 miles to 150 miles from the county in which the suit is pending.

△ Grants a witness privilege from arrest for a misdemeanor while traveling up to 150 miles to or from the courthouse.

Exemption from Personal Liability of a Disinterested Director or Officer - H.B. 1076
by Representative Marchant
Senate Sponsor: Senator Chris Harris

△ Exempts from personal liability a disinterested director or officer of an insured depository institution in a lawsuit by the FDIC, Resolution Trust Company (RTC), or other federal banking regulatory agency, except for gross negligence or intentional misconduct.

△ Provides that a director or officer is disinterested if the decision or transaction does not involve:

- personal profit for the director or officer by dealing with the insured depository institution or usurping an opportunity of the institution;

- buying or selling assets of the insured depository institution;

- dealing with another insured depository institution or a corporation or other entity in which the director or officer is also a director or officer or has a significant financial interest; or

- dealing with a family member of the director of officer.
Civil Justice Reform

Liability for Community Service by Inmate
H.B. 294
by Representative Chisum
Senate Sponsor: Senator Turner

Δ Provides that officers and employees of cities, as well as other political subdivisions, are not liable for damages arising from an act or failure to act in connection with community service performed by an inmate pursuant to a court order or in connection with an offender activity, including work and educational treatment activities.

Municipal Regulation - Swimming Pools - S.B. 170
by Senator Madla
House Sponsor: Representative Marchant

Δ Authorizes cities to set minimum standards for swimming pool fences and enclosures and to require the owner of the property to repair or replace a damaged or dilapidated enclosure.

Δ Authorizes a city to place a lien for expenses incurred by the municipality in regulating pool and spa enclosures and/or to penalize an owner for a violation.

Δ Establishes standards for enclosure of and access to pools in multi-unit rental and condominium complexes.

Δ Authorizes a tenant, a member of a property owner association, a governmental entity, or any other person to bring suit against the owner or property owners association for failure to comply with these established standards. Authorizes the person bringing suit to obtain:

- a court order directing the owner or association to comply;
- actual damages resulting from failure to comply;
- punitive damages if the actual damages to the person were caused by the owner's or association's intentional, malicious, or grossly negligent actions;
- actual, and if appropriate, punitive damages where the owner or association was in compliance at the time of the pool-related damaging event but was consciously indifferent to access being repeatedly gained to the pool yard by unauthorized persons; or
Civil Justice Reform

- a judgment against the owner or association for a civil penalty of not more than $5,000 for failure to comply within a reasonable period of time.

\[\Delta\] Authorizes a court to award reasonable attorney fees and costs to the prevailing party.

\[\Delta\] Provides that these remedies are not exclusive and are not to affect existing remedies allowed by law or other procedure.

\[\Delta\] Requires these provisions to be liberally constructed to promote its underlying purpose which is to prevent swimming pool deaths and injuries in Texas.

**Good Samaritan Statute - S.B. 386**

*by Senator Shelley*

*House Sponsor: Representative Junell*

\[\Delta\] Extends the protections of the Good Samaritan Statute to emergency room personnel who respond while off duty to help victims of injury. Emergency room personnel will no longer be subject to suit for negligence as they would if they were acting in their professional capacity.
Small and Underutilized Businesses

Health Insurance for Small Businesses - H.B. 2055
by Representatives Martin, McCall, Jack Harris, et al.
Senate Sponsor: Senator Parker

Δ Outlines new provisions to make health insurance more available to small employers (employers with 3 to 50 employees) and their employees.

Δ Creates a nonprofit Texas Health Benefits Purchasing Cooperative to allow volume discount purchasing by member employees.

Δ Requires small employer carriers to provide small employer health benefit plans without regard to claim experience, health status or medical history, and outlines other requirements or exceptions.

Δ Outlines three streamlined health benefit plans that small employer carriers are required to offer. The three plans are:

Δ Preventive and primary care benefit plan;

Δ In-hospital benefit plan; and

Δ Standard health benefit plan.

- Allows waiver of coverage for alcohol and substance abuse benefits under the preventive and primary care benefit plan, and the standard health benefit plan under certain conditions.

Δ Defines preexisting condition provision as a provision that denies, excludes or limits coverage as to a disease or condition for a period of time.

Δ Prohibits a preexisting condition in a small employer health benefit plan from applying to:

Δ Expenses incurred after the first anniversary of the effective date of coverage;

Δ A disease or condition other than one for which medical diagnosis or care has been sought or for which an ordinary prudent person would have sought diagnosis or care during the six months before the effective date of coverage; or

Δ An individual who has had 12 months of continuous health coverage that ended no more than 60 days prior to the effective date of the coverage under the small employer health benefit plan.
Small and Underutilized Businesses

- Authorizes small employer carriers to use cost containment and managed care features in small employer health benefit plans.

- Authorizes two or more small employers to form a private, nonprofit cooperative for purchasing small employer health benefit plans at volume discounts to their members.
  - Requires the carriers to renew the plans, and prohibits cancellation of the plans, except in certain circumstances.
  - Allows the carriers to establish separate classes of business for the plans only under specific circumstances.
  - Places limits on increases in the premium rates charged to small employers.
    - Requires small employer carriers to apply rating factors consistently to all small employers in a class of business.
  - Defines index rates as the average of the lowest and the highest premium rate available to small employers with similar characteristics (e.g., type of industry, location, the number of employees and dependents) and similar health benefits coverage during a given rating period.
  - Limits to 20 percent the variation between the index rates set for different classes of business. Prohibits the premium rates charged to small employers from varying from the index rate by more than 25 percent.

- Allows a small employer health benefit plan to use a restricted provider network.

- Requires disclosures on premium rate information and other information as part of sales materials.

- Allows a preexisting condition provision to exclude coverage for pregnancy existing on the effective date of the coverage.

- Creates the Texas Health Reinsurance System.

- Institutes fair marketing provisions for small employer health benefit plans.

- Requires use of certain uniform claim billing forms by providers and health insurance carriers.
Small and Underutilized Businesses

△ Changes provisions affecting conversion policies.

△ Requires an insurer to offer a conversion policy without evidence of insurability if the application for and payment of the first premium is made not later than the 31st day after the date of the termination.

△ Requires the converted policy to provide the same coverage and benefits as provided under the group policy or plan.

△ Requires the insurer to offer, and allows the employee to elect, lesser coverage and benefits.

△ Creates several review groups, studies or reports.

△ Creates the mandated benefit review panel to review legislation affecting mandated benefits and to prepare reports.

△ Requires a comprehensive legislative study of guaranteed issue as a feature of health insurance reform.

△ Requires the Texas Department of Insurance to initiate a comprehensive study of the reinsurance system.

△ Requires certain health carriers to report on gross premiums from health benefit plans for small employers.

Appropriations - S.B. 5
by Senator Montford
House Sponsor: Representative Junell

△ Contains provisions showing legislative intent that state agencies and institutions of government contract with historically underutilized businesses.

△ Defines historically underutilized businesses as businesses owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, and Native Americans who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control.
Small and Underutilized Businesses

- Provides for $1,000,000 to conduct a disparity study regarding state contracting.

- Establishes a state goal that 30 percent of the total value of state contracts will be awarded to historically underutilized businesses.

- Establishes the legislative oversight committee to oversee the HUB goals.

Historically Underutilized Business - S.J.R. 9

by Senators Lucio, et al.
House Sponsor: Representative Seidlits

- Proposes a constitutional amendment to authorize the state legislature to issue general obligation bonds to provide capital for start-up businesses. **Ballot Date: November 2, 1993.**

- Requires the principal and interest on the bonds issued under this law to be paid first with the proceeds of a bond sinking fund and then with the first unencumbered money coming into the treasury in each fiscal year.

- Authorizes the legislature to issue up to $50 million in general obligation bonds to fund the start-up costs for historically underutilized businesses.

- Enabling legislation for this bill was S.B. 225, which passed the Senate only.

Linked Deposit Program for Commercial Lending - H.B. 259

by Representative Giddings
Senate Sponsor: Senator West

- Requires the Texas Department of Commerce to establish a linked deposit program to encourage commercial lending for the development of small businesses in distressed communities and historically underutilized businesses.

- Defines a linked deposit system as a time deposit governed by a written deposit agreement between the state and an eligible lending institution that provides that the eligible lending institution:

  - pay interest on the deposit at a certain rate; and
Small and Underutilized Businesses

△ agree to lend the value of the deposit to an eligible borrower at a certain maximum.

△ Requires an eligible lending institution on acceptance of its application to receive linked deposits, to loan money to eligible borrowers in accordance with the deposit agreement.

△ Provides that the state is not liable to an eligible lending institution for payment of the principal, interest, or any late charges on a loan made to an eligible borrower.

△ Prohibits more than $3 million from being placed in linked deposits at any one time.

Hospital District Contracts with Small and Minority Owned Businesses - H.B. 795

by Representative Rodriguez

Senate Sponsor: Senator Madla

△ Requires boards of hospital districts in counties of at least 190,000 inhabitants to encourage and promote the participation of small and minority or women-owned businesses in contracting processes.

△ Requires the boards to develop plans to identify and remove barriers that unfairly discriminate against small and minority or women-owned businesses.
Transportation

Trucking Reform - S.B. 1313 & H.B. 1156
by Senators Bivins, et al.
House Sponsor: Representative Seidlitz
by Representative Seidlitz
Senate Sponsor: Senator Bivins

△ Revises regulation of the trucking industry.

△ Entry: Eases market entry for contract carriers of truckload general commodities. Revises the standard by which the Railroad Commission (RRC) grants operating authority to these carriers, from the public convenience and necessity standard of old, to the new fit, willing, and able standard.

△ Disadvantaged Businesses (DBEs): Requires the RRC to grant operating authority to DBEs when a DBE applicant makes a prima facie case that it is fit, willing, and able to perform the proposed services. Grants DBE applications for operating authority precedence over all other applications.

△ Rates: Expands the allowable range for deviation from the established rate structure to a 40 percent deviation above or below the base rate for truckload shipments of general commodities. Current law allows deviations of 25 percent.

△ Backhauls: Authorizes specialized motor carriers to backhaul specialized commodities for which they are not permitted within 75 miles of the route used to make the initial transport if a flatbed-type vehicle is used. Authorizes the RRC to expand this provision by rule to other commodities and vehicles.

△ Regulatory Procedure: Establishes a timetable for RRC actions after the close of a contested case: parties to the decision must be notified within seven days, the proposed decision must be submitted to the RRC within 30 days, and the RRC must make its final decision within 120 days. Requires the RRC to adopt rules requiring certificates of public convenience and necessity to be granted without hearings, formal presentations, or orders of the commission within 10 days for uncontested applications.

△ Commercial Zones: Requires all commercial zones to include only full counties, and expands zones in existence on April 1, 1993, to include full counties.
Transportation

△ Enforcement

△ Multiple Violations: Authorizes the Railroad Commission to assess penalties of up to $25,000 for repeat violators of trucking regulations.

△ Inspections: Allows Department of Public Safety officers to inspect trucks, and provides that a trucker refusing inspection commits a Class C misdemeanor and is subject to a $1,000 fine.

Regulation of Tow Trucks and Storage Facilities - S.B. 452
by Senator Rosson
House Sponsors: Representatives Bosse and Goodman

△ Amends the Vehicle Storage Facility Act and requires the issuance of special "tow truck" license plates.

△ Entitles a garage-keeper or storage facility to reasonable storage fees for a maximum of five days after it acquires a motor vehicle for purposes other than repair. Provides that a garage-keeper who fails to notify police of the possession within 48 hours may no longer claim reimbursement.

△ Requires the operator of a vehicle storage facility to send a written notice to the registered owner of the vehicle that has been towed within five days, but no sooner than 24 hours after the vehicle arrives at the facility.

△ Provides a penalty for violation of any rule adopted under this article.

Vehicle Storage Facility Fee - H.B. 709
by Representative Blackwood
Senate Sponsor: Senator Sibley

△ Authorizes the operator of a vehicle storage facility to charge between $5 and $15 for each day, or part of a day, for storage of a vehicle.

△ Allows a daily storage fee to be charged if the vehicle is stored between 12 and 24 hours.
Transportation

Vehicle Storage Facility Fee - H.B. 710
by Representative Blackwood
Senate Sponsor: Senator Sibley

* Prohibits the operator of a vehicle storage facility from charging an owner more than $10 for any action taken by or at the direction of the operator or owner of the vehicle storage facility necessary to preserve, protect, or service a vehicle stored or parked at the facility.

State Regulation of Tow Trucks - S.B. 958
by Senator Chris Harris
House Sponsor: Representative Dutton

* Consolidates state regulation of tow trucks in the Railroad Commission of Texas.

  * Requires tow trucks to register with the commission rather than the Texas Department of Licensing and Regulation.

Towing Illegally Parked Vehicles - H.B. 1135
by Representative Danburg
Senate Sponsor: Senator Wentworth

* Strengthens an apartment owner's or manager's right to tow an illegally parked vehicle without the consent of the vehicle's owner by:

  * better defining parking facility;

  * requiring specific unauthorized parking signs or notices;

  * authorizing a parking facility owner to designate one or more spaces as restricted parking spaces on portions of an otherwise unrestricted facility; and

  * authorizing a parking facility owner or towing company to remove an unauthorized vehicle parked in a right-of-way.
Transportation

Trailer Registration - H.B. 476
by Senator Sims
House Sponsor: Representative Junell

Δ Makes an exception for registration of a trailer or semi-trailer to the law passed by the 72nd Legislature requiring a person registering a motor vehicle with the Texas Department of Transportation (TxDOT) to show proof of financial responsibility. TxDOT rules interpret the current law to include trailers and semi-trailers.

Rural Rail Transportation Districts - S.B. 968
by Senator Sims
House Sponsor: Representative Cook

Δ Provides procedures for the creation, re-creation, and operation of rural rail transportation districts (RRTD).

Δ Defines the officers of RRTDs' governing bodies, clarifies their powers and limitations, and enumerates the power to acquire property and construct facilities.

Δ Authorizes RRTDs to lease facilities to a private operator and provides for the issuance of bonds to be used solely for the rail facilities and for alternative financing (non-negotiable purchase money notes and bond anticipation notes).

Motor Vehicle Retail Installment Contracts - H.B. 813
by Representative Marchant
Senate Sponsor: Senator Parker

Δ Amends the Consumer Credit Code as it relates to motor vehicle retail installment contracts.

Δ Provides for a change in the definition of "cash price" to mean the price at which a creditor, in the ordinary course of business, offers to sell for cash the property or service that is the subject of the transaction.

Δ Provides for an increase from $25 to $50 in the maximum amount that the seller of a motor vehicle may charge as a documentary fee.
Transportation

Δ Provides specific authorization for the financing of motor vehicle theft prevention plans and GAP insurance (insurance product that reimburses a buyer the difference between the proceeds of the buyer's basic collision policy and the amount owed against the vehicle in the case of a total loss).

Δ Clarifies that a seller/dealer may tender cash or other thing of value to a manufacturer in order to participate in a manufacturer's financial incentive program.

Δ Clarifies that a seller/dealer may advance funds to retire an amount owed against a vehicle used as a trade-in vehicle, and that the dealer may also finance repayment of those funds in the retail installment contract on the new vehicle.

Δ Increases a dealer's registration fee from $10 to $25.

Δ Requires notification of a dealer's registration expiration 30 days after expiration, and provides that the registration renewal is timely filed if received with the registration fee within 30 days after receipt of notice of expiration.

Δ Provides a penalty set by the Consumer Credit Commissioner not to exceed $50 for failure to register for the first time.

Δ Provides a penalty set by the Consumer Credit Commissioner not to exceed $250 for failure to renew a registration and pay the fee within 30 days after receipt of notice of expiration.

Δ Provides that penalties for certain violations of this Act be up to three times the actual economic loss suffered by the purchaser as a result of the violation, together with reasonable attorneys' fees, or up to twice the interest contracted for but not to exceed $2,000 in a transaction in which the amount financed was $5,000 or less, and not to exceed $4,000 in a transaction in which the amount financed was more than $5,000, together with reasonable attorneys' fees in certain cases.

Motor Vehicle Dealers and Manufacturers -
H.B. 941

by Representative Cain
Senate Sponsor: Senator Henderson

Δ Revises the statutes relating to the authority and responsibility of the Texas Motor Vehicle Board and the Texas Department of Transportation.
Transportation

△ Amends the definition of "franchise" to specify motor vehicle dealers as franchisees and manufacturers and distributors as franchisors.

△ Provides that an agreement to waive the terms of this Act is void and unenforceable.

△ Reduces from $75 to $35 the amount of a filing fee for a certain complaints filed under this Act.

△ Provides that it is unlawful for any dealer to operate without appropriate signs readily and easily visible to the public identifying the dealer's place of business and the products the dealer offers for sale.

△ Prohibits a manufacturer from requiring that a dealer file with the manufacturer the actual time spent in the performance of a warranty job as a prerequisite to receiving reimbursement for the work unless warranty reimbursement is based on actual time spent on the job.

△ Requires that manufacturer reimbursements to the dealer or warranty work must be based on "reasonable" written requirements of the manufacturer or distributor.

△ Authorizes a manufacturer or distributor to audit a claim following the submission by the claimant, for a period not to exceed two years after the submission of the claim, and to collect from the dealer any sums paid by the manufacturer or distributor as a result of a fraudulent claim.

△ Provides that it is unlawful for a manufacturer of distributor to: directly or indirectly discriminate against a dealer as a result of a formula or other calculation intended to gauge the performance of a dealership, except a sales contest or other recognition program; unreasonably require that a dealer purchase special tools or equipment; or fail to compensate a dealer for all costs incurred by the dealer as required by a manufacturer's or distributor's product recall.
Transportation

Commercial Vehicle Inspection - H.B. 945
by Representative Oakley
Senate Sponsor: Senator Armbrister

Δ Provides that provisions relating to the inspection of trailers, semitrailers, pole trailers, or mobile homes apply only when the actual gross weight or the registered gross weight of such vehicles is greater than 4,500 pounds.

Δ Requires the Public Safety Commission to establish an inspection program for commercial motor vehicles that meets federal safety regulations.

Police Authority to Detain Motor Vehicles -
S.B. 1128
by Senator Zaffirini
House Sponsor: Representative Henry Cuellar

Δ Authorizes peace officers in cities having a population of 100,000 or more to detain motor vehicles to enforce state and federal hazardous materials regulations and state and federal motor carrier safety regulations. Current law limits this authority to peace officers in cities with a population of 300,000 or more.

Fees for Motor Carriers' Proof of Insurance -
H.B. 1590
by Representative Alexander
Senate Sponsor: Senator Ellis

Δ Authorizes the Railroad Commission to charge motor carriers a fee for the filing of proof of insurance, and requires such fees to be used for enforcement of the Texas Motor Carrier Act.

Used Car Dealer Bonds - H.B. 1932
by Representative Hilderbrand
Senate Sponsor: Senator Nelson

Δ Limits the dollar amount that may be withdrawn from a used car dealers' posted bond for failure to furnish a good title for a vehicle to a customer.

Δ Allows the purchaser to recover no more than the purchase price of the auto and attorneys' fees incurred in the recovery of a judgment.
Transportation

Motor Fuel Mixtures - H.B. 2516
by Representative Horn
Senate Sponsor: Senator Brown

Δ Authorizes the comptroller to impose a fee for the administration and enforcement of labeling of motor fuels, regardless of whether the motor fuel is subject to regulation. This fee will be used to fund enforcement of the law that requires motor fuels with ethanol and methanol to be labeled.

Texas Department of Transportation Districts
- S.B. 33
by Senators Ratliff, Armbrister, et al.
House Sponsor: Representative Telford

Δ Revises the number of Texas Department of Transportation districts required by statute, from 18 to 25. Clarifies legislative intent regarding the organization of TxDOT's districts and makes the creation of a 25th district office in Laredo possible.

Turnpike Authority Project Conveyance - S.B. 242
by Senators Ellis, Leedom, et al.
House Sponsors: Representatives Bosse and Talton

Δ Authorizes the Texas Turnpike Authority to convey a turnpike project to a county or local government corporation created under the Texas Transportation Corporation Act, and authorizes such a corporation to lease, buy, or receive such a project.

Δ Enables the Houston Ship Channel Bridge to be sold to Harris County and the North Dallas Toll Road to Dallas County.

Public Transportation Funds - H.B. 1942
by Representative Cain
Senate Sponsor: Senator Moncrief

Δ Clarifies the distribution of mass transit funds to be made in urban areas that do not have a mass transit authority (MTA) by requiring the allocation of 50 percent of mass transit funds to (1) urban areas of 50,000 or more not served by an MTA and (2) urban areas not served by an MTA, but located in an urban area of more than 50,000 that includes one or more MTAs.
Workforce Development

Smart Jobs Fund - S.B. 130
by Senators Montford and Ellis
House Sponsor: Representative Oliveira

Δ Creates the Texas Smart Jobs Fund, an employment training program intended to improve the skills of workers.

Δ Smart Jobs Program:

• Provides that the program is administered by the Texas Department of Commerce. Authorizes the executive director to award the job training funds, and requires 60 percent of the funds to be distributed to existing Texas businesses.

• Prohibits a grant from being awarded unless each employer participating in the project certifies that a job will exist at the end of the project and that it will be filled by a participant in the project.

• Requires employers receiving grants to agree to increase the pay for existing jobs in the program by 10 percent or to pay 75 percent of the state average weekly wage, whichever is greater. Requires newly created jobs to pay at least two-thirds of the average weekly wage.

• Authorizes up to 10 percent of the grants to be awarded to employers who have had to reduce or eliminate jobs because of reductions of overall employment in an industry or a substantial change in the skills required in the business.

• Provides that 20 percent of the funds are reserved for minority employers.

Δ Funding:

• Provides that the program is funded from a 0.1 percent Employment Training Investment Assessment on employers, and at the same time, the state unemployment compensation tax would be reduced by 0.1 percent. This will amount to approximately $50 million per year.

• Requires recipients of smart-jobs grants to match state funds.
Workforce Development

Council on Workforce and Economic Competitiveness - S.B. 642
by Senator Ellis
House Sponsor: Representative Smith

Δ Creates the Council on Workforce and Economic Development.

Δ Requires the governor to appoint 30 members to the council who will represent labor, business and industry, communities, apprenticeship programs, community literacy organizations, and continuing education.

Δ Provides for the development of a strategic plan which will address literacy and basic education for all workforce training programs in the state. The strategic plan will include goals, objectives, and performance measures.
Energy

Tax Credits for Oil Recovery Projects - S.B. 466
by Senator Sims
House Sponsor: Representative Earley

△ Changes the date on which an application for a new or expanded enhanced recovery project special tax rate (the reduced oil production tax rate) must be filed, from Jan. 1, 1994 to Jan. 1, 1998. "Enhanced recovery project" is defined as the use of any process for the displacement of oil from the earth other than primary recovery.

△ Requires those who qualify for the special tax rate, to pay the regular oil production tax rate (4.6%) for oil produced during the period Jan. 1, 1994 through Aug. 31, 1995. The taxpayer would then be eligible for a credit equal to the difference between the tax paid and the enhanced recovery tax rate (2.3%). The credit could be taken on or after Jan. 1, 1996 and may be applied to either oil or gas severance taxes.

Tax-free Purchase of Diesel Fuel - S.B. 1293
by Senator Bivins
House Sponsor: Representative Craddick

△ Provides that wholesale marketers are limited to 3,000 (increased from 2,000) gallons of tax-free purchases of diesel per transaction and that no more than 10,000 gallons may be purchased tax-free from all sources per month.

△ Increases the limit to accommodate standard shipment sizes which range from 2,000 to 2,500 gallons.

Energy Policy - H.B. 923
by Representative Earley
Senate Sponsor: Senator Montford

△ Creates the Texas Committee on Energy Policy and the Texas Energy Coordination Council to develop a statewide energy policy and coordinate the development and marketing of energy research at higher education institutions and nonprofit research organizations.

△ The Committee on Energy Policy is composed of:

- the governor, the lieutenant governor, the speaker of the house, the chair of the House Committee on Energy, the chair of the Senate Natural Resources Committee, the land commissioner,
Energy

one member of the Railroad Commission, and one member of the Public Utility Commission.

\[ \Delta \] The Energy Coordinator Council is composed of:

- a representative from Texas Tech University, the director of the Energy System Laboratory at Texas A&M University, the director of the Center for Energy Studies at U.T. Austin, a representative of industry energy consumers, the director of the energy laboratory at the University of Houston, the director of the Alternative Energy Institute at West Texas State University, and five representatives from various energy-related industries and one representative from an energy consumer or environmental organization to be appointed by the governor.

\[ \Delta \] Establishes a special energy account in the general revenue fund and declares that the council is entitled to funding every biennium.

\[ \Delta \] Provides that the council may make grants from funds available for research purposes consistent with the mission of the council.

**Appraisal of Oil and Gas Property - H.B. 925**

*by Representative Craddick*

*Senate Sponsor: Senator Bivins*

\[ \Delta \] Sets forth methods for the appraisal of oil and gas property for ad valorem tax purposes that take into account such factors as the future income from the sale of oil or gas to be produced from interest and price averaging.

\[ \Delta \] Requires the comptroller, by rule, to develop and distribute to each appraisal office manuals that specify methods and procedures to discount future income from the sale of oil or gas from the interest to present value.

**Motor Vehicle Tax Collection - Seller-Financing - H.B. 995**

*by Representative Berlanga*

*Senate Sponsor: Senator Armbrister*

\[ \Delta \] Provides for installment collection and payment of motor vehicle sales taxes on vehicles sold using seller-financing, as the seller receives the payments from the buyer. Currently, sellers must pay these taxes at the time of the sale.
Energy

Motor Fuels Tax - H.B. 1702
   by Representative Craddick
   Senate Sponsor: Senator Haley

△ Exempts privately contracted vehicles used entirely for public school district purposes from being assessed motor fuels taxes, vehicle fees and other taxes.

Tax Exemption for New Oil or Gas Fields - H.B. 1974
   by Representative Craddick
   Senate Sponsor: Senator Carriker

△ Grants a tax exemption for wells which are related to the discovery of new oil or gas fields in 1994. The tax exemption applies to the Gas Production Tax and the Oil Production Tax.

Tax Exemption - Oil and Gas Wells - H.B. 1975
   by Representative Craddick
   Senate Sponsor: Senators Carriker and Bivins

△ Provides that oil and gas produced from a well qualify for a 10-year exemption from the oil and gas production taxes, if the Railroad Commission designates the well as a three-year inactive well. No exemptions will be given after February 29, 1996.

△ Defines a "three-year inactive well" as any well that has not produced in more than one month in the three years prior to the date of application for severance tax exemption.

