



Senate
Research
Center

Highlights

of the **80TH**
TEXAS LEGISLATURE



*Sam Houston Bldg.
Suite 575
P.O. Box 12068
Austin, Texas 78711
512 • 463 • 0087
Fax: 512 • 463 • 1271
Dial 711 for Relay Calls*

A Summary of Significant Legislation

September 2007

Acknowledgements

The Senate Research Center publishes the *Highlights of the Texas Legislature: A Summary of Significant Legislation* after each regular session of the Texas Legislature in order to centralize information relating to enrolled legislation.

Highlights is a collective effort of the staff of the Senate Research Center. Our appreciation goes to agency personnel who provided explanations of bills affecting their agencies, Senate Publications and Printing for assistance in producing this document, and Patsy Spaw, Secretary of the Senate, for her continuing guidance and leadership.

This page left blank intentionally.



Senate Research Center

Gina Martin, *Director*

David Mauzy, *Editor*

Candy Black, *Highlights Project Coordinator*

Amanda Austin

Cary Choate

Braden Civins*

Chloe Johnson

Laura Langham

Meredith Melecki*

Samm Osborn

Corey Roy

Quinn Ryan*

Austin Valentine

Sharon Weintraub

* Denotes session-only staff who contributed to this report.

The Texas Senate does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.

This page left blank intentionally.

Appropriations

General Appropriations Act—H.B. 1 1
 Supplemental Appropriations for School Property Tax Relief—H.B. 2 6
 \$3 Billion for Cancer Research—H.B. 14..... 6
 Supplemental Appropriations for FY 2007 and FY 2008-2009—H.B. 15 7
 Legislative Flexibility in Funds Appropriation—H.B. 3107..... 8
 Tax Dispute Hearings Transferred from the Comptroller to SOAH—S.B. 242 8
 Reimbursement for State Employee Travel Expenses—S.B. 1310..... 9
 \$500 Million for the Hinson-Hazlewood College Student Loan Program —S.B. 1640 9
 Legislative Approval for Settlements—S.B. 2031..... 9
 Funds for Maintenance, Improvement, Repair and Construction Projects—S.B. 2033 9
 \$500 Million for the Hinson-Hazlewood College Student Loan Program —S.J.R. 57 10
 Funds for Maintenance, Improvement, Repair, and Construction Projects—S.J.R. 65 10

Finance

Discontinuation of the Telecommunications Infrastructure Fund—H.B. 735..... 12
 \$3 Billion for Cancer Research—H.J.R. 90..... 12
 Texas Parks and Wildlife Revenue—S.B. 1669..... 13

Border Affairs and Immigration

Prohibiting Tax Incentives for Businesses Employing Illegal Immigrants—H.B. 1196..... 14
 Border Vehicle Inspection Facilities—H.B. 3594 14
 Developers and Colonia Prevention—S.B. 781 14
 General Obligation Bonds for Economically Distressed Areas—S.J.R. 20 15

Criminal Justice/General

Restoration of Forfeited Good Conduct Time for TDCJ Inmates—H.B. 44 **(Vetoed)**..... 16
 Educational Services for Inmates in TDCJ Administrative Segregation—H.B. 47 **(Vetoed)**..... 16
 Offenses Regarding Identity Theft and Organized Criminal Activity —H.B. 126..... 16
 Increasing Capacity of Facilities Operated by Private Vendors or Counties—H.B. 198..... 17
 Residential Infant Care Program for Mothers Confined in TDCJ—H.B. 199..... 17
 Authority to Create Criminal Offenses for Violations of District Policy—H.B. 278..... 17
 Burden of Proof in Revocation Hearings Regarding Certain Court-Ordered Payments—H.B. 312..... 17
 Study of Health Care Expenses for Certain Elderly Inmates—H.B. 429 18
 Release of State Jail Felon on Medical Intensive Supervision—H.B. 431 18
 Disclosure of the Identify of an Inmate Victim of a Sex Offense to TDCJ—H.B. 433..... 19
 Fraudulent Use or Possession of Person's Identifying Information—H.B. 460..... 19
 Authority to Discipline Officers Elected Under the Texas Constitution—H.B. 488..... 20
 Criminal Penalty for Assault of Emergency Services Personnel—H.B. 495 20
 Expanding Drug Court Programs and Providing Funding—H.B. 530..... 20
 Release on Bond of Persons Awaiting a Revocation Hearing—H.B. 541 **(Vetoed)**..... 22
 Fraudulent Use of a Minor's Identifying Information—H.B. 649 23
 Postconviction Forensic Testing—H.B. 681 23
 Training Requirements for Firefighting Personnel—H.B. 738 **(Vetoed)**..... 24
 Payments to or for Persons Wrongfully Imprisoned—H.B. 814..... 24
 Criminal Penalty for Tampering with Certain Evidence—H.B. 872..... 25
 Increasing the Statute of Limitations for Identity Theft—H.B. 887 26

TABLE OF CONTENTS

Prosecution and Punishment for Dog Fighting—H.B. 916.....	26
Barring Municipalities from Using Automated Traffic Control Systems—H.B. 922.....	26
Endangering Child by Presence of Certain Controlled Substances—H.B. 946.....	27
Statute of Limitations for the Offense of Injury to a Child—H.B. 959.....	27
Providing Notice of the Release or Escape of Defendant to Witnesses—H.B. 963.....	27
Criminal Trespass and Recreational Vehicle Parks or Docking Places—H.B. 1092 (Vetoed)	29
Increasing the Distance Barrier for Picketing a Funeral Service—H.B. 1093.....	29
State Law Regarding Human Trafficking or Similar Abuse—H.B. 1121.....	29
Punishment of Criminal Trespass—H.B. 1129 (Vetoed)	31
Penalties for Intoxication Assault and Intoxication Manslaughter—H.B. 1212.....	31
Orders of Expunction or Nondisclosure of Criminal History Records—H.B. 1303.....	32
Unprovoked Dog Attacks on Persons—H.B. 1355.....	34
Unlawful Restraint of a Dog—H.B. 1411.....	35
Relating to Concealed Handgun Licenses—H.B. 1503 (Vetoed)	36
Appeal of a Finding Regarding Competency of an Inmate to be Executed—H.B. 1545.....	37
Community Supervision for Persons Convicted of State Jail Felonies—H.B. 1610.....	38
Community Supervision and Credit for Completion of Treatment—H.B. 1678.....	38
Requiring Certain Identifying Information in an Appeal Bond—H.B. 1687 (Vetoed)	39
Punishment for Theft of Aluminum, Bronze, or Copper Wiring—H.B. 1766.....	39
Punishment for Interfering With Transportation Devices—H.B. 1767.....	39
Creating an Offense for Broadcasting or Transmitting Certain Recordings—H.B. 1804.....	39
Punishment and Prevention of Burglary of Vehicles—H.B. 1887.....	40
Ombudsperson Regarding Sexual Assault Against Inmates—H.B. 1944.....	41
Lifetime Protective Orders for Certain Crime Victims—H.B. 1988.....	42
Barring Deferred Adjudication for Certain Intoxication Offenses—H.B. 2115.....	43
Graffiti Accountability Act of 2007—H.B. 2151.....	43
Law Enforcement Reports Concerning Certain Assaultive Offenses—H.B. 2210.....	44
Carrying of Weapons by Judges and Attorneys—H.B. 2300.....	44
Right of a Minor in TDCJ Custody to Consent to Medical Treatment—H.B. 2389.....	45
Appearance of Certain Misdemeanor Offenders Before Magistrate—H.B. 2391.....	45
Penalizing Interference with the Duties of a Public Health Professional—H.B. 2703.....	46
Requiring Electronic Monitoring Systems in Certain TDCJ Facilities—H.B. 2990 (Vetoed)	46
Funding Community Supervision and Corrections Departments—H.B. 3200 (Vetoed)	47
Bail for Violations of Protective Orders or Bond Conditions—H.B. 3692.....	48
Maximum Caseloads for Parole Officers—H.B. 3736.....	49
Denial or Revocation of Bail for Violations of Certain Protective Orders—H.J.R. 6.....	50
Accrediting Battering Intervention or Counseling Services—S.B. 44.....	50
Criminally Injurious Conduct Under the Crime Victims' Compensation Act—S.B. 157.....	51
Providing Grants to Implement Progressive Sanctions Programs—S.B. 166.....	51
Expanding Criminal Trespass to Include Recreational Vehicle Park—S.B. 182 (Vetoed)	52
Exchange of Information Related to Care of Special Needs Offenders—S.B. 230.....	52
Temporary Sealing of Affidavits Presented for Search Warrants—S.B. 244.....	53
Eligibility Requirements for Police Officers—S.B. 342.....	53
Use of Force or Deadly Force in Self-Defense—S.B. 378.....	54
Requiring Testing of TDCJ Inmates for HIV—S.B. 453.....	55
Emergency Protective Orders for Sexual Assault Victims—S.B. 584.....	55
Exchange of Information Related to Care of Special Needs Offenders—S.B. 839.....	55
Child Injury Offenses and Eligibility for Community Supervision or Parole—S.B. 877.....	56
Reducing the Offense for Criminal Trespass in Certain Circumstances—S.B. 1097 (Vetoed)	56
Prevention of Human Trafficking—S.B. 1287.....	57
Firearms and Persons Convicted of a Family Violence Offense—S.B. 1470.....	57

Provision of Pay Telephone Service to TDCJ Inmates—S.B. 1580.....58

Criminal Justice/Juveniles

Instructional Requirements for Education Provided in TYC Facilities—H.B. 425.....59
 Establishing the Office of Inspector General at TYC—H.B. 914.....59
 Reporting Research on Children Committed to TYC—H.B. 1111.....60
 Reporting Research on Children in the Juvenile Probation System—H.B. 1113.....61
 TJPC to Study Victim-Offender Mediation Programs—H.B. 2291.....61
 Juvenile Justice System—H.B. 2884.....62
 Granting Groups Access to Children Confined to TYC—H.B. 3309.....67
 Texas Youth Commission—S.B. 103.....68

Criminal Justice/Sex Offenders and Sex-Related Offenses

Increasing Penalties for Sexual Predators Targeting Children—H.B. 8.....81
 Collection and Analysis of Information on Certain Sexual Offenses—H.B. 76.....84
 Use of Text Messages to Commit Sexual Offenses Against Minors—H.B. 401.....85
 Fees on Sexually Oriented Businesses for Prevention of Sexual Assault—H.B. 1751.....85
 Sex Offender Treatment and Civil Commitment—H.B. 2034.....85
 Sex Offender Release on Medically Recommended Intensive Supervision—H.B. 2611.....86
 Student Sex Offenders and Prosecution of Online Solicitation of Minors—S.B. 6.....86
 Increasing Penalty For Certain Repeat Sex Offenders—S.B. 75.....90

Economic Development and Business

Allocations to the Skills Development Fund and Texas Enterprise Fund—H.B. 48 (Vetoed).....91
 Penalties for Copycat Musicians—H.B. 54.....91
 Release of Confidential Personal Information by "Pretexting"—H.B. 73.....92
 Credit Card Providers Marketing in Institutions of Higher Education—H.B. 85.....92
 Texas No-Call List and Text Messaging—H.B. 143.....93
 Use of Electronically Readable Information by a Business—H.B. 320.....94
 Charity Auctioneers—H.B. 365.....94
 Mortgage Fraud Protections—H.B. 716.....94
 Locating State Banks Within Commercial Affiliates—H.B. 944.....96
 Texas Emerging Technology Fund Enhancements—H.B. 1188.....97
 Combative Sporting Events Coordinator Regulation—H.B. 1293.....98
 Refund Anticipation Loan Regulations—H.B. 1344.....99
 Real Estate Regulations and Back Ground Checks—H.B. 1530.....100
 Announcing Alcohol Promotion Events for Purposes of Sampling—H.B. 1541.....100
 Identity Theft Notification—H.B. 2002.....100
 Technology Center Grant Programs for Rural Counties—H.B. 2235.....102
 Disclosure of Information Regarding Advertisements and Information for Insurers—H.B. 2251.....102
 Investment of the Prepaid Funeral Benefits Trust—H.B. 2393.....103
 Sale of Salesroom Floor Items—H.B. 2471.....103
 Funding for Rural Rail Districts—H.B. 2660.....103
 Extending Sampling Privileges to Alcoholic Permittees or Licensees—H.B. 2723.....104
 Revising the Alcohol Distribution System—H.B. 2727.....104
 Tax Incentives for Clean Energy Production—H.B. 2994.....106
 Credit Card Security—H.B. 3093.....107

TABLE OF CONTENTS

Prohibition of Alcoholic Retailers Profiting From Charitable Events—H.B. 3123.....	107
Establishment of the Genuine Texas Program—H.B. 3446.....	107
Modifications to the Texas Enterprise Zone Program—H.B. 3694.....	109
Clarification of Provisions Relating to Home Equity Loans—H.J.R. 72.....	110
Certain Funds for Purposes of a Sports Venue—S.B. 191.....	110
Credit Security Protections—S.B. 222.....	111
General Contractor Contingent Clauses—S.B. 324.....	111
Hedging Contracts for Coal and Nuclear Fuel—S.B. 495.....	113
Green Concepts Course for Certain Architects and Interior Designers—S.B. 541.....	113
Notification and Reimbursement of Notification for Returned Checks—S.B. 548.....	114
Authorization for Sidewalk Cafés to Sell Alcohol—S.B. 952.....	114
Alcohol Distribution Transfer—S.B. 1215.....	115
Consumer Rebate Protections—S.B. 1389.....	115
Sporting Event Trust Fund—S.B. 1523.....	116

Education/Higher

Tuition Rebates for ROTC Members—H.B. 86.....	119
Lower Tuition for Off-Peak Courses—H.B. 120.....	119
Tuition Exemptions for Children of Disabled Veterans—H.B. 125.....	119
Study Regarding Revenue Bonds for Certain Institutions—H.B. 317 (Vetoed)	120
Reduced Tuition for Junior College Students Residing Outside District—H.B. 544 (Vetoed)	121
Enrollment Requirements for General Academic Teaching Institutions—H.B. 589 (Vetoed)	121
Tuition Exemptions for Children of Disabled Peace Officers—H.B. 741.....	122
Recreational Facility Fee at UT --El Paso—H.B. 868.....	122
Student Fees at Texas Woman's University—H.B. 902.....	122
Student Services Fees at UT --Permian Basin—H.B. 1157.....	123
Tuition Exemption for Students Sounding "Taps" at Funerals—H.B. 1187.....	123
Texas-B-On-Time Loan Academic Eligibility Requirements—H.B. 1250.....	123
Optometry Career Program at University of Houston—H.B. 1427 (Vetoed)	124
Severe Storm Research and Planning Center—H.B. 1493.....	124
Intercollegiate Athletics Fees at UT --Brownsville—H.B. 1505.....	124
Loan Repayment Pilot Program for Correctional Officers—H.B. 2103 (Vetoed)	125
Baccalaureate Degrees Offered at Certain Junior Colleges—H.B. 2198.....	125
Certain Hearings Against Unauthorized Career Schools—H.B. 2371.....	126
Risk Management Programs for Fraternities—H.B. 2639.....	126
Tuition Exemptions for Certain Adopted Children—H.B. 2702.....	126
Engineering Recruitment Programs—H.B. 2978.....	127
Student Fees at TAMU Institutions—H.B. 3114.....	127
Prohibition Against Certain Contracts by University—H.B. 3291.....	128
Electronic Materials for Blind and Dyslexic Students—H.B. 3382.....	128
Transfer Angelo State University to Texas Tech System—H.B. 3564.....	129
Adoption of Standard GPA—H.B. 3851.....	129
Texas Tomorrow Fund II: Prepaid Tuition Unit—H.B. 3900.....	130
Student Outcomes Pilot Program by Alamo Community College—H.B. 3934 (Vetoed)	131
Transfer of Funds for ASU to Texas Tech—H.J.R. 103.....	131
Student Fees at Texas State University System—S.B. 161.....	131
Tuition Exemption for Nursing Preceptors and Children—S.B. 201.....	132
Application for Student Regent—S.B. 276.....	132
Student Fees at UT --Dallas—S.B. 285.....	133
Grants for Nursing Instruction by Part-Time Faculty—S.B. 289.....	133

THECB Certificate of Recognition for Donations—S.B. 469..... 133
 ABA Accreditation of Private or Independent Colleges—S.B. 480..... 133
 Study of Joint Partnerships Between Institutions of Higher Education—S.B. 649..... 134
 Student Representation on THECB—S.B. 1007..... 134
 Notice of THECB Meetings—S.B. 1046..... 134
 Work-Study Student Mentorship Program —S.B. 1050..... 135
 Course Requirements for Students in Joint Degree Programs—S.B. 1051..... 135
 Assessing Quality of Academic Advising—S.B. 1053 **(Vetoed)**..... 136
 Risk Management Programs for Fraternities—S.B. 1138..... 136
 Refunds for Dropped or Withdrawn Classes—S.B. 1231..... 136
 Repayment of Emergency Student Loans—S.B. 1232..... 137
 Student General Deposit—S.B. 1233..... 138
 Master Plan for Higher Education—S.B. 1234 **(Vetoed)**..... 138
 Eligibility of Relatives of Board for Scholarships—S.B. 1325..... 138
 Student Fees at Component Institutions of TAMU—S.B. 1495..... 139
 Joint Admission Medical Program —S.B. 1601..... 139

Education/Public

Dating Violence Policies at School Districts—H.B. 121..... 141
 Midcycle Review and Adoption of Textbooks—H.B. 188..... 141
 Potential Conflicts-of-Interest and Superintendents—H.B. 189..... 141
 UIL Eligibility for Students Enrolled in Dual Credit Courses—H.B. 208..... 142
 Purchasing Contracts and Fees of School Districts—H.B. 273..... 142
 Classroom Placement of Multiple Birth Siblings—H.B. 314..... 143
 Seatbelts on School Buses—H.B. 323..... 143
 Standards of Operation of DAEPs—H.B. 426..... 144
 Compulsory Attendance of 18-year-old High School Students—H.B. 566..... 144
 Write-in Voting for Common School District Board Members—H.B. 606..... 145
 Celebrate Freedom Week—H.B. 708..... 145
 Foundation School Program —H.B. 828..... 145
 Health Insurance Eligibility for Public School Employees—H.B. 973..... 146
 Eligibility and Attendance of Certain Non-Minor Students—H.B. 1137..... 146
 Intensive Reading Pilot Program —H.B. 1270..... 147
 Academic Study of the Bible—H.B. 1287..... 147
 Authority of the Charter School Finance Corporation—H.B. 1400..... 148
 Posthumous High School Diplomas—H.B. 1563..... 149
 Standards and Funding for Communities in Schools Program —H.B. 1609..... 149
 Grievance Reporting Procedures for School Employees—H.B. 1622..... 150
 Nature Science Curriculum —H.B. 1700..... 150
 THECB Oversight of Texas Governor’s Schools—H.B. 1748..... 150
 Home-Schooled Student PSAT and Advanced Placement Testing—H.B. 1844..... 151
 Funding for School District Maintenance, Operations, and Facilities—H.B. 1922..... 151
 Prohibiting Firearms on School Parking Areas—H.B. 2112..... 152
 Pregnancy Awareness in High School Health Courses—H.B. 2176..... 152
 High School Completion and Success Initiative—H.B. 2237..... 152
 Subsidies for Certain Programs and Scholarships for Early Graduation—H.B. 2383..... 154
 Teacher Retention Demonstration Projects—H.B. 2399..... 154
 School District Depositories—H.B. 2411..... 154
 Excused Absences for Court Appearances—H.B. 2455..... 155
 Technology Literacy Assessment Pilot Program —H.B. 2503..... 155

TABLE OF CONTENTS

Intensive Mathematics Intervention Pilot Program—H.B. 2504.....	156
Placement of Students Committing Certain Crimes—H.B. 2532.....	156
Powers and Duties of School Boards and Superintendents—H.B. 2563.....	157
National Board of Professional Teaching Standards Recipient Stipends—H.B. 2646 (Vetoed)	157
Dual Language Education Pilot Program—H.B. 2814.....	158
Technology-based Supplemental Instruction Pilot Program—H.B. 2864.....	158
Accountability of Performance of Confined Youth—H.B. 3092.....	159
Internet Safety Resources—H.B. 3171.....	159
Equalization of Property Wealth—H.B. 3226.....	159
International Assessment Instruments—H.B. 3259.....	160
Prohibition Against Idling Diesel School Bus Engine—H.B. 3457 (Vetoed)	160
Career and Technology Education Curriculum—H.B. 3485.....	160
Voluntary Student Religious Expression—H.B. 3678.....	161
Automatic Admission Requirements—H.B. 3826.....	161
Instruction of CPR, Availability of AEDs, and Cardiovascular Screening—S.B. 7.....	162
Random Steroid Testing of High School Athletes—S.B. 8.....	163
Criminal History Background Check of School District Employees—S.B. 9.....	163
Safety Training in Athletic Programs at Public Schools—S.B. 82.....	164
School District Employee Communication with School Board—S.B. 135.....	164
Internet Safety Community Education Program—S.B. 136.....	164
Certification of Educational Diagnosticians—S.B. 158.....	165
School District Employees' Liability for Certain Materials—S.B. 370.....	165
Restrictions on the Amount of Permanent School Fund Bonds—S.B. 389.....	165
Physical Activity Requirements—S.B. 530.....	166
Disclosure of Name of Student Victim—S.B. 606.....	166
Special Education Student Participation in Graduation—S.B. 673.....	166
Agriculture Awareness in Schools—S.B. 827.....	167
End-of-Course Exams—S.B. 1031.....	167
Benefits for Rehired TRS Retirees—S.B. 1039.....	167
Employers for Education Excellence Award—S.B. 1433.....	168
Internet Website and Training Program on Prevention of Child Abuse—S.B. 1456.....	168
Train Derailment Response for Schools—S.B. 1504.....	168
No-Pass No-Play Course Exemptions—S.B. 1517.....	169
Designation of Location for Public School Transportation—S.B. 1713.....	169
State Virtual School Network—S.B. 1788.....	169
Funding and Benefits of the Teacher Retirement System—S.B. 1846.....	170
Evaluation of Bilingual Education Programs—S.B. 1871.....	170
Certification of Educators from Outside of Texas—S.B. 1912.....	171

Health and Human Services/Children

Eligibility Requirements for the Children's Health Insurance Program—H.B. 109.....	172
Child Safety Month—H.B. 1045.....	172
Immunization Awareness Program in Certain School Districts—H.B. 1059.....	173
Diabetes Intervention Pilot Program for Certain School Districts—H.B. 3618.....	173
Enforcement and Administration of Department of Agriculture Programs—H.B. 4062.....	174
Health Care Coverage as a Child Support Obligation—S.B. 303.....	175
Use of Certain Vaccines in the Vaccines for Children Program—S.B. 811.....	177

Health and Human Services/General

HIV/AIDS Reporting—H.B. 246..... 178
 Importation of Electronic Eligibility Information—H.B. 321..... 178
 Home-Delivered Meals and the Department of Agriculture—H.B. 407..... 179
 Umbilical Cord Blood Information—H.B. 709..... 179
 Serving Transitional Youth With Disabilities—H.B. 1230..... 179
 Prescription Drug Awareness Program —H.B. 1676..... 180
 Municipal and County Ancillary Health Care Facilities—H.B. 2168..... 181
 Pilot Project to Construct a Public Safety Triage and Detoxification Unit—H.B. 2524..... 181
 Healthy Marriage Development—H.B. 2683..... 182
 Premarital Education Course and Marriage Requirements—H.B. 2685..... 182
 Texas Hospital-Based Nursing Education Partnership Grant Program —H.B. 3443..... 183
 Consent to Treatment and Home and Community Support Services—H.B. 3473..... 184
 Collection of Information on Health Professionals—S.B. 29..... 184
 Electronic Medical Records System—S.B. 204..... 185
 Work Participation in TANF Programs—S.B. 589..... 185
 Recognition Day for Adoption, Adoptive Families, and Adoption Workers—S.B. 640..... 186

Health and Human Services/Health Care

Texas Health Services Authority—H.B. 1066..... 187
 Reporting of Methicillin-Resistant Staphylococcus Aureus—H.B. 1082..... 188
 Human Papillomavirus Immunization—H.B. 1098..... 189
 Interagency Coordinating Council for HIV and Hepatitis—H.B. 1370..... 189
 Chronic Kidney Disease Task Force—H.B. 1373..... 190
 Human Papillomavirus Education Programs—H.B. 1379..... 190
 Regulation and Licensing Exemptions for Certain Childcare Facilities—H.B. 1385..... 191
 Lung Cancer Awareness Month—H.B. 1449..... 192
 Creating a Diabetes Mellitus Registry Pilot Program —H.B. 2132..... 193
 Regional Health Care Systems Review Committee—H.B. 3154..... 193
 Increasing Immunization Awareness—H.B. 3184..... 194
 Diabetes Demonstration Pilot Program —H.B. 3735..... 194
 Point-of-Sale Health Warnings for Tobacco Products—S.B. 91..... 195
 Risk Assessment Program for Type 2 Diabetes—S.B. 415..... 195
 Creation of the Interagency Obesity Council—S.B. 556..... 196
 Restrictions on the Interchange of Transplant Immunosuppressant Drugs—S.B. 625..... 196
 Outsourcing of Health Care—S.B. 1391..... 197
 Bleeding Disorders Advisory Council—S.B. 1566..... 197
 Consumer Access to Health Care Information—S.B. 1731..... 198

Health and Human Services/Long-Term Care

Personal Needs Allowance for Certain Medicaid Recipients—H.B. 52..... 199
 Long-Term Care Partnership Program —S.B. 22..... 199
 Community Living Option Information Process—S.B. 27..... 199
 Nursing Home Family Councils—S.B. 131..... 200
 Adult Day-Care Facilities and Certain Long-Term Facilities Regulation—S.B. 1318..... 201
 Consumer Direction Expansion—S.B. 1766..... 202

TABLE OF CONTENTS

Health and Human Services/Medicaid

Anti-kickback Provisions and Medicaid—H.B. 889.....	203
Medicaid Reimbursement for Certain Services Without PCP Referral—H.B. 1579.....	203
Determining Medicaid Eligibility for Military Personnel and Families—H.B. 1633.....	203
Electronic Database for Medicaid Participants—H.B. 2042.....	204
Uniform Fair Hearing Rules for Medicaid Services—H.B. 2256.....	204
Costs Associated with the Medicaid Cost Reporting and Auditing Process—H.B. 2540.....	205
Integrated Eligibility and Benefits Determination System Enhancement—H.B. 3575.....	206
Medicaid and Health Care Benefits Programs Operation and Financing—S.B. 10.....	207
Criminal Offenses Involving Medicaid—S.B.1694.....	207

Health and Human Services/Mental Health

Mental Health Detention Period Extension—H.B. 518.....	209
Local Mental Health and Mental Retardation Facilities—H.B. 2439.....	209