Plugging Inactive Wells - H.B. 2484
   by Representative Craddick
   Senate Sponsor: Senator Montford

△ Transfers the liability for plugging an inactive well to the acquiring party or parties upon its sale.
Energy

Well Plugging and Cleanup by the State

H.B. 2705
by Representative Cook
Senate Sponsor: Senator Sims

△ Provides for the salvage and disposition of oil and gas well site or other facility equipment or hydrocarbons in the plugging or cleanup of well sites by the state and to the oil-field cleanup fund.

△ Enables the sale of abandoned equipment to compensate for the expenses incurred by the state in the plugging of a well.
Prohibition of State Income Tax - S.J.R. 49

by Senators Montford, et al.
House Sponsor: Representative Stiles

Prohibits a state income tax without a vote of the people. **Ballot Date:** November 2, 1993.

Prohibits any increase in the tax rate, or any change in the tax, that results in an increase in the combined tax liability of all persons unless approved by voters.

If an income tax is approved by the voters, the constitution would:

- Require at least two-thirds of all net income tax revenue to be used to reduce the rate of ad valorem maintenance and operation taxes levied for the support of primary and secondary education.

- Require the legislature to appropriate the remaining net revenue to the support of education.

- Require a school district to reduce its maximum ad valorem maintenance and operation taxes by an amount equal to 1¢ per $100 valuation for each 1¢ per $100 valuation that its ad valorem tax is reduced by the use of income tax revenue, unless a higher rate is approved by the voters.

Tax Administration - S.B. 82

by Senator Montford
House Sponsor: Representatives Junell and Romo

Provides for the administration, collection, enforcement, and application of, and exemptions from numerous taxes and fees including sales, gasoline, diesel fuel, liquified gas, coin operated amusement machines, occupation, hotel occupancy, and franchise taxes.

Gives the comptroller additional enforcement authority and changes some fines and penalties related to tax enforcement.

- Allows the comptroller to require monthly taxpayers, who remit three or more dishonored checks within a 6-month period, to remit payments using certified instruments (cashier's checks and money orders).
Tax Policy

- Allows the comptroller to require quarterly taxpayers, who remit three or more dishonored checks within an 18-month period, to remit payments using certified instruments.

- Imposes an additional $50 penalty on persons who have failed to file sales tax reports, and who have previously failed to file timely reports on two more more occasions.

- Imposes penalties ranging from a Class C misdemeanor to a felony of the second degree, for a person who intentionally makes a false entry in, or a fraudulent alteration of, an exemption or resale certificate, or makes, presents, or uses an exemption or resale certificate with knowledge that it is false and with the intent that it be accepted as a valid certificate for sales tax purposes.

- Allows the comptroller to summarily suspend a person's motor fuel permit for the person's failure to comply with the motor fuel tax laws or rules if continued operation constitutes an immediate and substantial threat to the collection of gasoline, diesel fuel, or liquified gas taxes attributable to the person's operation.

- Increases from not less than $5 and not more than $500, to not less than $50 and not more than $2,000 the penalty assessed to persons who violate certain provisions of the coin-operated services law.

- Changes the penalty for improper applications for amusement machines from a Class B misdemeanor to a Class A misdemeanor and for fraudulently obtaining licenses from a third degree felony to a second degree felony.

Δ Exempts underground irrigation systems used solely for agricultural purposes from sales and use tax.

Δ Requires sales and franchise taxpayers who pay by electronic funds transfer to remit certain taxes sooner than in the past.

Δ Delays the allocation of motor fuels taxes for June, July, and August, 1995.

Δ Provides for sales and franchise tax credits for employers who hire employees who are eligible for Aid to Families with Dependent Children.
Tax Policy

△ Requires monthly, rather than quarterly, filing by certain hotel/motel taxpayers.

△ Requires insurance companies paying the insurance occupation tax to remit semi-annual payments instead of quarterly payments as in the past, and provides for title insurance maintenance fees in place of the insurance maintenance tax.

△ Allows the comptroller, regarding the revenue estimate, to make taxes paid under protest available for certification.

Ad Valorem Taxes on Motor Vehicles - S.B. 878

by Senator Montford
House Sponsor: Representative Oliveira

△ Creates a special category of inventory for car dealers based on the average monthly automobile sales, instead of counting the car inventory present on certain dates to calculate property taxes.

△ Requires car dealers to make monthly property tax deposits with the county tax assessor-collector, who then distributes the funds to taxing units.

Motor Fuel Taxes - S.B. 894

by Senator Montford
House Sponsor: Representative Berlanga

△ Amends the Motor Fuel Tax Code to set forth the administration of motor fuel taxes.

△ Designates entities who are authorized to purchase motor fuels from tax-paid permittees as jobbers and requires a person performing the functions of a gasoline or diesel fuel jobber to obtain a gasoline or diesel fuel jobber’s permit.

Ad Valorem Taxation of Cotton - S.B. 1487

by Senator Sims
House Sponsor: Representative Delwin Jones

△ Exempts from ad valorem taxation cotton stored in warehouses for interstate transportation. Authorizes the operator of a warehouse which is primarily used for the storage of cotton for transportation outside of Texas to apply for the exemption on behalf of the cotton owners.
Provisions for the Redemption of Real Property - S.J.R. 19
by Senator Ellis
House Sponsor: Representative Eckels

△ Proposes a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale. Ballot Date: November 2, 1993.

△ Allows the former owner of a residence homestead or agricultural land that is sold for unpaid taxes to free the property from foreclosure or other judicial sale by paying what is due with interest, costs, etc., within two years, and limits the period of redemption to six months for any other real property sold for unpaid taxes.

Sales Tax Exemption For Improvement to Realty - H.B. 85
by Representative Kamel
Senate Sponsor: Senator Ratliff

△ Sets forth conditions for tax exemptions of tangible personal property and services for use in the performance of a contract for an improvement to realty.

△ Exempts from sales and use tax the purchase of tangible personal property (TTP) and certain taxable services for use in the performance of a contract for an improvement to realty for governmental entities and for religious, educational, and public service organizations (exempted under Sections 151.309 and 151.310, Tax Code), if the TTP is incorporated into realty in the performance of the contract and if the service is expressly required by the contract and the service is integral to the performance of the contract.

△ Exempts from sales and use tax, the purchase of TTP, other than machinery or equipment and its accessories and repair and replacement parts, for use in the performance of a contract for an improvement to realty for governmental entities and for religious, educational, and public service organizations (exempted under Sections 151.309 and 151.310, Tax Code) if the TTP is necessary and completely consumed at the job site.
Tax Policy

Exempts from the taxes imposed by Chapter 151, Tax Code, certain machinery that became subject to sales or use tax because of amendments to Section 151.311, Tax Code, (relating to school districts and non-profit hospitals) and that were purchased subject to a written contract or bid entered into on or before the effective date of this Act. The exemption provided by this section has no effect after three years from the effective date of this Act.

Property Tax Payments - H.B. 737

by Representative Raymond
Senate Sponsor: Senator Truan

Authorizes real property owners to relinquish property to a taxing unit in payment of delinquent property taxes owed a taxing unit.

Authorizes a property owner to convey property by deed to the taxing unit that is owed the largest amount of taxes, penalties, and interest assessed against the property. This conveyance of property is subject to the approval of the governing bodies of each of the taxing units to which taxes are owed on the property.

Provides that the taxing unit acquiring the property to hold title to the property on behalf of each taxing unit.

Provides procedures for payment of taxes owed in case of sale or no sale of the acquired property.

Elderly Homestead Exemption - H.B. 1270

by Representative Yost
Senate Sponsor: Senator Ratliff

Authorizes a person who is 65 or older to pay property taxes in installments without penalty or interest if he or she:

claims the elderly homestead exemption, as well as pays one-fourth of the taxes due; and

gives notice that the remaining taxes due will be paid in three equal installments.
Tax Policy

Separate or Partial Tax Payments on Consolidated Property Tax Bills - H.B. 1374
by Representative Craddick
Senate Sponsor: Senator Bivins

Delta requires a tax collector to accept separate or partial property tax payments of property taxes on a tax bill that includes taxes for more than one taxing unit if one or more of the taxing units has adopted the discounts for early payments.

Delta provides that a restriction or condition placed on a check in payment of taxes by the maker that limits the amount of taxes owed to an amount less than that stated in the tax bill is void unless the restriction or condition is authorized by this code.

Franchise Tax - H.B. 1892
by Representative Oliveira
Senate Sponsor: Senator Montford

Delta changes the Franchise Tax Law as follows:

Delta allows for the state to tax the non-business income (except interest and dividends) of a Texas corporation that it earned out of state, provided that no other jurisdiction can tax that income; and

Delta prohibits a corporation from using the "push-down" method of accounting in calculating its franchise tax liability. The "push-down" method of accounting allows a recently acquired corporation to revise its income statement to reflect its purchase price. Because corporations only use this method when it reduces their taxes, prohibiting this method will enhance equity.

Publication of Tax Rates - H.B. 155
by Representative Junell
Senate Sponsor: Senator Sims

Delta provides that tax rates shall be either published in a newspaper or delivered by mail to each property owner in the taxing unit; exempts certain small taxing units with a tax rate of less than five cents from publication requirements.
Tax Policy

Municipal Finance - H.B. 71
by Representative Goolsby
Senate Sponsor: Senator Shelley

∆ Authorizes taxing units to withhold a taxpayer's property tax refund for application against delinquent taxes owed by the same taxpayer on another parcel of property.

Market Value on Pollution Control Measures - H.B. 1735
by Representative Earley
Senate Sponsor: Senator Armbrister

∆ Requires chief appraisers to consider reducing the appraised market value of property to reflect the additional costs, if any, to the property owner of undertaking pollution control measures.
Insurance

Texas Department of Insurance - Sunset
H.B. 1461
by Representatives Counts, et al.
Senate Sponsor: Senator Parker

△ Continues operation of the Texas Department of Insurance (TDI) until September 1, 2005.

△ Authorizes insurance advisory organizations to continue gathering the data upon which insurance rates are based.

- Authorizes the insurance commissioner to annually audit the organizations' method of collecting, analyzing, and reporting data, and to appoint an ex-officio member to their board.

- Requires insurers relying on projected loss data provided by an advisory organization to justify its need for the information. Prohibits insurers from using projected loss data for personal automobile, homeowners, or dwelling fire insurance.

△ Eliminates three-member board; requires a single commissioner to be appointed by the governor for a two year term beginning no later than March 1, 1994.

△ Transfers the function of administrative hearings to the State Office of Administrative Hearings.

△ Transfers the duties of collection, reporting, and administration of taxes and certain fees and assessments to the Office of the Comptroller of Public Accounts on September 1, 1993.

△ Transfers the responsibility for regulating premium finance companies to the Office of Consumer Credit Commissioner by January 1, 1994.

△ Requires the department to study, and authorizes the commissioner to adopt and implement, procedures for streamlining insurance rate proceedings.

- Creates the select committee on rate and policy form regulation. The committee will meet monthly to study insurance rate and policy form regulation and will issue a report no later than December 1, 1994.
Insurance

∆ Requires insurance companies to provide audited financial reports to the department for the conducting of examinations.

∆ Establishes criminal penalties for the use of unauthorized motor vehicle proof of liability insurance forms.

∆ Provides for the regulation of alien (out-of-state) insurers in Texas.

∆ Provides for the continuation of the office of the Public Insurance Counsel until September 1, 2005.

∆ Requires the commissioner to exclude coverage for damage to foundations or slabs of an insured dwelling that is more than 10 years old.

∆ Establishes a new Texas Automobile Insurance Plan Association (TAIP).

  • Creates a 15-member governing board that includes insurance representatives, public members, and local recording agents.
  
  • Requires the plan of operation to contain incentive programs for members to write insurance on a voluntary basis and to minimize the use of the association to obtain insurance.
  
  • Provides that applicants are not eligible for TAIP insurance unless they have been rejected by at least two insurers.

Regulation of Multiple Employer Welfare Arrangements - H.B. 1540

by Representative Shields
Senate Sponsor: Senator Parker

∆ Multiple Employer Welfare Arrangements (MEWAs) are established by a group of persons or businesses to offer and provide health insurance for employees of those businesses or persons with similar case characteristics.

∆ Authorizes the commissioner of the State Board of Insurance or any persons appointed by the commissioner to examine the affairs of any MEWAs.

∆ Requires MEWAs to file, within 90 days of the end of the fiscal year, financial statements audited by a certified public accountant and an actuarial opinion including the soundness of the MEWA and any steps that could be taken to improve that soundness.
Insurance

Texas Workers' Compensation Insurance
Fund - H.B. 2858
by Representative Counts
Senate Sponsor: Senator O.H. Harris

△ Increases the Texas Workers' Compensation Insurance Fund's capacity by increasing the premium to surplus ratio from the current 3-to-1 to 3.3-to-1; requires the ratio to be phased back down by September 1998. This enables the fund to issue a greater number of premiums without increasing the size of the surplus fund.

△ Provides the Texas Workers' Compensation Insurance Facility and Fund with the legal rights of a private person, such as the power to sue in its own name.

△ Authorizes the insurance facility and the insurance fund to exchange information relating to actual or suspected fraud.

△ Requires that the Texas Workers' Compensation Insurance fund assume all claim responsibilities and assets of the Texas Workers Compensation Insurance Facility no later than January 1, 1999.

Involuntary Unemployment Insurance - H.B. 1598
by Representative D. Jones
Senate Sponsor: Senator O.H. Harris

△ Includes involuntary unemployment insurance, which pays a specified number of loan payments when a debtor involuntarily loses employment income and provides primary coverage regardless of other income or insurance, as an additional protection to borrowers under the Texas Credit Code.

△ Prohibits lenders from requiring credit insurance on any loan transaction made under those chapters.

△ Sets forth provisions for collateral protection insurance (insurance required and arranged in connection with and subsequent to the inception of a loan or credit transaction for personal, family, or household use).
Utilities

Public Utility Commission - Sunset - S.B. 498
by Senator Parker
House Sponsor: Representative Cain

Δ Continues operation of the Public Utility Commission until September 1, 1995.

Caller I.D. Services - S.B. 73
by Senator Bivins
House Sponsor: Representative Saunders

Δ Allows local exchange telephone companies to provide Caller I.D. services to their customers. Caller I.D. is the ability to identify the telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed.

Δ Provides free per-call blocking of caller information to customers who certify to the PUC, in writing, a compelling need for the blocking.

Δ Prohibits the compilation and selling of specific local call information obtained via the Caller I.D. system.

Regulations on Providing Utilities - S.B. 83
by Senator Parker
House Sponsor: Representative Williamson

Δ Prohibits a public gas utility or a municipally-owned gas utility from refusing to provide service to a state agency if gas pipeline capacity is available on existing facilities of the public gas utility or municipally-owned gas utility.

Δ Prohibits rates charged to a state agency from including a gross receipts assessment or regulatory assessment.

Δ Prohibits a utility from billing or requiring the state to pay for service before the service is rendered.

Δ Establishes the Statewide Network Applications Account for the purchase, improvement, and maintenance of information resources technologies for use by a network of state agencies.

Δ Requires each state agency, institution of higher education and school district to perform an audit billing every four years.
Utilities

Operator Assisted Calls - S.B. 162
by Senator Rosson
House Sponsor: Representative Seidlis

Requires telecommunications utilities to provide access to a live operator at the beginning of all operator assisted calls. Requires the method by which this service is to be provided to be submitted to the PUC for review.

AT&T Deregulation - S.B. 377
by Senator Haley
House Sponsor: Representative Seidlis

Repeals those sections of the Public Utility Regulatory Act dealing with the regulation of dominant interexchange carriers.

Excludes interexchange carriers from the definition of dominant carrier, effectively deregulating AT&T.

Gas Rate Increase Notice - S.B. 421
by Senator Carroll
House Sponsor: Representative Cook

Limits the computation of income tax deductions to those directly related to the gas utility thus allowing the inclusion of "hypothetical taxes" in gas utility rates.

Expansion on Toll-Free Calling Areas - S.B. 632
by Senators Carriker and Shapiro
House Sponsor: Representative Uher

Requires the Public Utility Commission to initiate rulemaking to allow for expansion of areas in which toll-free telephone calls may be made.

Requires a telephone carrier not exempted by the bill to provide toll-free calling within a community of interest if certain conditions are met:

- the lesser of 100 telephone customers or 5 percent of all customers in an exchange sign a petition for expanded area service; and

- 70 percent of all customers vote for such service.
Utilities

\(\Delta\) Authorizes local exchange carriers to recover the costs of providing such service through monthly fees of not more than $3.50 for a residential customer and $7.00 for a commercial customer.

**Utility Payments of Elderly Persons - H.B. 670**

*by Representative Senfronia Thompson  
Senate Sponsor: Senator Whitmire*

\(\Delta\) Requires a utility to delay without penalty the payment of an elderly person's (60 years or older) residential utility bill until 25 days after the date on which the bill is issued, upon the request of the elderly person. Authorizes an elderly person to request a delay of all subsequent bills.
Real Estate

Condition of Property Disclosure Form - H.B. 1081
by Representatives Brimer, et al.
Senate Sponsor: Senator Brown

△ Requires a seller of real property to disclose the condition of the property to a purchaser, and sets forth a required form for the disclosure.

Security Devices for Rental Dwellings - H.B. 1368
by Representative Naishat
Senate Sponsor: Senator Montford

△ Requires landlords to install, at their own expense, security devices for rental dwellings.

△ Requires security devices operated by a key, card, or combination to be re-keyed at the landlord's expense within seven days of each tenant turnover date.

△ Authorizes a tenant to request certain additional or alternative security devices.

△ Authorizes a tenant, if the landlord fails to install or re-key a security device, to perform the work and deduct the cost from the next rent payment, to unilaterally terminate the lease following written request for compliance, or to file suit for damages.

△ Provides a defense for the landlord if the tenant has not fully paid costs for services which are requested by the tenant, as stated in an earlier section.

△ Provides a defense for a management company, which is not the dwelling owner, if the company has not been provided funds from the owner with which to comply, and such funds were requested in writing.
Real Estate

Clearance of Certain Land Titles - H.J.R. 3
by Senator Armbrister
House Sponsors: Representatives Saunders, McCoulskey, et al.

Δ If approved by the voters, amends the state constitution to clear land titles by abolishing any claim of sovereign ownership by the State of Texas to a one-third interest in 4,428 undivided acres located in Fort Bend and Austin counties. Ballot Date: November 2, 1993. Due to a Supreme Court decision in 1858 and the statutory prohibition on location of patents in Austin's Colony, the section of the constitution that allows the issuance of patents to correct defects in titles of landowners with a 50-year title chain who had no notice of the defect, did not clear land titles.

Δ Conveys the title of this one-third interest to the owners of the remaining interests in the land and minerals.

State and Local Government Agency Fees - S.B. 1058
by Senator Armbrister
House Sponsor: Representative Saunders

Δ Sets forth a records management and preservation fee of $5 in the fee schedule of a county court for services rendered and placed in a fund entitled the records management and preservation fund.

Δ Requires a defendant convicted of an offense in a county court, a county court at law, or a district court to pay a $10 fee for records management and preservation services.

Δ Increases by $200 the fee for filing an individual real estate broker license and the fee for annual renewal of an individual real estate broker license.

Δ Authorizes the Board of Health to assess a fee for the issuance of a certificate of free sale and another certification issued under this chapter.

Δ Defines a single amusement ride for the purpose of establishing fees for amusement rides.
Real Estate

Timely Payment To Contractors Or Subcontractors - H.B. 1429
by Representative Stiles
Senate Sponsor: Senator Chris Harris

Δ Requires the owner of real property to pay a contractor for improvements made to the real property within 45 days of receiving a request for payment.

Δ Requires a contractor to pay any subcontractor within seven days of receiving payment from the owner.

Δ Provides that an unpaid amount bears interest at 1.5 percent per month.

Δ Makes an exception for cases in which a lender fails to disburse funds to the owner within the 45 day period.
General Regulation

Employee Leasing - H.B. 456

by Representative Seidltis

Senate Sponsor: Senator O.H. Harris

Δ Establishes licensing and registration requirements for employee leasing companies, including a requirement to provide proof of net worth as an adequate reserve.

Δ Authorizes licensed employee leasing companies to sponsor and maintain employee benefit plans, with restrictions.

Δ Requires a licensed employee leasing company that provides workers' compensation insurance to pay premiums based on the client company's experience rating for the first two years of the contract.

Δ Provides that for purposes of workers' compensation, the client and the licensee are co-employers. Provides that for purposes of unemployment compensation, the licensee is the employer.

Δ Prohibits employee leasing companies from sponsoring a plan of self-insurance for health benefits, except as provided in the federal Employee Retirement Income Security Act of 1974 (ERISA).

Department of Commerce - Sunset - S.B. 405

by Senator Carricker

House Sponsor: Representative Smith, A.

Δ Provides for the continuation of the Texas Department of Commerce.

Δ Requires the board to maintain regional offices.

Δ Requires the department to enter into a memorandum of understanding with other state agencies involved in economic development to cooperate in program planning and budgeting.

Δ Requires the department to maintain an office of rural affairs.

Δ Authorizes the department to sell advertising space in tourism publications.
General Regulation

Procedures for Issuing Business Permits - S.B. 750
by Senator Armbrister
House Sponsor: Representative Martin

Δ Requires the Department of Commerce's business permit office to review and analyze the process by which state agencies issue permits.

Δ Requires the business permit office (office) to make recommendations for eliminating, consolidating, simplifying, expediting, or otherwise improving permit procedures affecting business enterprises. Requires the state auditor to assist with the recommendation process at the request of the office. Requires the office to submit all recommendations and statutory changes to the legislature by January 1, 1995.

Δ Requires the office to consult and cooperate with the Natural Resource Conservation Commission in conducting any studies on permits issued by the commission.

Currency Exchange Regulation - H.B. 474
by Representative Henry Cuellar
Senate Sponsor: Senator Montford

Δ Makes all retailers, wholesalers, or service providers who accept foreign currency as payment for goods or services rather than only those whose currency exchange or transmission is only incidental to normal business activity, eligible for an exemption from licensing as businesses of currency exchange or transmission.

Δ Requires retailers, wholesalers, or service providers who apply for the exemption to submit annually an application and application fee to the Banking Commissioner of Texas. Requires the amount of the fee to be set by the commissioner in an amount to recover the cost of administering the program. Provides that an exemption is not available, or an exemption may be suspended or revoked if:

- the value of the goods or services purchased in a single transaction exceeds $10,000;

- the change given or made as a result of the transaction exceeds $100;

- an attempt is made to evade licensing requirements or to avoid using a licensed currency exchange business;
General Regulation

- a person is engaged in the business of cashing checks, or other monetary instruments for a fee or other consideration and is not otherwise exempted from licensing; or

- the business would not be eligible for a license under certain provisions of this article.

△ Allows the attorney general to seek an injunction prohibiting the further operation of a currency exchange or transmission business for certain violations.

Landmen - H.B. 520
by Representative Tallas
Senate Sponsor: Senator Brown

△ Excludes from coverage under the Texas Unemployment Compensation Act certain services performed for a private for-profit person or entity by an individual as a landmen.

Retail Installment Contract - H.B. 606
by Representative Heflin
Senate Sponsors: Senators O.H. Harris, et al.

△ Authorizes the holder of a retail installment contract, other than for the purchase of a heavy commercial vehicle, to collect a delinquency charge on each installment in default for a period of more than 15 days, rather than 10 days, in an amount not to exceed five percent of each installment. Also, the bill deleted a provision for a late charge of $5 if the installment is less than the five percent.

Texas Alcoholic Beverage Commission
Sunset - H.B. 1445
by Representative Wilson
Senate Sponsor: Senator Carriker

△ Continues the Texas Alcoholic Beverage Commission and makes changes regarding alcoholic beverage regulation.

△ Transfers the mixed beverage tax from the Alcoholic Beverage Code to the Tax Code, giving the comptroller the responsibility to administer the tax.

△ Transfers the administrative law division of the TABC to the State Office of Administrative Hearings.
General Regulation

Δ Allows publicly traded companies to operate their own alcoholic beverage sales operation.

Δ Makes consuming an alcoholic beverage on a public street, alley, or sidewalk within 600 feet of a public or private school (K-12), a Class C misdemeanor.

Δ Establishes a human resources division within the TABC and provides for new hiring and recruiting practices at the TABC.

Δ Requires TABC licensees to comply with the Americans with Disabilities Act.

Δ Allows certain holders of a brewer’s permit to sell malt liquor as may the holder of a general class B wholesaler’s permit.

Δ Provides for a special three-day wine and beer permit.

Δ Provides for a special three-day wine and beer permit for nonprofit charitable, civil or religious organizations for the temporary serving of wine or beer at a picnic, celebration, or similar event sponsored by the organization.

Δ Provides for a brewpub license, allowing the licensee to manufacture, brew, bottle, can, package, and label malt liquor, ale and beer for sale or free consumption on the brewpub premises.

Δ Increases fines for certain violations.

Cancellation of a Beer and Wine Permit - S.B. 27

by Senator Moncrief
House Sponsor: Representative Goodman

Δ Provides that a beer and wine permit or an off-premise license can be cancelled if the police chief or sheriff swears that the permittee conducts business in a way which endangers the general welfare, health, peace, morals, and safety. Requires the Texas Alcoholic Beverage Commission to agree that this is true.
General Regulation

Renewal of Business, Occupational or Professional Licenses - H.B. 1862
by Representative Saunders
Senate Sponsor: Senator Armbrister

Prohibits an agency from requiring a person to take an examination as a condition of license renewal unless the license has been revoked or suspended, or has been expired for more than two years.

Constitutional Amendment - Ability of Corporations to Raise Capital - H.J.R. 57
by Representative Mowery
Senate Sponsor: Senator O.H. Harris

Proposes a constitutional amendment repealing the section of the Texas Constitution on consideration for stock or bonds; fictitious increase, because it is already contained in the Business Corporation Act, Insurance Code, and Banking Code. Ballot Date: November 2, 1993.

State Agencies - Adoption of Emergency Rule - H.B. 488
by Representative Hochberg
Senate Sponsor: Senator Rosson

Clarifies provisions for the adoption of certain emergency rules under the Administrative Procedure and Texas Register Act.

Prohibits an agency from using the standard emergency clause used in legislation as grounds for suspension of the 30-day posting rule.

Defines "requirement of state law" as a state statute that specifically refers to this section of the Administrative Procedure and Texas Register Act.