Health and Human Services/Protective and Regulatory Services

Child Abuse and Neglect Prevention and Early Intervention—H.B. 662.....	210
Termination of Parental Rights of Certain Abandoned Children—H.B. 1747.....	210
Designation of Individual to Consent to Medical Care for Foster Child—H.B. 2580.....	211
Mentorship Pilot Program—H.B. 3008.....	211
Fetal and Infant Mortality Review—S.B. 143.....	212
Possession of Firearms in Certain Foster Homes—S.B. 322.....	213
Reporting and Maintenance of Information Relating to Child Placement—S.B. 723.....	213
Reporting Mistreatment of Persons Receiving Community-Based Services—S.B. 744.....	214
Child Protective Services—S.B. 758.....	215
Procedural Changes Regarding Child Protective Services—S.B. 813.....	218

Health and Human Services/Regulatory

Labeling Requirements for Certain Drugs—H.B. 948.....	219
Boarding Home Regulation Pilot Program—H.B. 1168.....	219
Duties of the Texas Medical Board—H.B. 1973.....	220
Renewal Period for License or Registration of Radioactive Materials—H.B. 2285.....	221
Minimum Standards for Anaphylaxis Treatment by EMS Personnel—H.B. 2827.....	222
Regulation of Cigarettes—H.B. 2935.....	222
Regulation of the Practice of Dentistry—H.B. 3876.....	223
Examination for a License to Practice Medicine—S.B. 36.....	224
Professional Nursing Program Enrollment Retention—S.B. 138.....	224
Immunizations of Students in Health Professional Degree Programs—S.B. 140.....	225
Chemical Dependency Counselor Regulation—S.B. 155.....	225
Nurse-Family Partnership Program Funding—S.B. 156.....	226
Health Care-Associated Infections Reporting—S.B. 288.....	226
Participation of a Foster Child in a Clinical Trial—S.B. 450.....	227
Environmental Lead Investigations—S.B. 814.....	229
Licensing and Regulation of Wholesale Distributors of Prescription Drugs—S.B. 943.....	229
Nursing Peer Review and Nursing Regulation—S.B. 993.....	230
Authorization for Pharmacists to Fill Prescription During a Disaster—S.B. 1658.....	231
Controlled Substance Regulation—S.B. 1879.....	232

Homeland Security

Evacuation and Sheltering of Service Animals and Pets in a Disaster—H.B. 88..... 234
 Texas Statewide Mutual Aid System—H.B. 1471..... 234
 Sale of Ammonium Nitrate—H.B. 2546..... 234
 Disaster Contingency Fund—H.B. 2694..... 235
 Homeland Security Enhancements—S.B. 11..... 235
 The Role of Political Subdivisions During a Disaster—S.B. 61 238
 The Use of Firearms During a Disaster—S.B. 112..... 238
 Polygraph Examinations for Certain State Employees—S.B. 295..... 238

Housing

Mandatory Hot Water Supply for Tenants—H.B. 177 239
 Disclosure of Home Used as an Illegal Methamphetamine Laboratory—H.B. 271 239
 Texas Manufactured Housing Standards Act Revisions—H.B. 1460..... 239
 Eligibility for Texas First-Time Homebuyer Program —H.B. 1637 241
 Fire Alarm Protection for Dwellings—H.B. 2118..... 242
 Applicability of the Texas Fair Housing Act to Housing Authorities—H.B. 2353..... 242
 Authority of Property Owners' Associations to Grant Easements—H.B. 2402..... 242
 Comprehensive Landlord-Tenant Reform — H.B. 3101..... 243
 Affordable Housing and Receivership and Rehabilitation of Property—S.B. 1908..... 243

Insurance

Managed Care Plan Physician Credentialing—H.B. 1594..... 245
 Provision of Noninsurance Benefits—H.B. 1847 245
 Health Plan Coverage for Brain Injuries and Mental Illnesses—H.B. 1919..... 246
 Texas Health Insurance Risk Pool—H.B. 1977 246
 Reporting of Claim Information Under Employee Group Health Plans—H.B. 2015 247
 Provision of Health-Related Information and Incentives—H.B. 2252..... 247
 Modification of Small and Large Employer Health Benefit Plans—H.B. 2467..... 248
 Coverage Limitations in Health Benefit Plans—H.B. 2548..... 248
 Group Life Insurance Eligibility of Dependents—H.B. 2549..... 249
 Insurance Benefits for Board Members of Rapid Transit Authorities—H.B. 2622 **(Vetoed)**..... 249
 Suitability in Annuity Transactions—H.B. 2761 249
 Disclosure of Information in Replacement of Life Insurance Policies—H.B. 2762..... 250
 Registration and Regulation of Certain Discount Health Plans—H.B. 3064..... 250
 Credit Insurance Refund Requirements—S.B. 382..... 252
 Reporting Requirements for Workers' Compensation Claims—S.B. 471..... 252
 Increase of Minimum Automobile Liability Insurance Coverage—S.B. 502..... 253
 Insurance Information Website—S.B. 611..... 253
 Insurance Policies and Surcharges—S.B. 978..... 254
 Insurance Company Conversions—S.B. 1056..... 254
 Texas Health Insurance Risk Pool—S.B. 1254..... 255
 Composition of Health Group Cooperatives—S.B. 1255..... 255
 National Flood Insurance Program —S.B. 1436..... 256
 Billing of Anatomic Pathology Services—S.B. 1832..... 256
 Penalties for Underpaid Insurance Claims—S.B. 1884..... 257

TABLE OF CONTENTS

Judiciary

Permitting Courts to Use Alternative Locations Following a Disaster—H.B. 2766.....	258
Judicial Compensation Commission—H.B. 3199.....	258
Permitting Judges to Complete Term at Mandatory Retirement Age—H.J.R. 36.....	259
Assignment of Judge to Hear Certain Motion Regarding a Probate Judge—S.B. 406.....	259
Increasing the Maximum Jurisdictional Amount for Certain Courts—S.B. 618.....	260
Office of Court Administration Report on Jury Charges and Sentences—S.B. 705.....	261
Amount of Judgment Appealed or Removed from Justice Court—S.B. 1413.....	261
Amount of Judgment Appealed from Small Claims Court—S.B. 1416.....	261

Jurisprudence

Judicial Review of Certain Decisions Regarding Public Assistance Benefits—H.B. 75.....	262
Criminal Penalty for Interfering with Temporary Child Custody Order—H.B. 95.....	262
Concurrent Guardianship Proceedings in Texas and Foreign Jurisdiction—H.B. 342.....	263
Laws Regarding the Estates of Decedents—H.B. 391.....	263
Guardianship Proceedings for Incapacitated Adult Children—H.B. 585.....	265
Social Studies in Certain Suits Affecting the Parent-Child Relationship—H.B. 772.....	266
Sovereign Immunity and Claims by Certain Employees—H.B. 1473.....	267
Venue in Civil Actions Under the Jones Act—H.B. 1602.....	268
Liability of Volunteer Health Care Providers—H.B. 2005.....	269
Notice in the Conveyance of Certain Property Encumbered by a Lien—H.B. 2207.....	269
Recovery of Medical or Health Care Expenses in Civil Actions—H.B. 3281 (Vetoed)	270
Revisions to the Uniform Parentage Act—H.B. 3997.....	270
Continuing State Bar of Texas Annual Fee for Indigent Defense—S.B. 168.....	271
Affecting the Parent-Child Relationship and Enforcement of Child Support—S.B. 228.....	272
Criminal History Record Information for Certain Guardianship Services—S.B. 291.....	278
Duration of Judgment Liens—S.B. 300.....	280
Consent to and Annulment of Certain Marriages—S.B. 432.....	280
Affidavit Releasing a Judgment Lien on Homestead Property—S.B. 512.....	280
Concurrent Jurisdiction of the Attorney General Over Certain Cases—S.B. 563.....	281
Providing Notice to Certain Beneficiaries of a Will—S.B. 593.....	281
Child Support Obligation of Deceased Child Support Obligor—S.B. 617.....	282
Authority of Judges in Asbestos-Related and Silica-Related Injury Cases—S.B. 749.....	283
Genetic Testing in Proceedings to Declare Heirship—S.B. 1624.....	284

Local Government/Districts

County Assistance Districts—H.B. 1720.....	286
Harris County Improvement District No. 6—H.B. 4091 (Vetoed)	286
Buffalo Bayou Management District—H.B. 4113 (Vetoed)	286
Greater Southeast Management District—H.B. 4123 (Vetoed)	287
Multi-Jurisdictional Library Districts—S.B. 940.....	287
Fiscal Impact of Proposed Charter Amendments—S.B. 1086.....	287
Removal of Special District Board Members—S.B. 1207.....	288
Volunteer Fire Departments and Emergency Services Districts—S.B. 1440.....	288
Emergency Services District Sales and Use Taxes—S.B. 1502.....	288
Hospital District Maximum Tax Rates and Employment—S.B. 1972.....	288

Local Government/General

Compensation of Chief Appraisers—H.B. 35..... 290

Regulation of Fireworks and Fireworks Displays—H.B. 539 290

Development Agreements—H.B. 1472 290

Abatement of Public Nuisances—H.B. 1551..... 291

Urban Land Bank Demonstration Programs—H.B. 1742..... 291

Design-Build Process for Local Civil Works Projects—H.B. 1886 291

Local Government Transportation Corporations—H.B. 2090..... 292

Expansion of Governmental Entities into Extraterritorial Jurisdictions—H.B. 2091 292

Eligibility of Counties for Federal Programs—H.B. 2095..... 292

Authority of Municipalities to Regulate Limousines—H.B. 2338..... 293

Lease of Property by Political Subdivisions—H.B. 2618..... 293

Civil Service for Firefighters and Police Officers in Certain Municipalities—H.B. 3352 **(Vetoed)**..... 293

County Authority to Address Improper Discarding of Refuse—H.B. 3581 295

Authority of Political Subdivisions to Change General Election Dates—H.B. 3619 **(Vetoed)**..... 295

Swimming Pools Considered Public Nuisances—S.B. 680..... 296

County Accounting Procedures—S.B. 1106..... 296

Prohibition of Open Containers in Certain Areas of Certain Municipalities—S.B. 1238..... 296

Fees Charged for Public Health Services—S.B. 1380..... 297

Municipal Uses for Other Events Trust Fund (OETF)—S.B. 1424..... 297

City of Addison Alcohol Regulation—S.B. 1735 **(Vetoed)**..... 298

Municipal Competitive Bidding and Historically Underutilized Businesses—S.B. 1765..... 298

Natural Resources/Agriculture

Cruelty to Livestock Animals and Nonlivestock Animals—H.B. 2328..... 299

The Texas Organic Agricultural Industry Advisory Board—H.B. 2345..... 301

Exotic Livestock—H.B. 3300..... 301

Inspector of Hides and Animals—H.J.R. 69 301

Disaster Contingency Fund and Agricultural Producers—S.B. 1339..... 301

Animal Control Officers—S.B. 1562..... 302

Natural Resources/Air

Leak Detection for Air Contaminants—H.B. 1526..... 303

Enhancement of Air Quality—S.B. 12..... 303

Clean Air Interstate Rule—S.B. 1672 304

Preconstruction Permit Review and Renewal—S.B. 1673..... 304

Nitrogen Oxide Emissions Reduction—S.B. 2000..... 304

Natural Resources/General

Laser Sighting Devices and Legally Blind Hunters—H.B. 308..... 305

Oil and Gas Exploration Permitting Notice—H.B. 630..... 305

Kickapoo Traditional Tribe and Deer Hunting—H.B. 971 **(Vetoed)**..... 305

Generating Renewable Energy—H.B. 1090..... 306

Texas Commission on Environmental Quality Electronic Reporting—H.B. 1254..... 306

Deer Breeding Industry—H.B. 1308..... 306

Fire Department Listing With the Texas Forest Service—H.B. 1915..... 306

Gathering and Transport of Natural Gas—H.B. 1920..... 307

TABLE OF CONTENTS

Underground Petroleum Storage Tanks—H.B. 1956.....	307
Liquefied Natural Gas Pipelines—H.B. 2174.....	307
Fuel Ethanol and Biodiesel Production Incentive Program—H.B. 2417.....	308
Solid Waste and Recycling Facilities—H.B. 2541.....	308
Electric Generation Capacity Study—H.B. 2713 (Vetoed)	308
Computer Equipment Recycling—H.B. 2714.....	308
Protection of Coastal Land and Resources—H.B. 2819.....	309
Protection and Preservation of Caves—H.B. 3502.....	309
Advanced Clean Energy and Environmentally Protective Projects—H.B. 3732.....	309
Regulation of Uranium Exploration—H.B. 3837.....	310
Economic Contribution of Deer Breeding Industry—S.B. 573.....	310
Public Land Management—S.B. 654.....	310
Protection and Preservation of Caves—S.B. 1524.....	311
The Texas State Railroad and the Texas State Railroad Authority—S.B. 1659.....	311
Mining Permit Violations—S.B. 1667.....	311
Texas Parks and Wildlife Department Authority and Revenue—S.B. 1668.....	311

Natural Resources/Water

Management of State Water Resources—H.B. 3.....	313
Water Conservation—H.B. 4.....	313
Authority of Fresh Water Supply Districts—H.B. 713.....	314
Regulation of Irrigation Systems and Irrigators—H.B. 1656.....	314
Rules and Protection of the Edwards Aquifer—H.B. 3098.....	315
Approval of the Region L Water Plan—H.B. 3776.....	315
Development, Management, and Preservation of Water Resources—S.B. 3.....	315
Fire Control and the Edwards Aquifer Authority—S.B. 585.....	319
Use of Intellectual Property by the Texas Water Development Board—S.B. 616.....	320
Reporting Requirements for Water Wells—S.B. 714.....	320
Groundwater Production During Drought—S.B. 747.....	320
Standards for Construction of Evaporation Pits—S.B. 1037.....	321
Illegal Water Well Drilling or Operating—S.B. 1383.....	321
Impact of Climate Change on Surface Water Supplies—S.B. 1762.....	321

Regulatory

Reporting Alcohol and Tobacco Sales by Wholesalers and Distributors—H.B. 11.....	322
Regulation of Third Party Administrators—H.B. 472.....	322
Revising the Engineering Practice Act—H.B. 899.....	322
Exemption for Plumbers from Electrician Regulations—H.B. 1029.....	323
Additional Authority for the Texas Residential Construction Commission—H.B. 1038.....	323
Liability in Liquefied Petroleum Gas-Related Activities—H.B. 1170.....	324
Authorizing Alcohol Permits for Certain Vessels—H.B. 1248.....	324
Wine and Beer Permit Fees—H.B. 1667 (Vetoed)	325
Registered Financial Services Company Agents—H.B. 1716.....	325
Theft Prevention for Plastic Bulk Merchandise Containers—H.B. 1871.....	326
Revision of the Dual Banking System—H.B. 2007.....	326
Modifying the Duties of the Texas Board of Architectural Examiners—H.B. 2060.....	327
Cosmetology and Barber Regulation Modifications—H.B. 2106.....	328
Regulating Out-of-State Certified Public Accountants—H.B. 2144.....	328

Texas Alcoholic Beverage Commission Permit or License Regulation—H.B. 2348..... 329
 Texas Alcoholic Beverage Commission and Suspension Orders—H.B. 2350..... 329
 Regulation of Injection Well Use—H.B. 2654..... 329
 Regulating State Banks and Trust Companies—H.B. 2754..... 330
 Revisions Relating to Mortgage Brokers and Loan Officers—H.B. 2783..... 330
 Licensing and Regulation of Certain Private Security Services—H.B. 2833..... 331
 Ship Channel Security Districts—H.B. 3011..... 334
 Environmental Regulation of Dry Cleaning Facilities—H.B. 3220..... 335
 Powers and Duties of the Railroad Commission of Texas—H.B. 3273..... 335
 Petroleum Storage Tank Remediation—H.B. 3554..... 335
 TexasOnline Business Application Portal—S.B. 711 **(Vetoed)**..... 336
 Engineering or Architectural Errors or Omissions—S.B. 924..... 336
 Secondhand Sales of Metal and Metal Recycling Entities—S.B. 1154..... 336
 Alcohol License and Permit Extension—S.B. 1217..... 337
 Appliance Installation Conducted by Licensed Appliance Installer—S.B. 1222..... 338
 Modifications to Delivery of Alcohol Regulations—S.B. 1229..... 338
 Responsibilities Concerning Radioactive Substances—S.B. 1604..... 338
 Electronically Readable Information on a Driver's License—S.B. 1828..... 339

State Affairs/Agencies

Power Management Systems for State Agencies—H.B. 66..... 340
 Alternate Project Delivery Processes and Competitive Bidding—H.B. 447 **(Vetoed)**..... 340
 Grants Made by the Texas Commission on the Arts—H.B. 1023 **(Vetoed)**..... 341
 Appeal of Decisions Made by the Texas Ethics Commission—H.B. 1290..... 341
 Texas Ethics Commission Personal Financial Statement Forms—H.B. 1652..... 341
 Planning, Reporting, and Review of the State's Information Resources—H.B. 1788..... 342
 Information Resources Projects—H.B. 1789..... 342
 Executive Director of the Teacher Retirement System of Texas—H.B. 2190..... 343
 State and Political Subdivision Financial Accounting and Reporting—H.B. 2365..... 343
 Sale of Seized Gambling Equipment—H.B. 2462..... 343
 Texas Racing Commission—H.B. 2701..... 344
 Enterprise Resource Planning—H.B. 3106..... 344
 Divestment from Certain Companies Operating in Sudan—S.B. 247..... 345
 Planning and Management of State Telecommunications Services—S.B. 757..... 345
 Payment of Damages For Soil and Water Conservation District Directors—S.B. 1613..... 346
 Fees for Copies of Records and Research of State Preservation Board—S.B. 1732..... 346

State Affairs/Elections

Penalty Exemptions for Political Committee Reporting Requirements—H.B. 89..... 347
 Notification of Voting Rights of Formerly Incarcerated Adults—H.B. 770 **(Vetoed)**..... 347
 Independent School District Election of Trustees—H.B. 945..... 347
 Use of Wireless Communication Devices Near Voting Stations—H.B. 1921..... 348
 Possession of Another Person's Official Ballot or Carrier Envelope—H.B. 1987..... 348
 Restrictions on Corporate Political Contributions and Expenditures—H.B. 2492..... 348
 Provisional Voting by Citizens Who Apply for An Early Mail Ballot—H.B. 2823..... 349
 Pilot Program for Countywide Voting Locations—H.B. 3105..... 349
 Prohibition of Electioneering Outside Polling Places—H.B. 3143..... 349
 Reporting of Political Contributions and Expenditures—S.B. 64..... 350
 Electronic Mail Ballot Pilot Program—S.B. 90..... 350

TABLE OF CONTENTS

Deadline for Application for Absentee Ballots—S.B. 361.....	350
Recognition Day in Honor of Election Volunteers—S.B. 393	351
Appointment of a Joint Elections Administration—S.B. 493.....	351
Voter Registration Certificates—S.B. 932.....	351
Selection of Early Voting Election Officers—S.B. 1434.....	351

State Affairs/General

Competitive Bidding for State Agency Purchases—H.B. 119.....	353
Firefighter Police Officer Home Loan Program —H.B. 280.....	353
Use of State Property by a Production Company—H.B. 374	353
Ethical Conduct of State Officers and Employees—H.B. 590.....	354
Home Loans for Emergency Medical Personnel—H.B. 618.....	354
Default Investment Products Under a Deferred Compensation Plan—H.B. 957.....	354
Pledge of Allegiance to the Texas State Flag—H.B. 1034.....	355
Star of Texas Awards—H.B. 1164	355
Texas Lottery Commission Procurements—H.B. 1179 (Vetoed)	355
Indemnification of Phlebotomists—H.B. 1194.....	356
Texas Municipal Retirement System—H.B. 1244.....	356
Firefighters' Relief and Retirement Fund—H.B. 1390.....	356
Landowner's Bill of Rights—H.B. 1495.....	357
Texas County and District Retirement System—H.B. 1587.....	357
Settlement of Boundary Disputes—H.B. 1787	358
Eminent Domain—H.B. 2006 (Vetoed)	358
Enforcement of the Antiquities Code—H.B. 2056.....	360
Filing of Electronic Reports with the Texas Ethics Commission—H.B. 2195.....	360
Progressive Bingo—H.B. 2265 (Vetoed)	361
Suspension or Removal of a Deputy Sheriff—H.B. 2283.....	361
Texas Emergency Services Retirement System—H.B. 2400.....	361
Registration and Reporting Requirements for Lobbyists—H.B. 2489	362
Self-Corrected Documents Filed With the Texas Ethics Commission—H.B. 2589.....	363
Audits of Public Retirement System Actuarial Analyses—H.B. 2664.....	363
Joint Lobbying Expenditures—H.B. 2735.....	363
Filing of Personal Financial Statements by State Officers—H.B. 2839	364
Service Retirement Annuity of Judicial Retirement System Members—H.B. 2882	364
State Information Technology Contracting and Procurement Practices—H.B. 2918.....	364
Use of Political Contributions for Rental and Purchase of Real Property—H.B. 3066.....	365
Membership and Service Credit in ERS for Certain Employees—H.B. 3609 (Vetoed)	365
State Law and the Authority of International Agreements—H.B. 3647 (Vetoed)	365
Legislative Record Votes—H.J.R. 19.....	366
Repurchase of Property Acquired Through Eminent Domain —H.J.R. 30.....	366
Sale of State-Owned Mineral Rights—S.B. 214.....	366
Education Benefits for Children of Certain Public Employees—S.B. 457	367
Uniform Financial Reports—S.B. 470.....	367
Subrogation Interests of Political Subdivisions—S.B. 561	367
State Contracts with Certain Contractors—S.B. 608	368
Small Contractor Participation Assistance Program —S.B. 704.....	368
Financing Tools for Certain Obligations for Public Improvements—S.B. 968.....	368
Establishing a Silver Alert for Missing Senior Citizens—S.B. 1315.....	369
Investment Authority of the Teacher Retirement System of Texas—S.B. 1447.....	370
Offers of Assistance by the Attorney General to Prosecuting Attorneys—S.B. 2037.....	370

State Affairs/Public Information and Privacy Issues

Confidentiality of Information of Community Corrections Officers—H.B. 455..... 371

Access to Health Benefit Plan Enrollee Information—H.B. 522..... 371

Information Sharing Between State Agencies—H.B. 921..... 371

Disclosure of Concealed Handgun License Holders—H.B. 991..... 372

Excepting Certain Crime Victim Information From Disclosure—H.B. 1042..... 372

Use of Electronically Readable Personal Identification—H.B. 1060..... 372

Confidentiality of Information on Employees in Prosecutors' Offices—H.B. 1141..... 373

Disclosure of Certain Relationships With Local Government Officers—H.B. 1491..... 373

Solicitation of Injury Victims—H.B. 1519 **(Vetoed)**..... 373

Disclosure of Social Security Numbers—H.B. 2061..... 374

Public Disclosure of Certain Ad Valorem Tax Appraisal Information—H.B. 2188..... 374

Charges for Public Information Requests—H.B. 2564..... 375

Meetings of the Governing Boards of Junior College Districts—H.B. 3827..... 375

Address Confidentiality Program—S.B. 74..... 375

Exemption From Public Disclosure of Minor's Personal Information—S.B. 123..... 376

Reporting of Cash Gifts by Public Officials—S.B. 129..... 376

Identification Information and Youth Programs—S.B. 955..... 376

Meetings of Governmental Bodies Under the Open Meetings Act—S.B. 1306..... 376

Notice of Governmental Meetings in Emergency Situations—S.B. 1499..... 377

Regional Mobility Authority Open Meetings Requirements—S.B. 1548..... 377

State Affairs/Sunset

Texas Historical Commission and Parks and Wildlife Department—H.B. 12..... 378

Texas Veterinary Medical Diagnostic Laboratory—H.B. 2024..... 380

Prepaid Higher Education Tuition Board—H.B. 2173..... 380

Board of Nurse Examiners—H.B. 2426..... 381

Teacher Retirement System of Texas—H.B. 2427..... 383

Texas Structural Pest Control Board—H.B. 2458..... 383

Texas Commission on the Arts—H.B. 2460..... 384

Office of Rural Community Affairs—H.B. 2542..... 385

Texas Animal Health Commission—H.B. 2543..... 386

Management of Historic Buildings in Capitol Complex—H.B. 2621..... 386

Veterans Land Board—H.B. 3140..... 387

Powers and Duties of the Sunset Advisory Commission—H.B. 3249..... 387

Texas Veterans Commission—H.B. 3426..... 388

Texas Building and Procurement Commission—H.B. 3560..... 388

Texas Alcoholic Beverage Commission—S.B. 904..... 389

State Office of Risk Management—S.B. 908..... 389

Texas Board of Criminal Justice, Texas Department of Criminal Justice, Correctional Managed Health Care Committee, and Board of Pardons and Paroles—S.B. 909..... 390

Texas State Library and Archives Commission—S.B. 913..... 391

The Texas Real Estate Commission—S.B. 914..... 392

Abolishment of the Texas Military Facilities Commission—S.B. 1724..... 393

Tax

Proportional Property Tax Relief for the Elderly and Disabled—H.B. 5..... 394

Annual 10 Percent Cap on Homestead Appraisal Values—H.B. 438..... 394

TABLE OF CONTENTS

Appraisals in Multiple Appraisal Districts—H.B. 1010.....	394
Exempting Certain Vehicles From Ad Valorem Taxation—H.B. 1022.....	394
Property Tax Refund Deadline—H.B. 1210.....	395
Appeals of Certain Ad Valorem Tax Determinations—H.B. 1680.....	395
Collection of Property Taxes From Liquidated Businesses—H.B. 1910.....	395
Declaratory Relief on Liability for Sales and Use Taxes of Other States—H.B. 2010.....	396
Elections to Freeze Taxes on Certain Property—H.B. 2087 (Vetoed)	396
Property Tax Lender License Act—H.B. 2138.....	396
Use of Third Party Appraisals in Appraisal Review Board Hearings—H.B. 3024.....	400
Appointment of Taxpayer Liaison Officers—H.B. 3038.....	400
Street Maintenance Tax—H.B. 3084 (Vetoed)	400
Ad Valorem Taxation Exemption for Low-Income Housing—H.B. 3191.....	401
Additional Property Taxes Raised by Municipalities and Counties—H.B. 3195.....	401
Adjusting the Annual Property Value Study Due to Successful Protests—H.B. 3492.....	401
Revisions to the Revised Franchise Tax—H.B. 3928.....	402
Annual 10 Percent Cap on Homestead Appraisal Values—H.J.R. 40.....	403
Exempting Certain Vehicles From Ad Valorem Taxation—H.J.R. 54.....	404
Municipal Sales Tax Data—S.B. 190.....	404
Qualifications for Certain Ad Valorem Property Tax Exemptions—S.B. 426.....	404
TexasOnline Point-of-sales Transactions—S.B. 687.....	404
Waiver of Penalty and Interest on Delinquent Tax Payments—S.B. 948.....	405
Estimates of Taxable Value of Property in Appraisal Districts—S.B. 1405.....	405
Property Tax Lien Transfers—S.B. 1520.....	405
Proportional Property Tax Relief for the Elderly and Disabled—S.J.R. 13.....	408
Ad Valorem Tax Exemptions for Disabled Veterans—S.J.R. 29.....	408
Property Tax Freeze for Downtown Revitalization—S.J.R. 44.....	408