Judicial Review of State Agency Decisions - H.B. 2042
by Representative Wilson
Senate Sponsor: Senator Henderson

Prohibits a state agency from modifying its findings or decisions while a case is under judicial review, except when a court orders the agency to consider additional evidence that was not previously presented to the agency.
General Regulation

Appeals of Final Administrative Orders
H.B. 2512
by Representative Hilbert
Senate Sponsor: Senator Henderson

Δ Restricts appeals of final administrative orders to parties who actually participated in the agency hearings and have suffered specific, adverse injury or damage other than merely as a member of the general public as a result of the agency decision.

Regulatory License Defects - H.B. 2512
by Representative Hilbert
Senate Sponsor: Senator Henderson

Δ Authorizes a person operating under a regulatory license issued by an agency who has a defective license to continue operating if a reviewing court reverses an agency order for procedural or clerical defects and remands the case to the agency, if the defect is one that is subject to correction by the licensee and the licensee files a notice of intent and a subsequent notice of correction.

Δ Provides that this Act does not apply if the defects create a material risk to the public health, safety, or environment.
Edwards Aquifer - S.B. 1477
by Senators Armbrister, et al.
House Sponsor: Representative Lewis

Δ Creates (an underground water authority) the Edwards Aquifer Authority, to be governed by an appointed board.

Δ Provides that the authority has the necessary powers to manage, conserve, preserve, and protect the aquifer, and to increase the recharge of, and prevent the waste or pollution of, water in the aquifer.

Δ Provides that the authority is governed by a nine-member board consisting of three Bexar County residents, two appointed by San Antonio and one by Bexar County; one resident each of Comal County or New Braunfels, Hays County, Medina County, and Uvalde County; one person appointed in rotation from Atascosa, Medina, or Uvalde counties; and one person appointed by the South Central Texas Water Advisory Committee, established to provide advice to the board on downstream issues.

Δ Requires the authority to implement and enforce water management practices by June 1994, to ensure that by December 2012, continuous minimum springflows of the San Marcos Springs and Comal Springs are maintained to protect endangered and threatened species as required by federal law.

Δ Requires the authority, by September 1, 1995, to implement a comprehensive water management plan that includes conservation, future supply, and demand management plans.

Δ Limits the authority's regulatory powers to underground water within or withdrawn from the aquifer.

Δ Provides for the general powers and duties of the board and the authority, including rulemaking to ensure compliance with:

• permitting;

• metering; and

• reporting requirements.
Water

△ Limits permitted, annual withdrawals from the aquifer to 450,000 acre-feet until December 31, 2007, and to 400,000 acre-feet beginning January 1, 2008.

△ Authorizes the authority to increase maximum withdrawals under certain circumstances.

△ Authorizes existing users to apply for initial regular permits, based on historical withdrawals of underground water from the aquifer from June 1, 1972 through May 31, 1993.

△ Requires the board to grant an initial regular permit to an existing user who files a declaration of historical use, pays the fees, and establishes by convincing evidence beneficial use of underground water from the aquifer.

△ Guarantees existing irrigators at least two acre-feet of water annually for each acre of land irrigated in any one calendar year during the historical period.

△ Authorizes the authority to assess administrative penalties, ranging between $100 and $1,000, for each violation and for each day of a continuing violation.

△ Authorizes recovery of civil penalties, ranging between $100 and $10,000 plus attorney's fees, for each violation and for each day of a violation.

△ Requires the South Central Texas Water Advisory Committee, a locally appointed body, to advise the authority's board on downstream water rights and issues.

△ Abolishes the Edwards Underground Water District and transfers its assets to the authority.

△ Allows underground water conservation districts to manage and control water that is a part of the aquifer to the extent that their activities do not duplicate or conflict with actions of the authority.
Water

Water Development in the Colonias - H.B. 997
by Representative Oliveira
Senate Sponsor: Senator Montford

△ Provides for an increase in the funding available for the colonias along the Texas Border to provide for an adequate water supply and wastewater infrastructure.

Water Bank - S.B. 1030
by Senator Armbrister
House Sponsor: Representative Counts

△ Attempts to address the long-term water needs of Texas, given the ever-increasing difficulty in obtaining permits, environmental constraints, and the lack of potential sites for reservoir development, by examining alternative methods of meeting water supply needs.

△ Requires the Texas Water Development Board to establish a water bank into which holders of state water rights may deposit up to 50 percent of a water right for transfer of ownership or use.

△ Exempts a water right transferred to the water bank from cancellation for 10 years.

△ Authorizes the board to negotiate a price for the water right that is acceptable to depositor and purchaser.

△ Authorizes the board to charge a transaction fee per transfer not to exceed $500 to cover the board's expenses for operating the bank. Exempts political subdivisions from this fee.

Development Permit Reviews - S.B. 1029
by Senator Armbrister
House Sponsor: Representative Campbell

△ Requires the orders, regulations, ordinances, rules, or other requirements in effect at the time of the original application for the first state or local permit for commercial or industrial development, to be the sole basis for consideration, approval, disapproval, or conditional approval of all subsequent permits.
Groundwater Protection Committee - S.B. 469
by Senator Sims
House Sponsor: Representative Counts

∆ Adds the director of the Texas Agricultural Experiment Station and the
director of the Bureau of Economic Geology of the University of Texas at
Austin to the Texas Groundwater Protection Committee.

Regional Assessment of Nonpoint Source
Water Pollution - S.B. 502
by Senator Sims
House Sponsor: Representative Counts

∆ Requires the State Soil and Water Conservation Board to coordinate new
regional assessments and administer all programs involving reduction for
agricultural and silvicultural nonpoint source pollution.

∆ Provides that the responsibilities of the Texas Agricultural Extension
Service and the Texas Agricultural Experiment Station are to conduct
educational programs, and research in this area shall remain unchanged.

Water Quality Management Plan Certification
Program - S.B. 503
by Senator Sims
House Sponsor: Representative Counts

∆ Designates the State Soil and Water Conservation Board as the lead agency
for the state for activity relating to reducing agricultural or silvicultural
nonpoint source pollution.

∆ Requires the board to represent the state before the federal Environmental
Protection Agency and other federal agencies on matters relating to
agricultural and silvicultural nonpoint source pollution.

∆ Requires the board to establish, in those areas designated as "coastal zones"
or identified as having the potential to develop agricultural or
silvicultural nonpoint source water quality programs, a water quality
management plan certification program. This program provides for the
development, supervision, and monitoring of individual water quality
management plans for agricultural and silvicultural lands.
Water

△ Requires the board to administer a newly created "cost share assistance" program. This program will provide cost share assistance to landowners or operators for the installation of soil and water conservation land improvement measures.

**Drinking Water Protection from Lead - S.B. 812**

*by Senator Truan*

*House Sponsor: Representative Yarbrough*

△ Prohibits the sale, or offering for sale, of plumbing fixtures, pipes, or pipe fittings containing more than 8 percent lead for installing or repairing a public drinking water system, or plumbing that provides water for human consumption and is connected to a public drinking water system.

△ Prohibits the sale, or offering for sale, of solder or flux containing more than 0.2 percent lead for installing or repairing a public drinking water system, or plumbing that provides water for human consumption and is connected to a public drinking water system.

△ Authorizes the Texas State Board of Plumbing Examiners to discipline persons, licensed under the Plumbing License Law, who violate the above provisions.

△ Establishes that violations of the above provisions are considered offenses, classified as Class C misdemeanors, with each violation and each day of a continuing violation considered as separate offenses.

△ Does not prohibit the sale, or offering for sale, of a lead joint to repair a cast-iron pipe.

**Xeriscape Landscaping - S.B. 814**

*by Senator Truan*

*House Sponsor: Representative Hirschi*

△ Requires xeriscape landscaping (landscaping which maximizes the conservation of water by using site appropriate plants and an efficient watering system) for state buildings and parks, and authorizes cities to consider enacting ordinances requiring the use of xeriscaping to conserve water.

△ Establishes a xeriscape assistance program to assist cities and counties.
Water

Upper Guadalupe River Authority - S.B. 965

by Senator Crum
House Sponsor: Representative Hilderbran

Δ Provides authority to obtain a permit to appropriate state water of the Upper Guadalupe River for recharging certain underground fresh water-bearing sands and aquifers.

Δ Provides that state water used to recharge underground fresh water-bearing sands and aquifers under the above provision loses its character as state water and becomes percolating groundwater, subject to the rules adopted by an underground water conservation district having jurisdiction.

Public Water Supplies - S.B. 1041

by Senator Parker
House Sponsor: Representative Saunders

Δ Allows the Texas Natural Resource Conservation Commission to charge fees to a person who owns, operates, or maintains a public drinking water supply system. The commission is also able to assess penalties and interest for late payment of these fees.

Δ Enables the commission to adopt and enforce rules to implement the federal Safe Drinking Water Act.

Δ Allows civil, criminal and administrative enforcement of penalties for violation of the Health and Safety Code.

Underground Water - S.B. 1334

by Senators Bivins and Carriker
House Sponsor: Representative Counts

Δ Authorizes, rather than requires, the Texas Water Commission to make and enforce rules and regulations to protect and preserve the quality, rather than distribution, of underground water.

Fees for Directors of Underground Water Conservation Districts - H.B. 1853

by Representative Bosse
Senate Sponsor: Senator Shelley

Δ Limits to $6,000 a year the fees of office a director of an underground water conservation district may receive.
Water

△ Requires a director to file a statement of duties and service in order to receive fees of office or reimbursement.

Bonds for Directors of Underground Water Conservation Districts - H.B. 1854
by Representative Bosse
Senate Sponsor: Senator Shelley

△ Requires a director of an underground water conservation district to make the sworn statement prescribed by the constitution for public office as soon as is practicable following election or appointment.

△ Requires a director, prior to taking office, to execute a bond of $10,000 payable to the district and conditioned on the faithful performance of the director's duties.

Wholesale Water and Sewer Service Agreement - H.B. 2199
by Representative Brimer
Senate Sponsor: Senator Moncrief

△ Requires the Texas Water Commission to consider the terms of any wholesale water or sewer service agreement in an appellate rate proceeding.

Water Conservation Research - H.B. 2249
by Representative Duncan
Senate Sponsor: Senator Sims

△ Provides for the Higher Education Coordinating Board to include an emphasis on water conservation research and development in Advanced Research and Technology Programs.

Coastal Coordination Council Membership
H.B. 2612
by Representative Tallas
Senate Sponsor: Senators Patterson, et al.

△ Adds a member of the Texas Transportation Commission and the commissioner of agriculture to the Coastal Coordination Council.
Air

Vehicle Emissions Inspection and Maintenance - H.B. 1969
by Representative Saunders
Senate Sponsor: Senator Ellis

Requires the Texas Department of Transportation to implement a system for annual or biennial inspections of motor vehicles under the vehicle emissions inspection and maintenance program in non-attainment areas identified by the federal Clean Air Act amendments.

Funding for Emission Inventory Studies - S.B. 278
by Senator Montford
House Sponsors: Representatives Stiles and Eckels

Makes an emergency appropriation of an additional $2,928,000 to the Texas Air Control Board for the period ending August 31, 1993, to conduct field and emission inventory studies in areas of the state where ozone levels do not meet national standards: El Paso, Beaumont, Dallas/Fort Worth, and Houston.

Provides that these studies are to support the development of cost effective, federally required ozone control plans for ozone non-attainment areas.

Emission Reduction Credits - S.B. 513
by Senator Ellis
House Sponsor: Representative Eckels

Allow companies in nonattainment areas, such as Houston, Beaumont, Dallas, and El Paso, to produce "offsets" in an amount greater than the amount of new air pollution it will be creating. An offset is a permanent reduction in air pollution emissions below the level otherwise required by law.

Authorizes a regional council of governments to establish an area emission reduction credit organization in air quality non-attainment areas of the state to acquire and transfer credits, and to promote and assist in financing projects to generate emission reduction credits.
Air

△ Requires each area organization to file an annual report with the board and the regional council of governments by March 1. This report will contain financial accounting, accounting of emission reduction credits and a listing of all emission reduction credit transactions entered into by the organization.

Federal Mandates for Air Quality - H.B. 2049
by Representative Saunders
Senate Sponsor: Senator Ellis

△ Authorizes the Texas Air Control Board to fulfill federal mandates for an operating permit program approvable by the federal Clean Air Act and ensures the use of a two-permit system.

Automobile Repair Facilities - H.B. 2564
by Representative Campbell
Senate Sponsor: Senator Sims

△ Establishes rules that will strictly limit emissions from auto repair facilities and will require the states to monitor and regulate those facilities. The U.S. Environmental Protection Agency is now formulating rules under the federal Clean Air Act that will require the states to monitor and regulate auto repair facilities.

△ Requires automobile repair facilities in counties with populations of more than 50,000 to register with the Texas Natural Resource Conservation Commission. Registrants are required to disclose information regarding criminal records, the identity of the owners, and evidence of compliance with governmental rules and regulations of the Environmental Protection Agency. In addition, registrants are required to maintain information on each motor vehicle that enters the registrant's facility.
Waste Management

Recycling Market Development - S.B. 1051
by Senator Parker
House Sponsor: Representative Saunders

△ Promotes the development of markets for recycled products and the general reduction of municipal solid waste.

△ Authorizes the Texas Department of Commerce to designate enterprise zones as recycling market development zones.

△ Requires a state agency to expend at least five percent of its 1994 consumable procurement budget and eight percent of its consumable procurement budget each year thereafter on materials, supplies, and equipment made of recycled or environmentally sensitive material.

△ Creates the Recycling Market Development Board.

△ Creates the board composed of the commissioner of the General Land Office, the chairman of the Water Commission, the executive director of the General Services Commission, and the executive director of the Department of Commerce.

△ Requires the board to support and coordinate the recycling activities of member agencies and to pursue an economic development strategy that focuses on the state's waste management priorities including development of recycling industries and markets.

△ Provides incentives for composting in order to meet the state's 15 percent reduction goal of municipal solid waste.

△ Requires the Water Commission to establish minimum standards and guidelines for the issuance of permits for mixed municipal solid waste composting facilities and processes.

△ Requires the Water Commission to develop a public awareness program on properly reducing and disposing of municipal solid waste and to encourage participation on waste source reduction, composting, reuse, and recycling.

△ Encourages used tire recycling.

△ Facilitates the cleanup of priority scrap tire sites, which are scrap tire sites that present an existing or potential threat to public health and safety or to the environment and for which the commission cannot locate a person who:
Waste Management

- is the property owner, state operator, or depositor of the scrap tires;
- has benefited financially from the disposition of the scrap tires; and
- is financially capable of paying all or part of the cleanup costs.

\[ \triangle \] Changes the current flat $2 per tire recycling fee to: $2 per tire that has a rim diameter of between 12 and 17.5 inches, $3.50 per tire that has a rim diameter of between 17.5 and 25 inches, and $2 for each motorcycle tire.

\[ \triangle \] Includes source reduction of waste as a method for reaching the state's 40 percent municipal solid waste recycling goal that was established by Senate Bill 1340, 72nd Legislature, Regular Session, 1991. It has been established that the 40 percent goal was not achievable by recycling alone.

\[ \triangle \] Requires the Water Commission to reimburse to the owner or operator of an eligible registered public used oil collection center for costs associated with the collection and proper disposal of:

\[ \triangle \] do-it-yourself used oil collected by the collection center that, unknown to the center at the time of collection, contains hazardous wastes;

\[ \triangle \] used oil collected by the collection center that has been commingled with do-it-yourself oils and is unsuitable for recycling; or

\[ \triangle \] contaminated used oil left at the collection center as used oil after posted business hours and without the knowledge of the collection center.

\[ \triangle \] Authorizes the department to make loans and grants to a recycling market development zone to fund sustained or increased recycling efforts.

Right-to-Know Provisions - H.B. 1431

by Representative Saunders
Senate Sponsor: Senator Truan

\[ \triangle \] Updates the state's right-to-know provisions about hazardous materials to conform to federal law.

\[ \triangle \] Worker Right-to-Know:
Waste Management

- Requires public employers to offer employee training sessions on chemicals as necessary.

- Requires additional employee training when the potential for exposure to hazardous chemicals in an employee's work area increases significantly.

- Requires employers to report an accident involving chemical exposure within 48 hours of the occurrence if it is fatal to an employee or results in hospitalization of five or more employees. Sets forth time periods for correction of the violation.

- Provides for automatic administrative penalties if a public employer fails to make a good-faith effort to implement an effective hazard communication program.

- Sets forth civil and criminal penalties.

Δ Community Right-to-Know:

- Requires facility operators to compile, maintain, and submit to the Health Department information on hazardous chemicals present in the facility that meet or exceed thresholds established by the EPA or the Board of Health for toxic or extremely hazardous substances.

- Allows citizens to request copies of workplace chemical lists directly from a manufacturer or employer.

- Authorizes fire department representatives to conduct on-site inspections and to request additional information to assist them in emergency planning.

- Authorizes the Health Department to make inspections and investigate complaints. Sets forth civil and criminal penalties.
Salt Dome Storage - H.B. 2016
by Representative Earley
Senate Sponsor: Senator Turner

Δ Gives the Railroad Commission jurisdiction over all salt dome storage of hazardous liquids (such as petroleum or any petroleum or liquid natural gas, or any hydrocarbon in a liquid state other than liquefied natural gas) and over salt dome storage facilities used for the storage of hazardous liquids. Exempts certain facilities regulated under federal law.

Δ Requires the commission to adopt safety standards and practices for salt dome storage of hazardous liquids and facilities used for that purpose.

Δ Requires owners or operators of hazardous liquid salt dome storage facilities to comply with record-keeping and reporting requirements.

Δ Authorizes the commission to undertake compliance inspections of hazardous liquid salt dome storage facilities.

Δ Establishes civil penalties up to $25,000 for each act of violation and for each day of violation and up to $500,000 for a related series of violations.

Δ Provides for administrative penalties up to $25,000 for each violation.

Δ Preempts local governments from adopting or enforcing ordinances or regulations establishing safety standards or practices applicable to hazardous liquid salt formation storage facilities subject to regulation by state or federal law.

Low-Level Radioactive Waste Disposal Compact - S.B. 1206
by Senator Sims
House Sponsor: Representative Alexander

Δ Creates the Texas Low-Level Radioactive Waste Disposal Compact, subject to ratification and periodic review by the United States Congress, with Texas, Maine, and Vermont as initial members.

Δ Establishes the Texas Low-Level Radioactive Waste Disposal Compact Commission to administer the provisions of the compact.
Waste Management

Δ Requires the commission to consist of one voting member from each party state except that Texas as the host state is entitled to six voting members. Provides that present member states of the compact are Texas, Maine, and Vermont. Authorizes other states to become members of the compact by a majority vote of the commission and ratification by the Texas Legislature, as host state.

Δ Gives Texas, the host site, full administrative control over the development, management, and operation of the disposal facility.

Δ Requires other compact members to pay $25 million to Texas as the host state.

Δ Requires Texas to establish disposal fees to sufficiently support the commission's activities.

Δ Requires the commission to establish the total volume of low-level radioactive waste that Texas will accept at the facility between 1995 and 2045.

- Limits other members' annual shipments to no more than 20,000 cubic feet.

Disposal of Radioactive Waste - H.B. 2623

by Representative Earley

Senate Sponsor: Senator Sims

Δ Allows the Railroad Commission of Texas to regulate the disposal of naturally occurring radioactive material (current law authorizes the Texas Low Level Radioactive Waste Disposal Authority to regulate its disposal). Requires the commission to consult with the Texas Natural Resource Conservation Commission and the Texas Department of Health regarding protection of the public health and the environment.

Municipal Solid Waste Management - H.B. 2537

by Representative Gray

Senate Sponsor: Senator Barrientos

Δ Requires a regional council of governments to maintain inventories of past and present landfill sites.

Δ Requires local government officials to be notified if a closed landfill underlies a tract of one acre or more that is being developed and to file a legal description of the tract in the county real property records.
Waste Management

Release from Liability for Solid Waste
Releases - S.B. 570
by Senator Ratliff
House Sponsor: Representative Hamric

Δ Releases a city or a city officer from liability if solid waste is released from a solid waste facility when either of two conditions are met:

Δ the city acquired ownership or control of the facility through bankruptcy, tax delinquency, or other involuntary circumstances; or

Δ the city and its officers and employees did not cause or contribute to the release of solid waste.

Application for a Municipal Solid Waste Management Facility - S.B. 639
by Senator Sims
House Sponsor: Representative Kuempel

Δ Requires a public meeting on an application for a new municipal solid waste management facility to be held in the county in which the facility is to be situated.

Δ Provides that once a determination has been made that an application for a solid waste permit is administratively and technically complete, the determination may not be revoked, and the only additional information that may be requested is information necessary to clarify, modify, or supplement previously submitted material.

Solid Waste Management Program - S.B. 963
by Senator Sims
House Sponsor: Representative Saunders

Δ Requires the Texas Natural Resource Conservation Commission to develop and implement a comprehensive municipal waste management strategic plan to reduce solid waste. Requires the plan to:

- identify the components of the municipal solid waste stream that are the lightest in volume and to set priorities according to those findings;

- describe and analyze the capacity in the state to manage municipal waste;
Waste Management

- set a goal for overall reduction in the amount of municipal solid waste; and
- ensure that source reduction, reuse, recycling, composting, and resource recovery are addressed.

Dedicates a portion of the commission's revenue to pay for the conducting of demonstration projects and studies to assist local governments and the private sector. The projects and studies are used to convert accounting systems and set rates relating to costs of providing waste management services. Another portion of revenue would be dedicated to mitigate the economic and environmental impact of lead-acid battery recycling activities on local governments.

Requires the commission, among other existing requirements, to consult with the Municipal Solid Waste Management and Resource Recovery Advisory Council, local governments, appropriate regional and state agencies, business, citizen groups, and private waste management firms. Requires the commission to hold public hearings and to publish the proposed comprehensive statewide strategic plan in the Texas Register.

Requires the commission to develop a public awareness program to increase awareness of individual responsibility for reducing and disposing of municipal solid waste, and to encourage participation in waste source reduction, composting, reuse, and recycling. Requires the program to include a media campaign, and a curriculum for use in K-12 programs that promotes waste reduction and recycling.

Exempts from permit requirements a municipal solid waste management facility that is used in the transfer of municipal solid waste to a solid waste processing or disposal facility under certain circumstances. Requires an applicant, in order to qualify for the exemption, to hold a public meeting about the siting of the facility in the municipality or county in which the facility is or will be located.

Creates the Office of Waste Exchange as an office of the commission to facilitate exchange of waste for recycling, composting and reuse. Requires the office to adopt a plan for dissemination of information on waste exchange to interested persons, and to report to the legislature on the plan and on the state's participation in any regional or national waste exchange program.
Solid Waste Facility - H.B. 130
by Representatives Kamel and Yost
Senate Sponsor: Senator Ratliff

Δ Authorizes a city to require the owner/operator of its solid waste landfill to certify that the landfill has sufficient capacity to dispose of the city's solid waste for the duration of the contract.

Δ Requires an owner/operator to provide alternative disposal before entering into an additional contract that would reduce the capacity below existing city contract amounts.

Procedures - Waste Management Permits
H.B. 2434
by Representative Saunders
Senate Sponsor: Senator Carriker

Δ Prohibits a hearings examiner of the Texas Water Commission from communicating with any employee of the commission, other than an employee of the office of hearings examiners, unless permitted by the Administrative Procedure and Texas Register Act.

Penalty for Discharge into City Sanitary Systems - H.B. 832
by Representative Puente
Senate Sponsor: Senator Madla

Δ Authorizes a city to bring a civil action to enforce ordinances related to violations of point source effluent limitations or the discharge of a pollutant into a city sanitary or storm sewer system. Provides for a penalty of $5,000 per day for violations of such ordinances.
Natural Gas Underground Storage - H.B. 2622
by Representative Earley
Senate Sponsor: Senator Turner

Δ Gives the Railroad Commission jurisdiction over natural gas underground storage and over surface and subsurface equipment and facilities used for natural gas underground storage. Exempts certain facilities regulated under federal law.

Δ Requires the commission to adopt safety standards and practices for natural gas underground storage and storage facilities.

Δ Requires owners or operators of a storage facility to comply with record-keeping and reporting requirements.

Δ Authorizes the commission to inspect storage facilities for compliance with safety standards and practices and record-keeping requirements.

Δ Establishes civil penalties up to $25,000 for each violation and up to $500,000 for a related series of violations.

Δ Provides for administrative penalties up to $10,000 or $25,000 per violation, and penalty caps for a related series of violations, depending on the nature of the violation.

Δ Prohibits local governments from adopting or enforcing ordinances that establish safety standards or practices applicable to storage facilities subject to regulation under this legislation or another state or federal law.

Pipeline Safety Standards - S.B. 467
by Senator Sims
House Sponsor: Representative George West

Δ Increases the maximum civil penalty from $10,000 to $25,000 for violations of pipeline safety standards.
Oil/Gas/Natural Gas

Pipeline Easements - S.B. 172
by Senator Sims
House Sponsor: Representative Bob Turner

\(\Delta\) Authorizes easements created through grant or power of eminent domain for the benefit of a single common carrier pipeline, for which the power of eminent domain is available as of January 1, 1994, that extend only a width of 50 feet as to each pipeline laid under the grant or judgment in eminent domain prior to January 1, 1994.

\(\Delta\) Excepts from these authorized easements oil, gas, or mineral leases, or easements for the construction of gathering lines.

\(\Delta\) Authorizes easements wider than 50 feet for additional lines if the carrier can demonstrate in an eminent domain proceeding that greater width is needed.

Recovery of Damages for Discharge of Oil and Other Pollutants - S.B. 1049
by Senator Parker
House Sponsor: Representative Berlanga

\(\Delta\) Amends the Texas Oil Spill Prevention Act that was created in 1991. Sets forth the policy of the state to protect its natural resources, particularly those in the coastal waters, and to restore, rehabilitate, replace, and/or acquire the equivalent of its natural resources when those have been damaged. Natural resources means all land, fish, shellfish, fowl, wildlife, biota, vegetation, air, water, and other similar resources owned, managed, held in trust, regulated, or otherwise controlled by the state.

\(\Delta\) Provides that it is the intent of the legislature that natural resource damage assessment methodologies be developed for the purpose of reasonably valuing the natural resources of the State of Texas in the event of an oil spill, and that the state recover monetary damages or have actions commenced by the spiller as early as possible to expedite the restoration, rehabilitation, and/or replacement of the injured natural resource.

\(\Delta\) Requires the Commissioner of the General Land Office, in conjunction with the natural resource trustees, who are designated by the governor under federal law, to develop, by September 1, 1995, an inventory that:
Oil/Gas/Natural Gas

- identifies and catalogs the physical locations, the seasonal variations in location, and the current condition of natural resources;

- provides for data collection related to coastal processes; and

- identifies the recreational and commercial use areas that are most likely to suffer injury from an unauthorized discharge of oil.