Transportation

Counterfeit Airbags—H.B. 71.....	409
Driver's Licenses for Elderly Persons—H.B. 84.....	409
Identification for the Release of a Motor Vehicle From Tow Storage Facilities—H.B. 90.....	409
Rail Relocation—H.B. 160.....	410
Fees for Specialty License Plates—H.B. 191.....	410
Ronald Reagan Memorial Highway—H.B. 210.....	410
Transfer of Registration and Removal of License Plates for Used Vehicles—H.B. 310.....	411
Foreign Commercial Motor Vehicles—H.B. 313.....	411
Illegal Off-Premise Signs—H.B. 412.....	411
Billboards—H.B. 413.....	412
Reporting Requirements for Certain Deaths From Motor Vehicle Accidents—H.B. 423.....	412
Use of Vehicle Information by a Toll Project Entity—H.B. 570.....	413
Driver Safety Courses—H.B. 586.....	413
Penalties for the Sale of Certain Used Trucks—H.B. 733.....	413
Automatic Suspension of Driver's License—H.B. 1049.....	414
Warning Signs for Red Light Cameras—H.B. 1052.....	414
Traffic Accentuated Electric Traffic -Control Devices—H.B. 1279.....	414
Prohibition of Signs on Certain Roads—H.B. 1521.....	414
Commercial Vehicle Parking on Certain Streets—H.B. 1522.....	415
Offenses and Penalties for Illegally Operating a Motor Vehicle or Vessel—H.B. 1623.....	415
Information Displayed on Disabled Parking Placards—H.B. 1781.....	416
Penalty for Driving on Certain Rights-of-Way—H.B. 1798.....	416

TABLE OF CONTENTS

Punishment for Failure to Stop Following a Motor Vehicle Accident—H.B. 1840.....	417
Land Located in a Transportation Corridor—H.B. 1857	417
Comprehensive Development Agreements—H.B. 1892 (Vetoed)	417
Payments to Contractors for Highway Projects—H.B. 2075.....	419
Motor Carrier Overweight or Oversize Vehicle Permits and Registration—H.B. 2093.....	419
Regulation of Towing and Storage Vehicles—H.B. 2094.....	421
Operation of All-Terrain Vehicles in Connection With Utility Work—H.B. 2127.....	422
Mobility Motor Vehicles—H.B. 2216.....	422
Legion of Merit Specialty License Plates—H.B. 2282.....	422
Low-emissions Vehicles—H.B. 2293.....	423
Commuter Rail Districts—H.B. 2510.....	423
Conduct of Motor Vehicle Sales Outside of a Dealership—H.B. 2559.....	423
Road Improvements in Municipalities and Counties—H.B. 2591.....	424
Memorial Sign Program —H.B. 2859.....	424
Outdoor Signs—H.B. 2944	424
School Bus Safety—H.B. 3190.....	425
Anticipation Notes—H.B. 3270.....	425
Certain Transportation Studies—H.B. 3275.....	426
Contested Cases Involving the Sale or Lease of Motor Vehicles—H.B. 3601	426
Directors of Regional Mobility Authorities—H.B. 3718.....	426
Registration of Vehicles by the Texas Department of Transportation—H.B. 3849.....	426
Traffic Regulation on County Roads—H.B. 3955.....	427
Cattle Guards on County Roads—S.B. 66.....	427
Supervision of a Vehicle Operator Holding a Permit—S.B. 153	427
Reports and Information Provided by TxDOT—S.B. 255.....	428
Reporting of Alcohol and Drug Tests—S.B. 328.....	428
Enforcement of Vehicle Weight and Safety Requirements—S.B. 330.....	428
Responsibility of Employers Relating to Commercial Motor Vehicles—S.B. 332.....	428
Violation of an Out-of-Service Order—S.B. 333.....	429
Enforcement of Commercial Motor Vehicle Safety Standards—S.B. 545.....	429
Route Selection of the Trans-Texas Corridor—S.B. 718 (Vetoed)	429
Vehicle Accident Reports—S.B. 766	430
Comprehensive Development Agreements—S.B. 792.....	430
Ports-to-Plains Corridor—S.B. 850.....	434
International Toll Bridges—S.B. 893.....	435
International Symbol of Access on Certain Specialty License Plates—S.B. 959.....	435
Regional Tollway Authority Board of Directors—S.B. 964	435
Insure Texas Kids Specialty License Plates—S.B. 1032.....	435
Penalties and Photographic Traffic Enforcement Systems—S.B. 1119	436
Violations of County Traffic Regulations—S.B. 1127.....	437
Pass Through Financing and Transportation Reinvestment Zones—S.B. 1266.....	437
Airport Zoning Regulations—S.B. 1360.....	438
Operation of Motor Vehicles and Commercial Motor Vehicles—S.B. 1372.....	438
Issuance of Bonds—S.B. 1536.....	439
Collection of Certain Motor Vehicle Sales Taxes—S.B. 1617.....	439
Surcharges Assessed Under the Driver Responsibility Program—S.B. 1723.....	439
Temporary Cardboard Tags—S.B. 1786.....	440
General Obligation Bonds—S.J.R. 64.....	440

TABLE OF CONTENTS

Utilities

Retail Public Utility Rates—H.B. 149	442
Recovery of Transition Costs by Public Utility Companies—H.B. 624.....	442
Regulation of Nuclear Energy Generation Cost Clean Up—H.B. 1386.....	443
Utility Connections in Certain Counties—H.B. 2096	444
Research for Generation of Electricity from Coal—H.B. 2608.....	444
Energy Efficiency of Residential Real Property—H.B. 3070.....	444
Energy Conservation Incentive Program —H.B. 3693.....	444
Electric Utility Oversight—S.B. 484	445
Utility Relocation—S.B. 1209	446
Contracting for a Clean Coal Project—S.B. 1461.....	446
Residential Water Heater Emissions—S.B. 1665.....	447

Veteran and Military Affairs

Waiver of the Concealed Handgun License Fee—H.B. 233.....	448
Exemption of Fees for Members of the Military—H.B. 1260.....	448
Appeal Process for Veteran Employment Preference—H.B. 1275.....	448
Regulation of Outdoor Lighting for Military Purposes—H.B. 1852.....	448
Veteran Handicap Placard Distribution—H.B. 2105.....	449
Gold Star Mother License Plate—H.B. 2398.....	449
Texas Humanitarian Service Medal—H.B. 2895	449
Texas Superior Services Medal—H.B. 2896.....	450
Texas Homeland Defense Service Medal—H.B. 2897.....	450
Supplemental Health Coverage Under TRICARE Military Health System—H.B. 3470.....	450
Fee Exemption for Probating a Deceased Military Member's Estate—H.B. 3787	450
Creation of Defense Base Development Authorities—H.B. 3879.....	451
Parking for Disabled Veterans—S.B. 251	451
Silver Star Medal License Plates—S.B. 274.....	451
Prohibiting the Use of a Soldier's Name as an Advertisement—S.B. 277.....	452
College Military Refund Policy—S.B. 309	452
Prohibiting Military Members From Being Terminated—S.B. 311	452
Military Depleted Uranium Testing—S.B. 363.....	453
College Tuition Exemption and Fees for Military Personnel—S.B. 685.....	453
Military Dependents Graduation Requirement Exemption—S.B. 960 (Vetoed)	453
Instructional Facilities Allotment for BRAC Military Communities—S.B. 962.....	454
Military Reintegration Referral Service Program —S.B. 1058.....	454
San Antonio Inland Port—S.B. 1237.....	454
Defense Economic Adjustment Assistance Grant Program —S.B. 1956.....	455

Workers' Compensation

Prohibition of Compensation for Workers' Comp Claim Referrals—H.B. 34.....	456
Workers' Compensation System Benefits—H.B. 473	456
Workers' Compensation Medical Necessity and Fee Dispute Hearings—H.B. 724.....	457
Return-to-Work Pilot Program —H.B. 886	458
Provision of Medical Records to the Office of Injured Employee Counsel—H.B. 888.....	458
Credentials of Doctors Used by Independent Review Organizations—H.B. 1003.....	458
Timely Submission of Workers' Compensation Claims—H.B. 1005.....	459
Credentials of Doctors Who Perform Utilization Reviews—H.B. 1006.....	459

Credentials of Workers' Compensation Reviewing Physicians—H.B. 2004 459
 Workers' Compensation Coverage for Artificial Limbs—S.B. 458 460
 Reimbursement for Overpayment of Workers' Compensation Benefits—S.B. 1169 460
 Prosecution of Workers' Compensation Insurance Fraud—S.B. 1627 460

Workforce Development

Registration Requirements and Background Checks for Technicians—H.B. 463 461
 Unemployment Compensation for Victims of Family Violence—H.B. 550 461
 Employment Protection for Volunteer Emergency Service Personnel—H.B. 1205 **(Vetoed)** 462
 Worksite Wellness Programs—H.B. 1297 462
 Payday Regulations—H.B. 2120 462
 Public Works Wage Rate Specifications—H.B. 2625 463
 Texas Local Workforce Development Boards—H.B. 3074 463
 Economic Development Incentives for Workforce Training Centers—H.B. 4065 **(Vetoed)** 464
 Aligning State Unemployment Compensation Laws to Federal Guidelines—S.B. 1619 464

Appropriations

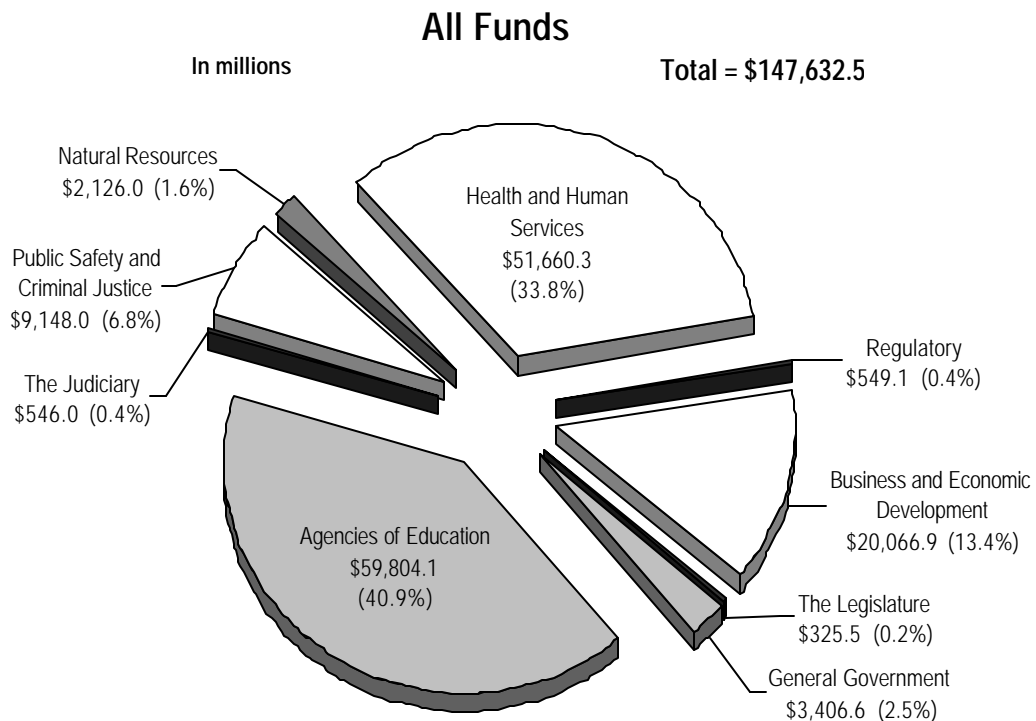
General Appropriations Act—H.B. 1

By Representatives Chisum and Guillen—Senate Sponsor: Senator Ogden

Overview

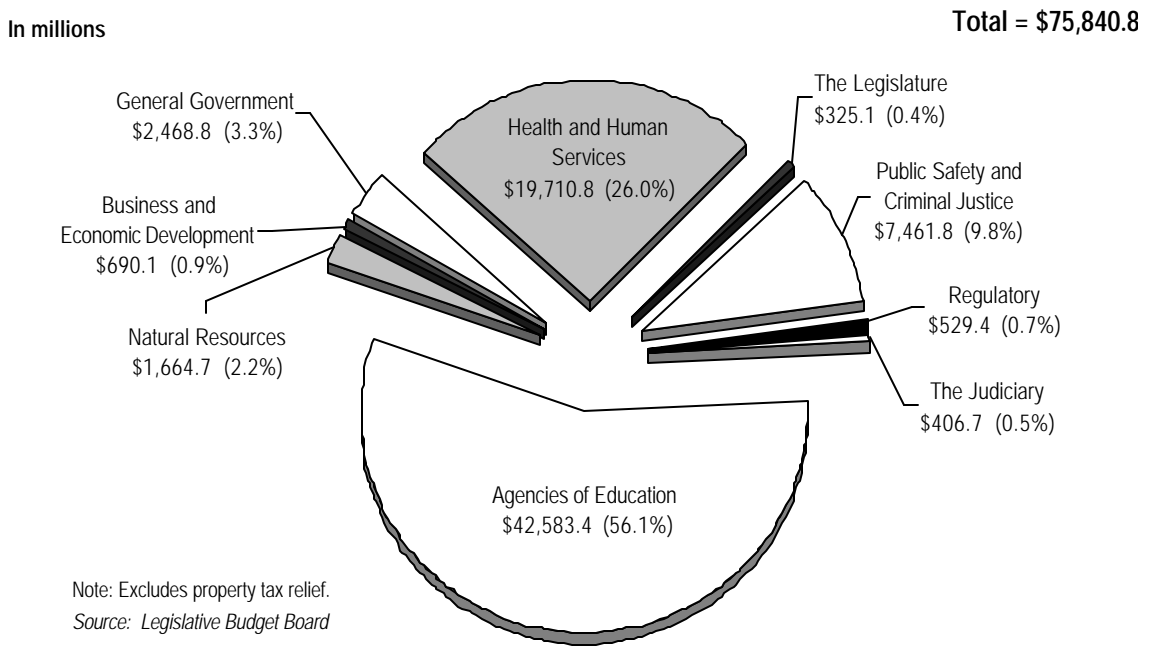
H.B. 1 recommends appropriations totaling \$166.6 billion in all funds for the 2008-2009 biennium. (See Figure 1.) This amount represents an increase of \$22 billion, or 15.2 percent, over the 2006-2007 biennial level. It includes \$14.2 billion in appropriations for property tax relief.

Excluding the \$14.2 billion in appropriations for property tax relief, the recommendations in H.B. 1 total \$152.5 billion in all funds for the 2008-2009 biennium. This amount represents an increase of \$10 billion, or seven percent, over the 2006-2007 biennial level, excluding \$2.2 billion in appropriations for property tax relief in that biennium.

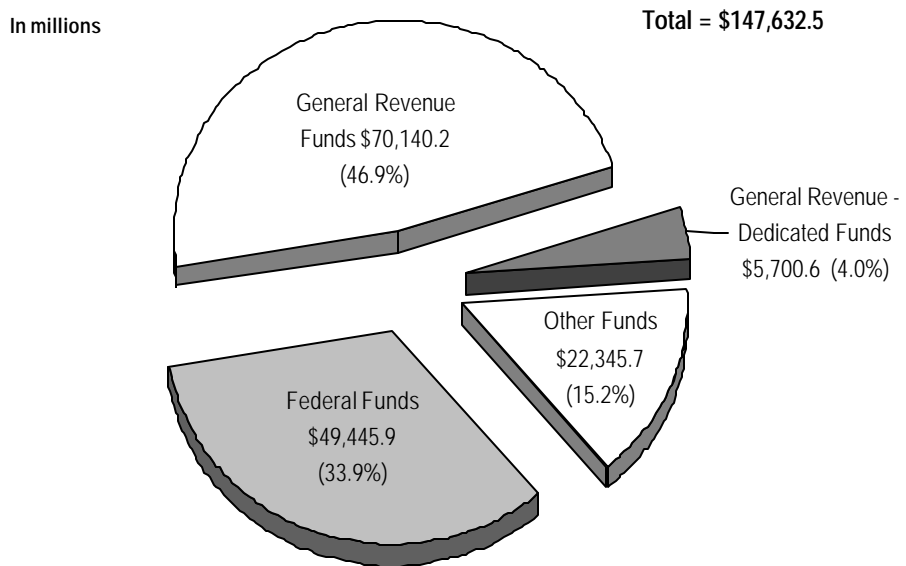


Note: Excludes Interagency Contracts and property tax relief.
 Source: Legislative Budget Board

General Revenue Funds and General Revenue-Dedicated Funds



Biennial Recommendations For 2008-09
By Fund Source



Note: Excludes Interagency Contracts and property tax relief.
Source: Legislative Budget Board

ALL FUNDS

(in millions)				
Function	Estimated/ Budgeted 2006-2007*	Recommended 2008-2009	Biennial Change	Percentage Change
Article I -- General Government	\$3,602.3	\$3,406.6	(\$195.6)	(5.4%)
Article II -- Health and Human Services	\$48,840.4	\$51,660.3	\$2,819.8	5.8%
Article III -- Agencies of Education	\$56,973.4	\$59,804.1	\$2,830.7	5.0%
Public Education	\$38,387.5	\$39,304.0	\$916.5	2.4%
Higher Education	\$18,585.9	\$20,500.1	\$1,914.2	10.3%
Article IV -- The Judiciary	\$541.5	\$546.0	\$4.6	0.8%
Article V -- Public Safety and Criminal Justice	\$9,879.4	\$9,148.0	(\$731.5)	(7.4%)
Article VI -- Natural Resources	\$2,314.4	\$2,126.0	(\$188.3)	(8.1%)
Article VII -- Business and Economic Development	\$19,413.0	\$20,066.9	\$654.0	3.4%
Article VIII -- Regulatory	\$532.5	\$549.1	\$16.6	3.1%
Article IX -- General Provisions	\$0.0	\$0.0	\$0.0	NA
Article X -- The Legislature	\$335.3	\$325.5	(\$9.8)	(2.9%)
Total	\$142,432.1	\$147,632.5	\$5,200.4	3.7%
Property Tax Relief Funding	\$2,230.4	\$14,191.1	\$11,960.7	536.3%
Grand Total	\$144,662.5	\$161,823.6	\$17,161.1	11.9%

*Includes anticipated supplemental spending needs
Notes: Excludes interagency contracts.
Biennial change and percentage change are calculated on actual amounts before rounding.
Therefore, table and figure amounts may not add because of rounding.

Source: Legislative Budget Board

GENERAL REVENUE AND GENERAL REVENUE DEDICATED FUNDS

(in millions)				
Function	Estimated/ Budgeted 2006-2007*	Recommended 2008-2009	Biennial Change	Percentage Change
Article I -- General Government	\$2,390.2	\$2,468.8	\$78.6	3.3%
Article II -- Health and Human Services	\$17,951.1	\$19,710.8	\$1,759.7	9.8%
Article III -- Agencies of Education	\$40,008.6	\$42,583.4	\$2,574.8	6.4%
Public Education	\$26,764.9	\$28,637.5	\$1,872.6	7.0%
Higher Education	\$13,243.7	\$13,946.0	\$702.3	5.3%
Article IV -- The Judiciary	\$407.1	\$406.7	(\$0.5)	(0.1%)
Article V -- Public Safety and Criminal Justice	\$7,259.7	\$7,461.8	\$202.1	2.8%
Article VI -- Natural Resources	\$1,776.4	\$1,664.7	(\$111.7)	(6.3%)
Article VII -- Business and Economic Development	\$707.1	\$690.1	(\$17.0)	(2.4%)
Article VIII -- Regulatory	\$510.6	\$529.4	\$18.8	3.7%
Article IX -- General Provisions	\$0.0	\$0.0	\$0.0	NA
Article X -- The Legislature	\$334.7	\$325.1	(\$9.6)	(2.9%)
Total	\$71,345.6	\$75,840.8	\$4,495.2	6.3%
Property Tax Relief Funding	\$2,230.4	\$6,113.1	\$3,882.7	174.1%
Grand Total	\$73,576.0	\$81,953.9	\$8,377.9	11.4%

*Includes anticipated supplemental spending needs
Notes: Biennial change and percentage change are calculated on actual amounts before rounding.
Therefore, table and figure amounts may not add because of rounding.

Source: Legislative Budget Board

FULL-TIME EQUIVALENT POSITIONS

(in millions)					
Function	Expended 2005	Estimated 2006	Budgeted 2007	Recommended 2008	Recommended 2009
Article I -- General Government	9,213	9,181	9,634	9,668	9,668
Article II -- Health and Human Services	44,426	45,483	47,808	48,220	48,261
Article III -- Agencies of Education	79,085	80,528	83,541	84,059	84,061
Article IV -- The Judiciary	1,301	1,317	1,347	1,348	1,348
Article V -- Public Safety and Criminal Justice	51,832	52,151	52,898	53,072	53,072
Article VI -- Natural Resources	8,032	8,018	8,209	8,165	8,158
Article VII -- Business and Economic Development	18,326	18,446	18,662	18,153	18,151
Article VIII -- Regulatory	3,369	3,263	3,498	3,582	3,587
Grand Total	215,583	218,387	225,596	226,267	226,305

Note: Totals may not add because of rounding.

Source: Legislative Budget Board

Major highlights of H.B. 1 include:

Health and Human Services

Appropriates \$39.8 billion in all funds (\$15.8 billion in general revenue and general revenue-dedicated funds) for the Medicaid program. This represents an increase of \$2.3 billion in general revenue and general revenue-dedicated funds for Medicaid services at all health and human services agencies to address caseload increases, fund acute care cost growth, fund a full biennium of Medicare giveback (clawback) payments, reduce community care waiting lists, rebase hospital rates, increase staffing at state schools, and fund rate restorations and increases. This amount includes \$1.8 billion in all funds (\$706.7 million in general revenue funds) appropriated by H.B. 15, 80th Legislature, to fund settlement of the *Frew v. Hawkins* lawsuit. It also includes \$248.6 million in all funds (\$99 million in general revenue funds) appropriated in Article IX for nursing facility rate increases.

Appropriates \$2.1 billion in all funds (\$637.8 million in general revenue funds) for the Children's Health Insurance Program (CHIP). This represents an increase of \$213.2 million in general revenue funds to provide two full years of perinatal and dental premiums, address caseload increases, fund cost growth, and fund rate restorations and increases. This amount also includes \$89.5 million in general revenue funds to change certain CHIP eligibility standards.

Increases appropriations by \$591.3 million in general revenue funds at the Department of Family and Protective Services (DFPS) to replace other funds from the Economic Stabilization Fund for foster care payments, adoption subsidy payments, and Child Protective Services (CPS) reform.

Increases appropriations by \$150.5 million in general revenue funds at DFPS to annualize CPS and Adult Protective Services reforms and maintain August 2007 full-time equivalents, salaries, and method of finance. This increase includes \$95 million in all funds (\$33 million in general revenue funds) to fund additional CPS reforms. H.B. 15, 80th Legislature, appropriates an additional \$6.3 million in all funds (\$2 million in general revenue funds) in fiscal year 2007 to begin implementation of these reforms.

Increases appropriations by \$82 million in general revenue funds to enhance the availability of mental health crisis services.

Public Education

Appropriates \$24.7 billion in all funds for the Foundation School Program. This amount does not include \$14.2 billion in all funds necessary to fund the cost of the property tax relief provisions contained in H.B. 1, 79th Legislature, 3rd Called Session. The all funds amount is sufficient to provide for the current law provisions of the school finance system, including \$1.6 billion in state cost for equalized local enrichment tax effort (a \$1.1 billion increase from the 2006–07 biennial level), and \$1.6 billion in facilities funding.

Appropriates \$342.8 million in general revenue funds for the teacher incentive programs established by H.B. 1, 79th Legislature, 3rd Called Session.

Appropriates \$280 million in general revenue funds intended for educator salary increases.

Higher Education

Increases appropriations by \$313 million in general revenue funds for debt service for tuition revenue bonds to fully fund new authorizations adopted by the 79th Legislature.

Increases funding by \$175 million for the Higher Education Fund to reflect legislation enacted by the 79th Legislature.

Increases appropriations by \$145.5 million for student financial aid.

Funds enrollment growth at general academic and health-related institutions, resulting in an increase of \$49.2 million in general revenue funds.

Enriches formula funding for all higher education institutions by \$261.4 million.

Appropriates \$49 million in general revenue funds to fund the Texas Tech El Paso Medical School and the Texas A&M Pharmacy School in Kingsville.

Increases appropriations by \$100 million in general revenue funds for a higher education performance incentive initiative.

Criminal Justice

Appropriates \$4.6 billion in all funds for the incarceration and treatment of adult felons. This reflects an increase of \$369.4 million in general revenue and general revenue-dedicated funds, driven primarily by projected correctional population increases, increased funding for rehabilitation programs, and increased operating costs.

Increases appropriations by \$108.1 million in all funds for border security operations, including funding for local law enforcement surge operations, joint operation and intelligence centers, a border security operation center, additional Department of Public Safety troopers, and additional aviation support.

Transportation

Appropriates \$16.7 billion in all funds for transportation planning and design, acquisition of right-of-way, construction, and maintenance and operation of the state's transportation system. This amount represents a \$1 billion increase in all funds, which consists of \$0.3 billion in federal funds and \$0.7 billion in other funds from the 2006-2007 biennium, due primarily to increased Texas Mobility Fund and State Highway Fund revenue bond proceeds.

Retirement Benefits

Increases the state contribution rate for the Teacher Retirement System and Optional Retirement Program from 6.0 percent to 6.58 percent, which results in an all funds increase of \$635.7 million and \$47.2 million over 2006-2007 levels, respectively.

Increases contributions for retirement for state employees by \$87.4 million in all funds and reflects a state contribution rate of 6.7 percent, contingent upon passage of S.B. 1847 or similar legislation. Because no such legislation was enacted, the state contribution rate will remain at 6.45 percent and the appropriations will be reduced by \$26.4 million in all funds.

Supplemental Appropriations for School Property Tax Relief—H.B. 2

By Representative Chisum et al.—Senate Sponsor: Senator Ogden

In November 2005, the Texas Supreme Court upheld a state district court ruling that school districts lacked "meaningful discretion" in setting local maintenance and operation (M&O) tax rates, effectively resulting in an unconstitutional state property tax. In response to this ruling, H.B. 1, 79th Legislature, 3rd Called Session, mandated an 11.3 percent reduction in school district M&O tax rates in tax year 2006 and a one-third reduction in tax year 2007. This bill:

Appropriates \$14.2 billion to the Texas Education Agency to fund a one-third reduction in local school district property taxes from 2005 levels, as provided in H.B. 1, 79th Legislature, 3rd Called Session. This appropriation includes \$8.1 billion from the Property Tax Relief Fund and \$6.1 billion in general revenue-related funds for the 2008-2009 biennium.

\$3 Billion for Cancer Research—H.B. 14

By Representative Keffer et al.—Senate Sponsor: Senator Nelson et al.

H.B. 14 is the enabling legislation for H.J.R. 90. This bill:

Creates the Cancer Prevention and Research Institute of Texas (institute). Dissolves the Texas Cancer Council and transfers all its rights, duties, and obligations to the institute. The purpose of the institute is "to create and expedite innovation in the area of cancer research in enhancing the potential for a medical or

scientific breakthrough in the prevention of cancer and cures for cancer; attract, create, or expand research capabilities of public or private institutions of higher education and other public or private entities that will promote a substantial increase in cancer research and in the creation of high-quality new jobs in the states; and develop and implement the Texas Cancer Plan."

Provides for the issuance of \$3 billion in general obligation (GO) bonds to fund the institute, which can disburse grants to public and private entities, medical research facilities, and educational institutions to fund research on cancer prevention, treatment and cures. The institute could award up to \$300 million in grants each year between September 1, 2009, and August 31, 2020.

Creates the Cancer Prevention and Research Institute of Texas Oversight Committee (oversight committee) as the governing body of the institute. The oversight committee will be comprised of 11 members serving four-year terms. The governor, the lieutenant governor, and the speaker of the house will each appoint three members; the remaining two members will be the governor and the comptroller of public accounts, or their designees. Members of the oversight committee will represent the geographic and cultural diversity of the state with an emphasis on appointment of cancer survivors and family members of cancer patients.

Creates the Research and Prevention Programs Committee (committee) to perform grant application review and make recommendations regarding the award of research, therapy, development and clinical trial grants. The committee will be composed of nine voting members including health care professionals, representatives of health care facilities, and representatives of voluntary health organizations. Grant recommendations will give priority to proposals that "strengthen fundamental cancer research and could lead to immediate or long-term scientific breakthroughs; are collaborative, interdisciplinary, and interinstitutional; and enhance the economic, educational, employment, and commercial environment of the state."

Supplemental Appropriations for FY 2007 and FY 2008-2009—H.B. 15

By Representatives Chisum and Farrar—Senate Sponsor: Senator Ogden

This bill:

Appropriates \$351.6 million in general revenue-related funds in fiscal year (FY) 2007. Reduces appropriations in general revenue-related funds in FY 2007 by \$580.9 million (including \$472.8 million in vetoed general revenue funds). This results in a net reduction of \$229.3 million in general revenue-related appropriations for FY 2007.

Appropriates \$837.3 million in general revenue-related funds for the 2008-2009 biennium. Reduces appropriations from general revenue-related funds for the 2008-2009 biennium by \$48.1 million. This results in a net appropriation of \$789.2 million in general revenue-related funds for the 2008-2009 biennium.

The appropriations for the 2008-2009 biennium include:

- \$706.7 million in general revenue funds (\$1.8 billion in all funds) to the Health and Human Services Commission (HHSC) to fund settlement of the *Frew v. Hawkins* lawsuit by improving children's

access to and awareness of the Medicaid Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program;

- \$44.3 million in general revenue funds to the Department of Information for hardware upgrades for data center consolidation. (This appropriation has been vetoed by the governor, as has \$32.3 million in general revenue funds appropriated for the same purpose for FY 2007);
- \$25 million in general revenue funds to Texas Southern University to fund the Academic Development Initiative, contingent upon the development of a suitable rehabilitation plan or placement of the university under conservatorship;
- \$18 million in general revenue funds (\$45.3 million in all funds) to the Department of Aging and Disability Services (DADS) for rate increases for certain home health providers; and
- \$10.8 million in general revenue funds (\$27.2 million in all funds) to DADS to fund the restoration of provider rates to FY 2003 levels in programs for home and community-based services, in programs for community living assistance and support services (CLASS), in the Texas Home Living Waiver program, and in Intermediate Care Facilities for the mentally retarded.

Legislative Flexibility in Funds Appropriation—H.B. 3107

By Representative Isett—Senate Sponsor: Senator Ogden

Dedications of revenue for particular purposes may limit the legislature's flexibility in appropriating funds based on budgetary need and in utilizing the balances for other governmental purposes. This bill:

Provides regulations for the creation and recreation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Tax Dispute Hearings Transferred from the Comptroller to SOAH—S.B. 242

By Senator Shapiro—House Sponsor: Representative Chisum

In January 2007, the administrative law judges who preside over tax disputes between taxpayers and the office of the comptroller (comptroller) were transferred through interagency contract from the comptroller to the tax division of the State Office of Administrative Hearings (SOAH). The transfer was recommended by the State Auditor's Office in its September 2005 report, *A Review of Tax Settlements at the Office of the Comptroller of Public Accounts*. While the report found no evidence of preferential treatment by the judges toward the comptroller's office, it concluded that "the arrangement could present the appearance that hearings are not processed in an objective and impartial manner and that independence could be impaired." This bill:

Codifies the transfer of administrative law judges from the comptroller to the tax division of SOAH.

Permits the comptroller to change a finding of fact or order made by the administrative law judge, if it determines that the judge did not properly interpret applicable law, comptroller guidelines, or prior administrative decisions, or issued a finding of fact not supported by the preponderance of the evidence.

Allows the administrative law judges in the tax division of SOAH to hear cases for other agencies, subject to prior approval from the comptroller's office. Requires SOAH to reimburse the comptroller's office at an hourly rate for the time spent on cases outside the tax division.

Reimbursement for State Employee Travel Expenses—S.B. 1310

By Senator Wentworth—House Sponsor: Representative Rose

State employees required to travel for their jobs often pay their expenses and submit requests for reimbursement. It can take several months to process these requests, which can result in a strain on the personal budgets of state employees. This bill:

Requires a state agency to reimburse a state employee for travel expenses incurred within 45 days of the date a request for reimbursement is submitted.

Provides that if a dispute relating to the travel expenses occurs, the state agency is required to reimburse the employee within 30 days of the dispute's resolution.

\$500 Million for the Hinson-Hazlewood College Student Loan Program—S.B. 1640

By Senator Williams—House Sponsor: Representatives Chisum and Guillen

S.B. 1640 is the enabling legislation for S.J.R. 57. This bill:

Authorizes the issuance of \$500 million in general obligation bonds for the Hinson-Hazlewood College Student Loan Program. The funds would satisfy student loan demand through 2015.

Legislative Approval for Settlements—S.B. 2031

By Senator Ogden—House Sponsor: Representative Chisum

Currently, the attorney general or other attorney representing the state may enter into a settlement of a claim or action against the state without the approval of the legislature. There is no current means for limiting the extent to which the state waives sovereign immunity with regard to settlement of a claim against the state that requires an expenditure of state funds. This bill:

Limits the types of settlement that the attorney general or other attorney representing the state may enter into without the approval of the legislature.

Funds for Maintenance, Improvement, Repair and Construction Projects—S.B. 2033

By Senators Williams and Eltife—House Sponsor: Representative Chisum

S.B. 2033 is the enabling legislation for S.J.R. 65. Article IX, Section 19.71, of H.B. 1, the general appropriations act, specifies how \$717.3 million of the bond proceeds will be allocated, including:

- \$273.4 million to the Texas Department of Criminal Justice for three new 1,330-bed prisons;

- \$200 million to the Department of Public Safety for a new regional office and crime lab in Lubbock, new offices in McAllen and Rio Grande City, and other crime lab expansions;
- \$52.1 million to the Parks and Wildlife Department for Battleship Texas and statewide park repairs;
- \$48 million to the Texas Historical Commission for courthouse renovations and historic sites;
- \$39.7 million to the Department of Aging and Disability Services for repair and renovation of mental health state hospitals;
- \$32 million to the Texas Building and Procurement Commission for critical deferred maintenance and asbestos abatement for facilities;
- \$30.6 million to the Department of State Health Services for repair and renovations of mental health state schools; and
- \$27.9 million to the Texas Youth Commission for new construction at existing facilities and construction for one new facility in a metropolitan area.

\$500 Million for the Hinson-Hazlewood College Student Loan Program—S.J.R. 57

By Senators Williams and Zaffirini—House Sponsor: Representatives Chisum and Guillen

The Hinson-Hazlewood College Student Loan Program uses general obligation (GO) bonds to finance loans to Texas residents to attend public or private higher education institutions in the state. The program includes the Hinson-Hazlewood Federal Stafford Loan, the Hinson-Hazlewood College Access Loan, and the Hinson-Hazlewood Health Education Loan programs. These programs are completely self-supporting and receive no general revenue appropriations. The costs are offset by money from student loan repayments, federal interest subsidies, lender allowances, and depositor interest.

The program was created in 1965 with \$85 million in GO bonds. Additional bonding authority has been authorized in the following amounts: \$200 million in 1969; \$75 million in 1989; \$300 million in 1991; \$300 million in 1991; \$300 million in 1995; and \$400 million in 1999. According to the Texas Higher Education Coordinating Board, the \$175 million in bonds remaining from the most recent authorization will be exhausted in 2009. This resolution:

Proposes a constitutional amendment to authorize the issuance of \$500 million in GO bonds for the Hinson-Hazlewood College Student Loan Program.

Funds for Maintenance, Improvement, Repair, and Construction Projects—S.J.R. 65

By Senators Williams and Eltife—House Sponsor: Representative Chisum

If the proposed constitutional amendment is approved by the voters in November, 2007, the bonds would be issued in three parts: \$331.6 million in the 2008-09 biennium; \$334.2 million in the 2010-11 biennium; and \$334.2 in the 2012-13 biennium.

For the next five years, the debt service for these bonds would cost \$21.5 million for the 2008-2009 biennium, \$109.7 million for the 2010-2011 biennium, and \$79.3 million for the first year of the 2012-2013 biennium. This resolution:

Proposes a constitutional amendment to authorize the issuance of \$1 billion in general obligation (GO) bonds for equipment or maintenance, improvement, repair, and construction projects at certain state agencies.

Finance

Discontinuation of the Telecommunications Infrastructure Fund—H.B. 735

By Representative Straus et al.—Senate Sponsor: Senator Williams et al.

H.B. 2128, 74th Legislature, Regular Session, 1995, established the Telecommunications Infrastructure Fund (TIF) to finance telecommunication services for public schools, nonprofit hospitals, public libraries, and higher education institutions across the state. The fund was created and maintained by an assessment of 1.25 percent on the taxable receipts of telecommunications providers and was authorized to collect up to \$1.5 billion over 10 years. The TIF was governed by a nine-member board, which awarded grants for Internet connections, computer hardware, distance learning, telemedicine technology, and technology training programs to eligible entities.

The 78th Legislature, 2003, eliminated TIF grants and increased the TIF revenue cap from \$1.5 billion to \$1.75 billion, which allowed the fund to continue collecting receipts from telecommunications providers. The legislature directed TIF revenue toward other programs, including a preexisting "technology allotment" to public schools of \$30 per student that had been previously funded through general revenue.

The 79th Legislature, 2005, repealed the \$1.75 billion TIF cap and directed TIF revenue to the general revenue fund; extended the expiration of the TIF to September 1, 2011; and permitted telecommunications providers to recover the TIF assessment from their customers. This bill:

Eliminates the TIF assessment of 1.25 percent on the taxable receipts of telecommunications providers on September 30, 2008. According to the Legislative Budget Board, eliminating the TIF assessment will have a negative impact on general revenue of approximately \$176 million in the 2008-2009 biennium and \$424 million in the 2010-2011 biennium.

\$3 Billion for Cancer Research—H.J.R. 90

By Representative Keffer et al.—Senate Sponsor: Senator Nelson et al.

Cancer kills more than 35,000 Texans each year, and more than 77,000 Texans are diagnosed with cancer annually. The direct economic cost of cancer to Texas is over \$4 billion per year. This resolution:

Proposes a constitutional amendment providing for the establishment of the Cancer Prevention and Research Institute of Texas and authorizing the issuance of \$3 billion in general obligation bonds— up to \$300 million per year for 10 years, beginning in 2010— to research all forms of human cancer. The cost for debt service on the bonds in fiscal year (FY) 2010 would be \$15.9 million in general revenue-related funds. This cost would increase to \$75.6 million in FY 2012.

Texas Parks and Wildlife Revenue—S.B. 1669

By Senator Averitt—House Sponsor: Representative Hilderbran

Currently, in order to qualify for federal grants under the Pittman-Robertson Act and the Dingell-Johnson Act, a state has to statutorily restrict the use of recreational hunting and fishing license revenue to operational expenses of the state fish and wildlife agency. Texas law authorizes the Texas Parks and Wildlife Department (TPWD) to collect a fee for certain actions and the resulting revenue is required to be deposited in the state parks account. Under federal grant requirements, charging a hunting fee and using the revenues for state park maintenance does not fall under the category of "operational expense." This bill:

Defines public hunting lands.

Deletes TPWD's authorization to collect a fee.

Authorizes TPWD to issue public access permits to comply with federal standards.

Prohibiting Tax Incentives for Businesses Employing Illegal Immigrants—H.B. 1196

By Representatives Kolkhorst and Parker—Senate Sponsor: Senator Janek

Currently, businesses are allowed to use public funds through taxpayer-subsidized job creation grants and tax abatements to employ undocumented immigrants. This bill:

Requires a business that applies for a public subsidy through a public agency, state or local taxing jurisdiction, or economic development corporation to submit a statement certifying that the business does not and will not knowingly employ an undocumented worker.

Requires the statement to include terms for repayment of the public subsidy if the business is convicted of a violation under 8 U.S.C. Section 1324a(f).

Authorizes a public agency, local taxing jurisdiction, or economic development corporation, or the attorney general on behalf of the state or a state agency, to bring a civil action to recover any amounts owed to the public agency, state or local taxing jurisdiction, or economic development corporation.

Provides that a business is not liable for a violation of this chapter by a subsidiary, affiliate, or franchisee of the business, or by a person with whom the business contracts.

Border Vehicle Inspection Facilities—H.B. 3594

By Representative Raymond—Senate Sponsor: Senator Zaffirini

The Texas Department of Transportation is currently in the process of building eight inspection stations and may choose a site for a border inspection station without consultation or approval from the affected municipality. Municipalities with heavy commercial border crossing traffic are concerned about traffic delays and congestion, unsafe traffic patterns, and increased pollution. This bill:

Clarifies that if a border vehicle inspection facility that serves a border crossing bridge of a certain size is to be located in a municipality or a municipality's extraterritorial jurisdiction (ETJ), the municipality may choose the location of the facility within the municipality or ETJ.

Sets forth guidelines regarding the selection and construction of the inspection facility locations.

Developers and Colonia Prevention—S.B. 781

By Senator Lucio—House Sponsor: Representative Pickett

As part of Texas' effort to remediate the conditions associated with substandard housing such as colonias and to prevent the proliferation of such substandard dwellings, the legislature authorized county officials and the Office of the Attorney General (OAG) to seek assistance from the courts. Currently, county officials and the OAG may request that a court of law enjoin the violation or threatened violation of Texas' colonia prevention laws. Counties with the highest concentration of colonias are among the poorest counties in the state and have not had the financial resources or manpower to seek such a court remedy and federal funding for enforcement of colonia prevention expired in 2001. This bill:

Provides victims of unscrupulous developers the same legal remedy currently afforded to county and state officials.

Authorizes district courts to enjoin the violation or threatened violation of Texas' colonia prevention laws.

Requires the developer of illegally plotted land to bring the lots into compliance with state law.

General Obligation Bonds for Economically Distressed Areas—S.J.R. 20

By Senators Lucio and Hinojosa—House Sponsor: Representative Chavez et al.

The 71st Legislature, Regular Session, 1989, established the Economically Distressed Area Program (EDAP), which provided financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas and designated the Texas Water Development Board (TWDB) as the EDAP administrator. The 79th Legislature, Regular Session, 2005, expanded EDAP on a statewide basis by allowing counties in which an economically distressed area exists to apply for assistance under EDAP. This resolution:

Proposes a constitutional amendment to authorize TWDB to issue up to \$250 million in general obligation bonds for assistance to economically distressed areas.

Restoration of Forfeited Good Conduct Time for TDCJ Inmates—H.B. 44

By Representatives Hodge and Miles—Senate Sponsor: Senator Uresti

Under current law, if an inmate commits an offense or violates a rule while incarcerated, the Texas Department of Criminal Justice (TDCJ) may forfeit all or part of the inmate's accrued good conduct time, but TDCJ is barred from restoring any forfeited good conduct time. The ability to restore lost good conduct time can be an important tool in inmate rehabilitation and prison management. This bill:

Authorizes TDCJ to restore good conduct time forfeited, unless the inmate is serving a sentence for certain enumerated felony offenses.

Educational Services for Inmates in TDCJ Administrative Segregation—H.B. 47

By Representatives Hodge and Miles—Senate Sponsor: Senator Hinojosa

Current law bars the Texas Department of Criminal Justice (TDCJ) from providing in-cell tutoring for inmates who are in administrative segregation. Offenders housed in administrative segregation can be discharged back into the community directly from such segregation. Some inmates in administrative segregation may benefit from education. This bill:

Authorizes TDCJ to establish a policy to provide in-cell education to an inmate confined in administrative segregation if the inmate would benefit from the education, and the education can be provided to the inmate in a way that does not pose a threat to the health or safety of TDCJ staff or other inmates.

Offenses Regarding Identity Theft and Organized Criminal Activity —H.B. 126

By Representative Delisi et al.—Senate Sponsor: Senator Seliger

Under Texas law, penalties for various offenses may be enhanced by one level of severity if the offense was found to have been committed as part of an organized criminal activity. Although forgery is a crime for which the penalty may be enhanced, the crime of tampering with governmental records is not. Also, criminals may fraudulently obtain and use the identifying information of several persons or of deceased persons. This bill:

Provides that a person commits an offense under Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code, if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses without legal authorization, identifying information concerning a deceased person.

Provides that the actor is presumed to have the intent to harm or defraud another under Section 31.51 if the actor possesses the identifying information of three or more other persons or deceased persons.

Provides that this does not apply to a business or other commercial entity or a government agency engaged in a business activity or governmental function that does not violate state penal law.

Includes in the list of conduct violating Section 71.02 (Engaging in Organized Criminal Activity), Penal Code, any offense under Section 37.10 (Tampering With Governmental Record), Penal Code.

Increasing Capacity of Facilities Operated by Private Vendors or Counties—H.B. 198

By Representative Madden—Senate Sponsor: Senator Deuell

Under current law, the Texas Board of Criminal Justice (TBCJ) may only contract for a total of 4,580 secure correctional facility beds that are operated, maintained, and managed by a private vendor or county. When capacity needs arise, TBCJ contracts with county jails and private facilities at costs of approximately \$40 and \$30 per day, respectively. Also, current law prohibits a facility operated, maintained, and managed by a private vendor or county from holding an average daily population of more than 1,000 inmates. This bill:

Increases the cap on the average daily inmate population at a contract facility from 1,000 to 1,500.

Increases the overall cap on the number of total beds TBCJ may contract for from 4,580 beds to 5,580 beds.

Residential Infant Care Program for Mothers Confined in TDCJ—H.B. 199

By Representative Madden et al.—Senate Sponsor: Senator Whitmire

Children born to mothers incarcerated in Texas Department of Criminal Justice (TDCJ) facilities are taken from the mothers and the mothers and children are not reunited until the mother is released from custody. Current law does not grant TDCJ the authority to institute an infant care and parenting program. This bill:

Requires TDCJ to implement a residential infant care and parenting program for mothers confined in TDCJ.

Requires TDCJ, to the extent practicable, to model the program after the Federal Bureau of Prisons' Mothers and Infants Together program operated under contract in Fort Worth.

Authority to Create Criminal Offenses for Violations of District Policy—H.B. 278

By Representative Madden et al.—Senate Sponsor: Senator Hinojosa

Under Section 37.102 (Rules; Penalty), Education Code, the board of trustees of a school district is authorized to adopt rules for the safety and welfare of students, employees, and property. Violations of such rules are Class C misdemeanors. Some school districts are prosecuting students in municipal and justice courts for minor infractions of school policies, such as tardiness. This bill:

Amends current law to provide that it is a Class C misdemeanor to violate rules adopted by a school district board of trustees only regarding the operation and parking of vehicles on school property.

Burden of Proof in Revocation Hearings Regarding Certain Court-Ordered Payments—H.B. 312

By Representative Turner—Senate Sponsor: Senator Whitmire

Currently, half of the probationers in Texas are revoked based on technical violations of the conditions of their probation rather than because they have committed a new offense. This bill:

Requires the state, in a community supervision revocation hearing alleging only that the defendant violated the conditions of community supervision by failing to pay certain court-ordered fees or costs, to prove by a preponderance of the evidence that the defendant was able to pay and did not pay as ordered by the judge.

Authorizes a court to order a community supervision and corrections department to provide the court with information pertaining to certain enumerated factors regarding the defendant's ability to pay, including the defendant's employment status and the defendant's current and future earning ability.

Study of Health Care Expenses for Certain Elderly Inmates—H.B. 429

By Representative Madden—Senate Sponsor: Senator Deuell

People currently in prison are not eligible to receive Medicare or Medicaid. Health care for prisoners is an expense that the state must bear and elderly inmates are particularly expensive to care for. A study of the cost of care of certain inmates in the Texas Department of Criminal Justice (TDCJ) and the potential savings from releasing such inmates to parole is needed. This bill:

Requires TDCJ to conduct a study to determine the number of inmates 55 years of age or older who receive health care services from TDCJ and have never been convicted of or received a grant of deferred adjudication for certain specified violent offenses.

Requires TDCJ, after determining the number of such inmates, to determine the amount of savings that would result to the state in health care services costs if TDCJ were to release the inmates into the community on parole.

Requires TDCJ to report the results of this study to the legislature not later than December 1, 2008.

Release of State Jail Felon on Medical Intensive Supervision—H.B. 431

By Representatives Madden and McClendon—Senate Sponsor: Senator Whitmire

The October 2006, Sunset Advisory Commission staff report on the Texas Department of Criminal Justice (TDCJ) found that district judges lack clear statutory authority to consider the release of persons confined in state jails. The report recommends that these judges be authorized to permit the early release of persons confined in state jails who no longer pose a threat to public safety due to their medical conditions, and that the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) be required to identify and recommend persons confined in state jails who are eligible for such early medical release. This bill:

Authorizes the judge sentencing a defendant convicted of a state jail felony to release the defendant to a medical care facility or medical treatment program if TCOOMMI:

- identifies the defendant as being elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care; and
- in cooperation with the community supervision and corrections department serving the sentencing court, prepares the defendant with a medically recommended intensive supervision plan that

ensures appropriate supervision of the defendant and requires the defendant to remain under the care of a physician at the facility or in the program.

Authorizes the judge, if a defendant released to a medical care facility or medical treatment program violates the terms of that release, to sanction the defendant or revoke the community supervision pursuant to Section 42.12 (Community Supervision), Code of Criminal Procedure.

Requires TCOOMMI to periodically identify state jail felony defendants suitable for release under this Act and to perform other duties imposed by the Act.

Disclosure of the Identify of an Inmate Victim of a Sex Offense to TDCJ—H.B. 433

By Representative Madden—Senate Sponsor: Senator Seliger

Chapter 57 (Confidentiality of Identifying Information of Sex Offense Victims), Texas Code of Criminal Procedure, protects the identity of the victim of a sexual offense. An unintended result of this enactment is that the Texas Department of Criminal Justice (TDCJ) office of the inspector general is not permitted to identify the victims of sexual offenses that occur in TDCJ facilities to TDCJ so that TDCJ can take appropriate actions with regard to these offenses. This bill:

Authorizes the disclosure by the TDCJ inspector general of a victim's identifying information to TDCJ if the victim is an inmate or state jail defendant confined in a TDCJ facility.

Provides that Chapter 57 does not apply to the TDCJ inspector general disclosing a sexual offense victim's identifying information to a TDCJ employee when the victim is an inmate confined in a facility operated by or under contract with TDCJ.

Fraudulent Use or Possession of Person's Identifying Information—H.B. 460

By Representatives Miller—Senate Sponsor: Senator Hegar

Under Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code, it is an offense for a person to possess or use another person's identifying information with the intent to harm or defraud another. However, there is no provision regarding the use or possession of the identifying information of a deceased person. This bill:

Includes as an offense under Section 32.51 the obtaining, possession, transfer, or use of an item of identifying information of a deceased natural person, including a stillborn infant or fetus, without legal authorization.

Makes an offense under Section 32.51:

- a state jail felony if the number of items obtained, possessed, transferred, or used is less than five;
- a third degree felony if the number of items obtained, possessed, transferred, or used is five or more but less than 10;
- a second degree felony if the number of items obtained, possessed, transferred, or used is 10 or more but less than 50; or

- a first degree felony if the number of items obtained, possessed, transferred, or used is 50 or more.

Provides that if conduct that constitutes an offense under Section 32.51 also constitutes an offense under any other law, the actor may be prosecuted under both.

Authority to Discipline Officers Elected Under the Texas Constitution—H.B. 488

By Representative Driver—Senate Sponsor: Senator Hegar

Under current law, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is authorized to establish procedures for the revocation of a license issued to law enforcement officers, other than a license issued to an officer elected under the Texas Constitution. This bill:

Authorizes TCLEOSE to revoke a license of an officer elected under the Texas Constitution if the officer is convicted of a felony or a criminal offense directly involving that person's duties as an officer.

Criminal Penalty for Assault of Emergency Services Personnel—H.B. 495

By Representative Bonnen—Senate Sponsor: Senator Seliger

Under current law, assault causing bodily injury is a Class A misdemeanor, except that it is a third degree felony if it is committed against certain individuals, including public servants. However, the definition of "public servant" does not clearly include emergency services personnel who, in the course of their employment or as volunteers, respond to emergency situations. This bill:

Makes it a third degree felony to assault a person the actor knows is emergency services personnel while that person is providing emergency services.

Defines "emergency services personnel" to include firefighters, emergency medical services personnel, and other individuals who, in the course and scope of employment or as volunteers, provide services for the benefit of the general public during emergency situations.