\( \Delta \) Requires the physical locations surveyed for the inventory of natural resources to include, at a minimum the Galveston Bay system and the Houston Ship Channel, the Corpus Christi Bay system, the lower Laguna Madre, Sabine Lake, and federal and state wildlife refuge areas.

\( \Delta \) Requires the commissioner to adopt administrative procedures and protocols for the assessment by the trustees of natural resource damages from an unauthorized discharge of oil.

\( \Delta \) Requires any assessment generated by the trustees to be reasonable and have a rational connection to the costs of conducting the assessment and of restoring, rehabilitating, replacing, and/or acquiring the equivalent of the injured natural resources.

\( \Delta \) Requires the potentially responsible party to make full payment within 60 days of the completion of the assessment by the trustees or, if mediation is conducted, within 60 days of the conclusion of the mediation.

\( \Delta \) Requires the commissioner, on behalf of the trustees, to seek reimbursement from the Oil Spill Liability Trust Fund, which is the federal fund for damages to natural resources, for damages in excess of the liability limits prescribed in Texas law.

\( \Delta \) Authorizes the commissioner, if the request for federal funds is denied or additional money is required following receipt of the federal money, to pay the requested reimbursement from the state Coastal Protection Fund.

\( \Delta \) Limits the total liability for all natural resources damages of any person responsible for an actual or threatened unauthorized discharge of oil from a vessel to a range of $500,000 to $10 million depending upon the size of the vessel.
Oil/Gas/Natural Gas

Δ Limits the total liability for all natural resources damages of any person responsible for an actual or threatened unauthorized discharge of oil from a terminal facility to a range of $500,000 to $350 million depending upon the capacity of the facility.

Δ Requires the commissioner to ensure that there will be no double recovery of damages or response costs, which are costs incurred in an attempt to prevent, abate, contain, and remove pollution from the discharge, including costs of removing vessels or structures and the costs of any reasonable measures to prevent or limit damage to the public health, safety, or welfare, public or private property, or natural resources.

Δ Provides that, if any actual or threatened unauthorized discharge of oil was the result of gross negligence or willful misconduct or a violation of any applicable federal or state safety, construction, or operating regulation, the person responsible for such gross negligence or willful misconduct or a violation is liable for the full amount of all damages to natural resources.

Δ Requires the commissioner to develop and conduct a voluntary spill prevention education program.

Petroleum Storage Tank Remediation Fund
- S.B. 1243
by Senator Montford
House Sponsor: Representative Counts

Δ Authorizes the comptroller to temporarily transfer up to $120 million from the general revenue fund to the Petroleum Storage Tank Remediation Fund (PSTRF), for reimbursing claims and administering the remediation fund, during the 1994-1995 biennium.

Δ The PSTRF is used to pay:

- necessary expenses associated with the administration of the fund and the groundwater cleanup program;

- expenses associated with investigation, cleanup, or corrective action measures performed in response to a release or threatened release from a petroleum storage tank; and

- expenses associated with investigation, cleanup, or corrective action measures performed in response to a release or threatened release.
Oil/Gas/Natural Gas

Δ Stipulates that petroleum-product bulk delivery fees will be used to reimburse the general revenue fund.

Δ Increases from 3 percent to 5 percent the amount of the remediation fund's gross receipts usable for administering the remediation fund and the groundwater protection program to remedy backlog of requests and to speed payments.

Δ Requires adoption of guidelines and procedures for the use of and eligibility for the remediation fund, subject to the availability of money in the fund, and authorizes prioritization and suspension of payments.

Δ Establishes that owners or operators are not entitled to interest on claims.

Petroleum Storage Tank Advisory Committee
H.B. 1938
by Representative Lewis
Senate Sponsor: Senator Sims

Δ Amends the composition of the Petroleum Storage Tank Advisory Committee, which advises the Texas Natural Resource Conservation Commission in the adoption of rules pertaining to the petroleum storage tank program.

Δ Deletes the geographical representation requirement of committee members, yet provides that no more than three members may be from the same metropolitan area.

Δ Requires one committee member to be a representative of the financial industry with experience in underground storage tank corrective action.

Natural Gas Regulation - S.B. 576
by Senator Armbrister
House Sponsor: Representative Kuempel

Δ Requires the Railroad Commission to adopt rules regarding compression, liquefaction, sale, storage, transportation, use, and disposal of compressed natural gas (CNG) and liquefied natural gas (LNG).

Δ Authorizes any employee, agent, or inspector of the commission to enter the premises of a licensee to inspect equipment with CNG or LNG.
Oil/Gas/Natural Gas

Δ Requires any motor vehicle that is equipped with a CNG or LNG cargo tank or is used principally to transport CNG or LNG in portable cylinders or containers to be registered with the commission.

Δ Requires a person to obtain a license from the commission to engage in any CNG-related or LNG-related activities.

Administration of Certain Energy Funds - S.B. 959

by Senator Ellis, et al.
House Sponsor: Representative Junell

Δ Provides that the administration of the remainder of the oil overcharge fund is to be administered by the Legislative Budget Board, rather than the Office of the Governor; the Low-Income Home Energy Assistance grant program is to be administered by the Department of Housing and Community Affairs; and the Mass Transit Energy Program is to be administered by the Department of Transportation.

Δ Creates the Texas Energy Efficiency and Conservation Revolving Fund to provide financial assistance to state agencies and any other governmental entities or political subdivisions of the state.

Standards for Installation or Repair of Well Pumps - S.B. 1488

by Senator Sims
House Sponsors: Representatives Counts, et al.

Δ Prohibits the Texas Natural Resource Conservation Commission from adopting rules concerning regulation of the installation or repair of well pumps and equipment by certain persons.

Δ Prohibits the Texas Natural Resource Conservation Commission from requiring certain persons to complete, repair or retrofit a well to any standard other than the standard in effect at the time the well was originally completed unless the well is found to be a threat to water quality or the public health and safety.

by Representative Kuempel
Senate Sponsor: Senator Armbrister

Authorizes the Texas Department of Agriculture to issue a license authorizing a business or individual to inspect and certify liquified petroleum gas meters. Requires the licensee to comply with department rules regarding testing procedures and to submit reports on all meters tested.

Oil and Gas Co-Production - H.B. 2723

by Representative Rudd
Senate Sponsor: Senator O.H. Harris

Provides tax and regulatory relief for incentives for the production of certain gas that is difficult or expensive to produce and a reduced oil production tax rate for oil from some recovery projects.

Provides a temporary exemption from the Natural Gas Production Tax for high-cost gas produced through a railroad commission approved co-production project until August 31, 2001. However, for high-cost gas produced on or before July 31, 1995, tax is due at the regular rate, and on or after September 1, 1995, the operator may apply for and be entitled to a refund of all taxes paid.

Provides that oil produced from a commission approved co-production project qualifies for the recovered oil tax rate of 2.3 percent of market value (rather than the normal oil production tax rate of 4.6 percent). However, tax due on or before July 31, 1995, is at the normal rate of 4.6 percent, and on or after September 1, 1995, the operator may apply for and be entitled to, a refund equal the difference between the tax paid and the tax due at the recovered oil tax rate of 2.3 percent.
Hunting in State Parks - S.B. 179  
*by Senators Parker, et al.*  
*House Sponsor: Representative Hightower*

- Gives the Texas Parks and Wildlife Commission, until August 31, 1995, the authority to announce open season for recreational hunting in state parks, forts, or sites, where size, location, other physical factors, and sound biological management practices permit.

- Requires the commission to establish a system classifying parks, portions of parks, and wildlife management areas as game management, recreational, natural, or historical areas.

- Gives the commission, after August 31, 1995, the authority to prescribe an open season for hunting after it has established a classification system for such areas.

Hunting Lease License - S.B. 971  
*by Senator Sims*  
*House Sponsor: Representative Bomer*

- Authorizes the owner of a tract of land in a wildlife management area formed under the Parks and Wildlife Code to apply for a wildlife management association area hunting lease license for that tract.

- Sets fees ranging from $35 to $125 for wildlife management association area hunting lease licenses.

- Authorizes the Parks and Wildlife Department to designate two or more contiguous or proximate tracts of land as a wildlife management association area if each landowner applies for the designation and the department makes certain determinations.

Parks and Wildlife Funding - H.B. 706  
*by Representatives Oliveira, et al.*  
*Senate Sponsor: Senator Montford*

- Replaces the dedication of revenue from the cigarette tax to the Parks and Wildlife Department with the sales and use tax on sporting goods.

- Dedicates revenue derived from the sales and use tax on sporting goods to the Parks and Wildlife Department. For the 1994-95 biennium, an amount equal to the cigarette tax revenue that would have been dedicated to the department will be dedicated from the
Parks and Wildlife

tax on sporting goods. Beginning in fiscal year 1996, no more than $32 million per year will be dedicated to the department from revenue on sporting goods sales and use tax.

△ Allocates the 2¢ per pack of cigarette tax revenue formerly dedicated to the Parks and Wildlife Department to the general revenue fund.

△ Converts parks and wildlife related funds into accounts in the general revenue fund.

△ Provides that when revenues to the Texas recreation and parks account exceeds $14 million per year, an amount not to exceed 15 percent shall be made available for grants to local governments to assist in acquisition or development of indoor public recreation facilities.

Bounties for Predators - H.B. 716
by Representatives Holzheuser, et al.
Senate Sponsor: Senator Sims

△ Provides that county commissioners may not pay bounties exceeding $20, unless approved by the Texas Parks and Wildlife Commission, for killing a predatory animal not listed on any state or federal protected species list.

Public Hunting Privileges - H.B. 1417
by Representative Bomer
Senate Sponsor: Senator Sims

△ Authorizes the Parks and Wildlife Department to conduct drawings to select applicants for public hunting privileges.

△ Exempts landowners operating under a wildlife management plan from the requirements for tags to be attached to deer.

△ Authorizes landowners in a wildlife management association area to apply for a wildlife management association area hunting lease license; sets forth the fee for the license.
Alternative Fuels - S.B. 737
by Senator Bivins
House Sponsor: Representative Earley

Allows the Railroad Commission to adopt all the necessary rules relating to the use of LPG and other environmentally beneficial alternative fuels that do, or may in the future, improve the air quality in Texas.

Creates the Alternative Fuels Council and an alternative fuels loan program.

The Alternative Fuels Council shall coordinate a comprehensive program to be carried out by state agencies in support of the use of environmentally beneficial alternative fuels.

The council shall also oversee the granting of loans to fund conversion or infrastructure projects to promote the use of environmentally beneficial alternative fuels.

Authorizes the Public Finance Authority to issue revenue bonds for alternative fuels projects.

Allows the commission to solicit and accept funds from any source for the purpose of promoting alternative fuels.

Creates the Alternative Fuels Conversion Fund consisting of the oil overcharge funds, gifts and grants, principal and interest on loans made from the fund, interest earned and other appropriations, and stipulates that the fund is to be used to make loans for conversions and infrastructure projects and other purposes to promote liquefied petroleum gas, natural gas, and other alternative fuels.
General Environment

Property Tax Exemption - Environment
H.J.R. 86 and H.B. 1920
by Representatives Stiles, Earley, et al.
Senate Sponsor: Senator Armbrister

△ If passed, H.J.R. 86 would amend the Constitution to allow the legislature to exempt from ad valorem taxation all or part of real or personal property used to meet or exceed regulations adopted by any environmental protection agency for the prevention, monitoring, control, or reduction of air, water, or land pollution; and

△ Provides that the exemption applies to property used as a facility, device, or method for the control of pollution that would otherwise be taxable for the first time on or after January 1, 1994. Ballot Date: November 2, 1993.

△ Removes the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

△ Enabling legislation for this bill is H.B. 1920, which:

△ Requires a person to apply for the exemption through the executive director of the Texas Natural Resource Conservation Commission; and

△ Allows a similar exemption for political subdivisions which is not contingent upon passage of the constitutional amendment proposed by H.J.R. 86.

△ Even if H.J.R. 86 does not pass, H.B. 1920 allows the exemption for political subdivisions from taxation of all or part of real and personal property.

Aggregate Quarries and Pits - H.B. 1968
by Representative Saunders
Senate Sponsor: Senator Armbrister

△ Authorizes the Railroad Commission to grant a waiver from the requirement that pits and quarries located near a public road be protected by barriers, if the person responsible for an abandoned or inactive pit submits an application to the commission showing that certain requirements have been met.
General Environment

△ Authorizes the commission to grant additional reasonable time to complete the barrier or other device if the responsible person must obtain an easement before construction.

△ Requires, among other provisions, that a barrier constructed under Section 133.041 of the Natural Resources Code, reach a height that the commission determines will obstruct, restrain, and prevent the normal passage of vehicular traffic.

△ Redefines hazardous proximity to a public road from 200 feet from the outer right-of-way to 200 feet from the nearest roadway edge of a public road or highway to the pit perimeter.

△ Provides that a safety certificate is required for an active, inactive, or abandoned quarry or pit that is located in hazardous proximity to a public road or is in an unsafe location, excluding an inactive or abandoned quarry or pit that receives a written waiver from the commission.

△ Authorizes the commission to establish fees up to $500 for an active aggregate quarry or pit; and $500 for an inactive or abandoned aggregate quarry or pit unless the responsible party is a governmental entity, in which case the fee shall be no more than $350.

△ Provides that a county with a population of 2.4 million or more may adopt regulations requiring the placement of signs or barriers on aggregate quarries and pits, and prohibits a county from adopting regulations for aggregate quarries and pits regulated by the commission.

Regulation of the Sale and Use of Pesticides - S.B. 609

by Senator Armbrister
House Sponsor: Representative Swinford

△ Prohibits a city from regulating the sale or use of pesticides, with certain exceptions.
Consumers

Surety Bonds for Collection Companies - S.B. 400
by Senator Chris Harris
House Sponsor: Representative Brimer

△ Requires debt collection companies to provide a $10,000 surety bond in favor of any person damaged by a violation of the debt collection statute, and in favor of the state for the benefit of any person who is damaged.

△ Requires debt collectors to investigate and correct inaccurate information maintained by the company upon complaint by a debtor.

Telephone Solicitation - H.B. 364
by Representative Clemons
Senate Sponsor: Senator Lucio

△ Provides for the regulation of telephone solicitation to address the increasing concern about telemarketers who engage in false, misleading, or deceptive trade practices, such as notifying a consumer of a prize which may only be claimed if merchandise is purchased. Typically the merchandise is overpriced and the prize less than represented, but the consumer chooses not to return the merchandise due to the extra time and effort involved.

△ Requires telephone solicitors to obtain a certificate of registration from the secretary of state for each business location from which solicitation occurs, and to pay a filing fee of $200.

△ Requires a registration statement to be accompanied by a bond, letter of credit, or certificate of deposit in the amount of $10,000 and to be conditioned on compliance by the seller with this chapter.

Solicitation by Public Safety Organizations
H.B. 712
by Representative Blackwood
Senate Sponsor: Senator Lucio

△ Provides for regulation of solicitation by or on behalf of public safety organizations to address the increasing concern about solicitors who engage in false, misleading, or deceptive trade practices, such as misleading a donor on the use of or benefit provided by the donation.
Consumers

Δ Requires a public safety organization, an independent promoter, or a public safety publication to register with the secretary of state prior to soliciting or hiring a solicitor, and to pay an annual $250 registration fee.

Δ Requires a solicitor to register with the secretary of state and to pay an annual $500 registration fee. Requires the solicitor to post a $10,000 surety bond payable to the state and conditioned upon compliance with this act.

Δ Requires a secretary of state to establish and operate a toll-free telephone line known as Solicitation Information Hotline for consumers to obtain information about the solicitation or to report an alleged violation, such as using an emblem, device, or printed matter belonging to or associated with a public safety organization without its permission, knowingly representing or or implying that the proceeds of the solicitation are being used for a purpose other than the true purpose, or representing that those who respond favorably to the plea will receive favored treatment by public safety personnel.

9-1-1 for Apartments and Condos - H.B. 1544
by Representative Carter
Senate Sponsor: Senator Carriker

Δ Requires a business service user that provides residential facilities and owns or leases a private telephone switch used to provide telephone service to facility residents to provide to those residential end users the 9-1-1 emergency phone service.

Δ Authorizes such residences to benefit from automatic location identification systems.

Discounts for Anti-theft Devices - S.B. 26
by Senator Moncrief
House Sponsor: Representative Counts

Δ Requires an insurance company to grant discounts for vehicles with anti-theft devices.

Representing More Than One Party to a Real Estate Transaction - S.B. 314
by Senator Armbrister
House Sponsor: Representative Seidlits

Δ Authorizes a real estate broker to represent more than one party to a transaction.
Consumers

Establishes guidelines in the event that a broker does represent more than one party such as requiring the agent not to disclose certain information that may provide an unfair advantage to either person.

**Consumer Credit Code License and Registration - S.B. 1075**
*by Senator Parker*
*House Sponsor: Representative Todd Hunter*

Provides the mechanism by which a lender, including a seller, may reinstate his or her Consumer Credit Code license or registration by payment of all fees that should have been paid, together with a late filing fee.

Provides that a person who pays the fees and late charges to the Consumer Credit Commissioner is absolved of civil liability for operating without a license or registration.

**Lender-Held Claim Payments - H.B. 113**
*by Representative Brimer*
*Senate Sponsor: Senator Wentworth*

Requires lenders holding insurance claim payments pending completion of repairs of residential real property to notify the insured, within 10 days of receipt of the claim payment of lender, of the requirements for release of the payment.

Mandates that the lender pay the insured or explain in detail the reason for refusal of payment and the requirements the insured must satisfy for the lender to release the proceeds within 10 days of receipt of the insured's request for payment.

Provides that the lender pay interest to the insured at the rate of 10% per year for non-compliance with the 10-day notice provisions.

**Worker's Lien by Repossession - H.B. 575**
*by Representative Danburg*
*Senate Sponsor: Senator Luna*

Regulates the enforcement of a worker's lien by repossession.

Authorizes a worker, who repairs an article (vehicle, motorboat, vessel, or outboard motor), to repossess the article only if the person
Consumers

obligated under the repair contract has signed a notice stating that
the article may be repossessed.

Δ Authorizes a worker who takes possession of an article to require a
person obligated under the repair contract to pay the costs of
repossession as a condition of reclaiming the article.

Δ Makes it a Class B misdemeanor for a worker to sell, for cash or
other consideration to a person who performs repossession services,
a check that is received as payment for repair of an article and that is
returned to the worker because of insufficient funds.

Regulation of Prepaid Funeral Services - H.B. 2499

by Representative Marchant
Senate Sponsor: Senator Montford

Δ Provides for increased regulation of prepaid funeral services and
merchandise.

Δ Prohibits a person who does not hold a permit from providing
prepaid funeral services. Sets forth other restrictions on prepaid
funeral services.

Δ Sets forth requirements for insurance-funded prepaid funeral
benefits.

Δ Authorizes the Banking Department of Texas to prescribe
reasonable rules and regulations concerning fees, and requires the
department to approve forms for the sales contract for prepaid
funeral benefits.

Δ Sets forth provisions for permits, enforcement, and transfer of
permits for prepaid funeral benefits. Sets forth requirements for
trust funded prepaid funeral benefits.

Δ Sets forth provisions for abandoned contracts and states that, as
personal property, they are subject to presumption of abandonment
and delivery to the state treasurer.

Δ Requires the Banking Department of Texas to create and maintain a
fund to guarantee performance by sellers of prepaid funeral benefits
contracts of their obligations to purchasers.
Consumers

Debt Collection - H.B. 2747
by Senator Chris Harris
House Sponsor: Representative Brimer

Δ Requires a credit bureau to furnish to any person, within 45 days, a copy of all information in its files concerning that person.

Δ Provides for a $100 penalty to be awarded to any person who successfully maintains legal action under this article.
Labor

Updating the Human Rights Act - H.B. 860
by Representatives Delco, Eckels, et al.
Senate Sponsor: Senator Barrientos

\(\Delta\) Amends the Commission on Human Rights Act to bring it into compliance with the Civil Rights Act of 1991 and the Americans with Disabilities Act.

Employee's Claim for Past Due Wages - S.B. 418
by Senator Chris Harris
House Sponsor: Representative Oliveira

\(\Delta\) Expands the enforcement powers of the Texas Employment Commission to improve the commission's ability to enforce wage claim provisions.

\(\Delta\) Authorizes the commission to bring an action to enforce a final order for payment of due wages.

\(\Delta\) Authorizes the commission to enter reciprocal collection arrangements with appropriate authorized agencies.

\(\Delta\) Authorizes the commission to issue subpoenas.

Child Labor Law Enforcement - S.B. 939
by Senator Ellis
House Sponsor: Representative Naishat

\(\Delta\) Provides for the enforcement of the child labor law, by the State of Texas rather than by referral to the U.S. Department of Labor.

\(\Delta\) Provides for effective enforcement by authorizing the Texas Employment Commission (TEC) to assess administrative penalties in cases of illegal employment of children, and to refer cases to the court to judicial review and assessment of criminal penalties.

\(\Delta\) Requires the TEC to develop a data collection system to monitor employment of minors throughout the state.

\(\Delta\) Authorizes the attorney general to seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

\(\Delta\) Provides for funding for the enforcement function from the TEC's Advanced Interest Trust Fund, rather than general revenue.
Labor

Δ Provides that the cost of administration and enforcement will be approximately $1.75 million for 1994 and 1995.

**Labor and Wages - H.B. 1103**

*by Representative Gutierrez*

*Senate Sponsor: Senator Lucio*

Δ Requires overtime pay for fire fighters to be paid to individuals who are not exempt under the Fair Labor Standards Act. Provides that fire fighters may be required to work overtime in situations other than an emergency.
Childhood Immunization - S.B. 266
by Senators Zaffirini, et al.
House Sponsor: Representative McDonald

△ Provides for the statewide immunization of all Texas children for vaccine-preventable diseases.

△ Increases the availability of immunizations.

- Authorizes the Texas Department of Health to set a fee schedule for vaccines, based on an individual’s ability to pay the fee.

- Authorizes the Texas Department of Health to pay or provide compensatory time to certain employees for immunization-related work that occurs on holidays.

Note: In Texas, only about 30 percent of two year olds are appropriately immunized, according to a 1992 Children's Defense Fund study. Texas' immunization level for two year olds was the lowest rate reported for all states, while the highest rate, 84 percent, was found in Vermont. The Texas Department of Health reports that the ultimate goal for immunizations is to immunize 100 percent of all Texas children with age-appropriate vaccines. However, in the next two years, the goal is to immunize 70 percent of Texas children at the appropriate age and with the recommended vaccines.

△ Assigns to hospitals and doctors the responsibility for reviewing children's immunization histories, administering needed vaccines, or referring children for immunizations.

△ Requires physicians in several state agencies that operate health care facilities to review children's immunization histories and administer the vaccinations or refer the children for immunizations.

△ Adds immunizations for mumps to the list of required vaccinations before a child can enter a child care facility.

△ Enacts exemptions from required immunizations for medical or religious reasons.
Birth Defects Registry - S.B. 89
by Senators Truan, et al.
House Sponsors: Representatives Berlanga and Brady

△ Authorizes the Texas Board of Health to establish a program to identify and investigate causes of birth defects and infant mortality and to maintain a central registry of birth defects cases.

△ Creates a scientific advisory committee for the registry.

△ Allows the board to require health facilities or others to make records relating to an occurrence of a birth defect available, and establishes confidentiality requirements.

△ Provides for children who meet medical criteria to be referred for case management assistance.

△ Requires an annual report on activities using data from the registry.

△ Mandates coordination with similar research efforts in Mexico for research that affects Texas/Mexico border areas.

Child Support - Enforcement - S.B. 84
by Senator Chris Harris
House Sponsor: Representative Goodman

△ Provides for enforcement of support orders for children and the automatic employer-based health insurance enrollment of children who have a court order requiring that health insurance be provided.

△ Authorizes the DPS to establish rules regulating the suspension or denial of driver's licenses of persons delinquent in child support.

△ Provides that a person may not receive state grants, loans, or contracts or place bids on contracts if delinquent in child support.

△ Places limits on issuing state pay warrants to persons who are delinquent in child support.
Child Support - Statewide Plan - S.B. 291
by Senator Rosson
House Sponsor: Representative Thompson

Δ Provides for the administration of a statewide plan for child support.

Δ Gives the attorney general’s office greater enforcement authority in collecting child support.

Δ Gives the attorney general’s office greater authority in dealing with the federal government to collect federal child support funds.

Δ Allows the attorney general’s office to develop an Employer New Hire Reporting Program to provide a means for employers to assist the state in locating absent parents and collecting delinquent child support.

Parental Rights and In Vitro Fertilization - S.B. 512
by Senator Ellis
House Sponsor: Representative Naishatat

Δ Clarifies that a child born to a married couple as a result of the implantation of a fertilized egg or embryo obtained through a donor is the child of both the wife and husband and not of the donor.

Nutrition Programs - S.B. 714
by Senators Ellis, et al.
House Sponsor: Representative Vowell

Δ Enhances nutrition services for children and the needy through several state and federal nutrition programs by taking the actions listed below:

Supplemental Food Program for Women, Infants and Children (WIC) and Maternal and Child Health Services:

Δ Expands the hours that the WIC program is available (includes evening hours or Saturdays under specified conditions).

Δ Adds other maternal and child health services to the extended hours if the contractor also delivers WIC services.
Summer Food Service Program:

△ Requires the Texas Department of Human Services and the Texas Education Agency to develop a plan to allow children in certain school districts access to the Summer Food Service Program.

- Targeted school districts will be those in which at least 60 percent of the children are eligible for free or reduced price meals.

△ Requires school district facilities to be used for summer food programs unless costs exceed funding or alternative facilities will be used.

△ Authorizes one-year waivers of these requirements.

△ Requires the Texas Education Agency and Texas Department Human Services to report to the legislature on the program.

Food Stamp Program:

△ Requires Texas Department of Human Services to develop and implement a plan for providing nutrition education and outreach to persons eligible for food stamps to improve low income persons' knowledge of nutrition and make them aware of programs for which they may be eligible but not receiving services.

- Requires TDHS to submit the plan for federal approval.

Adoption - H.B. 196

by Representative Conley
Senate Sponsor: Senator Zaffirini

△ Prohibits courts, in determining the best interests of a child, from denying or delaying adoptions on the basis of race or ethnicity of the child or of the prospective adoptive parents.

△ Prohibits the Texas Department of Protective and Regulatory Services (TPRS) from prohibiting or delaying foster care placements on the basis of race or ethnicity of the child or the foster family.

△ Prohibits TPRS or related agencies from denying or delaying adoptions on the basis of race or ethnicity of the child or of the prospective adoptive parents.
Child Support - Paternity - H.B. 724
by Representatives Goodman, et al.
Senate Sponsor: Senator Rosson

Provides for a revised process for the determination of paternity, including the use of genetic testing data, and establishes guidelines for retroactive child support determinations.

Child Support - Interest - H.B. 758
by Representatives Goodman, et al.
Senate Sponsor: Senator Chris Harris

Raises interest accrued on delinquent child support to 12 percent simple interest per annum from the date of delinquency; provides that if payment is made prior to the 31st day of delinquency, then no interest will be added.

Uniform Interstate Family Support Act - H.B. 831
by Representative Senfronia Thompson
Senate Sponsor: Senator Chris Harris

Replaces the Revised Uniform Reciprocal Enforcement of Support Act with the Uniform Interstate Support Act in order to incorporate national recommendations from a four-year study into Texas laws.

Mandates enforcement of out-of-state court orders for alimony and child support.

Child Support - Special Masters - H.B. 979
by Representative Goodman
Senate Sponsor: Senator Chris Harris

Streamlines the administration of appointing judicial masters to hear child support cases brought by the attorney general.

Empowers administrative judges and presiding judges to appoint masters for courts specifically for the handling of cases filed under Social Security Act relating to child support orders and enforcement. This legislation allows judges to appoint masters to authorize temporary child support and make reports to the court regarding child support cases.
Child Support - Payments - H.B. 1433

by Representative Goodman
Senate Sponsor: Senator Chris Harris

Δ Establishes guidelines for child support payments to be made in cases that involve children residing in more than one household, and in cases in which the obligor is responsible for the support of other children in addition to those before the court.

Parent-Child Relationship - Obligations - H.B. 1630

by Representative Goodman
Senate Sponsor: Senator Chris Harris

Δ Declares that the policy of the state is to encourage the development of close and continuous relationships between parents and children.

Δ Increases the amount of income that can be considered for computing child support from $4,000 to $6,000 per month.

Δ Authorizes the parent in possession of a child to make decisions affecting the child's health, education, and welfare during the period of possession.

Pediatric Emergency Medical Services - H.B. 2385

by Representative Van de Putte
Senate Sponsor: Senator Zaffirini

Δ Directs the Department of Health to develop a statewide pediatric emergency services system based on recommendations from a seven member advisory board appointed by the commissioner of health.

Child-Care Facility Licenses - H.B. 2394

by Representative Brady
Senate Sponsor: Senator Shelley

Δ Authorizes the Texas Department of Protective and Regulatory services to take an administrative action in order to close a child care facility in violation of a law or rule which poses an immediate danger to the children in the facility. Current law requires the agency to seek action by the district court, with potential delays that could threaten the health and safety of children.
Δ Sets forth changes for denial, suspension, or revocation of a license to operate a day care center.

**Liability Insurance - Child Care Facilities -**
**H.B. 1114**
by Representative Turner
*Senate Sponsor: Senator Shapiro*

Δ Requires certain child care facilities (generally those licensed for more than 12 children) to have liability insurance with a minimum of at least $300,000 per occurrence.

Δ Requires the license holder to notify the Department of Human Services and the parent of each child enrolled at the facility if the child care facility is unable to obtain liability coverage or exhausts the policy limits.

**Child Safety Seats - H.B. 479**
by Representative Delisi
*Senate Sponsor: Senator Wentworth*

Δ Requires any individual transporting, by passenger car or light truck, on any road, street, or highway of the State of Texas, to secure a child younger than two years of age in a safety seat and a child older than two but less than four years of age in a safety seat or by a safety belt. Formerly, the requirement was only for Texas residents.

**Lawsuits - Parent-Child Relationship - H.B. 360**
by Representative Averitt
*Senate Sponsor: Senator Sibley*

Δ Authorizes a person who has had actual possession of a child for at least twelve months immediately preceding the filing of a petition to bring an original suit affecting a parent-child relationship.

**Welfare for Children - S.B. 1101**
by Senator Nelson
*House Sponsor: Representative McCall*

Δ Requires persons applying for Aid to Families with Dependent Children benefits and services on behalf of a child to identify the parent's spouse or, if unmarried, to provide certain information about the mother or alleged father of the child.
Children's Commission - S.B. 155
by Senators Turner, et al.
House Sponsor: Representative Hightower

△ Creates the Texas Commission on Children.

△ Requires the commission to develop recommendations to improve and coordinate programs for children in education, health, juvenile justice, and family services.

△ Provides for the appointment of 18 members; six each by the governor, lieutenant governor, and speaker of the house. The governor is to appoint the chair and the vice chair.

△ Requires the commission to include as ex officio members the executive directors of agencies that serve children.

△ Requires the commission to submit proposals for reform to the Legislature by December 1, 1994.
Fire Safety Standards for Long-Term Care Facilities - S.B. 28

by Senator Moncrief
House Sponsor: Representative Glaze

Δ Requires the Texas Board of Health to adopt rules consistent with the most current Life Safety Code of the National Fire Protection Association as required by federal law; and to develop regulations that are necessary to establish the life safety requirements for long-term care facilities.

Data Collection for Long-Term Care Facilities - S.B. 29

by Senator Moncrief
House Sponsor: Representative Delisi

Δ Authorizes the Texas Department of Health to collect and analyze data regarding the quality of care in long-term care facilities.

Δ Provides that the data collected is confidential and will be used solely for the purpose of suggesting quality of care improvements.

Δ Authorizes a fee for the licensing of long-term care facilities.

Δ Authorizes an investigation of a complaint to include a visit to the resident's institution and an interview with the resident, if appropriate.

Long-term Care Insurance Policies - H.B. 2662

by Representative Driver
Senate Sponsor: Senator Leedom

Δ Adds authority for the State Board of Insurance to establish additional standards for long-term care insurance policies.

Δ Additional standards are allowed for standard claim forms, standard benefits for skilled nursing care and other specified types of long-term care, requiring insurers to cover skilled nursing care, intermediate nursing care and custodial care, requiring insurers to offer coverage for home health care, and requiring limitations on premium rate increases for an individual, and other coverage requirements.
Mental Patients' Bill of Rights - S.B. 205
by Senators Moncrief, Chris Harris, et al.
House Sponsors: Representatives Naishtat and Vowell

△ Requires state agencies to adopt a patient's bill of rights for people who receive mental health, chemical dependency or medical rehabilitation services in inpatient facilities.

△ Imposes new, tougher standards and enforcement methods for marketing and admission practices by mental facilities.

△ Enhances enforcement of violations of new standards through courts and state agencies.

△ Adds or increases civil, administrative, or criminal penalties for violation of new and existing guidelines.

△ Broadens the range of actions that state agencies which license the facilities and prosecutors can take to stop prohibited actions.

△ Strengthens patient protection laws by changing provisions on admissions and discharges from facilities.

△ Sets up a new timeframe for discharging patients voluntarily receiving inpatient mental health services.

△ Requires doctors, rather than administrators, to prepare plans for patients being discharged.

△ Authorizes governing boards, such as the Board of Mental Health and Mental Retardation and the Texas Commission on Alcohol and Drug Abuse, to adopt rules to enforce new guidelines and requires them to adopt other patient protection rules.

△ Adds new standards for electroconvulsive therapy (electro-shock), including reporting requirements on the use of electroconvulsive and other therapies.
Patient's Rights - Mental Health and Chemical Dependency Facilities - S.B. 207
by Senators Chris Harris, Moncrief, et al.
House Sponsors: Representatives Vowell and Naishtat

△ Enhances patients’ rights affecting multiple aspects of treatment in mental
health or chemical dependency treatment facilities. These changes
generally affect:

△ Providing information on prescribed medications to patients, and to
their families if requested.

△ Requiring physicians, not administrators, to decide whether
patients receiving voluntary in-patient mental health services who
refuse to consent to necessary treatments meet the criteria for court-
ordered services, and stipulating that physicians must notify
voluntary patients if they intend to file applications for court-
ordered services.

- Outlines the process for shifting to court-ordered mental health
services from voluntary mental health services.

△ Establishes patients’ rights to communicate by telephone and mail.

△ Requires the Texas Board of Mental Health and Mental Retardation
to appoint an advisory task force on prescription medications.

△ Establishes patients’ rights to access the contents of their mental
health records.

△ Establishes patients’ consent to medication, therapy or treatment in
a chemical dependency treatment facility.

△ Institutes reforms for billing practices.

△ Requires hospitals, chemical dependency treatment facilities and
mental health hospitals and facilities to provide billing statements
to specified third party payors.

△ Prohibits certain health care providers from billing for treatments
that were known not to be provided or were otherwise improper.

△ Permits licensing agencies to audit billing records.
Remedies for Fraudulent Health Claims - S.B. 208  
by Senators Chris Harris, Moncrief, et al.  
House Sponsors: Representatives Vowell and Naishat

∆ Provides remedies for fraudulent health insurance claims by establishing a definition of health insurance claim fraud and imposing criminal penalties ranging from a Class C misdemeanor to a first degree felony, depending on the value of the claim, for violations of the new definition.

Reporting Abuse or Neglect of Patients - S.B. 210  
by Senators Zaffirini, et al.  
House Sponsors: Representatives Vowell, Naishat, and Danburg

∆ Strengthens requirements for reporting abuse or neglect of mental patients, or for reporting illegal or unprofessional conduct, in inpatient facilities, or hospitals that provide medical rehabilitation.

∆ Adds criminal penalties of a Class A misdemeanor for failing to report abuse.

∆ Prohibits retaliation against employees and others who in good faith report abuse, except for an individual who caused the abuse or neglect or who engaged in the illegal conduct, for reporting patient abuse -- "whistle blower" protection.

∆ Holds mental health service providers, and their employers under certain situations, liable for damages for injuries resulting from sexual exploitation of patients.

∆ Requires providers or their employers to report instances of sexual exploitation.

∆ Creates a criminal offense of a second or third degree felony for sexual contact or sexually exploitive behavior with patients by mental health service providers.

∆ Authorizes state agencies to take actions against certain providers who violate the new criminal provisions on sexual contact or exploitation or who are legally liable for damages relating to sexual exploitation. The mental health providers covered under this provision are certified social workers, medical physicists, licensed marriage and family therapists, licensed professional counselors, and psychologists.
HHS/Mental Health, Substance Abuse, and Rehabilitation

Δ Requires the Texas Board of Mental Health and Mental Retardation to appoint a mental health facility treatment methods advisory committee.

Δ Extends the treatment standards adopted by the TMHMR to all hospitals providing mental health services, private mental hospitals and other facilities, and chemical dependency treatment facilities.

Δ Changes laws affecting admission of minors to facilities by specifying age criteria and further specifying who can admit minors.

Δ Transfers the responsibility for licensing mental health facilities from the Texas Department of Mental Health and Mental Retardation to the Texas Department of Health.

Prohibition on Solicitation of Mental Patients - S.B. 211
by Senators Zaffirini, et al.
House Sponsors: Representatives Vowell and Naishat

Δ Expands prohibitions on accepting illegal remuneration for recruiting patients.

Δ Creates a criminal offense of a Class A misdemeanor, or a third degree felony with a previous conviction, for persons who accept remuneration but fail to disclose certain information to patients.

Δ Creates civil penalties of up to $10,000 per day per violation.

Regulations for Providing Rehabilitation Services - S.B. 212
by Senators Zaffirini, et al.
House Sponsors: Representatives Vowell and Naishat

Δ Requires the Texas Department of Health to issue licenses for providing inpatient medical rehabilitation services.

Δ Outlines minimum standards for hospitals providing rehabilitation services.
Guardianship Laws - S.B. 236
by Senators Moncrief, Chris Harris, and Zaffirini
House Sponsor: Representative Naishtat

△ Reforms Texas' guardianship laws and puts into place judicial and attorney training and other protections for incapacitated persons who, because of physical or mental conditions, are unable to care for themselves.

△ Requires the Texas Supreme Court to provide a course on guardianship issues for judges.

△ Requires the judge of a statutory probate court to appoint a court investigator to be involved in guardianship cases.

△ Requires the State Bar of Texas to provide a course on guardianship for attorneys.

△ Requires state agencies to develop an agreement that requires the use of a uniform assessment tool to assess whether certain incapacitated persons need a guardian.

△ Enacts new provisions on permanent guardianship proceedings and requirements.

△ Outlines the appointment and duties of attorneys ad litem to protect and represent the interests of the proposed ward in the guardianship proceedings.

△ Outlines the selection, powers and duties of a guardian of the ward

△ Requires private professional guardians to be certified by county clerks.

△ Defines expiration dates (1 year and 120 days) for letters of guardianship and allows for renewals.

△ Allows the court to authorize compensation of guardians from available funds of the ward's estate under certain guidelines.
Surrogate Consent for Medical Treatment
S.B. 332
by Senators Moncrief, Chris Harris, Zaffirini, and Sibley
House Sponsor: Representative Hirschi

△ Allows surrogate decision-makers to consent to medical treatment, with certain exceptions, on behalf of incapacitated patients in hospitals or nursing homes.

Single Service HMOs - Mental Health and Substance Abuse - S.B. 555
by Senator Patterson
House Sponsor: Representative Siebert

△ Authorizes a health maintenance organization to furnish or arrange mental health services and substance abuse services through contract with a single service health maintenance organization in order to allow employers to provide mental health and substance abuse services to all employees, regardless of health plan, and without paying for duplicate coverage.

Texas Commission on Alcohol and Drug Abuse - H.B. 1626
by Representative Coleman
Senate Sponsor: Senator Zaffirini

△ Requires the Texas Commission on Alcohol and Drug Abuse to plan, develop, and implement methods and programs that provide healthy alternatives for children at risk of selling controlled substances.

Schizophrenia Treatment - H.B. 1713
by Representative Maxey
Senate Sponsor: Senator Rosson

△ Permits more widespread use of clozapine, a drug which may be used in the treatment of schizophrenia, to enhance community placement of state hospital patients.
Indigent Health Care - S.B. 426
by Senators Sibley, et al.
House Sponsor: Representative Renato Cuellar

Δ Requires advisory boards to establish three pilot programs to provide indigent health care and train family practice resident physicians in order to increase the number of family practitioners in Texas.

Δ Requires the Texas Higher Education Coordinating Board to report to the legislature on the allocation of funds to the pilot programs and on the progress of those programs in training family practice resident physicians and in providing indigent health care.

Charity Care in Nonprofit Hospitals - S.B. 427
by Senator Ellis
House Sponsor: Representative Maxey

Δ Requires nonprofit hospitals to provide community health care services, including charity care and government-sponsored indigent health care, in order to maintain exemptions from property, sales and use, and franchise taxes.

Δ Requires nonprofit hospitals to develop mission statements about serving the health care needs of communities and to devise plans for providing community benefits, which is defined as the unreimbursed cost of providing charity care, government-sponsored indigent health care, donations, education, government-sponsored program services, research, and subsidized health services.

Δ Allows nonprofit hospitals to elect to provide community benefits according to their choice between several standards.

Interagency Council for the Homeless - S.B. 465
by Senator Barrientos
House Sponsor: Representative Dutton

Δ Reestablishes the Interagency Council for Services for the Homeless as the Texas Interagency Council for the Homeless, and establishes the composition, powers, and duties of the council, in order to include the council, which was omitted from a bill in the 72nd Legislature.

Δ Includes among the council's duties: surveying current resources for services for the homeless in the state; evaluating current and future needs for the services; and assisting in coordinating and providing statewide services for all homeless persons in the state.
Indigent Health Care - H.B. 2790
by Representative Hirschi
Senate Sponsor: Senator Carriker

△ Allows counties, in order to pay for the costs of indigent health care, to recoup the costs of that care from any insurance settlements or awards the patient may receive.

△ Authorizes a county to require a person applying for indigent health care to register with the Texas Employment Commission.

△ Requires counties to adopt procedures to detect and minimize fraud in the provision of indigent health care services.
Regulation of Mammography Devices - H.B. 63
by Representatives Hamric, McCall, et al.
Senate Sponsors: Senator Shapiro, et al.

Δ Provides for the enhanced regulation of mammography devices and the practice of mammography by requiring annual certification of systems and increased training requirements for medical personnel.

Δ Prohibits a person from performing a mammography unless the mammography system has been certified.

Δ Requires certification for mammography systems and sets standards for the certification. Currently Texas law does not require certification of these devices.

Δ Authorizes the Texas Board of Health to oversee the certification of the approximately 700 mammography devices operational in Texas.
Epidemiologic and Toxicologic Investigations - S.B. 90

by Senators Truan, et al.

House Sponsor: Representative Berlanga

Δ Improves state access to information for epidemiologic or toxicologic investigations.

Δ Authorizes the Texas Department of Health (TDH) to conduct epidemiologic or toxicologic investigations of illnesses and environmental exposures.

Δ Requires TDH to report findings to and work with the Texas Natural Resource Conservation Commission to coordinate corrective measures.

Δ Imposes confidentiality provisions on information that relates to the investigations.

Student Loans for Medical Students - S.B. 218

by Senators Sibley, et al.

House Sponsor: Representative Renato Cuellar

Δ Encourages greater numbers of doctors to choose family practice, as opposed to other medical specialties, by revising eligibility requirements for a state student loan repayment assistance program for physicians.

Health Careers Promotion - H.B. 2241

by Representatives Bob Turner, et al.

Senate Sponsor: Senator Carriker

Δ Expands a loan forgiveness program for students who commit to pursuing a health profession and providing health care services in the community, which provides financial sponsorship for their education.

HIV/AIDS Coordination - S.B. 286

by Senators Ellis and Moncrief

House Sponsor: Representative Danburg

Δ Creates the HIV/AIDS Interagency Coordinating Council to encourage communication between multiple associations, consumer groups, and state health care agencies.
Designates the Texas Department of Health as the lead agency for AIDS and HIV policy.

**Hospital District HMOs - S.B. 702**

*by Senator Leedom*

*House Sponsor: Representative Wolens*

Permits a hospital district to establish a health maintenance organization in order to allow for the expansion of preventive and primary health care programs and enable hospital districts to offer a basic health care plan to low-income persons.

**Poison Control Centers - S.B. 773**

*by Senator Whitmire*

*House Sponsor: Representative Van de Putte*

Establishes up to seven regional poison control centers to be administered by the Texas Department of Health and the Advisory Commission State Emergency Communications (ACSEC).

Provides funding for the poison control centers from an intrastate long distance surcharge of 0.8 percent to be collected through the same mechanism as the 9-1-1 emergency communications surcharge fee.

**Blood Donation - S.B. 1144**

*By Senator Ellis*

*House Sponsor: Representative Coleman*

Authorizes a person who is seventeen years of age to consent to the donation of his or her blood or blood components.

Prohibits compensation from the blood bank for the donation for persons less than 18 years of age.

**Emergency Medical Services - H.B. 241**

*by Representative Kubiak*

*Senate Sponsor: Senator Zaffirini*

Authorizes the Board of Health to establish rules for the continuing education and for examinations of emergency medical services personnel.

Removes from statute the requirement that emergency services (EMS) personnel take an examination in order to be recertified.
△ Requires the Texas Board of Health to adopt minimum standards concerning continuing education programs and examinations for EMS personnel as part of its rules.

Health Care Directive on Driver's License
H.B. 502
by Representative Delisi
Senate Sponsor: Senator Sibley

△ Provides for the printing of an instruction to withhold or withdraw life-sustaining procedures, on the reverse side of each driver's license. Allows a driver to indicate that a health care directive has been filed at a telephone number indicated on the license.

Mental Retardation Treatment - H.B. 771
by Representatives Naishtat, et al.
Senate Sponsor: Senator Madla

△ Requires a physician or psychologist licensed to practice in this state or certified by the Texas Department of Mental Health and Mental Retardation to perform the determination of mental retardation.

△ Requires the determination to be based on an interview with the person and on a professional assessment that includes:

- a measure of the person's intellectual functioning;
- a determination of the person's adaptive behavior level; and
- evidence of origination during the person's developmental period.

△ Defines interdisciplinary team as a group of mental retardation professionals and paraprofessionals who assess the treatment, training, and habilitation needs of a person with mental retardation and make recommendations for services for the person.

△ Prohibits a person from being admitted or committed to a residential care facility unless an interdisciplinary team recommends the placement.

△ Requires an interdisciplinary team to:

- interview the person with mental retardation, the person's parent if the person is a minor, and the person's guardian;
• review the person's social and medical history, medical, psychological, and social assessment, and determination of adaptive behavior level;

• determine the person's need for additional assessments, including educational and vocational assessments;

• obtain any additional assessments necessary to plan services;

• identify the person's habilitation and service preferences and needs; and

• recommend services to address the person's needs that consider the person's preferences.

Requires the interdisciplinary team to prepare a written report of its findings and recommendations that is signed by each team member and sent to the assessed person, the person's parent, and the person's guardian.

Authorizes a person to receive emergency services without a determination of mental retardation if:

• there is persuasive evidence that the person is a person with mental retardation;

• emergency services are available; and

• the person has an urgent need for emergency services.

Authorizes the Commission on Law Enforcement Officer Standards and Education to certify a sheriff, sheriff's deputy, justice of the peace, constable, or municipal police officer as a special officer for mental health assignment, if certain requirements are met.

Prohibits a patient from being transported with a state prisoner.

Prohibits a patient from being physically restrained unless necessary to protect the health and safety of the patient or of a person traveling with the patient.
Taxes and Fees on Certain EMS Vehicles
H.B. 895
by Representative Solis
Senate Sponsor: Senator Lucio

Exempts certain vehicles owned or leased by nonprofit or local government emergency medical services (EMS) providers from annual motor registration fees and motor vehicle sales taxes.

Organ Donors - H.B. 1206
by Representative Lewis
Senate Sponsor: Senator Madla

Authorizes a medical examiner to permit organs to be removed from persons who have experienced brain or cardiac death if no family member or responsible party is contacted within four hours after death.

- Provides that if it is unknown whether the decedent was a declared donor, a person who is able to authorize an anatomical gift will be asked if the decedent was a donor.

- Provides that the decedent's documented donor status fulfills the consent necessary for the gift.

- Adds lungs to the list of visceral organs that may be removed.

Cooperative Agreements among Hospitals in Texas - H.B. 1884
by Representative Wolens
Senate Sponsor: Senator Sibley

Authorizes a hospital to negotiate and enter into cooperative agreements with other hospitals in the state to purchase or share equipment, facilities, personnel, or services.

- Provides that the agreements are subject to the approval of the Texas Department of Health and the attorney general's office. To gain approval, hospitals must show that potential benefits from the venture outweigh the disadvantages from the reduction in competition that are likely to result.

- Continues the prohibition of price fixing and predatory pricing activities.
Nonprofit Clinics - H.B. 1972

by Representative McDonald
Senate Sponsor: Senator Ellis

Δ Extends the authority to employ physicians to nonprofit clinics operated by nonprofit hospitals or organizations that serve primarily indigent populations.

Δ Enables clinics owned and operated by a non-profit hospital or other non-profit entity to employ physicians to provide health services, thus increasing services to residents in medically underserved areas. Currently, the ability to employ physicians for services at these indigent care clinics is prohibited by Texas laws regulating the corporate practice of medicine.

Δ Authorizes nonprofit clinics to contract with a physician to provide services and pay the physician a minimum guarantee to ensure the physician's availability.

Δ Authorizes the clinic to bill clients for the physician's fees and retain an amount equal to the guaranteed minimum and a reasonable collection fee.
Texas Pharmacy Act - S.B. 472
by Senator Madla
House Sponsor: Representative Van de Putte

∆ Updates the Texas Pharmacy Act.

∆ Authorizes pharmacists to administer medication under limited circumstances.

∆ Authorizes pharmacists to refill a prescription, without doctor authorization, under certain emergency circumstances.

∆ Establishes a Class F pharmacy which operates in a facility providing home health care.

Texas State Board of Pharmacy - Sunset -
S.B. 621
by Senator Carriker
House Sponsor: Representative Black

∆ Provides for the continuation of the Texas State Board of Pharmacy (TSBP) and for the regulation of the practice of pharmacy.

∆ Bans appointment of accredited occupational health care professionals or spouses; TSBP-regulated or hired business owners, officials, or spouses; or registered lobbyists to public member seats on the TSBP.

• Prohibits members of the TSBP from also being officials or being related to officials or being related to officials of a health care trade association.

∆ Requires the TSBP to provide: information on complaint procedures to consumers and other state agencies; a toll-free telephone complaint line; public hearings; and access to these programs for those who do not speak English.

∆ Updates formal and informal complaint proceedings.

∆ Updates mandatory continuing education requirements for license renewal.

∆ Authorizes the board to impose administrative penalties.
Physical and Occupational Therapy - S.B. 690
by Senator Carriker
House Sponsor: Representative Counts

Δ Creates the Executive Council of Physical Therapy and Occupational Therapy Examiners (EC/PTOTE) pursuant to the recommendation of the Sunset Advisory Commission by merging the State Board of Physical Therapy Examiners and the Advisory Board of Occupational Therapy.

Δ Provides seats on the EC/PTOTE for one professional and one public member from each of the two merged boards. A third public member, who will be the presiding officer of the EC/PTOTE, is a gubernatorial appointee.

Δ Defines the practice of physical therapy and states that the purpose of regulating this therapy is to safeguard the health and welfare of the public.

Δ Renames the occupational therapy board as the Texas Board of Occupational Therapy Examiners and lays out its duties and regulations governing it.

Board of Vocational Nurse Examiners - Sunset - S.B. 839
by Senator Moncrief
House Sponsor: Representative Black

Δ Updates the laws governing the Board of Vocational Nurse Examiners (BVNE).

Δ Increases the number of public members of the BVNE to five and defines public member to include persons working in sectors of the health care field that do not require a license.

Δ Eliminates statutory fee schedules but requires the board to set fees to recover costs. Authorizes the board to assess administrative penalties against vocational nurses.

Δ Requires the board to establish by rule the educational requirements to obtain a license as a vocational nurse and the continuing education requirements for the renewal of the license.

Δ Requires the board to provide a system for monitoring licensees' compliance with this Act.
Δ Creates a new process for temporary licensing, while approval of a permanent license is pending, of a qualified vocational nurse licensed by another state who is sponsored by the holder of a Texas health care license.

Δ Requires the board to keep a record of complaints and to provide information on complaint procedures to consumers and other state agencies. The board must also provide a toll-free telephone complaint line, provide for public hearings, and make these programs accessible to those who do not speak English.

Texas Board of Chiropractic Examiners - Sunset - S.B. 1061
by Senators Parker and Moncrief
House Sponsor: Representative Counts

Δ Provides for the continuation and functions of the Texas Board of Chiropractic Examiners and for the regulation of the practice of chiropractic.

Δ Prohibits certain persons from being employed by or eligible for appointment to the board.