Expanding Drug Court Programs and Providing Funding—H.B. 530

By Representative Madden et al.—Senate Sponsor: Senator Seliger

Drug courts have demonstrated a low recidivism rate and a lower cost to the state than incarceration. The 77th Legislature, Regular Session, 2001, passed legislation requiring counties with a population of over 550,000 to create such courts within those counties and authorizing them to be created in all other counties. This bill:

Requires a court, if a defendant successfully completes a drug court program, regardless of whether the defendant was convicted of the offense or whether the court deferred further proceedings without entering an adjudication of guilt, to enter an order of nondisclosure with respect to all records and files related to the defendant's arrest for that offense.

Requires a court, before issuing an order of nondisclosure, to provide notice to the state and hold a hearing on whether the defendant is otherwise entitled to the petition and whether issuance of the order is in the best interest of justice.

Sets out which defendants are eligible for nondisclosure.

Requires a drug court program established under this Act to notify the criminal justice division of the governor's office (division) before or on implementation of the program and provide information regarding the performance of the program to the division on request.

Authorizes a drug court program established under this Act to collect from a participant in the program an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, and treatment.

Requires a commissioners court of a county with a population of more than 200,000 to establish a drug court program.

Requires a county to establish a drug court program only if the county receives federal or state funding specifically for that purpose and provides that a county that does not establish and maintain a drug court program as required is ineligible to receive from the state grants for substance abuse treatment programs administered by the division.

Authorizes the commissioners courts of three or more counties or the governing bodies of three or more municipalities to establish a regional drug court program for the participating counties or municipalities.

Authorizes the commissioners court of a county to establish a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated.

Authorizes a judge or magistrate administering a drug court program, in order to encourage participation in a drug court program, to suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project or projects.

Authorizes a judge or magistrate to excuse the participant from any suspended condition of community supervision, on a participant's successful completion of a drug court program.

Authorizes a judge or magistrate administering a drug court program, if a participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact, to order that an occupational license be issued to the participant.

Imposes \$50 as a court cost on conviction of an offense punishable as a Class B misdemeanor or any higher category of offense under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code or Chapter 481 (Texas Controlled Substances Act), Health and Safety Code.

Provides that a person is considered to have been convicted if a sentence is imposed or the defendant receives community supervision or deferred adjudication.

Requires the comptroller to deposit funds received under this Act to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 469 (Drug Court Programs), Health and Safety Code.

Requires the legislature to appropriate money from the account solely to the division for distribution to drug court programs that apply for the money.

Authorizes the judges of the district courts of a county hearing criminal cases and the judges of the statutory county courts with criminal jurisdiction in a county, with the consent and approval of the commissioners court of the county, to appoint the number of magistrates set by the commissioners court to perform the duties associated with the administration of drug courts.

Provides that each magistrate's appointment must be made with the approval of the majority of the district court or statutory county court judges and that the magistrate serves at the will of a majority of the appointing judges.

Grants such magistrates the same judicial immunity as a judge of a district court or statutory county court appointing the magistrate.

Authorizes a district judge or judge of a statutory county court with criminal jurisdiction to refer to a magistrate a criminal case for drug court proceedings and sets out the procedure for such referral orders.

Bars such magistrates from presiding over a contested trial on the merits, regardless of whether the trial is before a jury.

Provides that a magistrate to whom a drug court case is referred may perform any act and take any measure necessary and proper for the efficient performance of the duties assigned by the judge, except as limited by an order of referral.

Provides that the commissioners court of a county required by this Act to establish a drug court program must establish the program not later than the later of September 1, 2008, or the first anniversary of the initial date on which the federal census indicates that the county's population exceeds 200,000.

Release on Bond of Persons Awaiting a Revocation Hearing—H.B. 541

By Representative Martinez Fischer et al.—Senate Sponsor: Senator Hinojosa

Defendants awaiting a probation revocation hearing and possible transfer to a state facility (known as blue warrants) may be remanded to a county facility for an excessive period of time pending a parole hearing. This contributes to jail overcrowding and increased costs to the counties. This bill:

Requires the pardons and paroles division of the Texas Department of Criminal Justice (division) to include a notice on the warrant for the person's arrest indicating that the person is eligible for release on bond under this Act if the division determines that the person:

- has not been previously convicted of an offense under Chapter 29 (Robbery), Penal Code, a felony offense under Title 5 (Offenses Against The Person), Penal Code, or an offense involving family violence, as defined by Section 71.004, Family Code;

- is not on intensive supervision or super-intensive supervision;
- is not an absconder; and
- is not a threat to public safety.

Authorizes a magistrate of the county in which the person is held in custody to release the person on bond pending the hearing if the person meets certain conditions.

Provides that the provisions of Chapters 17 (Bail) and 22 (Forfeiture Of Bail), Code of Criminal Procedure, apply to a person released under this Act in the same manner as to a person released pending an appearance before a court or magistrate, except that release under this Act is conditioned on the person's appearance at a hearing.

Fraudulent Use of a Minor's Identifying Information—H.B. 649

By Representative McCall et al.—Senate Sponsor: Senator Carona

Children are increasingly becoming targets of identity theft. Such thefts often go undetected for years until the victimized child applies for a car loan, apartment lease, college financial aid, or employment. This bill:

Makes it an offense for a person, with intent to harm or defraud another, to obtain, possess, transfer, or use identifying information of a child younger than 18 years of age.

Postconviction Forensic Testing—H.B. 681

By Representatives Hochberg and Miles—Senate Sponsor: Senator Duncan

Current law is ambiguous regarding a judge's authority to order additional forensic testing, which has made some judges reluctant to order testing. In addition, the Department of Public Safety (DPS) currently has a backlog of orders for forensic DNA testing. In January 2006, the Governor's Criminal Justice Advisory Council (council) issued recommendations for improving the criminal justice system to address these issues. This bill:

Authorizes a convicting court, if that court decides that there are controverted, previously unresolved facts which are material to the legality of the applicant's confinement, to order additional forensic testing.

Provides that additional forensic testing does not include forensic DNA testing provided for under Chapter 64 (Motion for Forensic DNA Testing), Code of Criminal Procedure.

Requires the state to pay the cost of such additional forensic testing, unless the applicant has retained counsel for purposes of filing the writ of habeas corpus.

Requires that the appointment of counsel for a convicted person under Chapter 64 must be made not later than the 45th day after the date the court finds reasonable grounds or the date the court determines that the person is indigent, whichever is later.

Requires the attorney representing the state to take action in response to a motion under Chapter 64 not later than the 60th day after the date the motion is served on that attorney.

Authorizes the convicting court to proceed after expiration of the response period, regardless of whether the attorney representing the state submits a response.

Authorizes a convicted person who, whether before or after conviction, made a confession or similar admission in the case, to submit a motion under Chapter 64.

Authorizes the court, on the request of the convicted person, to order that the requested forensic DNA testing be conducted by a laboratory not operated by or under contract with DPS that meets certain accreditation requirements.

Provides that the state is not liable for the cost of such testing unless good cause for payment of that cost has been shown.

Provides that a political subdivision is not liable for the cost of testing, regardless of whether good cause for payment of that cost has been shown.

Requires that DNA testing be conducted in a timely and efficient manner.

Training Requirements for Firefighting Personnel—H.B. 738

By Representative Bonnen—Senate Sponsor: Senator Jackson

H.B. 738 addresses the training requirements of certain firefighting personnel. This bill:

Requires the Texas Commission on Fire Protection to adopt requirements for the certification of aircraft fire fighting and rescue fire protection personnel.

Provides that training requirements imposed under Section 419.038 (Appointment of Aircraft Firefighting and Rescue Fire Protection Personnel Position), Government Code, are satisfied if an individual is employed by a Class IV airport operating and certified under the requirements of 14 C.F.R. [Code of Federal Regulations] Part 139.

Provides that the changes in law made by the bill apply to aircraft fire fighting and rescue fire protection personnel appointed under Section 419.038, Government Code, without regard to whether the personnel were appointed on, before, or after the effective date of the legislation.

Payments to or for Persons Wrongfully Imprisoned—H.B. 814

By Representatives Dutton and Miles—Senate Sponsor: Senator Ellis

Under current Texas law, a person who has been wrongfully imprisoned is to receive compensation for expenses incurred in association with criminal proceedings and appeals, lost compensation or other earned income, and medical and counseling expenses incurred as a result of the arrest, prosecution, conviction, or wrongful imprisonment. However, such person is not entitled to compensation for back child support and

interest debt that he or she incurred as a result of his or her arrest, prosecution, conviction, and wrongful imprisonment. This bill:

Increases from \$25,000 to \$50,000 the amount of compensation, multiplied by the number of years or any fraction thereof, served in prison, a wrongfully imprisoned person may claim.

Entitles a person who was sentenced to death to compensation in an amount equal to \$100,000, multiplied by the number of years or any fraction thereof, served in prison.

Authorizes a claimant to seek compensation for unpaid child support payments owed by the person that became due and interest on child support arrearages that accrued during the time served in prison.

Requires the compensation to be paid on the person's behalf in a lump-sum payment to the state disbursement unit for distribution to the obligee under the child support order.

Requires a claimant applying for compensation for child support payments to file with the comptroller's judiciary section a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records for that period, and requires the claimant to submit copies of these documents to the court.

Provides that compensation for child support payments are not included in the \$500,000 cap on total damages a person may receive for wrongful imprisonment under Chapter 103, Civil Practice and Remedies Code.

Repeals Section 103.105(c), Civil Practice and Remedies Code, which places the \$500,000 cap on damages that may be assessed for wrongful imprisonment.

Exempts compensation for child support payments and interest on child support arrearages to be paid on a person's behalf from the statutory provisions terminating compensation payments if the person is convicted of a felony after becoming eligible for compensation or upon the person's death.

Criminal Penalty for Tampering with Certain Evidence—H.B. 872

By Representatives Otto and Garcia—Senate Sponsor: Senator Nichols

Tampering with the human remains of a murder victim can hinder or prevent the conviction of the murderer, as well as cause distress to the victim's family. Under current law, the most a person can be convicted of is evidence tampering, a third degree felony with a maximum sentence of 10 years. This bill:

Increases the offense for tampering with or fabricating evidence to a second degree felony when the evidence being altered, destroyed, or concealed is a human corpse.

Increasing the Statute of Limitations for Identity Theft—H.B. 887

By Representative Giddings—Senate Sponsor: Senator Ellis

Currently, the statute of limitations for identity theft crime is three years. However, sometimes it can take a victim longer than three years to discover an identity theft. It can also take law enforcement a substantial amount of time to find the person committing identity theft after the crime has been reported. This bill:

Increases the statute of limitations to 10 years from the date of the commission of the offense for a violation of :

- Section 32.31 (Credit Card or Debit Card Abuse), Penal Code;
- Section 32.32 (False Statement to Obtain Property or Credit), Penal Code; or
- Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code.

Prosecution and Punishment for Dog Fighting—H.B. 916

By Representatives Menendez and Goolsby—Senate Sponsor: Senator Van de Putte

Although dog fighting is currently illegal in Texas, dog fights continue to occur throughout the state. This bill:

Strikes a provision making it an offense to cause a dog to fight another for a pecuniary benefit. (It is still an offense for a person to intentionally or knowingly cause a dog to fight with another dog.)

Increases the penalty for knowingly or intentionally causing a dog to fight with another dog from a Class A misdemeanor to a state jail felony.

Increases the penalty for attending as a spectator an exhibition of dog fighting from a Class C misdemeanor to a Class A misdemeanor.

Barring Municipalities from Using Automated Traffic Control Systems—H.B. 922

By Representative Truitt—Senate Sponsor: Senators Carona and Estes

Advances in digital photography and improved electronic controls over radar equipment now allow municipalities to issue speeding tickets without the direct interaction of a police officer with the driver of the speeding vehicle. Digital equipment can detect and photograph a speeding vehicle, and, using the vehicle's license number as identification, a speeding ticket is issued to the car's registered owner. This bill:

Defines "automated traffic control system."

Prohibits a municipality from implementing or operating an automated traffic control system with respect to a highway or street under its jurisdiction for the purpose of enforcing compliance with posted speed limits.

Requires the Texas attorney general to enforce this Act.

Endangering Child by Presence of Certain Controlled Substances—H.B. 946

By Representative Miller et al.—Senate Sponsor: Senator Whitmire

Under Section 22.041, Penal Code, a person commits the offense of endangering a child when the person engages in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment. Such conduct includes the manufacture of methamphetamine in the child's presence. This bill:

Provides that if it is shown at the punishment phase of a trial for the manufacture of a controlled substance listed in Penalty Group 1, as set out in Section 481.102, Health and Safety Code, that a child younger than 18 years of age was present on the premises where the offense was committed:

- the punishments specified are increased by one degree;
- the minimum term of imprisonment is increased to 15 years and the maximum fine is increased to \$150,000 if the amount of the controlled substance is 200 grams or more, but less than 400 grams; and
- the minimum term of imprisonment is increased to 20 years and the maximum fine is increased to \$300,000 if the amount of the controlled substance is 400 grams or more.

Provides that under Section 22.041, it is presumed that a person engaged in conduct placing a child in imminent danger if: the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine in the child's presence; the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine to the child and an analysis of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body; or the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1 into the human body when the person was not in lawful possession of the substance.

Statute of Limitations for the Offense of Injury to a Child—H.B. 959

By Representative Bonnen—Senate Sponsor: Senator Seliger

Section 12.01, Code of Criminal Procedure, provides that the statute of limitations for injury to a child is five or 10 years from the date of the commission of the offense, depending on whether the offense is punishable as a felony of the first degree under Section 22.04, Penal Code. The current law does not allow for children who are unable to report the offense because they are still in the oppressive environment of the abuser. This bill:

Changes the statute of limitations for injury of a child to 10 years from the 18th birthday of the victim of the offense.

Providing Notice of the Release or Escape of Defendant to Witnesses—H.B. 963

By Representative Guillen—Senate Sponsor: Senator West

Current law permits a crime victim to register to be notified of the defendant's release or escape. However, those who witnessed the crime and testified against the perpetrator may also be at risk. This bill:

Requires TDCJ or the sheriff, whichever has custody of the defendant in the case of a felony, or the sheriff in the case of a misdemeanor, to notify a witness who testified against the defendant at the trial, other than a witness who testified in the course and scope of the witness's official or professional duties, whenever a defendant completes the defendant's sentence and is released, or escapes from a correctional facility.

Requires TDCJ to also give notice to local law enforcement officials in the county in which the witness resides.

Provides that the notice requirement applies to a defendant convicted of a felony offense under Title 5 (Offenses Against the Person), Penal Code; certain enumerated sexual offenses; or an offense involving family violence, stalking, or violation of a protective order or magistrate's order.

Provides that it is the responsibility of the witness desiring notification to provide TDCJ or the sheriff with the e-mail address, mailing address, and telephone number of the witness, or other person through whom the victim or witness may be contacted and to notify the department or the sheriff of any change of such address or telephone number.

Provides that any required notice may be given through the witness's last known e-mail address.

Requires the attorney who represented the state in the prosecution of the case to, no later than immediately following the conviction of a defendant, notify the victim or witness in writing of the right to receive notice.

Requires TDCJ to immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is incarcerated whenever the defendant escapes from a TDCJ facility or is transferred from TDCJ custody to the custody of a peace officer under a writ of attachment or a bench warrant.

Requires TDCJ to also notify the witness's guardian, or the witness's close relative, if the witness is deceased, if the witness, witness's guardian, or witness's close relative provided notice to TDCJ.

Provides that it is the responsibility of the witness, guardian, or close relative desiring notification of a defendant's escape or transfer to notify TDCJ of the desire for notification and any change of address.

Requires TDCJ, on returning the defendant to TDCJ custody, to notify the witness, guardian, or close relative.

Requires TDCJ to create and maintain a computerized database containing the release information and release date of defendants and to provide victims and witnesses entitled to notice access to such database via the Internet.

Criminal Trespass and Recreational Vehicle Parks or Docking Places—H.B. 1092

By Representative Hilderbran—Senate Sponsor: Senator Wentworth

Current law provides that a person commits criminal trespass when the person enters or remains on or in another's property without effective consent. The statute covers an aircraft or other vehicle, but does not include a recreational vehicle park or docking place. This bill:

Expands the offense of criminal trespass to include a recreational vehicle park.

Makes it a Class B misdemeanor if a person:

- enters the docking place of another without the effective consent of the owner or lessee of the docking place, and, after receiving notice that entry is forbidden, remains in, on, or attached to the docking place; or
- after receiving notice that entering a docking place is forbidden, anchors, ties up, moors, or otherwise makes stationary the actor's ship, boat, or other watercraft at a place or in a manner that eliminates another's ingress to or egress from the docking place.

Makes it a defense to prosecution for criminal trespass at a docking place that the actor at the time of the offense was a fire fighter or emergency medical services personnel acting in the lawful discharge of an official duty under exigent circumstances.

Increasing the Distance Barrier for Picketing a Funeral Service—H.B. 1093

By Representative Geren et al.—Senate Sponsor: Senator Harris

H.B. 97, enacted by the 79th Legislature, 3rd Called Session, 2006, makes it a Class B misdemeanor for a person to engage in picketing within 500 feet of a facility or cemetery being used for a funeral service. The bill was enacted in response to a radical activist group that pickets military funerals. These protests have continued despite the passage of H.B. 97. This bill:

Increases the distance barrier for individuals picketing a funeral from 500 feet to 1,000 feet.

State Law Regarding Human Trafficking or Similar Abuse—H.B. 1121

By Representative Anchia et al.—Senate Sponsor: Senator Van de Putte

Under federal law, a victim of human trafficking can apply for legal residency once the person has been certified as a victim of a severe form of trafficking. However, victims are apprehensive about aiding in the prosecution of their perpetrators for fear of retribution. This bill:

Requires a judge in a criminal trial, or a judge who places a defendant on community supervision or orders a disposition for delinquent conduct, on the motion of the attorney representing the state, to make an affirmative finding of fact and enter that finding in the papers in the case if the judge determines that, regardless of whether the conduct at issue is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, a victim in the trial:

- is or has been a victim of a severe form of trafficking in persons, as defined under federal law; or
- has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described by federal law.

Provides that the part of the papers in the case containing an affirmative finding under this Act:

- must include specific information identifying the victim, as available;
- may not include information identifying the victim's location; and
- is confidential, unless written consent for the release of the affirmative finding is obtained from the victim or, if the victim is younger than 18 years of age, the victim's parent or guardian.

Includes in the definition of "forced labor or services" under Chapter 20A (Trafficking of Persons), conduct that constitutes an offense under Section 43.02 (Prostitution), Penal Code, and expands the definition to include when the actor obtains labor or services by certain methods.

Provides that "traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.

Provides that a person commits an offense under Chapter 20A if the person traffics another person with the knowledge that the trafficked person will engage in forced labor or services or intentionally or knowingly benefits from participating in a venture that involves such trafficking, including by receiving labor or services the person knows are forced labor or services.

Provides that an offense under Chapter 20A is a first degree felony if the applicable conduct constitutes an offense under Section 43.02 and the person who is trafficked is younger than 18 years of age at the time of the offense.

Provides that in proceedings regarding the abatement of a common nuisance concerning prostitution, if a defendant is a hotel, motel, or similar establishment that rents overnight lodging to the public and is required to execute a bond, the bond must require the defendant to, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under state law, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

Requires the attorney general, not later than September 1, 2008, to prepare and issue a report in consultation with the Health and Human Services Commission (HHSC) outlining how existing laws and rules concerning victims and witnesses address or fail to address the needs of victims of human trafficking and recommending areas of improvement and modifications in existing laws and rules.

Requires HHSC, not later than September 1, 2008, to prepare and issue a report in consultation with the attorney general outlining how existing social service programs address or fail to address the needs of victims of human trafficking; with respect to those needs, outlining the interplay of existing social service programs with federally funded victim service programs; and recommending areas of improvement and modifications in existing social service programs.

Punishment of Criminal Trespass—H.B. 1129
By Representative Macías—Senate Sponsor: Senator Wentworth

Currently, a criminal trespass violation is a Class B misdemeanor. The processing of a Class B misdemeanor requires extensive paperwork, including the filing of charges with a local district attorney and the booking of a suspect into the county jail system. This bill:

Makes it a Class C misdemeanor for a person to enter or remain on or in another's property without effective consent when the person either had notice that the entry was forbidden or received notice to depart but failed to do so. If defendant has been previously convicted of such offense, then it is a Class B misdemeanor.

Makes it a Class C misdemeanor if a person, without express consent or without authorization provided by any law, enters or remains on residential land of another and either had notice that the entry was forbidden or had received notice to depart but failed to do so.

Provides that if the offense is committed in a building or habitation or the actor carries a deadly weapon during the commission of the offense, it is a Class A misdemeanor.

Makes it defense to prosecution for criminal trespass that the actor at the time of the offense was an employee or agent of an electric or gas utility who was performing a duty within the scope of employment or agency, or was employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property and the person was performing a duty within the scope of that employment or agency.

Penalties for Intoxication Assault and Intoxication Manslaughter—H.B. 1212

By Representative Pierson et al.—Senate Sponsor: Senator Harris

Currently, intoxication assault of a peace officer, firefighter, or emergency medical services personnel is a third degree felony and intoxication manslaughter of a peace officer, firefighter, or emergency medical services personnel is a second degree felony. Public servants, particularly emergency responders such as police officers, firefighters, and emergency medical services personnel, routinely face threats to their lives and health presented by drunk drivers. This bill:

Provides that the penalty for intoxication assault is a second degree felony if a person causes serious bodily injury to a peace officer, firefighter, or emergency medical services personnel who is engaged in official duties.

Provides that the penalty for intoxication manslaughter is a first degree felony if a person causes the death of a peace officer, firefighter, or emergency medical services personnel who is engaged in official duties.

Orders of Expunction or Nondisclosure of Criminal History Records—H.B. 1303

By Representative Peña—Senate Sponsor: Senator West

Chapter 55, Article 55.02, Section 2(c)2, Code of Criminal Procedure, specifies that in a matter of expunction, the court must give reasonable notice of the hearing to each official or agency or other entity by certified mail, return receipt requested; or, if requested in writing, by secure electronic mail or facsimile transmission. Chapter 55, Article 55.02, Section 3(c), Code of Criminal Procedure, specifies that when the order of expunction is final, the clerk of the court shall send a certified copy of the order by certified mail, return receipt requested; or if requested in writing by the person who is the subject of the order, by secure electronic mail or facsimile transmission. Under Section 411.081, Government Code, certain persons who complete deferred adjudication community supervision may petition for nondisclosure of the record for that offense. Section 411.081(g), Government Code, specifies that when an order of nondisclosure is issued, the clerk of the court shall send to the Crime Records Service of the Department of Public Safety (DPS) a copy of the order by certified mail, return receipt requested; or if requested in writing by the petitioner, secure electronic mail or facsimile transmission. These requests in writing ensure that there is a paper trail that the notice was received. However, modern technology has the capability of generating proof of receipt of secure electronic mail.

Currently, notification of an order to expunge a criminal record is issued only to criminal justice agencies and other governmental entities and repositories. However, various private sector businesses acquire and sell criminal history information. This bill:

Provides that a petition, ex parte petition, or application to expunge a criminal record must include a list of private entities that compile and disseminate for compensation criminal history record information that the petitioner has reason to believe have information related to records or files that are subject to expunction.

Authorizes:

- a court to give notice of a hearing on such petition to each governmental entity named in the petition by secure electronic transmission.
- the clerk of the court, when an order of expunction is final, to send a certified copy to governmental entities by secure electronic transmission.
- DPS to notify any central federal depository of criminal records by secure electronic transmission.

Requires DPS to provide, by secure electronic mail, electronic transmission, or facsimile transmission, notice of the order to any private entity that is named in the order or that purchases criminal history record information from DPS.

Requires the notice to include an explanation of the effect of the order and a request that the entity destroy any information in the possession of the entity that is subject to the order.

Authorizes DPS to charge to a private entity that purchases criminal history record information from DPS a fee in an amount sufficient to recover costs incurred by DPS in providing notice under this Act.

Clarifies that a person is entitled to petition for nondisclosure only if, during the period of the deferred adjudication community supervision for which the order of nondisclosure is requested and the applicable

period described by Section 411.081, the person is not convicted of or placed on deferred adjudication community supervision for any offense, other than an offense under the Transportation Code punishable by fine only is or not entitled to petition the court if the person was placed on the deferred adjudication community supervision for certain specified sexual or violent offenses.

Requires the clerk of the court, not later than the 15th business day after the date an order of nondisclosure is issued, to send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to the DPS Crime Records Service.

Requires DPS to send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to private entities that either purchase criminal history record information from DPS or that are likely to have criminal history record information that is subject to the order.

Requires the DPS director to adopt rules regarding minimum standards for the security of secure electronic mail, electronic transmissions, and facsimile transmissions, and in adopting such rules, to consult with the Office of Court Administration.

Authorizes DPS to charge to a private entity that purchases criminal history record information from DPS a fee in an amount sufficient to recover costs incurred by DPS in providing relevant criminal history record information contained in an order under this Act.

Prohibits DPS from releasing any criminal history record information to a private entity that purchases criminal history record information from DPS if DPS receives information indicating that a private entity has been found by a court to have committed three or more violations of Section 552.1425 (Civil Penalty: Dissemination of Certain Criminal History Information), Government Code, by compiling or disseminating information with respect to which an order of expunction or an order of nondisclosure has been issued, until the first anniversary of the date of the most recent violation.

Requires a private entity that compiles and disseminates for compensation criminal history record information to destroy and not disseminate any information in the possession of the entity with respect to which the entity has received notice that an order of expunction or nondisclosure has been issued.

Provides that unless the private entity is regulated by the federal Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. Sections 6801 to 6809), an entity that purchases criminal history record information from DPS or from another Texas governmental agency or entity may disseminate that information only if, within the 90-day period preceding the date of dissemination, the entity originally obtains that information or receives that information as updated record information to its database, and notifies DPS if the entity sells any compilation of the information to another similar entity.

Provides that a private entity that disseminates information in violation of this Act is liable for any damages that are sustained as a result of the violation by the person who is the subject of that information, including court costs and reasonable attorney's fees if the person prevails in the action.

Requires DPS to provide a copy of Section 411.085 (Unauthorized Obtaining, Use, Or Disclosure Of Criminal History Record Information; Penalty), Government Code, to each private entity that purchases criminal history record information from DPS.

Bars a private entity that compiles and disseminates for compensation criminal history record information from compiling or disseminating information with respect to which the entity has received notice that an order of expunction has been issued.

Increases the maximum civil penalty for each violation of Section 411.085 from \$500 to \$1,000.

Repeals Subsection (j), Section 411.081, which bars DPS from releasing any criminal history record information to a private entity if DPS receives information indicating that the entity has been found by a court to have committed five or more violations of the Section 552.1425 by compiling or disseminating information with respect to which an order of nondisclosure has been issued.

Requires DPS, not later than January 1, 2008, to adopt rules concerning the standards for secure electronic mail, electronic transmissions, and facsimile transmissions as required by this Act.