Δ Provides for board member appointments to be staggered six-year terms. Formerly, member's terms were set by the governor.

Δ Requires the governor to designate a member of the board to act as the president of the board at the pleasure of the governor.

Δ Requires the board to establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board.

Δ Requires board members to comply with the board member training requirements and other standards.

Δ Requires the board to implement policies that clearly define the respective responsibilities of the board and the staff of the board.

Δ Requires the board to prepare and maintain a plan describing how a non-English speaking person can be provided access to the board's programs.
Updates continuing education requirements of licensees.

Requires the board to establish, by rule, fees in amounts to recover the cost of administering this Act.

Requires the board to adopt rules for the licensing and regulation of chiropractic facilities.

Provides for the regulation of patient records and confidentiality of those records.

Texas State Board of Medical Examiners -
Sunset - S.B. 1062

by Senators Parker and Moncrief
House Sponsor: Representative Cain

Provides for the continuation of the Texas State Board of Medical Examiners (TSBME) and for the regulation of the practice of medicine, as well as the practice of acupuncture.

Adds three public TSBME board members bringing the total members to 18 and the total public members to six. Staggers the terms of office so that six, rather than five, terms expire biennially. Bans discrimination in appointments to the TSBME. Requires that the nine licensed physicians on the TSBME must have been actively engaged in health care peer review for three years prior to their appointment. Bans top health care trade association officials or their spouses and any registered lobbyists on behalf of a profession related to the TSBME from serving on the TSBME or as staff for it.

Requires the board to prepare information of public interest on the board's functions and complaint procedures.

Updates continuing education requirements of licensees.

Provides for a temporary license for out-of-state practitioners.

Prohibits the board from adopting rules restricting competitive bidding or advertising by a person regulated by the board except to prohibit false, misleading, or deceptive practices by the person.

Updates requirements for licensure of graduates of foreign medical schools.
Δ Adds a subchapter that comprehensively regulates the practice of acupuncture.

**Texas State Board of Podiatry Examiners - Sunset - S.B. 1080**  
*by Senator O.H. Harris*  
*House Sponsors: Representatives Berlanga and Black*

Δ Provides for the continuation of the Texas State Board of Podiatry Examiners (TSBPE) and for the regulation of the practice of podiatry.

Δ Provides that chiropodists and pedicurists are not considered to be practicing podiatry.

Δ Bans top health care trade association officials and their spouses; any registered lobbyists; or TSBPE-regulated or hired business-owners, officials, or their spouses from serving in high positions either on the TSBPE or as staff for it.

Δ Creates podiatric peer review committees that are authorized to evaluate the quality of podiatry services or the competence of a podiatrist.

Δ Requires the board to prepare information of public interest on the board's functions and complaint procedures.

Δ Updates mandatory continuing education requirements for a licensee.

**Texas Professional Social Work Act - S.B. 1426**  
*by Senator Parker*  
*House Sponsors: Representatives Naishtat and Schechter*

Δ Provides for the regulation of social workers and to the creation of the Texas State Board of Social Work Examiners, to replace the Council for Social Work Certification.

Δ Provides that the board is administratively attached to the Texas Department of Health, and requires the commissioner of health to designate an employee of the department to serve as executive director of the board.

Δ Authorizes the board to enforce rules it adopts.
Requires the board, by rule, to establish methods by which consumers and services recipients are notified of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board.

Requires the board to list along with its regular telephone number the toll-free telephone number that may be called to present a complaint about a health professional if the toll-free number is established under other state law.

Requires the board to establish reasonable and necessary fees to support administrative costs.

Includes provisions regarding licensing of social workers, revocation and suspension of licenses, examinations, continuing education requirements, complaint investigation and disposition, and disciplinary actions.

**Midwifery Board - Sunset - S.B. 1433**

*by Senator Moncrief*

*House Sponsor: Representative Maxey*

Provides for the continuation of the Midwifery Board and for the regulation of the practice of midwifery.

Reduces from six to three, the number of midwives on the Texas Midwifery Board (TMB). Only one of those three may be a licensed health professional. Bans appointment as a public member of the TMB of accredited persons in the field of midwifery or their spouses and owners or officials of TMB-regulated or employed businesses. Bans discrimination in appointments to the TMB. Bans top midwifery trade association officials and their spouses and any registered lobbyist from serving in high positions either on the TMB or as staff for it.

Requires the board to prepare and maintain a plan describing how a non-English speaking person can be provided access to the board's programs.

Updates continuing education requirements for the practice of midwifery.
Texas State Board of Examiners of Dietitians
Sunset - S.B. 1434
by Senator Moncrief
House Sponsor: Representative Uher

Δ Provides for the continuation of the Texas State Board of Examiners of Dietitians (TSBED) and for the regulation of the practice of dietetics.

Δ Changes the membership and membership qualifications for the board.

Δ Bans appointment as public members of the TSBED of accredited persons in the field of dietetics or their spouses and owners or officials of TSBED-regulated or employed businesses. Bans discrimination in appointments to the TSBED. Bans top dietetics trade association officials and their spouses and any registered lobbyist from serving in high positions either on the TSBED or as staff for it.

Δ Requires the board to prepare information of public interest on the board's functions and complaint procedures.

Δ Requires the board to prepare and maintain a plan describing how a non-English speaking person can be provided access to the board's programs.

Δ Updates formal and informal complaint proceedings.

Δ Authorizes the board, by rule, to require each licensee to obtain an authorized seal of the design authorized by the board, bearing the licensee's name and the legend "Licensed Dietitian."

Nursing Practice Act - H.B. 756
by Representative McDonald
Senate Sponsor: Senator Carriker

Δ Updates the Nursing Practice Act (NPA).

Δ Clarifies and simplifies what is reportable as:

Δ exposing or being likely to expose a client or other person unnecessarily to risk or harm;

Δ engaging in unprofessional conduct;
• failing to care adequately for a patient; and

• having one’s practice be or being likely to be impaired by chemical dependency.

△ Requires peer review committees to report to the Board of Nursing Examiners.

△ Requires the board to enter into memoranda of understanding with agencies licensing or surveying facilities on how to ensure the facility’s compliance with mandatory reporting and peer review.

△ Permits a facility to suspend a registered nurse (RN) for up to seven days without automatically having to report the RN to the board.

△ Directs the board to adopt rules to minimize reporting of minor incidents and unnecessary duplicative reporting.

△ Permits the board, with the consent of the RN and complainant, to keep a report of a minor incident pending and to take no action unless a second complaint is received within a five-year period.

△ Establishes minimum standards for peer review.

△ Revises provisions of the NPA governing disciplinary procedures by expanding sanctions the board can impose; by permitting the board to conduct a preliminary investigation into the identity of the RN being reported; by expanding the board’s authority to resolve complaints by agreement; by requiring formal charges to clearly state facts underlying charges; and by clarifying rights of an RN to information in the board’s possession.

△ Authorizes the board to charge licensees a fee to cover costs of a quarterly newsletter to all RNs.

△ Expands the definition of professional nursing to include distributing professional samples to patients at sites such as rural health clinics or public health clinics.
Texas Optometry Board - Sunset - H.B. 1479
by Representatives Cain and Berlanga
Senate Sponsor: Senator Parker

Δ Provides for the continuation of the Texas Optometry Board and for the regulation of the practice of optometry.

Δ Updates membership qualifications for the board.

- Bans the appointment of persons accredited in the field of health care or their spouses as public members of the Texas Optometry Board (TOB). Prohibits appointment to the TOB board of those who receive goods, services, or funds from the board or those required to register as lobbyists for a profession related to the operation of the board.

Δ Requires the board to prepare information of public interest on the board’s functions and complaint procedures.

Δ Requires the board to prepare and maintain a plan describing how a non-English speaking person can be provided access to the board’s programs.

Δ Provides for the granting of a provisional license for a person licensed in another state and of a limited license for clinical faculty, and for a person who holds a license to be placed on inactive status by the board.

Δ Provides that all prescription files, patient records, and business records of an optometric practice are the sole property of the optometrist or therapeutic optometrist.

Δ Prohibits discrimination by a program, law, rule, ordinance, or policy of an agency or political subdivision against a health-care practitioner because the practitioner is an optometrist or therapeutic optometrist or a physician specializing in ophthalmology.

Δ Provides for the use of optometrists and ophthalmologists by a managed care plan.
Board of Nurse Examiners - Sunset - H.B. 2180
by Representative Black
Senate Sponsor: Senator Moncrief

△ Provides for the continuation of the Board of Nurse Examiners (BNE) and regulates the practice of registered nursing.

△ Requires BNE to have training programs for board members.

△ Authorizes Articles 4513-4528, V.T.C.S., to be collectively referred to as the "Nursing Practice Act."

△ Requires BNE to develop a system for monitoring registered nurses' compliance with the Nursing Practice Act.

△ Removes the statutory maximum for fees charged by the BNE.

△ Provides for a civil fine for violation of the Nursing Practice Act.

Regulation of Physician Assistants - H.B. 2498
by Representative Berlanga
Senate Sponsor: Senator Carriker

△ Creates a licensing mechanism and establishes an entity to regulate physician assistants (PAs) in order to ensure their competency. Creates the Physician Assistant Advisory Council.

△ Physician assistants currently pass certifying examinations and meet educational requirements. They have been registered and regulated by the Texas State Board of Medical Examiners (TSBME) for 15 years. However, because PAs are technically not "licensed," physicians who employ them cannot bill for any services they render to Medicaid patients. This bill creates the Physician Assistant Advisory Council (PAAC) as an advisory board to the TSBME and authorizes the issuance of licenses to PAs.
Health and Human Services Agencies - H.B. 1510
by Representative Vowell
Senate Sponsor: Senator Zaffirini

Δ Continues the reorganization of Texas’ health and human services agencies.

Δ Requires the Texas Department of Health to establish an Office of Minority Health.

Δ Imposes new licensing and inspection requirements for maternity homes.

Δ Bars persons convicted of certain criminal offenses from working in positions involving direct consumer contact in specified health care facilities, and authorizes nursing homes and other criminal background checks for those employees. Authorizes other criminal background checks affecting programs, like foster care, protective services for the elderly, and other social service programs.

Δ Initiates a pilot program for a Medicaid telephone health care system in order to study the efficiency and cost effectiveness of a system to aid patients by providing over-the-phone advice.

Δ Outlines special employment and transition provisions to assist certain employees affected by the closure of a state school under the settlement of the Lelsz v. Kavanagh lawsuit affecting the state schools for the mentally retarded.

Medicaid Selective Contracting - S.B. 79
by Senators Zaffirini, Ellis, et al.
House Sponsor: Representative Hilderbran

Δ Requires the state’s Medicaid agency to develop a selective contracting system for providing non-emergency hospital care for Medicaid recipients. Selective contracting is not defined in the bill. Generally, however, hospitals will be chosen through contracted process to provide non-emergency services: not all hospitals in an area will be chosen. Cost savings are expected to total $60.9 million.
Hospital Licensing - S.B. 86
by Senator Moncrief
House Sponsor: Representative Berlanga

△ Authorizes the Texas Department of Health to grant temporary initial licenses to hospitals that have applied for a permanent license in order for the hospitals to be surveyed for federal Medicare certification.

△ Authorizes the Board of the Department of Health, by rule, to set license fees, and to increase fees for licensing hospitals from $3 to $10 per bed. The maximum fee to license a hospital is raised from $3,000 to $10,000 and the minimum from $100 from $200. The board is authorized to adopt a temporary initial license fee to cover reasonable expenses. License fees are appropriated to the department.

△ Requires the board to adopt rules to comply with state and federal laws on hospital patients’ rights and to comply with certification requirements under the Social Security Act and the Joint Commission on Accreditation of Healthcare Organizations.

△ Requires the board to make rules concerning the transfer of a patient with a medical condition that has not stabilized that includes written requests from the patient or legally responsible person and certification from a licensed physician.

△ Requires hospitals to comply with inspections, surveys or inspections deemed necessary by the Department of Health. Requires the department to keep patient records confidential as required by state or federal law.

△ Authorizes the Commissioner of Health to issue, in accordance with certain procedures, an emergency order when necessary if the hospital violates a rule adopted under specified laws, rules, or orders.

△ Authorizes the Commissioner of Health to assess administrative penalties in accordance with certain procedures.

△ Streamlines the roles of state agencies in licensing hospitals by adding provisions for certification or accreditation instead of requiring duplicate inspections.
Δ Clarifies that the department of Health has the authority to reinspect hospitals or investigate complaints. Adds a requirement for the Department to establish a procedure for reviewing complaints from hospitals about state inspection staff.

Department of Housing and Community Affairs - S.B. 1356

*by Senator Barrientos*

*House Sponsor: Representative Dutton*

Δ Sets forth provisions relating to the Department of Housing and Community Affairs.

Δ Provides that a person is not eligible to serve as a public member of the department's governing board if the person or the person's spouse is employed by or participates in the management of an organization regulated by the department or receiving funds from the department, owns or controls more than a 10 percent interest in an organization regulated or receiving funds from the department or uses or receives a substantial amount of goods, services, or funds from the department.

Δ Authorizes the department to administer federal housing or community development programs and to establish eligibility criteria.

Δ Requires the executive director to prepare and submit to the board each year an integrated state low income housing plan. Requires the board to submit the plan to the governor and the legislature.

Home and Community Support Services - H.B. 1551

*by Representative McDonald*

*Senate Sponsor: Senator Zaffirini*

Δ Clarifies and strengthens the requirements for licensing and permits needed for home health, hospice, and personal assistance services.

Δ Decreases the fee range for licenses, and increases the civil penalties for providing such services without a license.
The Department of Human Services (DHS) has several "attendant care" programs that provide the same services as "home health aides" licensed by the Texas Department of Health (TDH) since 1979. The DHS attendant care is rendered only to clients of public assistance programs and currently operates under an exception to the Home Health Act. Home health aides must follow more expensive medical procedures than the attendants. Consumer advocates would like more reasonably priced "home health medication aides" to assist patients who pay for their own care. Recent changes in the Board of Nurse Examiners rules and the Home Health Services Act would allow this. A memorandum of understanding is required by H.B. 1551 to govern the circumstances under which these aides could assist patients who pay for their own care.

Authorizes unlicensed persons acting under the delegation of a registered nurse to administer medications to the extent authorized by the Board of Nurse Examiners' delegation rules.

Costs for Mental Health Code Hearings -
H.B. 1596
by Representative Rodriguez
Senate Sponsor: Senator Zaffirini

Regulates the payment of costs related to mental health proceedings under the Texas Mental Health Code.

Prohibits a county from requiring a person other than a mental health patient to pay any costs associated with a hearing or proceeding under the Texas Mental Health Code, unless the county determines that the costs relate to services provided or to be provided in a private mental hospital, or the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility.

Print Access Machines for the Visually-Impaired at Libraries - H.B. 1843
by Representative Price
Senate Sponsor: Senator Leedom

Furthers Americans with Disabilities Act (ADA) compliance by allowing the State Library to coordinate the placement of print access machines in libraries for blind and visually-impaired persons.
Architectural Barriers - S.B. 540
by Senator Barrientos
House Sponsor: Representative Berlanga

Amends state law to conform with federal Americans with Disabilities Act requirements for the elimination of architectural barriers.

Makes standards for the elimination of architectural barriers adopted by the Texas Department of Licensing and Regulation (TxDLR) applicable to state or local government funded construction or renovation.

Provides that state standards are applicable to federally-funded construction projects or leased space unless there is a conflict with federal law.

Authorizes the department to waive or modify accessibility standards when they are irrelevant or impracticable for the function of the facility, with certain exceptions.

Requires owners of space leased by the state to present proof to the department before the bid is proposed or the lease awarded that following the accessibility standards would be impracticable for the function of the facility.

Requires department approval of all plans and specifications for construction or renovation costing $50,000 or more.

Authorizes the commissioner of licensing and regulation to contract out to municipalities the review and inspection functions for privately financed buildings except for those leased by the state or a political subdivision of the state.
Issuance of Bonds For Veteran's Funds -
S.J.R. 34
by Senator Turner
House Sponsor: Representative Counts

\(\Delta\) Proposes a constitutional amendment authorizing the issuance of $750 million in general obligation bonds to augment the Veterans' Land Fund and the Veterans' Housing Assistance Fund and to fund the Veterans' Housing Assistance Fund II. Ballot Date: November 2, 1993.
Agriculture

Boll Weevil Eradication - S.B. 30

by Senator Sims
House Sponsor: Representative Patterson

- Provides methods and procedures for the eradication of boll weevils in cotton, as part of a U.S. Department of Agriculture program to eliminate boll weevils in the United States.

- Authorizes the creation of the Official Cotton Growers' Boll Weevil Eradication Foundation whose purpose it is to promote research and insect control, marketing of pest-free cotton commodities, and education of growers, regulators, and the general public on the effects of pests on cotton.

- Makes provisions allowing the establishment of boll weevil eradication zones by referenda.

- Authorizes the Texas Department of Agriculture or the foundation to enter premises to determine infestation and to treat, monitor, and destroy weevil infested cotton in eradication zones.

Structural Pest Control Regulation - H.B. 1262

by Representative Black
Senate Sponsor: Senator Sims

- Creates a "technician" category under noncommercial pest control licensing to allow persons working under the supervision of a noncommercial licensed pest control application to apply pesticides. This category was inadvertently dropped from the 1991 sunset bill for the Structural Pest Control Board.

- Clarifies the employees of city, county, state, and other local governments, whose primary job is not pest control, may apply pest control materials in certain incidental situations without a license. Defines these incidental situations.

- Exempts certain registered beekeepers (those who collect, remove, or destroy bees that are not attached to a building) from having a commercial pest control license.
Agriculture

Boll Weevil and Pink Bollworm Control - H.B. 1933
by Representative Gutierrez
Senate Sponsor: Senator Lucio

△ Authorizes the Texas Department of Agriculture to establish uniform planting dates for host plants and adopt rules governing the control of pink bollworm. Authorizes the department to take action to destroy host plants or host plant products, and to collect reimbursement for such action from the farm owner or operator for 1-1/2 times its costs.

Regulation of Organic Food Producers - H.B. 2446
by Representative Danburg
Senate Sponsor: Senator Bivins

△ Establishes an organic standards and certification program to be administered by the Department of Agriculture. Requires the department to certify and adopt minimum standards for producers, distributors, and retailers of organic food and fiber in the state.

△ Provides that a person may not label, market, advertise, or represent as "organic" any food or fiber that is sold, kept, offered, or exposed for sale unless that person is certified by the Department of Agriculture or certified by an organic certifying agent.

△ Provides that a person who commits an offense under this chapter, or fails to comply with a notice, is subject to a Class C misdemeanor or a civil penalty.

Farm and Ranch Loan Security Program - S.B. 1089
by Senator O.H. Harris
House Sponsor: Representative Johnson

△ Provides for the use of the income from the farm and ranch loan fund from general obligation bonds for the following purposes: the grant fund, the produce recovery fund, the farm and ranch program fund, and the Texas-Israeli Semi-Arid Fund. The fund also provides for a program administered by the department to reduce the use of pesticides in the production of agricultural crops and for the benefit of young farmers.
Agriculture

Texas Agricultural Fund - S.J.R. 44
by Senators O.H. Harris, et al.
House Sponsor: Representative Pete Patterson

△ If approved by the voters, amends the constitution to allow the Texas Agricultural Fund to issue another $100 million in general obligation bonds and notes. Ballot Date: November 2, 1993.

△ Provides funds raised from these additional bonds and notes to be used for providing financial assistance to develop, increase, improve, or expand the production and to process, market, or export crops or products grown or produced primarily in Texas by agricultural business domiciled in this state.

△ The enabling legislation for this bill is H.B. 1878.

Young Farmer Loans - H.B. 1287
by Representatives Patterson, et al.
Senate Sponsor: Senator Sims

△ Authorizes the Texas Agricultural Finance Authority to establish and administer a program to guarantee loans of up to $50,000 through commercial lenders for eligible applicants between the ages of 18 and 40 to set up their first farm or ranch operation. Provides that to be considered for a loan, applicants must present a five-year cash flow, production, or management plan approved by either a county extension agent or a local teacher of agricultural science or technology and a signed statement of a loan officer of a commercial lender that the guarantee is needed for approval of the application.

△ Authorizes a voluntary assessment of $5 to be paid to the county tax collector upon registration of a motor vehicle and forwarded by the county to the state treasurer for deposit in the general revenue fund for the young farmer loan guarantee account.

△ Authorizes the Commissioner of Agriculture to accept gifts or grants from federal, local, private, or other sources for the loan guarantee program and gives the legislature the authority to appropriate money for the program.
Agriculture

Bond Issuance by Texas Agricultural Finance Authority - H.B. 1302  
by Representative Swinford  
Senate Sponsor: Senator O.H. Harris

Δ Authorizes the Texas Agricultural Finance Authority to continue its bond issuance program to finance its portion of loans purchased from lending institutions through the Loan Guarantee Program.

Agricultural Finance Authority - H.B. 1309  
by Representative Counts  
Senate Sponsor: Senator Carriker

Δ Sets the maximum aggregate amounts of loans by the Texas Agricultural Finance Authority to a single agricultural business at $2 million, unless two-thirds of the board members approve a loan up to $5 million.

Δ Changes the membership of the Texas Agricultural Finance authority to include representation by elected or appointed municipal or county officials, lending institutions, agricultural businesses, and chambers of commerce or trade associations, to be appointed by the governor.

Loans to Agricultural Businesses Practicing Water Conservation - H.B. 1622  
by Representative Gutierrez  
Senate Sponsor: Senator O.H. Harris

Δ Provides that the linked deposit program (timed deposits between the state and lending institutions) encourages commercial lending to agricultural businesses using water conservation equipment and to farmers whose production has declined due to natural disasters.

Farm and Ranch Finance Program - H.B. 1684  
by Representative Patterson  
Senate Sponsor: Senator Carriker

Δ Transfers administration of the farm and ranch finance program, targeted at small family-owned farms and ranches, from the Veterans Land Board to the Texas Agricultural Finance Authority.
Agriculture

Test Weights and Measures - S.B. 976
by Senator Sims
House Sponsor: Representative Junell

\(\Delta\) Authorizes the Texas Department of Agriculture to license private individuals to test and certify ranch scales.

Horticultural Products - S.B. 1208
by Senator Montford
House Sponsor: Representative Pete Patterson

\(\Delta\) Provides for the grading, packing, and inspection of horticultural products.

\(\Delta\) Acknowledges the use of a joint state-federal inspection service to perform cooperative inspections.

\(\Delta\) Clarifies the Texas Department of Agriculture’s authority to enter into cooperative inspection agreements with USDA or with federal marketing order committees to assist in enforcing federal marketing orders. Requires the cooperative inspections to be funded by fees collected from persons who receive the inspection services.

\(\Delta\) Authorizes the department to contract with the inspection service for citrus maturity testing.

Nursery Stock Protection - H.B. 334
by Representatives Glaze, et al.
Senate Sponsor: Senator Haley

\(\Delta\) Designates nursery stock weather protection units as implements of husbandry and requires the inspection of these devices by the Department of Agriculture at least once every three years.

Farm Trailer Registration - H.B. 644
by Representative Bob Turner
Senate Sponsor: Senator Lucio

\(\Delta\) Increases from 20,000 to 34,000 lbs. the maximum weight limit for exemption from annual vehicle registration fees for farm trailers and semi-trailers used solely to transport producers’ own products and livestock.
Agriculture

Δ Establishes the category of "forestry vehicle" for the purposes of special license plates and fees issued by the Texas Department of Transportation.

Seed Claims - H.B. 1679
by Representative Swinford
Senate Sponsor: Senator Bivins

Δ Extends mandatory arbitration in settling performance disputes to all types of seed claims, rather than only vegetable seed claims as under current law.

Agricultural Support Programs - H.B. 1687
by Representative Johnson
Senate Sponsor: O.H. Harris

Δ Increases grant amounts awarded to business assistance and research and innovation programs under the Agricultural Diversification and Microenterprise Support Programs from $30,000 to $50,000.

Δ All grants by the state must be matched by the recipient with at least half of these matching funds coming from the private sector.

Δ Abolishes the Agricultural Diversification Board and transfers all authority to the Texas Agricultural Finance Authority.

by Senator Sims
House Sponsors: Representatives Hightower and Stiles

Δ Reduces from a Class B to a Class C misdemeanor the penalty for many violations of the Agriculture Code so the cases can be heard in justice of the peace courts rather than county courts where dockets are overloaded.

Δ Makes Travis County the venue for all injunctions requested by the Texas Animal Health Commission to require compliance with testing or record-keeping provisions.

Δ Provides for compensation by the commission to owners of swine destroyed because they have been exposed to brucellosis.
Agriculture

Citrus Industry - H.B. 2105
by Representative Renato Cuellar
Senate Sponsor: Senator Lucio

Increases the Texas Department of Agriculture's authority to regulate citrus diseases and pests. Authorizes the department to seize, destroy, or direct the destruction of citrus plants, citrus plant products, or citrus substances that would endanger the citrus industry in Texas.

Department of Agriculture Publications
H.B. 2220
by Representative Eckels
Senate Sponsor: Senator Shelly

Allows the Texas Department of Agriculture to provide or sell certain publications to the public concerning agriculture, horticulture, or related industries.

The department may receive royalties on department-owned materials that are sold or supplied to others by the department for publication and may enter into contractual agreements for the production of those publications.

Requires money received for the publications to be deposited to the credit of the fund from which expenses for the publication were paid.

Herbicide Regulation - H.B. 2242
by Representative Bob Turner
Senate Sponsor: Senator Sibley

Provides for the regulation of the distribution, use, and transportation of certain herbicides selected by the Texas Department of Agriculture to prevent hazards to desirable vegetation.

Warehouses - H.B. 2501
by Representative Swinford
Senate Sponsor: Senator Shelley

Revises the regulation of grain warehouses by the Texas Department of Agriculture and transfers the regulation of nonagricultural warehouses to the Texas Department of Licensing and Regulation.
Agriculture

Δ Requires warehouses to deliver, upon presentation of a receipt, the quality and quantity of a commodity indicated on the warehouse receipt.

Δ Maintains the confidentiality of inventory and financial information provided by warehouses and requires the posting of rates or tariffs at all warehouses.

Animal Feeding Operations - H.B. 2634

by Representatives Chisum, et al.

Senator Sponsor: Senator Bivins

Δ Prohibits the discharge of agricultural waste from concentrated animal feeding operations, feed yards and dairy farms, into playa lakes in the High Plains Region.