Requires a court, not later than June 1, 2008, to comply with the secure electronic mail, electronic transmission, and facsimile transmission standards adopted by DPS under this Act.

Unprovoked Dog Attacks on Persons—H.B. 1355

By Representative Gattis et al.—Senate Sponsor: Senator Shapleigh

Currently, a person commits an offense if the person does not properly secure a dog that has been declared a dangerous dog and that dog injures a person. A dog can be declared a dangerous dog by animal control authorities only after there is evidence produced that a dog is aggressive or has injured someone in the past. The current criminal penalties are a Class C misdemeanor if a dangerous dog injures a person and a Class A misdemeanor if the dog causes serious bodily injury or death. In addition, the dog may be ordered destroyed. However, the current law does not address the circumstance when the dog's owner fails to secure a dog that has not been declared dangerous and the dog, in an unprovoked attack, seriously injures or kills another person. The current penalties also may not be sufficient to punish dog owners who fail to properly secure a dangerous dog. This bill:

Defines "dangerous dog," "dog," "owner," "secure," "secure enclosure," and "serious bodily injury."

Clarifies that a person's property includes property the person is entitled to possess or occupy under a lease or other agreement.

Makes it an offense if the owner of a dog:

- with criminal negligence, fails to secure the dog and the dog, in an unprovoked attack occurring at a location other than the owner's real property, motor vehicle, or boat, causes serious bodily injury or death to another person; or

- knows the dog is a dangerous dog and the dog, in an unprovoked attack occurring at a location other than a secure enclosure in which the dog is restrained, causes serious bodily injury or death to another person.

Makes an offense a third degree felony, unless the attack causes death, in which event the offense is a second degree felony.

Authorizes a court to order the dog destroyed if the owner is found guilty of an offense.

Provides that a person violating this Act may be prosecuted under this Act, any other law, or both.

Provides certain defenses to prosecution.

Makes it a defense to prosecution that, at the time of the conduct charged, the person's dog was on a leash and the person was in immediate control of the dog or making immediate and reasonable attempts to regain control of the dog.

Provides that this Act does not prohibit a municipality or county from adopting leash or registration requirements applicable to dogs.

Repeals Subsection (d) of Section 822.044 (Attack by Dangerous Dog), Health and Safety Code, which provides that a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.

Unlawful Restraint of a Dog—H.B. 1411

By Representative West et al.—Senate Sponsor: Senator Seliger

Chaining a dog may cause physical and behavioral damage to the dog, making the dog a threat to public safety. Chained dogs are often the cause of excessive noise complaints by the public. Current law does not allow an animal control officer to intervene until chained dogs are suffering from obvious signs of starvation, dehydration, or other signs of abuse or neglect. This bill:

Prohibits an owner from leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement between the hours of 10 p.m. and 6 a.m., within 500 feet of the premises of a school; or in the case of extreme weather conditions.

Provides that a restraint unreasonably limits a dog's movement if the restraint:

- uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
- is a length shorter than the greater of five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail, or 10 feet;
- is in an unsafe condition; or
- causes injury to the dog.

Provides exceptions for a dog being restrained under certain conditions.

Requires a peace officer or animal control officer who has probable cause to believe that an owner is violating this Act to provide the owner with a written statement of that fact, is signed by the officer, and plainly states the date on which and the time at which the statement is provided to the owner.

Makes it a Class C misdemeanor if the person fails to comply with this Act within 24 hours of the time the person is provided the statement or a Class B misdemeanor if the person has been previously convicted of an offense under this Act.

Provides that a person commits an offense if the person knowingly violates the Act.

Provides that if a person fails to comply with this Act with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.

Provides that if conduct constituting an offense under this Act also constitutes an offense under any other law, the actor may be prosecuted under this Act, the other law, or both.

Provides that this Act does not prohibit a person from walking a dog with a hand-held leash.

Relating to Concealed Handgun Licenses—H.B. 1503

By Representative Lucio III et al.—Senate Sponsor: Senator Hinojosa

H.B. 1704, enacted by the 78th Legislature, Regular Session, 2003, added a provision to the Government Code that required the Department of Public Safety (DPS) to consider a concealed handgun license (license) applicant's offenses as they were classified in Texas law at the time of application for the license. Prior to this bill, DPS considered the offenses on a person's record as they were classified at the time of conviction, and the bill's intent was to allow persons convicted of non-violent crimes once classified as felonies, but reclassified by current law as misdemeanors, to qualify for a license. However, a person who qualified and obtained a license prior to the bill's enactment and who is not a convicted felon but was convicted of an offense that has been reclassified as a felony cannot renew the person's license.

Current law also makes it an offense for a person to intentionally, knowingly, or recklessly carry a handgun in certain public areas, even if the person possesses a concealed handgun license. However, certain persons are exempt from these restrictions. This bill:

Provides that the term "convicted" does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently vacated, set aside, annulled, invalidated, discharged, voided, or sealed under any state or federal law.

Provides that an offense is not considered a felony for purposes of determining a person's eligibility to carry a concealed handgun if, at the time of a person's application for a license to carry a concealed handgun, the offense is designated by a law of this state as a misdemeanor, or does not contain all the elements of any offense designated by a law of this state as a felony.

Provides that for the purposes of Section 46.04 (Unlawful Possession of Firearm), Penal Code, an offense is considered a felony if, at the time it is committed, the offense is designated by Texas law as a felony, contains all the elements of a felony offense designated by Texas law, or is punishable by confinement for one year or more in a penitentiary, or not considered a felony if, at the time the person possesses a firearm, the offense is designated by Texas law as a misdemeanor or does not contain all the elements of a felony offense designated by Texas law.

Provides that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited), Penal Code, do not apply to an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun.

Appeal of a Finding Regarding Competency of an Inmate to be Executed—H.B. 1545

By Representative Peña—Senate Sponsor: Senator Duncan

Article 46.05 (Competency to be Executed), Code of Criminal Procedure, sets out the procedures regarding claims that death row inmates are incompetent for the purposes of execution. Under this article, if an inmate makes a "substantial showing" of incompetence, the inmate is granted a hearing before the district court and the court determines the inmate's competency for the purpose of execution. This article is currently interpreted to permit the prosecution to appeal if the court makes finds that an inmate is incompetent to be executed, but not to permit the inmate a right to appeal. This bill:

Authorizes the trial court set an execution date as otherwise provided by law if the court determines that the defendant has not made a substantial showing of incompetency and denies the defendant's motion for a hearing, or makes a finding that the defendant is not incompetent to be executed.

Requires the clerk, following the trial court's determination regarding whether the defendant is incompetent to be executed and upon the motion of a party, to immediately send the appropriate documents to the Texas Court of Criminal Appeals for review and entry of a judgment regarding whether to adopt the trial court's order, findings, or recommendations.

Requires the court of criminal appeals to determine whether any existing execution date should be withdrawn and a stay of execution issued while that court is conducting its review or, if a stay is not issued during the review, after entry of its judgment.

Bars the court of criminal appeals from reviewing any finding of the defendant's competency made by a trial court if the motion is filed on or after the 20th day before the defendant's scheduled execution date.

Provides that if the court of criminal appeals enters a judgment that a defendant is not incompetent to be executed, the court may withdraw any stay of execution issued and the trial court may set an execution date as otherwise provided by law.

Community Supervision for Persons Convicted of State Jail Felonies—H.B. 1610

By Representative Madden—Senate Sponsor: Senator Whitmire

Current law requires certain first-time state jail felony drug offenders to receive community supervision in lieu of incarceration in order to ensure that these offenders receive treatment. Unfortunately, there are long waiting lists for treatment in most counties. Many of these offenders commit new state jail felony drug offenses before receiving treatment, but the law does not require a repeat felony drug offender to receive community supervision. Under Section 12.44(a), Penal Code, a court may punish a defendant who is convicted of a state jail felony by imposing the punishment for a Class A misdemeanor if the court finds that such punishment would best serve the ends of justice. This bill:

Requires a judge to suspend the imposition of the sentence and place a defendant convicted of a state jail felony on community supervision when the defendant has previously been convicted a felony punished under Section 12.44(a), Penal Code, or the conviction resulted from an adjudication of the guilt of a defendant previously placed on deferred adjudication community supervision for the offense.

Community Supervision and Credit for Completion of Treatment—H.B. 1678

By Representative Madden et al.—Senate Sponsor: Senator Whitmire

The Legislative Budget Board projects that, by 2010, Texas prisons will exceed their operating capacity by 11,464 inmates. Probation term lengths are contributing to this problem. Terms can last up to 10 years, increasing the chance that probationers will fail to comply with the rules of their supervision or commit technical violations, despite having made serious long-term improvements in their lives. This bill:

Requires a judge to grant the defendant credit for time the defendant spent in a Texas Department of Criminal Justice (TDCJ) substance abuse treatment facility or another court-ordered residential program or facility (treatment facility), if the defendant successfully completes the treatment program, in certain circumstances.

Lowers the maximum period of community supervision from 10 years to five years for certain specified third degree felonies.

Provides that a defendant is ineligible for community supervision if the defendant is adjudged guilty of an offense under Section 19.02 (Murder), Penal Code.

Changes the statutory provision requiring a judge to impose as a condition of community supervision that the defendant work a specified number of hours at a community service to make it permissive.

Strikes statutory requirements that set the minimum hours of community service work that a judge must order for various offenses.

Requires a judge, when a defendant has completed one-half of the original community supervision period or two years of community supervision, whichever is greater, to take certain actions.

Provides that a defendant convicted of certain specified felonies is not eligible for reduction or termination of community supervision.

Permits the director of a community supervision and corrections department, with the approval of the criminal court judges who established the department, to authorize a community supervision official who collects fees, fines, court costs, and other charges to accept payment by debit card or credit card of a fee, fine, court cost, or other charge and collect a fee for processing the payment by debit card or credit card.

Requiring Certain Identifying Information in an Appeal Bond—H.B. 1687

By Representative Farias—Senate Sponsor: Senator Ellis

The Code of Criminal Procedure requires that an appeal bond contain certain recitations, but identifying information is not included in this requirement. This bill:

Requires an appeal to state the defendant's name, date of birth, and driver's license or personal identification certificate number, if available.

Punishment for Theft of Aluminum, Bronze, or Copper Wiring—H.B. 1766

By Representative Peña et al.—Senate Sponsor: Senator Carona

Because of rising prices of metals such as copper, bronze, and aluminum, nationwide there has been an increase in thefts of these metals. Losses from such thefts include not only the value of the stolen metal, but the damage caused by the removal of the metal from the property or equipment. This bill:

Provides that the theft of wiring or cable that is at least 50 percent aluminum, bronze, or copper metals and that has a value of less than \$20,000 is a state jail felony.

Punishment for Interfering With Transportation Devices—H.B. 1767

By Representative Peña—Senate Sponsor: Senator Carona

There has been significant increase in thefts of metals, such as copper, bronze, and aluminum, nationwide. Vandalism and other acts of criminal mischief are often inflicted upon communications equipment, such as traffic signals, because of the increase in value of the wires and cables in those devices, posing a threat to public safety. Under current law, penalties for criminal mischief vary by the pecuniary loss suffered. This bill:

Makes it a third degree felony to damage, destroy, or tamper with a transportation communications equipment or a transportation communications device when the amount of the pecuniary loss to the tangible property is less than \$100,000.

Creating an Offense for Broadcasting or Transmitting Certain Recordings—H.B. 1804

By Representatives Gattis and Coleman—Senate Sponsor: Senator Ogden

Current law provides that it is a criminal offense to photograph, videotape, or, by electronic means, visually record another person without the person's consent for the purpose of sexual arousal or gratification of the sexual desire of any person. It is also a criminal offense to promote such a photograph or visual recording,

knowing the character and content of the photograph or recording. However, Texas law does not provide an offense for broadcasting or transmitting such images. This bill:

Makes it an offense if a person:

- broadcasts or transmits a visual image of another at a location that is not a bathroom or private dressing room without the other person's consent and with the intent to arouse or gratify the sexual desire of any person;
- photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room without the other person's consent and with intent to invade the other person's privacy or to arouse or gratify the sexual desire of any person; or
- knowing the character and content of the broadcast or transmission, promotes such a broadcast or transmission.

Provides that a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent.

Punishment and Prevention of Burglary of Vehicles—H.B. 1887

By Representative Truitt et al.—Senate Sponsor: Senator Whitmire

Burglaries of motor vehicles have escalated over the past several years in Texas. Currently, offenders convicted of burglary of a motor vehicle can be sentenced to up to one year in county jail, but due to plea bargaining, they may receive shorter terms of confinement. This bill:

Provides that burglary of a vehicle is a Class A misdemeanor with a minimum term of confinement of six months if the defendant has been previously convicted of such an offense, or state jail felony if the defendant has been previously convicted two or more times of such an offense.

Sets the minimum period of community supervision at one year for the burglary of a vehicle that is punishable as a Class A misdemeanor with a minimum term of confinement of six months.

Changes the name of the Automobile Theft Prevention Authority to the Automobile Burglary and Theft Prevention Authority (authority) and makes conforming changes.

Defines "economic automobile theft" to include automobile burglary committed for financial gain.

Requires the authority's plan of operation to include certain elements.

Requires that the authority use money appropriated for certain authority purposes.

Defines "automobile theft rate" to include the ratio of automobile burglaries in this state to the number of automobiles in this state.

Ombudsperson Regarding Sexual Assault Against Inmates—H.B. 1944

By Representative Coleman—Senate Sponsor: Senator Ellis

Sexual assault in Texas prisons is a persistent problem. Currently, a shortage of correctional staff and inadequate training has led to ineffective prevention, reporting, and investigation of sexual assault allegations. Sexual assaults lead to increased cases of HIV and increases in the overall cost of prison health care. Victims of prison rape suffer physical and psychological effects that may impede their ability to reintegrate into their communities and maintain stable employment. This bill:

Authorizes the inspector general of the Texas Department of Criminal Justice (TDCJ) to disclose a sexual assault victim's identifying information to the TDCJ ombudsperson if the victim is an inmate or state jail defendant confined in a facility operated by or under contract with TDCJ.

Requires the Texas Board of Criminal Justice (board) to appoint an ombudsperson to coordinate efforts to eliminate the occurrence of sexual assault in correctional facilities.

Provides that the ombudsperson reports to the board and requires the ombudsperson to:

- monitor TDCJ policies for the prevention of sexual assault in correctional facilities;
- oversee the administrative investigation of inmate complaints of sexual assault;
- ensure the impartial resolution of inmate complaints of sexual assault; and
- collect statistics regarding all allegations of sexual assault from each correctional facility in accordance with the standards established by the National Prison Rape Elimination Commission.

Authorizes the ombudsperson to collect evidence and interview inmates or employees at correctional facilities in conducting an investigation of an inmate complaint of sexual assault.

Provides that the ombudsperson may not require an inmate who reports a sexual assault to assist in the investigation or prosecution of the offense.

Requires TDCJ to adopt certain policies relating to the sexual assault ombudsperson program.

Requires the ombudsperson to make available to the public and appropriate state agencies information regarding the powers and duties of the ombudsperson, and statistical information regarding the total number of allegations of sexual assault investigated by TDCJ, the outcome of the investigations, and any disciplinary sanctions imposed as a result of the investigations.

Requires the ombudsperson, not later than January 1 of each year, to submit a written report regarding the ombudsperson's activities during the preceding fiscal to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officer of each house and senate committee having jurisdiction over TDCJ, the board, the TDCJ executive director, the state auditor, and the comptroller.

Requires the report to include certain public information.

Requires the board, upon review of the report, to make recommendations or implement policy that has the goal of lowering the rate and incidence of sexual assault against inmates and requires that the policy

include methods to address correctional facilities where there has been no improvement in the rate and incidence of sexual assault against inmates.

Clarifies that the Act does not bar the state auditor from conducting an audit, investigation, or other review or from having full and complete access to all records and other information that the state auditor considers necessary and does not take precedence over the authority of the state auditor to conduct an audit.

Requires TDCJ, not later than December 1, 2008, to appoint an ombudsperson and adopt a policy as required by this Act.

Lifetime Protective Orders for Certain Crime Victims—H.B. 1988

By Representative "Mando" Martinez—Senate Sponsor: Senator Hinojosa

Under Chapter 7A, Code of Criminal Procedure, a victim of sexual assault may seek a protective order. Currently, protective orders have a duration period of up to two years. This bill:

Adds Section 21.11 (Indecency With A Child) , Penal Code, to the offenses under Chapter 7A for which a victim may seek a protective order and authorizes a parent or guardian acting on behalf of a victim younger than 17 years of age to file an application for such order.

Requires a court hearing an application for a protective order to find that there are reasonable grounds to believe that the applicant is either younger than 18 years of age or is the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender.

Provides that a protective order issued under Chapter 7A may be effective for the duration of the lives of the offender and victim, or for any shorter period stated in the order.

Provides that if a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued.

Authorizes a court to issue a protective order effective for the duration of the lives of the offender and victim only if the court finds reasonable cause to believe that the victim is the subject of a threat that reasonably places the victim in fear of further harm from the alleged offender.

Authorizes a victim who is 17 years of age or older, or a parent or guardian acting on behalf of such victim, to file at any time an application to rescind the protective order.

Provides that if a person who is the subject of a protective order issued under Chapter 7A is confined or imprisoned on the date the protective order is to expire, the effective period of the order is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.

Provides that in the event of any conflict between this Act and Section 85.025 (Duration Of Protective Order), Family Code, this Act prevails.

Barring Deferred Adjudication for Certain Intoxication Offenses—H.B. 2115

By Representatives Frost and Lucio III—Senate Sponsor: Senator Zaffirini

Generally, a judge is authorized to grant deferred adjudication for the commission of a crime. Texas law provides certain exceptions, including specifically barring a judge from granting deferred adjudication to a person charged with violating Section 49.04 (Driving While Intoxicated), Section 49.05 (Flying While Intoxicated), Section 49.06 (Boating While Intoxicated), Section 49.07 (Intoxication Assault), or Section 49.08 (Intoxication Manslaughter) of the Penal Code. This bill:

Adds Sections 49.045 (Driving While Intoxicated With a Child Passenger) and 49.065 (Assembling or Operating an Amusement Park Ride While Intoxicated), Penal Code, to the offenses for which a judge is barred from granting deferred adjudication.

Graffiti Accountability Act of 2007—H.B. 2151

By Representative Bohac et al.—Senate Sponsor: Senator Ellis

Graffiti is a costly public nuisance and some believe that current laws and programs have been ineffective in deterring criminal graffiti. This bill:

Provides that this Act may be cited as the Graffiti Accountability Act of 2007.

Authorizes a court to order a defendant convicted of an offense under Section 28.08 (Graffiti), Penal Code, to make restitution to the victim of the offense by either compensating the victim for the value of the property at the time of the offense or by personally restoring the property by removing or painting over any markings the defendant made.

Requires a court to order a defendant convicted of an offense under Section 28.08 to make restitution to a political subdivision that owns public property on which the defendant makes markings.

Requires that the amount of the restitution ordered be equal to the lesser of the amount of the value of the property at the time of the offense or the cost to the political subdivision of restoring the public property.

Authorizes the court, if the defendant is financially unable to make the restitution, to order the defendant to perform a specific number of hours of community service, including service restoring the property by removing or painting over any markings the defendant made, to satisfy the restitution.

Requires a defendant convicted of an offense under Section 28.08 to pay a \$50 juvenile delinquency prevention and graffiti eradication fee as a cost of court.

Permits money in the county juvenile delinquency prevention fund to be used to provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08.

Increases from \$5 to \$50 the juvenile delinquency prevention fee the juvenile court must order the child, parent, or other responsible person to pay when the child is adjudicated as having engaged in delinquent conduct that violates Section 28.08.

Authorizes a juvenile court to order certain restitution regarding a child who has been adjudicated to have engaged in delinquent conduct that violates Section 28.08 or placed on probation for such conduct.

Authorizes a juvenile court to order the child to perform a specific number of hours of community service to satisfy such restitution if the child, child's parent, or other person responsible for the child's support is financially unable to make the restitution.

Law Enforcement Reports Concerning Certain Assaultive Offenses—H.B. 2210

By Representative Bolton—Senate Sponsor: Senator Ellis

In order for victims of domestic violence to receive assistance from nonprofits and other organizations, the victims are sometimes required to submit written documentation proving their status as victims of domestic violence. This bill:

Requires a peace officer investigating certain assault offenses to prepare a written report including the names of the suspect and complainant, the date, time, and location of the incident, any visible or reported injuries, and a description of the incident and a statement of its disposition.

Requires a local law enforcement agency, on the request of a victim of a specified offense, to provide the victim at no cost with any information that is contained in such report and is not exempt from disclosure under law.

Carrying of Weapons by Judges and Attorneys—H.B. 2300

By Representative Paxton et al.—Senate Sponsor: Senator Hegar

Current law allows active or retired judicial officers to carry concealed handguns if they meet the eligibility requirements under Texas law and complete all application requirements set forth by the Department of Public Safety (DPS). This bill:

Requires DPS to establish a procedure providing that the concealed handgun license of a judge, justice, prosecuting attorney, or assistant prosecuting attorney indicate the license holder's status.

Requires DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status.

Requires such license holder, if the holder's status becomes inapplicable, to notify DPS not later than the 30th day after the date of the status change and apply for a duplicate license reflecting the person's current name and status.

Exempts a currently serving judge or justice of a federal court, an active judicial officer, or certain district or county attorneys from the requirement that an applicant submit to DPS a handgun proficiency certificate to obtain or renew a concealed handgun license if a handgun proficiency instructor makes a sworn statement indicating that the person demonstrated proficiency to the instructor in the use of handguns during the 12-month period preceding the date of the application and designating the types of handguns with which the person demonstrated proficiency.

Requires the DPS director to adopt by rule a procedure by which such exempt person may submit a form demonstrating the person's qualification for an exemption and requires that the form provide sufficient information to allow DPS to verify whether the person qualifies for the exemption.

Provides that such a license automatically expires on the six-month anniversary of the date the person's status becomes inapplicable.

Makes it a defense to an offense to under Section 46.035 (Unlawful Carrying of a Handgun by License Holder), Penal Code, that the actor was a judge or justice of a federal court; an active judicial officer; or a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

Expands the definition of active judicial officer to include a federal judge who is a Texas resident.

Provides that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited), Penal Code, do not apply to an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun.

Right of a Minor in TDCJ Custody to Consent to Medical Treatment—H.B. 2389

By Representative Madden—Senate Sponsor: Senator Deuell

Offenders sentenced to the Texas Department of Criminal Justice (TDCJ) may consent to receive medical care. However, current law does not clearly authorize offenders sentenced to TDCJ who are under 18 years of age to consent to medical care. This bill:

Provides that an inmate in TDCJ who is younger than 18 years of age may, in accordance with procedures established by TDCJ, consent to medical, dental, psychological, and surgical treatment for the inmate, unless the treatment would constitute an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian, or without a court order as required under state law.

Appearance of Certain Misdemeanor Offenders Before Magistrate—H.B. 2391

By Representative Madden—Senate Sponsor: Senator Seliger

Texas county jails are under significant pressure relating to capacity. In 2007, Dallas County was forced to release 700 criminals and suspects to comply with an order from the Jail Standards Commission. Harris County is proposing a new \$300 million county jail bond measure to address its capacity issues. The largest share of county jail inmates consist of pretrial detainees, many of whom remain in jail because they cannot post bail. Current Texas law requires police officers to arrest a person who has committed any Class A or B misdemeanor offense; however, for certain offenses, a county may be able to better utilize its limited resources while ensuring public safety by issuing a citation. This bill:

Authorizes a peace officer to issue a citation to a person committing a Class A or B misdemeanor, instead of taking the person before a magistrate, if the person resides in the county where the offense occurred.

Limits the application of this Act to the Class A or B misdemeanors for offenses including possession of certain small quantities of marijuana, criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license.

Requires a magistrate to perform in the same manner as if the person had been arrested and brought before the magistrate by a peace officer.

Requires a magistrate to issue an arrest warrant if a person who is issued a citation fails to appear as required by a citation.

Penalizing Interference with the Duties of a Public Health Professional—H.B. 2703

By Representatives Woolley and Ortiz—Senate Sponsor: Senator Gallegos

State and local public health officials carry out a variety of public duties required and authorized by state law, including entering private property to conduct inspections and assessments, respond to citizen complaints, issue penalties, carry out disease control, and abate nuisances. This bill:

Makes it an offense for an individual with criminal negligence to interfere with a person who:

- has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state, a county, or municipality;
- is investigating the site as part of the person's responsibilities;
- is acting in accordance with policies and procedures related to the safety and security of the site; and
- is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.

Requiring Electronic Monitoring Systems in Certain TDCJ Facilities—H.B. 2990

By Representative Madden—Senate Sponsor: Senator Seliger

Other states, by installing radio frequency identification electronic monitoring systems in their correctional facilities, have used existing staff more efficiently and provided a safer prison environment. This bill:

Requires the Texas Department of Criminal Justice (TDCJ) to ensure that any correctional facility for which construction begins on or after September 1, 2007, is designed and built to use an electronic monitoring and tracking system to monitor the physical location and safety of inmates housed in the facility, employees working in the facility, third-party vendors or other contractors who work in the facility, and all visitors to the facility who are granted access to areas of the facility to which only employees are normally admitted.

Authorizes TDCJ to retrofit a correctional facility to use such a system.

Requires TDCJ to require all individuals to wear radio frequency identification transmitters while they are housed in, working in, or visiting a TDCJ facility that is designed and built or retrofitted to use an electronic monitoring and tracking system.

Provides that this Act does not apply to a jail owned or operated by a municipality.

Funding Community Supervision and Corrections Departments—H.B. 3200

By Representative Madden—Senate Sponsor: Senator Whitmire

Studies show that probationers who reoffend usually do so within the first two years of their release. More intensive use of resources early in probation terms could be more effective in reducing recidivism. The current method of per capita probation funding and reliance on supervision fees provides disincentives to grant early dismissals and shorter probation terms. This bill:

Provides for per capita funding, a per diem amount for each felony defendant placed on community supervision, and each felony defendant participating in a pretrial program and supervised by the community supervision and corrections departments (department) pursuant to lawful authority.

Limits per diem amount for each misdemeanor defendant placed on community supervision to a period not to exceed 182 days.

Requires the community justice assistance division (division) to annually establish a per capita funding formula to determine the percentage of the total amount provided in the General Appropriations Act that each department is entitled to receive as per capita funding and requires the formula to include certain elements.

Authorizes the Texas Board of Criminal Justice to adopt by rule a policy limiting the percentage of benefit or loss a department may realize as a result of the operation of the per capita funding formula.

Provides that the fee fixed by a judge granting community supervision is to be paid during the period of community supervision by the defendant to the court of original jurisdiction or, in the case of an intrastate transfer, to the court to which jurisdiction of the defendant's case is transferred.

Requires a court to which a defendant's case is transferred to enter an order directing the defendant to pay the monthly fee to that court in lieu of the court of original jurisdiction and provides that the order entered under this Act prevails if there is any conflict between such an order and an order issued by a court of original jurisdiction.

Requires the division, not later than January 1, 2008, to establish the per capita funding formula to be used for the state fiscal year beginning September 1, 2008.

Bail for Violations of Protective Orders or Bond Conditions—H.B. 3692

By Representative Straus—Senate Sponsor: Senator Wentworth

Current law provides for detention without bond in felony cases under certain circumstances, but not in certain circumstances involving misdemeanors. However, a person who violates court orders or conditions of bond in cases regarding family violence may threaten the safety of the victim or the community. This bill is the enabling legislation for H.J.R. 6.

Under current law, a person may be sentenced to community service for certain traffic or alcohol offenses in a jurisdiction where the person does not reside. This can make it difficult for the person to performance the service can because of limited resources, time constraints, and family obligations. This bill:

Provides that a person commits an offense if the person commits family violence or communicates with certain persons in violation of a condition of bond set in a family violence case and related to the safety of the victim or the safety of the community; an order issued under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure; or an order issued under Chapter 83 (Temporary Ex Parte Orders), Family Code, if the temporary ex parte order has been served on the person.

Makes it a third degree felony for person to violate the condition of bond by committing an assault or the offense of stalking.

Authorizes taking into custody and denying the release on bail of a person who commits an offense under Section 25.07 (Violation of Protective Order or Magistrate's Order), Penal Code:

- related to a violation of a condition of bond set in a family violence case if the person's bail under Section 25.07, Penal Code, or in the family violence case is revoked or forfeited for a violation of a condition of bond and, following a hearing, a judge or magistrate determines by a preponderance of the evidence that the person violated a condition of bond related to the safety of the victim or the safety of the community.
- other than an offense related to a violation of a condition of bond set in a family violence case, if, following a hearing, a judge or magistrate determines by a preponderance of the evidence that the person committed the offense.

Authorizes a person who violates an order by going to or near certain places specifically described in the order, such as the residence or place of employment of a protected individual, to be held without bail if, following a hearing, the judge or magistrate determines by a preponderance of the evidence that the person went to or near the place described in the order or condition of bond with the intent to commit or threaten to commit family violence or an act in furtherance of an offense under Section 42.072 (Stalking), Penal Code.

Provides that in determining whether to deny release on bail, the judge or magistrate may consider: the order or condition of bond; the nature and circumstances of the alleged offense; the relationship between the accused and the victim, including the history of that relationship; any criminal history of the accused; and any other facts or circumstances relevant to a determination of whether the accused poses an imminent threat of future family violence.

Requires a person arrested for committing an offense under Section 25.07 to be taken before a magistrate without unnecessary delay and after reasonable notice is given to the attorney representing the state, but not later than 48 hours after the person is arrested, and requires the magistrate at that time to conduct the hearing and make the determination required by this Act.

Authorizes a magistrate, if the magistrate finds that the defendant violated a bond related to the safety of a victim of the alleged offense or to the safety of the community, to revoke the defendant's bond and order that the defendant be immediately returned to custody.

Provides that once the defendant is placed in custody, the revocation of the defendant's bond discharges the sureties on the bond, if any, from any future liability on the bond, but does not discharge any surety from liability for previous forfeitures on the bond.

Provides that if a defendant who is a resident of this state and charged with a traffic offense or an offense under Section 106.05 (Possession of Alcohol By A Minor), Alcoholic Beverage Code, is required to perform community service as a condition of the suspension of the sentence and the deferral of final disposition, the defendant may elect either to perform the required governmental entity or nonprofit organization community service in the county in which the court is located, or the county in which the defendant resides, but only if the entity or organization agrees to supervise the defendant in the performance of the defendant's community service work and report to the court on the defendant's community service work.

Provides that if a defendant charged with an offense under Section 106.05 elects to perform the required community service in the county in which the defendant resides, community service must comply with certain provisions of the Alcoholic Beverage Code.

Repeals Article 22.021 (Forfeiture After Violating Treatment Condition), Code of Criminal Procedure.

Maximum Caseloads for Parole Officers—H.B. 3736

By Representative McReynolds—Senate Sponsor: Senator Hinojosa

Current Texas law does not set recommended maximum caseload standards for parole officers in the Texas Department of Criminal Justice (TDCJ) Parole Division. Many officers have caseloads in excess of 90 releasees. High caseloads are diminishing the ability of parole officers to provide quality supervision of parolees and is making it difficult to retain experienced parole officers. This bill:

Requires TDCJ to adopt a policy establishing guidelines for maximum caseloads for parole officers not later than September 1, 2007.

Requires TDCJ to submit a report to the Legislative Budget Board at the end of each fiscal year in which TDCJ fails to meet these guidelines, stating the amount of money needed by TDCJ to meet the guidelines.

Denial or Revocation of Bail for Violations of Certain Protective Orders—H.J.R. 6

By Representatives Straus and Alonzo—Senate Sponsor: Senator Wentworth

Current law provides for detention without bond in felony cases under certain circumstances, but not in certain circumstances involving misdemeanors. However, a person who violates court orders or conditions of bond in cases regarding family violence may threaten the safety of the victim or the community. H.B. 3692 is the enabling legislation. This bill:

Proposes a constitutional amendment authorizing the denial of bail to any person who is accused in this state of an offense involving family violence, who is released on bail pending trial, and whose bail is subsequently revoked or forfeited for a violation of a condition of release if a judge or magistrate determines by a preponderance of the evidence at a subsequent hearing that the person violated a condition of release related to the safety of a victim of the alleged offense or to the safety of the community. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 6, 2007.

Accrediting Battering Intervention or Counseling Services—S.B. 44

By Senators Nelson and Shapiro—House Sponsor: Representative Gonzalez Toureilles

Currently, there are 27 battering intervention and prevention programs (BIPs) that receive funding through the Texas Department of Criminal Justice (TDCJ). These programs are required to meet standards set out by TDCJ, although they are not officially accredited. Other programs in the state operate with no requirements. Some judges are not aware of the difference between the two types of programs and refer defendants to both those funded by TDCJ, which meet certain requirements, and those that are not funded by TDCJ and are not required to meet any program criteria. This bill:

Authorizes a court granting community supervision or issuing a protective order to require that the person found to have committed family violence to:

- attend a battering intervention and prevention program as defined by or accredited under Article 42.141 (Battering Intervention and Prevention Program), Texas Code of Criminal Procedure;
- beginning on September 1, 2008, if no such referral option is available, attend a program or counsel with a provider that has begun the accreditation process described in this Act; or
- if neither referral option is available, attend counseling sessions for the elimination of violent behavior with a licensed counselor, social worker, or other professional who has completed family violence intervention training approved by the TDCJ community justice assistance division (division), after consultation with experts in the field of family violence and certain enumerated licensing authorities.

Requires a program or provider serving as a referral option for the courts be accredited under this Act beginning on September 1, 2009.

Clarifies that the division will award contracts for programs operated by nonprofit organizations and requires the division to seek the assistance of the nonprofit organization it has contracted with in

developing program guidelines and in accrediting programs and providers providing battering intervention and prevention services.

Requires the division, before adopting program guidelines, to notify certain licensing authorities and invite the licensing authorities to comment on the program guidelines.

Requires the nonprofit organization with which the division contracts to assist the division in developing program guidelines and in accrediting programs and providers providing battering intervention and prevention services.

Requires the division, with the assistance of the statewide nonprofit organization with which it has contracted and after notifying the enumerated licensing authorities, to adopt guidelines for programs and accredit programs and providers providing battering intervention and prevention services.

Requires the division to collect from each program or provider applying for accreditation a one-time application fee in an amount set by TDCJ.

Criminally Injurious Conduct Under the Crime Victims' Compensation Act—S.B. 157

By Senator Seliger—House Sponsor: Representative Hopson

Current law does not explicitly include certain crimes related to reckless driving and deadly conduct as compensable under the Crime Victims' Compensation Act. This bill:

Includes in the definition of "criminally injurious conduct" under the Crime Victims' Compensation Act conduct in violation of Section 545.157 (Passing Authorized Emergency Vehicle) or Section 545.401 (Reckless Driving; Offense), Transportation Code, which results in bodily injury or death, and Section 22.05 (Deadly Conduct), Penal Code.

Providing Grants to Implement Progressive Sanctions Programs—S.B. 166

By Senator West—House Sponsor: Representative Madden

Introduced during the 79th Legislature, Regular Session, 2005, S.B. 938 sought to create a pilot progressive sanctions model to be implemented by local community supervisions and corrections departments (departments) across the state to lower the rate of revocations experienced by offenders under the supervision of CSCDs. Although S.B. 938 was not enacted, some of the bill's recommendations were adopted by the Community Justice Assistance Division (division) of the Texas Department of Criminal Justice. Funding was appropriated and the guidelines set forth in S.B. 938 were used as the criterion to award grants for counties to lower revocations and reduce caseloads and technical violations by implementing progressive sanctions principles. Early results of the progressive sanctions model have proven successful, with reductions in revocations. The Sunset Advisory Commission projected that through the implementation of progressive sanctions, the state realized more than \$14 million in cost avoidance. This bill:

Requires the division to provide grants to selected departments for the implementation of a system of progressive sanctions designed to reduce the revocation rate of defendants placed on community supervision.

Requires the division to give priority in providing grants to departments that serve counties in which the revocation rate for defendants on community supervision significantly exceeds the statewide average or historically has significantly exceeded the statewide average, or have demonstrated success, through the implementation of a system of progressive sanctions, in reducing the revocation rate of defendants placed on community supervision.

Requires the division, in determining which departments are proper candidates for grants, to give preference to departments that present to the division a plan targeting medium-risk and high-risk defendants and using progressive sanction models that adhere to the components set forth in Section 469.001 (Drug Court Programs), Health and Safety Code.

Requires the division, not later than December 1 of each even-numbered year, to report to the Texas Board of Criminal Justice (TBCJ) and requires TBCJ to forward the report to the lieutenant governor and the speaker of the house of representatives not later than December 15 of each even-numbered year.

Requires the report to include certain information relating to departments receiving grants and to contain an analysis of the scope, effectiveness, and cost benefit of programs funded by grants and a comparison of those programs to similar programs in existence in various departments before March 1, 2005.

Requires the division to develop criteria and review grant proposals, as required by this Act, as soon as possible after the effective date of this Act, and to begin making grants not later than September 30, 2007.

Expanding Criminal Trespass to Include Recreational Vehicle Park—S.B. 182

By Senator Wentworth—House Sponsor: Representative Hilderbran

Current law provides that a person commits criminal trespass when the person enters or remains on or in another's property without effective consent. The statute covers an aircraft or other vehicle, but does not include a recreational vehicle park. This bill:

Defines "recreational vehicle park" and expands offense of criminal trespass to include a recreational vehicle park.

Exchange of Information Related to Care of Special Needs Offenders—S.B. 230

By Senator Harris—House Sponsor: Representative Dutton

Current statute provides that a parole or probation officer is to notify the "new school officials" when a student under that officer's jurisdiction transfers or returns to a school other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred. However, it is unclear as to whom the language "new school officials" applies. This bill:

Requires a parole or probation office having jurisdiction over such student to notify the superintendent of the school district to which the student transfers or is returned or the superintendent's designee, or in the case of a private school, the principal or a school employee designated by the principal of the school.

Requires the superintendent or principal to promptly notify all instructional and support personnel who have regular contact with the student.

Temporary Sealing of Affidavits Presented for Search Warrants—S.B. 244

By Senator Williams et al.—House Sponsor: Representative Riddle

Article 18.01(b), Code of Criminal Procedure, provides that a sworn affidavit filed for a search warrant is public information if the warrant is executed. Texas courts have interpreted this provision as requiring that executed search warrant affidavits to be made immediately available to the public. There may be a compelling interest in certain circumstances in temporarily sealing these affidavits from public disclosure, such as when releasing the information could result in the destruction of evidence. This bill:

Authorizes an attorney representing the state in the prosecution of a felony to request that a district judge or the judge of an appellate court seal an affidavit presented under Article 18.01(b).

Authorizes a judge to order the affidavit sealed if the attorney representing the state establishes a compelling state interest that public disclosure of the affidavit would jeopardize the safety of a victim, witness, or confidential informant or cause the destruction of evidence, or that the affidavit contains information obtained from a court-ordered wiretap that has not expired at the time the attorney requests the sealing of the affidavit.

Provides that an order sealing an affidavit expires on the 31st day after the date on which the search warrant is executed.

Authorizes an attorney representing the state to seek, and a judge to grant, one 30-day extension of the original order.

Requires that the affidavit be unsealed upon the expiration of an order, and any extension thereof, issued under this Act.

Provides that an order issued under this Act may not prohibit the disclosure of information relating to the contents of a search warrant, the return of a search warrant, or the inventory of property taken pursuant to a search warrant, or affect the right of a defendant to discover the contents of an affidavit.

Eligibility Requirements for Police Officers—S.B. 342

By Senator Ellis—House Sponsor: Representative Turner

Under current law, applicants for beginning positions with a police department are required to be at least 21 years of age and have prior military service and been honorably discharged or have 60 college credit hours. This bill:

Allows persons who have been employed full-time for at least five years as peace officers licensed by the Commission on Law Enforcement Officer Standards and Education, or an acceptable licensing entity in another state that has law enforcement officer licensing requirements substantially equivalent to those of Chapter 1701 (Law Enforcement Officers), Occupations Code, to be certified as eligible for a beginning position with a police department.

Use of Force or Deadly Force in Self-Defense—S.B. 378

By Senator Wentworth et al.—House Sponsor: Representative Driver et al.

Texas law currently permits a person to use deadly force against another in self-defense, if a reasonable person in that position would not have retreated and deadly force is immediately necessary to protect the person against the other's use of deadly force or to prevent the commission of certain serious crimes. A person does not have to retreat before using force against another who has unlawfully entered the person's habitation. A number of states have enacted legislation recognizing the right of persons to stand their ground, known as the "castle doctrine," which provides that a person has no duty to retreat if that person is not engaged in unlawful activity and is attacked in any place where she or she has a right to be. This bill:

Provides that an actor's belief that the force or deadly force was immediately necessary to protect the actor against the another's use or attempted use of unlawful force is presumed to be reasonable if the actor:

- knew or had reason to believe that the person against whom the force or deadly force was used:
 - unlawfully and with force entered, or was attempting to enter unlawfully and with force, the actor's occupied habitation, vehicle, or place of business or employment;
 - unlawfully and with force removed, or was attempting to remove unlawfully and with force, the actor from the actor's habitation, vehicle, or place of business or employment; or
 - was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery;
- did not provoke the person against whom the force was used; and
- was not otherwise engaged in criminal activity, other than a Class C misdemeanor traffic violation, at the time the force was used.

Provides that a person does not have the duty to retreat before using force or deadly force if the person has a right to be present at the location where the force is used, has not provoked the person against whom the force is used, and is not engaged in criminal activity at the time the force is used.

Prohibits a finder of fact, in determining whether an actor reasonably believed that the use of force or deadly force was necessary, from considering whether the actor failed to retreat.

Grants immunity to a defendant whose use of force or deadly force was justified from civil liability for personal injury or death resulting from the defendant's use of force or deadly force.

Requiring Testing of TDCJ Inmates for HIV—S.B. 453

By Senator Ellis—House Sponsor: Representatives Yvonne Davis and Coleman

There is a high rate of HIV infection in state prisons. Prisoners who remain ignorant of their HIV status cannot be properly treated and may infect others. Currently, the Texas Department of Criminal Justice (TDCJ) must test an inmate for HIV infection only upon release. This bill:

Requires TDCJ to maintain the confidentiality of test results of an inmate indicating HIV infection at all times.

Requires TDCJ to test an inmate for HIV during the diagnostic process if TDCJ does not have a record of a positive test result for HIV.

Emergency Protective Orders for Sexual Assault Victims—S.B. 584

By Senator Carona—House Sponsor: Representative Peña

Current law authorizes a magistrate to issue an order for emergency protection to a victim of family violence or stalking. A victim of sexual assault is not eligible for such an order. However, an emergency protective order would provide immediate protection for the victim while the victim seeks to obtain a more formal temporary ex parte or standard protective order. This bill:

Authorizes a magistrate to issue an order for emergency protection at a defendant's appearance before a magistrate after arrest for an offense under Section 22.011 (Sexual Assault) or Section 22.021 (Aggravated Sexual Assault), Penal Code.

Provides that a person commits an offense if, in violation of a protective order or an emergency protective order, the person knowingly or intentionally commits an act in furtherance of an offense under Section 22.011 or Section 22.021.

Exchange of Information Related to Care of Special Needs Offenders—S.B. 839

By Senator Duncan—House Sponsor: Representative Madden

Current law authorizes law enforcement entities and mental health communities to share medical information with each other, for the purpose of continuity of care for mentally or physically ill offenders in the criminal justice system. This allows for a plan to be in place as an offender moves through the criminal justice process. However, some of the agencies referenced in the current law are obsolete. This bill:

Clarifies which agencies may share information regarding special needs offenders by transferring rulemaking authority previously granted to now-defunct state agencies to their successor agencies.

Adds the bureau of identification and records of the Department of Public Safety (bureau) to the agencies that must enter into a memorandum under Section 614.013 (Continuity of Care for Offenders with Mental Impairments) and Section 614.016 (Continuity of Care for Certain Offenders by Law Enforcement and Jails), Health & Safety Code.

Provides that information exchanged with certain agencies to serve the purposes of continuity of care and services may not be used as evidence in any criminal proceeding, unless obtained and introduced by other lawful evidentiary means.

Adds the bureau to the list of agencies that must accept information relating to a special needs offender that is sent to the agency to serve the purposes of continuity of care and services, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base, and the Department of Information Resources.

Requires that such agencies must prudently manage the confidential information accepted or disclosed to maintain, to the extent possible, the confidentiality of that information.

Provides that a person commits a Class B misdemeanor if the person releases or discloses such confidential information for purposes other than continuity of care and services, except as authorized by other law or by the consent of the person to whom the information relates.

Child Injury Offenses and Eligibility for Community Supervision or Parole—S.B. 877

By Senator Seliger—House Sponsor: Representative Vaught

Currently, a person who knowingly or intentionally causes serious bodily injury or serious mental deficiency, impairment, or injury to a child commits a first degree felony, which carries a punishment of five to 99 years incarceration and a fine of up to \$10,000. Under current law, many offenders are serving little of their sentences. This bill:

Bars a defendant who has violated Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), Penal Code, from being placed on judge-ordered community supervision if the offense is punishable as a first degree felony and the victim is a child.

Provides that an inmate serving a sentence for first degree felony injury to a child is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

Reducing the Offense for Criminal Trespass in Certain Circumstances—S.B. 1097

By Senator Whitmire—House Sponsor: Representative Noriega

Currently, a criminal trespass violation is a Class B misdemeanor. The processing of a Class B misdemeanor requires extensive paperwork, including the filing of charges with a local district attorney and the booking of a suspect into the county jail system. This bill:

Makes it defense to prosecution for criminal trespass that the actor at the time of the offense was an employee or agent of an electric or gas utility, who was performing a duty within the scope of employment or agency, or employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property and the person was performing a duty within the scope of that employment or agency.

Makes it a Class C misdemeanor for a person to enter or remain on or in another's property without effective consent when the person either had notice that the entry was forbidden or received notice to depart but failed to do so, or if defendant has been previously convicted of such offense, it is a Class B misdemeanor.

Makes it a Class C misdemeanor if a person, without express consent or without authorization provided by any law, enters or remains on residential land of another and either had notice that the entry was forbidden or had received notice to depart but failed to do so.

Provides that if the offense is committed in a building or habitation or the actor carries a deadly weapon during the commission of the offense, it is a Class A misdemeanor.

Prevention of Human Trafficking—S.B. 1287

By Senators Van de Putte and Lucio—House Sponsor: Representative Thompson

Human trafficking is a growing concern for the state. Texas ranks second in the nation with an estimated 14,000 people being trafficked into the United States each year. Currently, there is no law requiring any establishments to post a notification regarding human trafficking as an offense to assist with combating such occurrences. This bill:

Requires certain alcohol permitted or licensed establishments to post a specific notification regarding the offense of human trafficking in both English and Spanish along with the number to the national human trafficking hotline.

Firearms and Persons Convicted of a Family Violence Offense—S.B. 1470

By Senators Selliger and Lucio—House Sponsor: Representative Dukes

Under the federal Violence Against Women Act, in order for a state to receive federal dollars, each state is required to certify that its judicial administrative policies and practices include notification to domestic violence offenders of federal and state provisions prohibiting the possession of a firearm by someone who is convicted of a family violence crime or subject to a family violence protective order. Texas must make this certification before January 5, 2008, or risk losing \$7 million in federal funding for programs addressing family violence. This bill:

Requires a court, prior to accepting a plea of guilty or a plea of nolo contendere, to admonish the defendant that it is unlawful for the defendant to possess or transfer a firearm or ammunition if the defendant is convicted of a misdemeanor involving family violence, as defined by the Family Code.

Requires a court to notify a person convicted of a misdemeanor involving family violence, as defined by the Family Code, of the fact that it is unlawful for the person to possess or transfer a firearm or ammunition.

Provision of Pay Telephone Service to TDCJ Inmates—S.B. 1580

By Senator Van de Putte—House Sponsor: Representative Haggerty et al.

Other states provide coin-less pay telephone services to eligible inmates. This bill:

Requires the Texas Board of Criminal Justice (TBCJ) to seek proposals from private vendors for a contract to provide pay telephone service to eligible inmates confined in facilities operated by the Texas Department of Criminal Justice (TDCJ).

Provides that any contract must provide for the installation, operation, and maintenance of the service at no cost to the state and pay to TDCJ a commission of not less than 40 percent of the gross revenue.

Sets out certain monitoring and security capacity that must be included in any system, such as investigative and on-site monitoring of calls and the use of personal identification numbers and biometric identifiers for inmates making calls.

Requires that any system be fully automated, provide for periodic review by the state auditor, ensure that a ratio of not greater than 30 eligible inmates per communication device is maintained at each facility, ensure that no charge will be assessed for an uncompleted call and that the charge for local calls will not be greater than the highest rate for local calls for inmates in county jails, and ensure that each eligible inmate or person acting on behalf of an eligible inmate may prepay for the service.

Requires TBCJ to award a contract to a single private vendor to install, operate, and maintain the inmate pay telephone service for an initial term of not less than seven years, with the option for TBCJ to renew the contract for additional two-year terms.

Requires TDCJ to transfer 50 percent of all commissions it receives to the compensation to victims of crime fund, with the remaining portion to be transferred to the credit of the undedicated portion of the general revenue fund.

Requires the first \$10 million of the commissions collected in any given year to be transferred to the compensation to victims of crime fund.

Requires TDCJ to adopt policies governing the use of the pay telephone service by inmates and that the policies allow for an average monthly call usage rate of eight calls, with each call having an average duration of not less than 10 minutes, per eligible inmate.

Provides that inmates are permitted to communicate only with persons who are on a call list preapproved by TDCJ.

Requires TDCJ to ensure that all communications, except for confidential attorney-client communications between inmates and their attorneys, are recorded and preserved for a reasonable period of time for law enforcement and security purposes.

Excepts the recordings from disclosure under the Texas Public Information Act.

Instructional Requirements for Education Provided in TYC Facilities—H.B. 425

By Representative Madden—Senate Sponsor: Senator Hinojosa

Juvenile detention centers are short-term, secure facilities for the temporary placement of juveniles accused of having committed an offense and awaiting court action, administrative hearing, or other transfer action. Post-adjudication secure correctional facilities are intended for the treatment and rehabilitation of youth who have been adjudicated. The Texas Education Agency is required to provide education to juveniles placed in pre-adjudication or post-adjudication juvenile residential facilities, but the level of education varies across the state and in many instances there is little to no education provided to these juveniles. This bill:

Requires the commissioner of education (commissioner) to determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility under the Texas Youth Commission (TYC), including the length of the school day, the number of days of instruction provided to students each school year, and the curriculum of the educational program.

Requires the commissioner to coordinate with TYC and with the Texas Juvenile Probation Commission (TJPC) in determining the instructional requirements for education services in their respective facilities.

Authorizes the commissioner to adopt rules necessary to administer this section and requires that the rules adopted by the commissioner ensure that a student who receives education services in a pre-adjudication secure detention facility is offered courses enabling the student to maintain progress toward completing high school graduation requirements, and that a student who receives education services in a post-adjudication secure correctional facility is offered, at a minimum, the courses necessary to enable the student to complete high school graduation requirements.

Requires TJPC and TYC to coordinate with the commissioner in establishing standards for ensuring security in the provision of education services in the facilities and providing children in the custody of the facilities access to education services.

Establishing the Office of Inspector General at TYC—H.B. 914

By Representative Madden et al.—Senate Sponsor: Senator Hinojosa

Current law authorizes only apprehension specialists as commissioned peace officers for the Texas Youth Commission (TYC). Investigators responsible for investigating complaints of possible criminal wrongdoing are not considered to be peace officers under current law and therefore must refer criminal complaints to a local law enforcement agency. This gives discretion as to whether to investigate and prosecute such complaints to that local agency. This bill:

Includes inspectors general commissioned by TYC under the definition of peace officer as set out in Article 2.13, Code of Criminal Procedure.

Creates the office of inspector general (office) at TYC for the purpose of investigating crimes committed by TYC employees, including parole officers employed by or under a contract with TYC, and crimes and

delinquent conduct committed at a TYC facility or at a residential facility operated by another entity under a contract with TYC.

Requires the office to prepare and deliver a report concerning the results of any investigation conducted under this Act to the TYC executive commissioner and advisory board, the governor, the lieutenant governor, the speaker of the house of representatives, the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities, the special prosecution unit, the state auditor, and any other appropriate state agency responsible for licensing or certifying TYC employees or facilities.

Sets out what must be included in such a report and provides that the report is public information to the extent authorized under the Public Information Act and other law.

Authorizes the office to employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this Act and grants an inspector general all of the powers and duties given to peace officers under Article 2.13.

Requires peace officers employed and commissioned by the office to be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code, and to complete advanced courses relating to the duties of peace officers as part of any continuing education requirements for the peace officers.

Provides for the selection of a commissioned peace officer as chief inspector general, and that the chief inspector general may only be discharged for cause.

Requires the chief inspector general to prepare and deliver on a quarterly basis a report concerning the operations of the office and containing certain information to certain elected and agency officials.

Provides that this report is public information under the Public Information Act, to the extent authorized under law, and requires TYC to publish the report on TYC's Internet website.