Criminal Trespassing on Croplands - H.B. 288

by Representative De La Garza

Senate Sponsor: Senator Lucio

Δ Expands the definition of "notice" in regard to criminal trespassing on croplands to include the visible presence on a property of crops grown for human consumption.
State/Local Gov't/Local Gov't

Dallas/Fort Worth International Airport - S.B. 348
by Senator O.H. Harris
House Sponsors: Representatives Brimer and Cain

Provides that the joint board has complete authority to control the property of certain airports, air navigation facilities, and airport hazard areas whether all or part of the airport, air navigation facility, or airport hazard area is located within or outside the territorial limits of a municipality.

Provides that the joint board has complete authority to realign, alter, acquire, abandon, or close portions of roads, streets, boulevards, avenues, and alleyways, without a showing of paramount importance, if the portions to be realigned, altered, acquired, abandoned or closed are within the geographic boundaries of the airport at the time of, or following, the realignment, alteration, acquisition, abandonment or closing.

Provides that any taking of rights-of-way that occurs in the exercise of the above power shall be compensated at fair market value.

Provides that after March 1, 1993, a joint board, for which the constituent public agencies are home-rule municipalities shall not acquire in fee simple property within a municipality for the purpose of enlarging an airport operated by the joint board. This includes property acquired in fee simple for the runway protection zone and for the purpose of mitigating the effects of additional airport noise caused by the enlargement of the airport, in more than an aggregate of 10 percent of that portion of the land area of the airport that lies within the geographic boundaries of the municipality, unless the joint board has the consent of that municipality.

Establishes prohibitions, including limitations on the construction of hazardous waste treatment facilities by joint boards.

Performance Bond Requirements by Contractors - S.B. 22
by Senator Moncrief
House Sponsor: Representative Giddings

Authorizes county governments, prior to commencement of the work for contracts in excess of $50,000, to require performance bonds to be furnished by a contractor within 30 days after signing a contract.
Purchasing Requirements of Municipalities  
S.B. 226  
by Senators West and Lucio  
House Sponsors: Representatives Dutton and Goodman

∆ Raises the threshold at which competitive bids are required for all cities to $15,000, except for insurance which is $5,000. Requires cities making an expenditure of more than $3,000 but less than $15,000 to contact at least two disadvantaged businesses from a list to be provided by the State Purchasing and General Services Commission.

∆ Exempts cities where the GSC list has not identified a disadvantaged business.

∆ Exempts services performed by blind or severely disabled persons from the requirements of competitive bidding.

Money Market Mutual Funds for Cities - H.B. 1821  
by Representative Allen  
Senate Sponsor: Senator Moncrief

∆ Broadens the type of money market mutual funds in which a city may invest to include certain no-load money market mutual funds.

∆ Sets out disclosure requirements that a public funds investment pool must meet in order for a city to invest.

Contract Changes for Counties - S.B. 342  
by Senator Patterson  
House Sponsor: Representative Hamric

∆ Authorizes a county commissioners court to make changes in plans, specifications, or proposals after a contract is made even if the increase in the cost of the contract exceeds 25 percent of the original contract, if the change order is necessary to comply with a new federal or state statute, regulation, or judicial decision enacted after the contract was made.
Municipal Regulations - S.B. 631
by Senator Patterson
House Sponsor: Representative Gray

Authorize cities to require an owner of a building or structure to repair the structure if the city finds that it is endangering persons or property. Alternatively, the city may repair the structure and assess the costs against the owner of the property.

Adoption and Release of Extraterritorial Jurisdiction - S.B. 952
by Senator Wentworth
House Sponsor: Representative Krusee

Authorize certain cities to adopt and release extraterritorial jurisdiction (ETJ). Authorizes the governing body of an adopting municipality to adopt as part of its ETJ an area within the ETJ of a releasing municipality if:

• the area is not being served by the releasing municipality's water, sewer, and electric utilities;

• the releasing municipality has had a capital improvement plan in place for at least five consecutive years that includes proposed installation of water and sewer lines necessary to serve the area, but the releasing municipality has not funded the plan;

• the adopting municipality has adopted a service plan to provide water and sewer service to the area;

• the location of the area is adjacent to the territory of the adopting municipality; wholly within a county in which both municipalities have territory; and within one or more school districts, each of which has the majority of its territory outside the territory of the releasing municipality; and

• the adopting municipality adopts ordinances or regulations applicable to the land proposed to be released relating to the control or abatement of water pollution that are at least as effective as those of the releasing municipality as of January 1, 1993.
County Public Library Management - H.B. 126
by Representative Kamel
Senate Sponsor: Senator Truan

 Grants specific legal authority for a county to enter into a contract with an established library for that library to provide library service to the citizens of the county in exchange for a fee to be paid by the county. A commissioners court will be allowed to do this without being petitioned by a majority of the voters in the county.

Regulation of Municipal Depositories - H.B. 696
by Representative Marchant
Senate Sponsor: Senator Armbrister

 Modifies the regulations governing municipal depositories to allow cities more flexibility in placing deposits. Some of the modifications include:

- Authorizing cities to use certain branch banks, federal and state credit unions domiciled in Texas, and federal and state savings and loan associations as depositories;

- Authorizing a city to consider a banking service provider situated outside of the city for designation as a city depository; and

- Authorizing a city to utilize electronic wire transfers.

Tenant Representation on Public Housing Authority Boards - H.B. 1547
Representatives Naishat, et al.
Senate Sponsor: Senator Ellis

 Requires the appointment of a tenant representative to the governing body of municipal, county or regional housing authorities. This requirement is limited to municipal housing authorities in cities with a population of 75,000 or more and county housing authorities with 750 or more units.
Industrial District Contracts - H.B. 2103
by Representative Oliveira
Senate Sponsor: Senator Ellis

△ Permits the governing body of a municipality to enter into written contracts with owners of land in industrial districts with terms and considerations that the parties agree to be reasonable and not unduly restrictive.

△ Authorizes contract renewals or extensions to be written for 15, rather than seven, years.

△ Requires all landowners to be offered an opportunity to renew or extend a contract if any landowner within the industrial district is offered to renew or extend a contract.
Houston Metropolitan Rapid Transit Authority - S.B. 154
by Senator Whitmire
House Sponsor: Representative Danburg

△ Expands the authority of the Houston metropolitan rapid transit authority to construct sidewalks and hike and bike trails, install or maintain streetlights, and perform drainage improvement or drainage-related maintenance work within its boundaries.

Harris County Flood Control District - S.B. 586
by Senator Shelley
House Sponsor: Representative Bosse

△ Expands the authority of the Harris County Flood Control District to provide for or participate in the development, operation, and maintenance of certain parks, hike and bike trails, certain recreational facilities and other environmental improvements in connection with flood control facilities and projects.

Water and Sewer Service in the City of Houston - H.B. 2714
by Representative Bailey
Senate Sponsor: Senator Whitmire

△ Requires the City of Houston to develop service plans for annexed areas within its boundaries that lack water service, sewer service, or both; to provide such service to at least 75 percent of the residential buildings in certain annexed areas; and to provide water service to certain annexed areas.

△ Provides penalties for municipalities not providing water and sewer services in an annexed area of up to $1,000 a day for each day the services are not provided after March 1, 1998 for those areas annexed before January 1, 1993, or not provided within four and a half years after the effective date or annexation for areas annexed on or after January 1, 1993.
Early Retirement for State Employees - S.B. 81
by Senator Barrientos
House Sponsor: Representative Junell

Authorizes a temporary increase in retirement benefits that is expected to attract a number of eligible state employees to retire early, resulting in state payroll savings. Approximately 2000 employees are expected to retire who would not have but for the incentive, which would save over $40 million.

Provides for delays in last quarter general revenue transfers to the state’s Teacher and Employee Retirement Systems to provide a one-time revenue gain (estimated at $276.7 million) needed to continue funding of existing state services.

Requires the board to reduce general revenue appropriations of at least $13,411,000 not later than November 1 and additional reductions of at least $27,340,000 not later than November 1, 1994.

State Payments of Social Security Contributions - H.B. 1873
by Representatives Dowery and Craddick
Senate Sponsor: Senator Bivins

Converts $965 state payment of employee’s social security contribution to supplemental pay for existing state employees (i.e., those on payroll as of August 31, 1993); and

Discontinues $965 state payment for new state employees (i.e., those hired after August 31, 1993).

Health Insurance for Municipal Retirees - S.B. 404
by Senators Truan, et al.
House Sponsor: Representative Martin

Requires a city with a population of 25,000 or more to make health insurance available to municipal retirees and their dependents. Sets out certain exceptions and rules governing the administration of such insurance.

States that the retiree is responsible for paying benefits, however the employing county or municipality may administer the payments and seek reimbursement from the retiree.
Local Public Pension System - S.J.R. 31
by Senator Whitmire
House Sponsor: Representative Haggerty

➢ Proposes a constitutional amendment requiring the board of trustees of a system or program that provides retirement and related disability and death benefits for public officers and employees and that does not participate in a statewide public retirement system to administer the system for the benefit of the system's participants and beneficiaries. Would require systems to select legal counsel and an actuary, and to adopt sound actuarial assumptions. Ballot Date: November 2, 1993.

Retirement Benefits - H.B. 2835
by Representatives Marchant, et al.
Senate Sponsor: Senator Barrientos

➢ Provides for an annuity increase for state employee retirees ranging from 5 to 15 percent, depending on the year of retirement.

Health Insurance for Families of Peace Officers and Fire Fighters - S.B. 97
by Senator Lucio
House Sponsor: Representative Blackwood

➢ Authorizes the spouse and dependents of a peace officer or fire fighter who suffers violent death to continue to purchase health insurance from the city. These persons may continue to purchase health insurance until remarriage or until they become eligible for group insurance through another employer or Medicare.

County Employee Sick Leave Program - S.B. 1140
by Senator Moncrief
House Sponsor: Representative Goodman

➢ Authorizes the commissioners court of a county to establish a program within the county to allow employees to voluntarily transfer accrued sick leave to a county sick leave pool.

➢ Allows an employee to use the pool in cases involving catastrophic injury or illness or, if due to previous donations of sick leave to the pool, the employee has exhausted all earned leave.
State/Local Gov't/Public Employees

Provides an administrator with the power to determining the exact amount of sick time an eligible employee may use.

Liability Insurance for Certain State Agencies
H.B. 984
by Representative Naishat
Senate Sponsor: Senator Moncrief

Authorizes state agencies that operate habilitative or rehabilitative work programs for persons who are mentally ill or developmentally disabled to purchase liability insurance, out of the proceeds of the program.

Provides that the insurance is to cover liability arising out of the operation of those programs, if the contractor will not accept as sufficient the state's indemnification provisions.

Liability Insurance from a Governmental Pool - S.B. 798
by Senator Armbrister
House Sponsor: Representative Campbell

Expands the list of those who are able to purchase liability insurance from a governmental pool, a self-insurance fund, or a risk retention group.

Allows a county or district attorney or an official of any special purpose district located, in whole or in part, in a county to purchase liability insurance from a governmental pool, a self-insurance fund, or a risk retention group.

Allows district clerks and county clerks to obtain an errors and omissions policy from a governmental pool, and requires the coverage to be included within a policy that provides liability coverage to other county officials, if the policy is at least $1 million.

Authorizes other political subdivisions to participate in the County Government Risk Management Pool and to be entitled to the same coverage terms and conditions as a county.

Provides that insurance obtained from a governmental pool, a self-insurance fund, or risk retention group are not subject to regulation by the Texas Department of Insurance.
State/Local Gov't/Public Employees

Classification of Fire Protection Employees
S.B. 1110
by Senator Carriker
House Sponsor: Representative Uher

△ Amends Chapter 419 of the Government Code to define the terms "fully paid" and "full-time."

△ Creates a separate classification scheme for part-time fire protection employees and requires a fire department to designate each person who is performing duties related to fire protection according to a classification scheme set out in the bill.

Educational Leave for Fire Fighters and Police - H.B. 2590
by Representative Carter
Senate Sponsor: Senator Armbrister

△ Authorizes a city to grant educational leave to a peace officer to enroll full-time in college to pursue a course of study related to law enforcement or public safety. When on such leave, an officer may continue to receive employee benefits by paying both the individual's costs and the city's costs.

Payroll Deductions for Charities - H.B. 903
by Representative Seidlits
Senate Sponsor: Senator Carriker

△ Establishes payroll deductions for state employees to contribute to qualified charitable organizations.

△ Provides that the state shall reimburse any state agency's administrative expense incurred in the implementation of this program.
Nonresident Bidders - H.B. 829
  by Senator Sibley
  House Sponsor: Representative Delisi

  Δ Requires state agencies to file twice-yearly reports to the legislature identifying nonresident bidders to whom the agencies awarded contracts valued at $25,000 or more.

  Δ Requires contractors to submit to the agencies all subcontracts of $25,000 or more with nonresident bidders.

County Bids - H.B. 901
  by Representative Hamric
  Senate Sponsor: Senator Patterson

  Δ Prohibits the original contract price resulting from a contract awarded through competitive bidding from being increased by more than 25 percent unless a change order is necessary to comply with a federal, state, or local statute, rule, regulation, or judicial decision enacted, adopted, or rendered after the contract was made.

Threshold on Bids for Cities - H.B. 1185
  by Representative McCall
  Senate Sponsor: Senator Shelley

  Δ Raises the threshold at which cities must obtain competitive bids to $15,000, and provides that the notice and publication requirements apply to the time that bids will be opened as opposed to when the contract will be let, as is current law.

  Δ Authorizes a city to choose to have the competitive bidding statute control over conflicting bidding requirements in a home rule charter.

  Δ Prohibits a city from requiring a professional engineer to indemnify a city from liability arising from the city's sole negligence. Provides that a city is not required to engage a registered engineer on public works projects that do not involve structural, electrical, or mechanical engineering if the project cost does not exceed $20,000.
State/Local Gov't/Public Purchasing

Threshold on Bids for Cities - H.B. 1651
by Representative Eckels
Senate Sponsor: Senator Montford

△ Raises the threshold at which cities must obtain competitive bids to $15,000 for all cities, and provides that the notice and and publication requirements apply to the time that bids will be opened as opposed to when the contract will be let, as under current law.

Performance Bond for Public Works Contracts - H.B. 31
by Representatives Cuellar, et al.
Senate Sponsor: Senator West

△ Requires a city to require a performance bond for public works contracts in excess of $100,000, and a payment bond for public works contracts in excess of $25,000.

Timely Payment By a Political Subdivision For Goods Or Services - H.B. 1815
by Representative Holzheuser
Senate Sponsor: Senator Armbrister

△ Requires a political subdivision whose board meets only once a month to pay for any supplies, materials, or services within 45 days after the date on which it receives such supplies, materials, or equipment, or the date on which the performance of services is completed, or on the date on which it receives the invoice for such supplies, materials, or services, whichever is later.

Payment of Prevailing Wage in Public Works Contracts - H.B. 560
by Representative Martin
Senate Sponsor: Senator Barrientos

△ Establishes new procedures for cities with a population of over 10,000 regarding the payment of the prevailing wage in public works contracts.

△ Requires these cities to ascertain the general prevailing wage rate and impose fines on any contractor or sub-contractor in violation of these standards of $60 for every laborer, workman or mechanic employed, for each calendar day, or portion thereof.
Anticipation Notes for Payment of Contractual Obligations and Expenses - S.B. 63
by Senator Leedom
House Sponsor: Representative Marchant

Δ Authorizes the commissioners court of a county or the governing body of a municipality to authorize anticipation notes to pay certain contractual obligations, operating expenses or current expenses, or fund the issuer's cumulative cash flow deficit.

Δ Establishes restrictions on anticipation notes.

Δ Authorizes the governing body to provide that anticipation notes will be paid from, and secured by, revenues, taxes, or the proceeds of bonds to be issued by the issuer.

System for State Vendors - S.B. 381
by Senator Haley
House Sponsor: Representative Turner

Δ Establishes a central identification numbering system for state vendors and requires all state agencies to convert their vendor records to this system.

Δ Requires the General Services Commission and all state agencies to:

Δ incorporate a written plan for increasing the use of historically underutilized businesses (HUBs) in purchasing and public works contracting in their strategic plans; and

Δ prepare an annual report by December 31st of each year, detailing progress towards increasing the use of HUBs.

Δ Establishes a catalogue purchase procedure for automated information systems. A catalogue purchase procedure is a vendor who wants to sell or lease automated information systems under this section to state agencies covered by the Information Resources Management Act shall apply to the commission for designated as all "qualified information systems vendor" according to an application process promulgated by the commission.
State/Local Gov't/Public Purchasing

Directs the GSC, the Department of Information Resources, and the Comptroller's Office to develop in coordination with higher education institutions and other state agencies, a state telecommunications network plan. A comprehensive summary of this plan, and an implementation schedule, is to be presented to the governor and the legislature no later then September 1, 1994.

Authorizes the GSC or a state agency to provide all or some of the bond or insurance requirements of a contractor or subcontractor for state projects if advantageous to the state.

Authorizes the GSC to purchase existing buildings as an alternative to leasing space in counties where the state is leasing 50,000 or more square feet.

Transfers the Small Business Assistance Program from the Texas Department of Commerce to GSC.

Requires the GSC and the comptroller to study and design a central automated purchasing system for all state agencies and report recommendations back to the legislature no later then January 1, 1995.

Consolidates the state and federal programs for surplus personal property by transferring the Texas Surplus Property Agency to the GSC.

Consolidates first class mail operations of state agencies located in Travis County within the GSC. Requires the GSC to report to the legislature all significant changes in first class mail practices by February 1, 1995.

General Services Commission - Sunset - H.B. 2626

by Representative Black
Senate Sponsors: Senators O.H. Harris, et al.

Reauthorizes the General Services Commission for an eight-year period.

Creates new provisions for disadvantaged businesses.

Consolidates certification of disadvantaged businesses from the Department of Commerce to GSC.

Requires each state agency to submit to the commission a semi-annual report listing purchases and contracts with historically underutilized businesses.
State/Local Gov't/Public Purchasing

Δ Sets out new procedures for competitive sealed proposals, without using requests for proposals.

Δ Requires the GSC to develop a centralized master bidder's list, and prohibits a state agency from maintaining its own list except in special circumstances.

Δ Requires the GSC to prepare a written evaluation of various energy alternatives for each project.

Δ Requires the GSC to establish a small contractor participation assistance program.
  • Applies to contracts whose costs exceed $20 million.
  • Directs the GSC to provide technical and financial assistance to small businesses.
  • Directs the GSC to provide for centralized purchasing of required insurance.

Δ Creates the State Council on Competitive Government (council), whose purpose is to identify services currently being provided by state agencies that might be more efficiently provided by private commercial sources or other state agencies.
  • Provides that the governor is the chairman of the board, and that if the speaker of the house of representatives is not permitted by the constitution to serve as a voting member of the board, the speaker serves as a nonvoting member.

Δ Requires the council to conduct a study by December 1, 1993, to identify at least $3 million in cost savings and enhanced revenue resulting from competition with private commercial sources or other state agency providers.

Δ Sets forth goals for HUBs, which include:
  • Requires the commission and each state agency to make a good faith effort to assist historically underutilized business to receive not less than 30 percent rather than 10 percent of the total value of all contract awards for the purchase of supplies, materials, services, and equipment expected to be purchased during a fiscal year.
State/Local Gov't/Public Purchasing

- Moves certification of disadvantaged businesses from the Department of Commerce to GSC;

- Requires each state agency to submit to the commission a semi-annual report listing purchases and contracts with HUBs; and

- Requires GSC to develop a centralized master bidder's list and prohibits a state agency from maintaining its own list except in special circumstances.

School Property Purchasing - S.B. 493
by Senator Montford
House Sponsor: Representative Rudd

△ Increases the amount at which the purchase of personal property by a Texas public school board must be submitted for competitive bidding from $10,000 to $25,000 in the aggregate for any twelve-month period.

△ Exempts vehicle fuel and produce from the bidding process.

Lease-Purchase Agreements - S.B. 826
by Senator Montford
House Sponsors: Representatives Grusendorf and Linebarger

△ Allows school districts to use lease-purchase agreements to buy real property under conditions established in the bill, including giving the attorney general the power to review the agreement and to charge a fee for doing so.

State Financial Management - S.B. 384
by Senator Turner
House Sponsor: Representative Junell

△ Provides for the management and control of state finances; generates revenue in connection with the unclaimed money fund.

△ Requires the Board of Pharmacy, the State Advisory Commission on Emergency Communications, and the Board of Medical Examiners to place their funds in the state treasury in accounts in the general revenue fund.

△ Requires the Public Finance Authority to provide the Legislative Budget Board and the Governor's Office of Budget and Planning with accurate estimates of interest and sinking fund balances available for payment of debt service on general obligation bonds.
State/Local Gov't/Public Purchasing

Δ Authorizes the state treasurer to sell advertising space in the annual unclaimed property notice, to impose a handling fee for reinstating ownership of unclaimed property with a value of $50 or more, and grants the treasury more options for investing the proceeds from unclaimed stocks.

Commissioned Peace Officers for Hospitals - H.B. 36
by Representative Bob Hunter
Senate Sponsor: Senator Carriker

Δ Authorizes hospitals in municipalities with a population of 50,000 or more to employ and commission peace officers to protect their facilities.

Commissioned Peace Officers for Public Housing Authorities - S.B. 149
by Senator Leedom
House Sponsor: Representative Yost

Δ Authorizes municipalities to commission and employ peace officers to protect persons and property at housing authorities.
Voter Residency Requirements - H.B. 74
by Representative Danburg
Senate Sponsor: Senator Carriker

△ Authorizes a registered voter who changes residence but remains in the same city to vote in the precinct of the voter's former residence for one year after the date of the change.

Election Records - H.B. 75
by Representative Danburg
Senate Sponsor: Senator Carriker

△ Provides that, with certain exceptions, all election records are public information.

△ Makes exception to the time period stipulated for run-off elections in certain cases:

△ Authorizes a run-off election to be held after the period prescribed by law, but not later than the 45th day after the date of the final canvass of the main election, in order to permit a joint run-off election to be held with another political subdivision, or to avoid holding the run-off on a legal state or national holiday or a weekend day within three days of a legal holiday.

△ Sets out procedures for referring a complaint alleging criminal conduct in connection with an election.

△ Prohibits a person from serving as an election judge or clerk in an election if the person is a campaign manager of a candidate in that election.

Accessibility at Election Polling Places - H.B. 76
by Representative Danburg
Senate Sponsor: Senator Carriker

△ Requires elderly and physically handicapped accessibility at "private" polling places. However, the legislation does allow the state executive committee of either political party to exempt precinct conventions from accessibility requirements.
Commission on the Arts Funding - H.B. 2223

by Representatives Junell, Danburg, et al.
Senate Sponsor: Senator Montford

Creates the Texas Cultural Endowment Fund and the Texas Commission on the Arts Operating Fund, and makes an appropriation to the Commission on the Arts. (The Texas Commission on the Arts was organized for the purpose of funding arts programs throughout the state and to ensure that arts education is included as part of a basic learning curriculum.)

- Creates the Texas Cultural Endowment Fund as a trust fund outside the state treasury:
  - money in the fund may not be appropriated by the legislature;
  - the fund will receive all money paid to the Commission on the Arts, except money which is designated to the Texas Commission on the Arts operating fund; and
  - the commission is required to appoint investment managers to manage and invest the fund.

- Creates the Texas Commission on the Arts Operating Fund as a special fund in the state treasury. Money deposited to the fund may be appropriated only to carry out the commission's duties and for necessary administrative costs.

- Appropriates $2.2 million to the Texas cultural endowment fund from the general revenue fund for the 1994-1995 biennium.

- Requires the lieutenant governor and the speaker of the house of representatives to appoint a joint interim committee to study the options available to provide a dedicated revenue source for the Texas Cultural Endowment Fund.

- Requires the Texas Department of Transportation to design and provide for the issuance of special Texas Commission on the Arts license plates.
Funding for the Arts - H.B. 1232
by Representative Ashley Smith
Senate Sponsor: Senator Ellis

△ Authorizes the City of Houston to use up to 19.3 percent of the hotel occupancy tax revenue collected, or the amount of tax received at the rate of one percent of the cost of a room, whichever is greater, for promoting the arts.
Texas Lottery Commission - H.B. 1587
by Representative Wilson
Senate Sponsor: Senator O.H. Harris

Δ Creates the Texas Lottery Commission.

Δ Transfers the Lottery Division from the Comptroller of Public Accounts to the newly created Texas Lottery Commission composed of three members appointed by the governor and approved by the senate.

Δ Charges the commission with the administration and regulation of bingo, formerly the responsibility of the Texas Alcoholic Beverage Commission.

Δ Requires the comptroller to perform an annual review of the commission and report the findings to the governor, lieutenant governor, and the speaker of the house of representatives.

Δ Authorizes lottery tickets to be given away as prizes at charitable raffles.

Transfer of Bingo to Lottery Commission -
H.B. 2771
by Representatives Cain, et al.
Senate Sponsor: Senator O.H. Harris

Δ Transfers the Bingo Division of the Texas Alcoholic Beverage Commission to the newly created Texas Lottery Commission (see H.B. 1587 above), and makes the following provisions:

Δ Repeals the state and local bingo gross receipts taxes.

Δ Increases the bingo prize fee from 3 percent to 5 percent. Entitles cities and counties which previously imposed the bingo gross receipts tax to a 50 percent share of the prize fee. If both the municipality and the county impose the tax, the share is 25 percent each.

Δ Removes the $1,500 prize cap per bingo occasion on instant bingo.

Δ Requires the commission to establish the Bingo Advisory Committee.
State/Local Gov't/Gaming

- Provides that the committee is to be composed of nine members appointed by the commission.

- The committee would be allowed to advise the commission on a wide range of topics facing the state's bingo industry.

△ Allows authorized organizations to jointly apply and be eligible for a commercial lessee’s license.

△ Requires bingo halls to post the toll-free "800" number for compulsive gambling.

△ Provides administrative penalties for certain violations and removes the $1,500 aggregate limit on a series of prizes offered or awarded on any one bingo occasion for games of instant bingo and the prohibition on the issuance of a license to conduct bingo on the premises of a licensed commercial lessor.
Public Restroom Facilities for Women - S.B. 274

by: Senator Barrientos
House Sponsor: Representative McDonald

△ Requires facilities where the public congregates and in which construction started in or after January 1, 1994 to be equipped with a ratio of at least 2-to-1 women's-to-men's restroom facilities.

△ Exempts hotels, churches, restaurants, bowling centers, public or private elementary or secondary schools, or historic buildings from the definition of "facilities where public congregates."

State Fleet Vehicle Specifications - S.B. 121

by Senator Chris Harris
House Sponsor: Representative Goodman

△ Increases from 113 inches to 116 inches the maximum wheel base of a vehicle that may be purchased by a state agency and increases the maximum permissible SAE net horsepower from 160 to 280.

Agency Advisory Committee Guidelines - S.B. 383

by Senator Truan
House Sponsor: Representative Greenberg

△ Provides guidelines for the existence, composition, and expenses of state agency advisory committees. These guidelines apply to any agency unless different procedures are prescribed by other law. This legislation will result in an estimated savings of $1.8 million to all affected state funds for fiscal years 1994-95.

△ Requires advisory committees to be representative of the industries, occupations, or consumers of services of those that the committee's advised agency is regulating. An advisory committee may not be composed of more than 24 members. Those committees already in existence but not in compliance with the composition requirements of this Act, shall conform to those requirements as soon as possible after the effective date of this Act.

△ Requires an advisory committee to select from its members a presiding officer.
State/Local Gov't/State Affairs

△ Reimbursement of advisory committee members for expenses may be prescribed only by the General Appropriations Act or by the budget execution process.

△ Requires the governor and the Legislative Budget Board to identify advisory committees that should be abolished. The comptroller may recommend advisory committees that should be abolished.

△ Requires advised agencies to adopt rules that state the purpose of the committee, describe the task of the committee, and how the committee will report to the committee.

△ Requires advised agencies to annually evaluate the committees costs and effectiveness and to report the result to the legislature biennially.

△ Requires advised agencies to adopt a date on which the committee will automatically be abolished. Unless the agency adopts a different date, the committee shall automatically be abolished on its fourth anniversary of the date of its creation.

△ Automatically abolishes certain advisory committees that exist as of September 1, 1993, on September 1, 1997, unless the governing body of the agency establishes a different date or the advisory committee has a specific duration prescribed by statute.

△ Abolishes certain advisory entities.

State Revolving Funds for Public Works - S.B. 885
by Senator Montford
House Sponsor: Representative Counts

△ Authorizes the Texas Water Development Board to establish one or more additional state revolving funds, in accordance with federal legislation or a federal agency capitalization grant program, to be used to provide financial assistance to political subdivisions for public works.

State Budget Proposal Analysis - S.B. 1332
by Senator Truan
House Sponsor: Representative Bomer

△ Provides for the analysis of state budget proposals and programs and of the budgetary effects of proposed legislation.
Requires the Legislative Budget Board (LBB) and the Governor's Office of Budget and Planning to determine the elements required to be included in each agency's strategic plan.

Requires each agency to issue a five year strategic plan each even-numbered year. Requires the Higher Education Coordinating Board to develop a consolidated public junior and community college strategic plan.

Provides that a compiled long-range plan, based on individual agency strategic plans, shall serve as the strategic plan for the chief executive officer of the state.

Requires the LBB to examine methods to identify and quantify the spending interrelationships between functional areas, agencies, goals, objectives, and strategies. Requires the LBB, in its examination, to consider spending needs based on population groups, demographic projections, and state revenue projections and report its findings to the 74th Legislature.

**Uniform Jury Handbook - H.B. 253**
by Representative Place  
*Senate Sponsor: Senator Barrientos*

Mandates the publication of a uniform jury handbook by the State Bar of Texas to inform jurors in plain language of their duties and responsibilities, to explain basic trial procedures and legal terminology for civil and criminal cases, and to provide other practical information relating to jury service.

**Alley Speed Limit - H.B. 478**
by Representative Junell  
*Senate Sponsor: Senator Sims*

Provides for a 15-mile-per-hour speed limit in alleys, unless otherwise posted.

**Liability Claims Against State Agencies - H.B. 1193**
by Representative Combs  
*Senate Sponsor: Senator Montford*

Sets forth the appropriations for the payment of claims made against state agencies.
Prohibits the legislature, except for certain exemptions, from making an appropriation to pay a claim for which the state government is liable under Chapter 101, Tort Claims, and that results from the conduct of a state agency except as provided by this chapter.

Requires appropriations subject to this chapter to be made from otherwise unappropriated amounts in certain special accounts, and to the extent that revenue is not available in the special accounts, to be made from the general revenue fund.

Requires the comptroller to reduce (in an amount not to exceed $5,000 per claim) the amount of each appropriation made to pay a claim for a particular state agency from the appropriation made for the state agency in the General Appropriations Act. The total of all reductions in the appropriation for an agency may not exceed 5 percent of the appropriation made to the agency for that fiscal year.
Confidentiality of Library Records - S.B. 360
by Senator Armbrister
House Sponsor: Representative Schechter

Provides that records of a public library which would identify a person who requested, obtained, or used a library material or service are confidential under the Open Records Act with certain exceptions.

Open Meetings Act - Municipal Hospitals - S.B. 851
by Senator Barrientos
House Sponsor: Representative Delco

Provides that the Open Meetings Act does not require the board of a municipal hospital or municipal hospital authority to conduct an open meeting to deliberate information that would put the hospital or authority at a competitive disadvantage.

Open Meetings Act - Finance Commission and Banking Board - S.B. 1212
by Senator Montford
House Sponsor: Representative Gutierrez

Includes the Finance Commission of Texas and the State Banking Board among those entities that are not required to deliberate in open meetings regarding matters made confidential by law.

Open Meetings Act - City's Zoning Board, Commission or Committee - H.B. 78
by Representative Danburg
Senate Sponsor: Senator Brown

Requires a city's zoning board, commission or committee to comply with the Texas Open Meetings Act regardless of its rulemaking authority or quasi-judicial powers or function as an advisory body.

Customer Confidentiality - H.B. 859
by Representative Greenberg
Senate Sponsor: Senator Rosson

Prohibits a government-operated utility from disclosing a customer's personal information if the customer requests that such information be kept confidential, with certain exceptions.
State/Local Gov't/Open Meetings/Open Records

Authorizes the utility to charge a customer a fee not to exceed the actual cost of complying with the confidentiality request, and requires the utility to include in a customer's bill a notice of the right to request confidentiality.

Costs of Providing Public Records - H.B. 1009
by Representative Junell
Senate Sponsor: Senator Haley

Requires the General Services Commission to conduct a study of state agencies' and certain municipalities' costs for providing copies of public records.

Requires agencies to temporarily increase the changes for providing these records.

State Seed and Plant Board - Telephone Conference Meetings - H.B. 1320
by Representative Patterson
Senate Sponsor: Senator Shelley

Authorizes the State Seed and Plant Board to hold an open or closed meeting by telephone conference call if immediate action is required and convening at one location if a quorum is inconvenient for any member of the board.
Legislation that Passed Senate, But Did Not Finally Pass Both Houses
Student Regents - S.B. 254
by Senators Turner and Barrientos
House Sponsor: Representative Greenberg

\[ \Delta \] Requires the governing board of each university system to include one non-voting advisory student liaison to serve a one-year term.

\[ \Delta \] For multi-school systems a student advisory council (SAC) would be created which would have representation from each component institution. The SAC will nominate three members from which the governor makes a selection.

\[ \Delta \] For single-school systems the student government would have nominated three students from which the governor would make a selection.

\[ \Delta \] For a multi-school system, liaison would not be from the same component institution in consecutive years.

\[ \Delta \] The liaison would have been afforded all the rights of a regent except voting and attendance at executive sessions.

Advisory Guidelines for School Health Services
- S.B. 345
by Senator Madla

\[ \Delta \] Requires school districts to employ a specified number of registered nurses, as determined by the State Board of Education (SBOE).

\[ \Delta \] Establishes different requirement for districts with more than 1000 students.

\[ \Delta \] Allows districts to enter into cooperative agreements with one or more districts.

\[ \Delta \] Allows the SBOE to grant waivers for districts that are experiencing financial hardship or are having difficulty recruiting the required number of nurses.

Disabled Students - S.B. 697
by Senators Shapiro and Barrientos

\[ \Delta \] Requires the Texas Education Agency (TEA) to identify school districts to participate in a pilot program which will provide for the inclusion of students with disabilities into a regular classroom.
Education/(Not Passed) ____________________________

Δ Requires the commissioner of education to withhold from the special education funds an amount not to exceed $5 million for the 1994-1995 biennium.

At-Risk Students - S.B. 847
by Senator Barrientos
House Sponsor: Representative McCoulskey

Δ Requires each district to designate one or more employees to serve as at-risk coordinator.

Δ Requires the Central Education Agency to report at the end of each odd-numbered year to the governor, lieutenant governor and speaker of the house on drop-out rates.

Δ Authorizes school districts to receive additional funds for students who are at-risk.

Truancy - S.B. 806
by Senator West

Δ Allows a county or juvenile board, or a community college to provide a court directed program for truant children in cooperation with the student's school district.
Criminal Justice/ (Not Passed)

Gang Activities - S.B. 840

by Senator Moncrief

Δ Enables one or more law enforcement agencies to create a data bank of information concerning gang related activity. Gang members and their associates could be recorded, regardless of age.

Δ Excludes all gathered information from open records laws.

Sexual Harassment by Public Servants - S.B. 925

by Senator West

House Sponsor: Representative Giddings

Δ Relates to the offense of official oppression and the offense of sexual assault and harassment.

Δ Provides that a public servant commits an offense if he intentionally causes another person by coercion to engage in sexual contact.

Residential Care for Delinquents - S.B. 573

by Senator Montford

House Sponsor: Representative Duncan

Δ Authorizes the Texas Youth Commission to provide state aid to counties that offered secure residential care facilities for delinquent children. These facilities accommodated delinquents on probation as an alternative to commitment to facilities of the TYC.

Polygraph Testing - S.B. 782

by Senator Whitmire

House Sponsor: Representative De La Garza

Δ Adds the act of knowingly administering an involuntary polygraph examination to the list of actions constituting grounds for suspension of an examiner's license.

Seatbelt Usage - S.B. 1423

by Senator Zaffirini

House Sponsor: Representative Bosse

Δ Provides that any passenger four years of age or older riding in the front seat of a car must wear a seat belt. Failure to do so would constitute an offense.
Proposes a constitutional amendment to authorize the issuance of up to $50 million in bonds to provide or guarantee surety bonds for historically underutilized businesses.
Transportation/(Not Passed)__________________

Texas High Speed Rail Authority - S.B. 787

by Senators Turner, et al.

House Sponsors: Representatives Kubiak, et al.

△ Amends the powers and duties of the Texas High Speed Rail Authority, as follows:

△ Limits the ability of the Railroad Commission and of the authority’s board directors to hire outside legal counsel.

△ Requires the board and the commission to make use of available existing highway or rail right-of-way for a high-speed rail facility.

△ Replaces private banks designated as depositories for authority funds with the Texas High-Speed Rail Fund in the state treasury.

△ Requires a public hearing before adoption of the authority’s annual budget.

△ Requires the high-speed rail franchisee to provide the authority with a map of the preferred route for a high-speed rail facility by December 31, 1993.
General Regulation/(Not Passed)

Surety Bonds for Independent Auto Dealers -
S.B. 1035
by Senator Ratliff

△ Increased from $25,000 to $50,000 the minimum bond required of independent automobile dealers to ensure payment of drafts and delivery of good title.

△ Limited the liability imposed on the surety to:

△ the face amount of the bond for the amount of the valid bank drafts, including checks, for the purchase of the vehicle for which good title was not received; and

△ reasonable attorney's fees.
Recycling Availability and Landfill Permitting
S.B. 235
by Senator Ratliff

△ Requires the Texas Natural Resources Conservation Commission, before issuing a permit or approving a license for a new landfill for municipal solid waste disposal planning that will be located within the service area of a recycling facility, to consider if:

△ the proposed landfill would receive solid waste for disposal that would otherwise be processed at the recycling facility; and

△ the recycling facility has or will have the capacity, within a reasonable amount of time, to meet the demand for solid waste disposal within the service area of the proposed landfill.

Regional Habitat Planning - S.B. 880
by Senator Barrientos
House Sponsor: Representative Naishtat

△ Authorizes local governmental entities to finance, implement, and enforce regional habitat plans, including the operation of habitat preserves.

Municipality's Right to Enforce Environmental Violations - S.B. 883
by Senator Barrientos

△ Authorizes a municipality to bring a civil action for the enforcement of an ordinance relating to water quality and air quality.

△ Authorizes a municipality to bring criminal actions against a person who violates the environmental regulations.

Funding for Alternative Fuels Projects - S.B. 1014
by Senator Armbrister
House Sponsor: Representative Eckels

△ Authorizes the Texas Public Finance Authority to issue and sell up to $50 million in obligations for the financing of alternative fuel projects.

△ Authorizes financing of:
Environ./Natural Resources/(Not Passed) 

Δ conversion of state agency vehicles, school district motor vehicles, local mass transit authority and department motor vehicles, and their other sources of substantial energy output, to alternative fuels.

Δ construction, acquisition, or maintenance by the General Services Commission, school districts, or local mass transit authorities or departments of fueling stations supplying alternative fuels or equipment enhancing the use of engine-driven technology to support their vehicles and other energy applications using alternative fuels.

Δ joint ventures, to facilitate alternative fuels projects as specified, between the private sector and the state or a political subdivision, required to use alternative fuels in its vehicles and other energy applications by law.

Δ Requires the authority to attempt to include minority-owned businesses in the issuance and underwriting of at least 20 percent of the bonds and obligations issued, with an attempt made to include women-owned businesses in the issuance and underwriting of at least 10 percent of the issuances.

Δ Stipulates that as a prerequisite for issuing bonds or obligations for this purpose, that there be a certification that the proposed project would increase energy and cost savings to the state or political subdivision submitting the application.

Δ Requires that bond proceeds be used to fund administration of the alternative fuels financing program.

Radioactive Waste Transportation - S.B. 1127  
by Senators Zaffirini, et al.  
House Sponsor: Representative Gallegos

Δ Requires the Texas Board of Health to adopt rules providing for the transportation and routing of radioactive material and waste.

Δ Provides that rules adopted:

Δ be compatible with specific federal regulations regarding transportation of radioactive waste, as practicable;

Δ require shippers and transporters of radioactive waste to adopt approved emergency plans to respond to transportation accidents;
require notification and reporting of accidents to the Texas Department of Health and local emergency planning committees; and

require shippers to adopt approved quality control programs to ensure that containers are suitable for shipment to licensed disposal facilities.

Requires assessment of a fee for shipment of radioactive waste, originating in Texas or out of state, to a Texas low-level radioactive waste disposal facility.

Caps fees assessed at a maximum of $10 per cubic foot of shipped radioactive waste.

Prohibits collection of fees when collections reached $500,000, and required resumption of collections when the balance of fees collected was reduced to $350,000 or less.

Dedicates exclusive use of fees collected for emergency planning for and response to transportation accidents involving radioactive waste.
Smoking Prohibition - S.B. 31
by Senators Moncrief and West

△ Phases in a prohibition of smoking in state buildings and at public hearings held by state agencies for the purpose of protecting the public health, comfort, and environment.

△ Makes smoking at a public hearing conducted by a state agency or in a state building, other than in a designated smoking area, prior to September 1, 1995, a Class C misdemeanor.

△ Provides that on or after September 1, 1995, smoking at a public hearing conducted by a state agency or in a state building is a Class C misdemeanor.

△ Requires each state agency to implement a written smoking policy that accommodates the wishes of smoking and nonsmoking employees by designating smoking and nonsmoking areas. Requires that the preferences of nonsmokers shall be accommodated, if a dispute arises.

△ Prohibits a designated smoking area from being located in an elevator, a rest room, a service line, cashier area, over-the-counter sales area, common traffic area, or a place in which smoking is prohibited by the fire marshal of the state or a political subdivision, or by other law, ordinance, or rule.

Childhood Lead Poisoning Prevention Act - S.B. 91
by Senators Truan, et al.
House Sponsor: Representative Rangel

△ Authorizes a new program to prevent childhood lead poisoning, identify and treat children with lead poisoning, test for lead contamination, and require lead abatement activities for residences, child care facilities, or public places.

△ Authorizes mandatory reporting of cases of childhood lead poisoning, and establishment of a registry to track the cases.

△ Creates a pilot project for testing 10,000 Texas children for lead poisoning, with case management services to refer children for treatment, plus other services.
Δ Allows investigations of environmental sources of lead contamination and methods to prevent lead poisoning.

Δ Institutes new requirements for residential lead contamination.

Δ Authorizes the designation of emergency lead poisoning areas.

**Mental Health Care Claims Safeguards - S.B. 206**

_by Senators Chris Harris, Moncrief, et al._

_House Sponsors: Representatives Vowell and Naishtat_

Δ Adds consumer protection reforms for health care and mental health care billing practices and fraudulent claims.

**Children's Tobacco Prevention and Enforcement Act - S.B. 373**

_by Senators Zaffirini, Wentworth, et al._

_House Sponsor: Representative Hirschi_

Δ Strengthens laws preventing the sale or distribution of cigarettes and tobacco products to children.

Δ Prohibits the placement of a vending machine containing cigarettes or tobacco products in a site generally accessible to a person under 18 years of age.

Δ Creates criminal, civil and administrative penalties for violations.

Δ Requires school boards to prohibit smoking and the use of tobacco products at any school related activity (not just limited to students).

**Health Care Provider Referral Act - S.B. 589**

_by Senator Moncrief_

_House Sponsor: Representative McDonald_

Δ Limits physicians' ability to refer patients to facilities in which the physicians or the physicians' families owned interests.
State Board of Dental Examiners - Sunset -
S.B. 673
by Senator Moncrief
House Sponsor: Representative Counts

A Continues the existence of the State Board of Dental Examiners, with an increased number of board members coming from the general public, enhanced consumer protection and other regulatory changes.

Terminally Ill Patients - S.B. 1186
by Senator Madla
House Sponsor: Representative McDonald

A Redefines a "qualified patient" in the Natural Death Act as one that the attending physician finds to have a terminal condition. Deletes a requirement that there be a written diagnosis and certification of the attending physician and one other physician who has personally examined the patient. A qualified patient may issue a non-written instruction to withhold or withdraw life-sustaining procedures.
Alimony - S.B. 424

by Senators Chris Harris, et al.

House Sponsor: Representative Senfronia Thompson

Δ Authorizes spousal maintenance awards (alimony) for divorced spouses who are not able to support themselves.

Δ Applies to marriages of 10 years or more in length.

Δ Limits the maintenance to a maximum of three years, or up to five years due to disability or other conditions.

Δ Sets a maximum limit on the amount of the maintenance order.
Agriculture (Not Passed)

Emissions Regulation - S.B. 684

by Senator Armbrister, et al.
House Sponsor: Representative Uher

Provides for the regulation of emissions from an agricultural operation.
Appointmen of Municipal Governing Body Members - S.J.R. 17

by Senator Brown

House Sponsor: Representative Schechter

Δ Proposed a constitutional amendment to require that a vacancy on a municipal governing body whose members serve terms for more than two years but not more than four years is to be filled by appointment by the remaining members of the governing body.
Elections and Ethics (Not Passed)

Judicial Campaign Fairness Act - S.B. 309
by Senators Ellis and Moncrief
House Sponsor: Representative Danburg

Δ Reporting Requirements:

Δ Increases reporting requirements for judicial campaign contributions, expenditures, and personal financial disclosure.

Δ Requires reporting of ad litem appointments made by judges to attorneys.

Δ Fundraising Restrictions:

Δ Limits fundraising for district courts and intermediate courts of appeals to 180 days before the filing deadline until 45 days after the election.

Δ Prohibits a candidate from transferring funds raised for a non-judicial campaign or officeholder account to a judicial campaign or officeholder account.

Δ Limits single source campaign contributions to $5,000 for the supreme court race and the court of criminal appeals race. Limits these contributions in other judicial races to an amount ranging from $1,000 to $5,000 depending upon the electoral district population. Places limits on aggregate contributions received from individuals in a law firm.

Δ Prohibits political action committee (PAC) contributions.

Δ Limits the amount a candidate who expends personal funds may reimburse himself or herself to $5,000.

Δ Voluntary Expenditure Limits:

Δ Places a voluntary limit of $5,000 on the amount of personal funds a candidate may expend on the candidate's own campaign.

Δ Places a voluntary limit of $2 million on campaign expenditures for the supreme court race and the court of criminal appeals race. Limits expenditures on other judicial races to an amount determined by the electoral district population, but provides that any candidate may spend at least $50,000 and no more than $500,000. Provides that these limits apply to each election (primary, runoff, general) separately.
Δ Places a voluntary limit on independent expenditures by individuals or PACs.

Δ Incentive to accept voluntary limits:

Δ Provides that a complying candidate may indicate on campaign materials that he or she is in voluntary compliance with the Judicial Campaign Fairness Act (act). If the opposing candidate is not following the voluntary limits of the act, then the complying candidate is no longer obliged to follow the limits but may continue to indicate that he or she is in voluntary compliance with the act. A candidate who rejects the voluntary limits must indicate this fact on all campaign materials.

Δ Creates the Judicial Campaign Fairness Fund to be used for voter education projects such as a voter guide. The fund consists of damages recovered under this act and any gifts or grants received by the Texas Ethics Commission for the fund.

**Ethics - S.B. 1005**

*by: Senators Carriker and Rosson*

*House Sponsor: Representative Seidlis*

Δ Provides for eligibility requirements, removal, and the filling of vacancies for members of the Texas Ethics Commission.

Δ Changes the criteria for those who must register as lobbyists by requiring a person to register if the person meets both the compensation and expenditure thresholds of $500 each per calendar quarter, rather than either one of the thresholds.

Δ Increases the registration fee to $500 for other lobbyists. Provides a $100 registration fee for lobbyists employed by tax exempt organizations.

Δ Creates a filing requirement, which has no fee, for certain persons who lobby but who do not receive compensation for lobbying, such as a business owner who, representing only himself or herself, comes to talk with his or her senator about an issue that will affect the owner's business.

Δ Requires ethics training for persons registered as lobbyists.

Δ Clarifies which state officers or employees are required to file personal financial statements.
Elections and Ethics (Not Passed)

- Allows a gift to public servants if its value is less than $50, and it is not cash or a negotiable instrument.

- Requires proof of bribery to include direct evidence of a bribe in a lobby expenditure situation.

- Allows state employees to keep for personal use travel bonus awards, such as frequent flyer miles, that are earned during state travel.

- Requires political action committees to pay a filing fee to the Texas Ethics Commission.

Voting With a Child - S.B. 308
by Senators Wentworth, Zaffirini, and Carriker

- Allows a child up to the age of 18 to accompany his or her parent to a voting station.

Conflict of Interest - State Agencies - S.B. 533
by Senator Barrientos

- Requires the Texas Ethics Commission to advise the governor and the legislature of any conflict of interest issues relating to the governing bodies of state agencies.

  - Requires the commission to make recommendations concerning any needed statutory changes.

  - Requires the commission to focus its review and recommendations on state agencies up for sunset review, but allows the commission to make recommendations on other agencies.

Legislative Budget Session/Primary Elections - S.B. 1017
by Senator Wentworth

- Requires the Texas legislature to meet for a budget session in each even-numbered year, and regular session in each odd-numbered year.

  - Provides that the runoff primary election date is the third Tuesday following the date of the general primary election.
Elections and Ethics (Not Passed)

Constitutional Amendment - 55-day
Legislative Budget Session - S.J.R. 42
by Senator Wentworth, et al.

Proposes a constitutional amendment that would provide for a 55-day budget session of the legislature in even-numbered years and an annual state budget.
Government Impact on Property Values  
S.B. 1226  
*By Senators Bivins, Armbrister, et al*  

△ Requires the attorney general to issue guidelines by January 1, 1994, to governmental entities to assist in evaluating governmental actions that affect private property to the extent that compensation may be required under either the Texas or the U.S. Constitution and requires periodic updates of the attorney general’s guidelines.

△ Requires legislative or executive branch governmental entities to evaluate a proposed governmental action affecting private property in accordance with the attorney general’s guidelines.

△ Exempts from these guidelines the formal exercise of the power of eminent domain, the modifying laws or regulations to lessen the restriction on the use of private property, governmental actions mandated by a higher governmental authority, law enforcement activity, zoning ordinances, or orders issued as a result of a violation of the law.

Constitutional Amendment - Service in the Legislature by Public Officers -  S.J.R. 14  
*by Senators Wentworth, et al.*  
*House Sponsor: Representative Swinford*

△ Proposes a constitutional amendment to allow certain public officers to seek election to and serve in the legislature.

Designation of Land as Rural Homestead  
S.J.R. 30  
*by Senator Ratliff*

△ Proposed a constitutional amendment allowing the voluntary designation of less than 200 acres as a rural homestead.
Open Meetings & Records (Not Passed) ______

Notice of Hearing about Air Contaminants
S.B. 316
by Senator Barrientos
House Sponsor: Representative Maxey

Δ Requires an applicant for a permit or for a permit renewal review for an air contaminant source to publish a notice of intent to obtain a permit or permit review at least once in one or more publications circulated in that area in which the facility is located.

Open Meetings Act - Governmental Bodies
S.B. 1020
by Senator Wentworth

Δ Expands the application of the open meetings law to certain meetings of governmental bodies.

Δ Amends the definition of "meeting" to include a gathering at which a quorum of members of a governmental body is present and at which the body receives information from, gives information to, asks questions of, or receives questions from any third person, including an employee of the governmental body, about the public business or public policy over which the body has supervision or control.
Housing (Not Passed)

County Housing Trust Funds - S.B. 991
by Senators Ellis, et al.

△ Authorizes commissioners courts to establish county housing trust funds, and required them to oversee use of the funds and approve all expenditures.

△ Authorizes commissioners courts to establish a county housing trust fund fee, not exceeding $10, to be paid on filing with the county clerk documents related to real property transfers in the county or issuance of county building permits. Revenue from other sources, not dedicated by law for another purpose, could also be credited to the fund.

△ Establishes the following eligible uses for the fund: to match state and federal grants related to housing projects; to support a county or regional housing authority's operation of a housing project; to provide interim financing for housing projects; to rehabilitate substandard housing; as loans or grants to eligible persons and entities; and to support existing housing projects.

△ Stipulates that for a project or proposal to receive housing trust funds, it must:

   △ provide funds to make housing affordable for certain targeted income groups, while adopting specific income guidelines for households intended to benefit;

   △ target specific geographic areas, including urban renewal, rural, or slum areas;

   △ target projects to retain affordable housing for moderate, low, and very low income households, including those guaranteeing long-term affordability; or

   △ target a specific project or proposal determined by the commissioners court to be of immediate need.

△ Stipulates that a project granted housing trust funds should attempt to avoid displacing moderate, low, or very low income persons or families from housing.

△ Caps the maximum amount of housing trust fund revenue, usable for administrative costs associated with collection of the fee, at 1 percent or less of revenue deposited in the fund.
Housing (Not Passed)

Δ Caps the maximum amount used to pay operating expenses or other administrative costs, as specified, at 10 percent of the fund disbursements in a year.
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