Requires the office to immediately report to the TYC executive commissioner and advisory board, the governor's general counsel, and the state auditor any particularly serious or flagrant problem concerning the administration of a TYC program or operation or any interference by the TYC executive commissioner or TYC employee with an investigation conducted by the office.

Provides that if any conflict exists between this Act and S.B. 103, 80th Legislature, Regular Session, 2007, concerning the authority of the office to investigate and prepare and deliver reports, this Act prevails.

Reporting Research on Children Committed to TYC—H.B. 1111

By Representative Turner—Senate Sponsor: Senator Uresti

There are concerns regarding the use of children in the custody of the Texas Youth Commission (TYC) in research programs or studies. This bill:

Requires TYC to keep records relating to research programs or studies on children in TYC custody and sets forth the required content of such reports.

Requires TYC to submit a report containing this information on or before the 15th day after the last day of the appropriate reporting period to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

Provides that such a report is public information under Chapter 552 (Public Information), Government Code.

Reporting Research on Children in the Juvenile Probation System—H.B. 1113

By Representative Turner—Senate Sponsor: Senator Uresti

There are concerns regarding the use of children in the Texas juvenile probation system in research programs or studies. This bill:

Requires the Texas Juvenile Probation Commission (TJPC) to keep records relating to research programs or studies on children within the juvenile probation system and sets forth the required content of such records.

Requires TJPC to submit a report containing this information on or before the 15th day after the last day of the appropriate reporting period to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

Provides that such a report is public information under Chapter 552 (Public Information), Government Code.

TJPC to Study Victim-Offender Mediation Programs—H.B. 2291

By Representative Farias—Senate Sponsor: Senator Uresti

Some states and political subdivisions have instituted juvenile mediation programs as part of their juvenile justice system. Under such programs, the juvenile offender and the victim engage in mediation, in which the victim expresses how he or she was affected by the crime, the juvenile takes responsibility for his or her actions, and the parties agree on restitution. There is some evidence that such programs reduce the rate of recidivism of juvenile participants. This bill:

Requires the Texas Juvenile Probation Commission (TJPC) to study established victim-offender mediation programs for juvenile offenders in this state for the purpose of determining the potential effect on the state's juvenile justice system of establishing guidelines for and expanding the implementation of such programs.

Sets forth the requirements for the study.

Requires TJPC to provide a report describing the results of the study to each member of the legislature not later than January 1, 2009, and sets out what the report must include.

Juvenile Justice System —H.B. 2884

By Representative Dutton—Senate Sponsor: Senator West

Due to the growth and changes taking place within the juvenile justice environment, statutes must be updated to reflect those changes. The relationship between youth under the supervision of the Texas Juvenile Probation Commission (TJPC) and those referred to the Texas Youth Commission (TYC) also require revisions that reflect recent occurrences. Safeguards must also be taken to ensure that facilities operated by TJPC meet agency, state, and federal standards. This bill:

Amends Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, to include investigators commissioned by TJPC as officers.

Amends Article 45.054 (Failure to Attend School Proceedings), Code of Criminal Procedure, to bar a court from ordering a student to attend a juvenile justice alternative education program.

Provides that a court retains jurisdiction over a person, without regard to the age of the person, who is a respondent in a motion for transfer of determinate sentence probation to an appropriate district court if the motion for transfer was filed while the respondent was younger than 18 years of age.

Amends Section 51.072 (Transfer of Probation Supervision Between Counties: Interim Supervision), Family Code:

- Provides that when a child on probation moves or intends to move from one county to another, a transfer of probation supervision is not required if the receiving county and the sending county are member counties within a judicial district served by one juvenile probation department.
- Requires the juvenile probation department of the sending county to provide the juvenile probation department of the receiving county certain additional information in the request for interim supervision.
- Requires the inter-county transfer officers in the sending and receiving counties to agree on the official start date for the period of interim supervision, which must begin no later than three business days after the date the documents required under this section have been received and accepted by the receiving county.
- Requires the juvenile probation department in the receiving county to provide the sending county with supporting written documentation of the incidents of violation of probation on which the request to resume direct supervision is based.
- Requires the receiving county, during the period of interim supervision, to collect and distribute to the victim monetary restitution payments in the manner specified by the sending county. At the expiration of the period of interim supervision, the receiving county must collect and distribute directly to the victim any remaining payments.
- Provides that after the signing and entry of an order of transfer of permanent supervision by the sending county juvenile court, the juvenile probation department must promptly send the permanent supervision order and related documents to the receiving county.
- Provides that if a child on interim supervision moves to another county of residence or is otherwise no longer in the receiving county before the expiration of 180 days, the receiving county must direct the sending county to resume supervision of the child.

- Provides that the period of interim supervision of a child who is placed on probation does not expire until the child has satisfactorily completed the greater of either 180 days or one-third of the term of probation.
- Authorizes the juvenile court of the sending county to order transfer of the permanent supervision before the expiration of the period of interim supervision if the state elects to initiate transfer proceedings under Section 54.051 (Transfer of Determinate Sentence Probation to Appropriate District Court), Family Code.

Amends Section 51.073 (Transfer of Probation Supervision Between Counties: Permanent Supervision), Family Code:

- Requires the juvenile court of the receiving county to require that the child be brought before the court in order to impose new or different conditions of probation than those originally ordered by the sending county or ordered by the receiving county during the period of interim supervision.
- Provides that in the final transfer of a case involving a child who has been adjudicated as having committed an offense for which registration is required under Chapter 62 (Sex Offender Registration Act), Code of Criminal Procedure, the receiving county has jurisdiction to conduct a hearing under that chapter. The receiving county juvenile court may consider the written recommendations of the sending county juvenile court.

Amends Section 51.074 (Transfer of Probation Supervision Between Counties: Deferred Prosecution), Family Code:

- Requires a child to remain on interim supervision for an additional period not to exceed 180 days on an extension of a previous order of deferred prosecution.
- Requires the receiving county, on a violation of the conditions of the original deferred prosecution agreement, to forward the case to the sending county for prosecution or other action, except that the original conditions of deferred prosecution may not be modified by the receiving county.

Amends Section 51.095(f), Family Code, regarding the admissibility of a statement of a child:

- Changes the phrase "videotaped statement" to "recorded statement."
- Requires that the magistrate's determination regarding the voluntariness of the statement be reduced to writing and signed and dated by the magistrate.

Provides that Articles 33.03 (Presence of Defendant) and 37.07 (Criminal Docket), Code of Criminal Procedure, apply in a judicial proceeding regarding the adjudication of a child.

Provides that provisions in the Code of Criminal Procedure relating to the use of a pseudonym by a victim in a criminal case apply in such proceeding held under this title.

Includes Section 15.02 (Criminal Conspiracy), Penal Code, under the offenses listed in Section 53.045 (Violent or Habitual Offenders), Family Code.

Provides that a child has right to a jury at the disposition hearing if the child is in jeopardy of a determinate sentence, but only if the child so elects in writing before the commencement of the voir dire examination of the jury panel.

Authorizes the child, if a finding of delinquent conduct is returned and with the consent of the attorney for the state, to change the child's election of one who assesses the disposition.

Authorizes the juvenile court, at a disposition hearing, to consider written reports from probation officers, professional court employees, or professional consultants in addition to the testimony of witnesses.

Authorizes the court or jury to place the child on probation in a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by TYC, or a suitable public or private post-adjudication secure correctional facility that meets the requirements of state law, except a facility operated by TYC.

Provides that a child may be detained in an appropriate detention facility following disposition of the child's case pending transportation of the child to the ordered placement, and the provision of medical or other health care services for the child that may be advisable before transportation, including health care services for children in the late term of pregnancy.

Adds Section 54.0481 (Treatment of Restitution Payments) to the Family Code:

- Requires a juvenile probation department (department) that receives a payment to a victim as the result of a juvenile court order for restitution to immediately deposit the payment in an interest-bearing account in the county treasury, and notify the victim by certified mail, sent to the last known address of the victim, that a payment has been received.
- Requires the department to promptly remit the payment to a victim who has been notified and makes a claim for payment.
- Requires the department, on or before the fifth anniversary of the date the department receives a payment for a victim that is not claimed by the victim, to make and document a good faith effort to locate and notify the victim that an unclaimed payment exists, including confirming, if possible, the victim's most recent address with the Department of Public Safety; and making at least one additional certified mailing to the victim.
- Provides that the department satisfies the good faith requirement by sending by certified mail to the victim, during the period the child is required by the juvenile court order to make payments to the victim, a notice that the victim is entitled to an unclaimed payment.
- Requires the department, if a victim claims a payment on or before the fifth anniversary of the date on which the department mailed a notice to the victim to pay the victim the amount of the original payment, less any interest earned while holding the payment.
- Provides that if a victim does not claim a payment on or before the fifth anniversary of the date on which the department mailed a notice to the victim, the department has no liability to the victim or anyone else in relation to the payment, and must transfer the payment from the interest-bearing account to a special fund of the county treasury, the unclaimed juvenile restitution fund.
- Authorizes a county to spend money in the unclaimed juvenile restitution fund only for the same purposes for which the county may spend juvenile state aid.

Provides that if a child referred by the juvenile court for mental health care is alleged to have committed certain specified felony or sexual offenses, the administrator of the residential care facility must apply, in writing, by certified mail, return receipt requested, to the juvenile court that ordered commitment of the child or that referred the case to a court that ordered commitment of the child and show good cause for any release of the child from the facility for more than 48 hours.

- Requires that notice of this request be provided to the prosecuting attorney responsible for the case.
- Authorizes the prosecuting attorney, the juvenile, or the administrator to apply for a hearing on the application. If no one applies for a hearing, the trial court must resolve the application on the written submission.
- Sets out the procedure for the hearing and bars any appeals.
- Provides that the release of the child without the express approval of the trial court is punishable by contempt.

Authorizes the Texas Juvenile Probation Commission (TJPC) to, in conformity with state law, enter into an interagency agreement to share educational information for research, audit, and analytical purposes with the Texas Education Agency, TYC, and Texas Department of Criminal Justice.

Authorizes TJPC to grant a person working on a research or statistical project that is funded in whole or in part by federal funds access to juvenile justice information only for a purpose beneficial to and approved by TJPC.

Authorizes a local juvenile justice information system to provide efficient computerized case management resources to prosecutors and court clerks, and to contain electronic filing of court orders, and other documents filed with the court, including documents containing electronic signatures.

Requires a local juvenile justice information system include and provide certain access to the court clerk.

Adds Subchapter D-1, Chapter 58, to the Family Code:

- Provides that this subchapter applies only to a county with a population of 600,000 or more.
- Requires a juvenile court judge in such county to post a report on the Internet website of the county in which the court is located and sets forth the information that must be included in the report.
- Requires the juvenile court judge, not later than the 10th day following the first day of each quarter, to update the information posted on a county Internet website.
- Prohibits a record posted on a county Internet website from including any information that personally identifies a child.
- Provides that these provisions apply only to a child committed to a TYC correctional facility on or after January 1, 2008.

Adds Subchapter E (Statewide Juvenile Information and Case Management System), Chapter 58, to the Family Code:

- Authorizes TJPC in partnership with local counties to participate and assist in the creation and maintenance of a statewide system to aid in processing the cases of children; facilitate the delivery of services to children in the juvenile justice system; aid in the early identification of at-risk and delinquent children; and facilitate cross-jurisdictional sharing of information related to juvenile offenders between authorized criminal and juvenile justice agencies and partner agencies.
- Sets forth the purposes of the system.
- Authorizes TJPC to collect and maintain all information related to juvenile offenders and all offenses committed by a juvenile offender.
- Provides that the authority granted by this subchapter is cumulative of all other authority granted by this chapter to various governmental entities and does not limit the authority of such entities to create an information system or to share information related to a juvenile.

Expands a provision requiring state agency that operates, licenses, certifies, or registers a facility in which children are located to promptly investigate reports of child abuse, neglect, or exploitation to include a program that serves children for which the agency provides oversight.

Expands the definition of "juvenile justice facility" to include a facility operated wholly or partly by any governmental unit or by a private vendor under a contract with the governmental unit, and "juvenile justice program" to include a juvenile probation department.

Amends Section 61.0762 (Infant Care and Parenting Program), Human Resources Code:

- Replaces the word "infant" with "child."
- Removes a reference to an infant younger than 36 months.
- Authorizes TYC to allow a mother possession of her child in a TYC-funded independent living residence for up to six months.

Adds Section 141.0461 (Authority to Issue Subpoena, Administer Oath, Receive Evidence, and Gather Information) to the Human Resources Code:

- Defines "evidence."
- Authorizes TJPC to issue a subpoena requiring the attendance of a witness or the production of evidence that TJPC considers necessary for the investigation of abuse, neglect, or exploitation allegations; complaints; financial and programmatic audits of juvenile probation programs services and facilities, including juvenile justice alternative education programs; or any matter under TJPC's authority.
- Requires the subpoena to be signed by the TJPC chairman or, if the chairman is unavailable, the vice-chairman, and at least two other TJPC members of the commission, including a member who is a judge.
- Sets out the process for service of the subpoena and compelling the attendance of witnesses.
- Provides that TJPC is granted access at any reasonable time to any evidence that is related to any matter the TJPC or its executive director considers necessary to administer TJPC's functions, powers, and duties.

- Authorizes TJPC to employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities. Such peace officers must be certified by the Commission on Law Enforcement Officer Standards and Education.

Authorizes certain county juvenile boards and the juvenile boards of adjacent counties to agree to operate together.

Makes changes in the composition of the Jim Hogg County Juvenile Board.

Provides that a person violates Section 38.06 (Escape), Penal Code, if the person escapes from custody when detained in a secure detention facility, as that term is defined by the Family Code, or is in the custody of a juvenile probation officer for violating an order imposed by the juvenile court.

Expands the definition of "correctional facility" under Section 38.07 (Permitting or Facilitating Escape), Section 38.09 (Implements for Escape), Section 38.111 (Improper Contact with Victim), and Section 38.114 (Contraband in Correctional Facility), Penal Code, to include a "secure correctional facility" or "secure detention facility" as defined under the Family Code.

Amends Section 39.04 (Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody), Penal Code, to provide that an employee of the TYC or a local juvenile probation department commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual who is not the employee's spouse and who the employee knows is under the supervision of TYC or probation department, but not in the custody of TYC or probation department.

Repeals Sections 61.049 (Crockett State School for Girls), 141.0432 (Youth Boot Camp Programs), 141.0433 (Contracts with Private Vendors), and 141.0434 (Additional Requirements for Contracts with Private Vendors), Human Resources Code.

Granting Groups Access to Children Confined to TYC—H.B. 3309

By Representative Bolton et al.—Senate Sponsor: Senator Hinojosa

The Texas Youth Commission (TYC) has reported problems with the rape, abuse, and mistreatment of inmates at TYC facilities across the state. This bill:

Requires TYC to grant access to advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, and victims of sexual assault to provide on-site information, support, and other services for children confined in TYC facilities.

Requires TYC to adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this Act.

Prohibits the security and privacy procedures from being designed to deny an advocacy or support group access to children confined in TYC facilities.

Requires TYC to adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in TYC facilities with external entities, including advocacy and support groups.

Texas Youth Commission—S.B. 103

By Senator Hinojosa et al.—House Sponsor: Representative Madden et al.

The Texas Youth Commission (TYC) provides treatment and rehabilitation for the state's most serious youth offenders. TYC has difficulty recruiting and retaining qualified staff, with a high staff turnover rate and inadequate training of juvenile correctional officers (JCOs) contributing to many of TYC's problems. This high turnover rate is negatively affecting the youth-to-staff ratios and TYC's ability to maintain a safe environment for youth and TYC employees. There have been reports of physical and sexual abuse of youth in TYC. This bill:

Provides that inspectors general commissioned by TYC are peace officers.

Provides that in determining whether certain information regarding an individual is required to be removed from an intelligence database regarding criminal street gangs, the three-year period does not include any period during which the individual who is the subject of the information is committed to a secure correctional facility operated by or under contract with TYC, or committed to a facility operated by a juvenile board in lieu of being committed to a secure correctional facility operated by or under contract with TYC.

Amends Article 104.003(c), Code of Criminal Procedure, to require the state to reimburse a county for certain expenses incurred by the county in the prosecution of a criminal offense or delinquent conduct committed on property owned or operated by or under contract with Texas Department of Criminal Justice (TDCJ) or TYC, or committed by or against a person in the custody of TDCJ or TYC while the person is performing a duty away from TDCJ or TYC property.

Amends Section 51.12 (Place and Conditions of Detention), Family Code:

- Removes references to post-adjudication confinement facilities.
- Provides that a pre-adjudication secure detention facility for juveniles may be operated only by a governmental unit in this state or a private entity under a contract with such governmental unit.
- Requires each judge of a juvenile court and a majority of the members of the juvenile board to personally inspect all juvenile pre-adjudication secure detention facilities at least annually regarding whether the facilities are suitable or unsuitable for the detention of children.
- Sets forth certain information that the juvenile court judges and juvenile board members must consider in determining whether a facility is suitable.
- Requires TJPC to annually inspect each juvenile pre-adjudication secure detention facility and provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children.
- Authorizes TJPC to deny, suspend, or revoke the registration of any facility required to register under this section if the facility fails to adhere to all applicable minimum standards for the facility or timely correct any notice of noncompliance with minimum standards.

Adds Section 51.125 (Post-Adjudication Correctional Facilities) to the Family Code:

- Provides that a post-adjudication secure correctional facility for juvenile offenders may be operated only by a governmental unit or a private entity under a contract with such unit.
- Requires the judge of the juvenile court and a majority of the members of the juvenile board to personally inspect all post-adjudication secure correctional facilities that are not operated by TYC and that are located in the county at least annually and certify in writing to the authorities responsible for operating and giving financial support to the facilities and to TJPC that the facility or facilities are suitable or unsuitable for the confinement of children. In determining whether a facility is suitable or unsuitable, the juvenile court judges and juvenile board members must consider monitoring and inspection reports and any noncompliance citation reports issued by TJPC and the status of any required corrective actions and the other factors described under Section 51.12.
- Requires TJPC to annually inspect each juvenile post-adjudication secure correctional facility not operated by TYC and provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in post-adjudication secure confinement promulgated by TJPC or, at the election of the juvenile board of that county, the current standards promulgated by the American Correctional Association.
- Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile post-adjudication secure correctional facility in this state, except for a facility operated by or under contract with TYC, to register the facility annually with TJPC and adhere to all applicable minimum standards for the facility.
- Authorizes TJPC to deny, suspend, or revoke the registration of any facility required to register under this section if the facility fails to adhere to all applicable minimum standards for the facility or timely correct any notice of noncompliance with minimum standards.

Strikes provisions authorizing a court or jury to sentence the child to commitment in TYC for delinquent conduct that violates a penal law of this state or the United States of the grade of misdemeanor.

Adds Section 54.0401 (Community-Based Programs) to the Family Code:

- Provides that this section applies only to a county that has a population of at least 335,000.
- Authorizes a juvenile court of such county to require a child to participate in a community-based program administered by the county's juvenile board if the child has been adjudicated as having engaged in delinquent conduct violating certain penal law.
- Requires TJPC to:
 - establish guidelines for the implementation of community-based programs described by this section. The juvenile board of each county to which this section applies must implement a community-based program that complies with those guidelines;
 - provide grants to selected juvenile boards to assist with the implementation of a system of community-based programs; and
 - not later than January 1, 2009, prepare and deliver to the governor, the lieutenant governor, and each member of the legislature a report describing the implementation and effectiveness

of the community-based programs. The report must include information relating to the cost of requiring a child to participate in a community-based program.

- Provides that this subsection expires February 1, 2009.

Adds Section 54.052 (Credit for Time Spent in Detention Facility for Child with Determinate Sentence) to the Family Code:

- Provides that this section applies only to a child who is committed to TYC under a determinate sentence.
- Requires the judge of the court in which a child is adjudicated to give the child credit on the child's sentence for the time spent by the child, in connection with the conduct for which the child was adjudicated, in a secure detention facility before the child's transfer to a TYC facility, or if a child appeals the adjudication and is retained in a secure detention facility pending the appeal, for the time spent by the child in that facility pending disposition of the child's appeal. The court must endorse on both the commitment and the mandate from the appellate court all credit given the child under this subsection.
- Requires TYC to grant any credit under this section in computing the child's eligibility for parole and discharge.

Authorizes information contained in the juvenile justice information system to be disseminated to the TYC office of independent ombudsman.

Requires TYC to take certain actions relating to a report of alleged or suspected child abuse or neglect under certain circumstances.

Authorizes the attorney general to offer to assist a prosecuting attorney in the prosecution of criminal offenses concerning TYC.

Creates the Special Prosecution Unit (unit).

- Provides that the unit is an independent unit that cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct described in Article 104.003(a).
- Provides that the unit is governed by a board of directors composed of each prosecuting attorney who represents the state in criminal matters before a court in a county in which one or more facilities owned or operated by or under contract with TDCJ or TYC are located. This is in addition to the other duties of the prosecuting attorney assigned by law.
- Provides that the board of directors is governed by an executive board composed of 11 members elected by the membership of the board of directors on a majority vote from among that membership.
- Sets forth the composition, election of, and qualifications of the executive board.
- Provides that membership on the board of directors or executive board is not a civil office of emolument.

- Provides that board of directors or executive board members are not entitled to compensation for their service, but are entitled to be reimbursed for necessary expenses incurred in carrying out their duties and responsibilities, as provided by the General Appropriations Act.
- Authorizes the employment of a person to serve as chief of the unit and additional persons to accomplish the unit's purposes and authorizes the board of directors to determine the compensation of the unit's employees.
- Requires the executive board, on a majority vote, to elect a counselor.
- Sets forth the criteria to be eligible to serve as a counselor and the duties of the counselor.
- Provides that the report is public information and requires the board of directors to request that TYC publish the report on TYC's Internet website.
- Requires the report to be both aggregated and disaggregated by individual facility and to include certain information.
- Requires the counselor, in consultation with the board of directors, to notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09 (Duties of Grand Jury), Code of Criminal Procedure, if:
 - the counselor receives credible evidence of illegal or improper conduct by TYC officers, employees, or contractors that the counselor reasonably believes jeopardizes the health, safety, and welfare of children in TYC custody;
 - the counselor reasonably believes the conduct could constitute an offense described by Article 104.003(a), and involves the alleged physical or sexual abuse of a child in the custody of a TYC facility or an investigation related to the alleged abuse; and
 - the counselor has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

Requires the Sunset Advisory Commission (SAC), as part of its review of juvenile corrections for the 81st Legislature, to study the merits of moving TYC toward a regionalized structure of smaller facilities and more diversified treatment and placement options, taking into consideration the likely effects of this regionalized structure on recidivism, juvenile and family access to services, and costs to this state and the counties.

- Requires SAC, in conducting the study, to determine whether the existing TYC facilities meet their intended purposes.
- Requires SAC to take into consideration the findings and conclusions of the study in its report to the 81st Legislature and to include any recommendations it considers appropriate resulting from its consideration of the study.
- Authorizes SAC, in conducting the study, to seek the assistance of nationally recognized experts in the field of juvenile justice.
- Provides that the provisions regarding the study expire September 1, 2009.

Requires SAC to study the merits of an executive commissioner governing TYC as compared to a citizen board and to make recommendations concerning the governance of TYC in its report to the legislature as part of its review of TYC. This provision expires September 1, 2009.

Authorizes TYC to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person described by Section 61.0357 (Required Background and Criminal History Checks), Human Resources Code, as added by this Act.

Requires the TDCJ inspector general to prepare and deliver on a quarterly basis to the board of directors of the unit a report concerning any alleged criminal offense concerning TDCJ and described by Article 104.003(a) that occurred during the preceding calendar quarter.

Requires the Health and Human Services Commission (HHSC), TYC, and TJPC to periodically review, document, and compare the accessibility and funding of facilities, services, and treatment provided to females under 18 years of age to the accessibility and funding of facilities, services, and treatment provided to males in the same age group.

Requires HHSC to coordinate the review, documentation, and comparison and sets forth the required elements of the review and the duties and responsibilities of the each health and human services agency or other state agency that provides facilities, services, treatment, or funding subject to the review.

- Requires HHSC to assemble the agency reports and prepare an executive summary to be delivered to the members of the legislature not later than July 1 of each even-numbered year.
- Provides that this provision expires September 1, 2011.

Includes as law enforcement officers, for the purposes of the Public Retirement System of Texas, those persons commissioned as law enforcement officers by the TYC office of inspector general.

Provides that until August 31, 2009, TYC is governed by an executive commissioner, replacing the TYC governing board.

- Establishes an advisory board to advise the executive commissioner on matters concerning TYC, and assist the executive commissioner in the performance of the executive commissioner's duties.
- Sets forth the composition, powers, and duties of the advisory board.
- Provides that these provisions expire September 1, 2009.

Provides that TYC is subject to audit by the state auditor in accordance with Chapter 321 (State Auditor), Government Code.

Authorizes the state auditor, on request of the office of inspector general, to provide information or other assistance that the state auditor determines is appropriate to that office.

Authorizes the office of inspector general to coordinate with the state auditor to review or schedule a plan for an investigation under this Act or share other information.

- Authorizes the state auditor to access all information maintained by the office of inspector general, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under law. Information obtained by the state auditor under this subsection is confidential and is not subject to disclosure under Chapter 552.

- Provides that any provision of this Act relating to the operations of the office of inspector general does not supersede the authority of the state auditor to conduct an audit under Chapter 321, or prohibit the state auditor from taking actions.

Requires TYC, not later than September 1, 2007, to adopt a plan for and begin the process of receiving accreditation by the American Correctional Association (ACA) for each correctional facility operated by or under contract with TYC.

Provides that, effective September 1, 2009, TYC is governed by a board consisting of seven members appointed by the governor with the advice and consent of the senate sets forth the powers and duties of the board.

- Requires TYC, effective September 1, 2009, to employ an executive director, selected by the board, to serve at the will of the board. The executive director must devote full time to the work of TYC and is entitled to actual expenses while on TYC business.
- Provides that effective September 1, 2009, a reference in law to the executive commissioner is a reference to the board in matters concerning the governance of TYC, policymaking functions of TYC, or rulemaking functions of TYC, a reference in law to the executive commissioner is a reference to the executive director in matters concerning the administrative functions of TYC.

Expands the requirement that TYC annually review the effectiveness of TYC programs for the rehabilitation and reestablishment in society of children to include programs for females.

Requires TYC to offer or make available programs in an adequate manner so that a child in TYC custody receives appropriate rehabilitation services recommended for the child by the court committing the child to TYC.

Requires TYC, if it is unable to offer or make available such programs, to, not later than January 10 of each odd-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining which programs are not offered or are unavailable, and the reason the programs are not offered or are unavailable.

Requires TYC to periodically review, document, and compare the accessibility and funding of treatment programs provided to female children committed to TYC to the accessibility and funding of treatment provided to male children committed to TYC.

Requires TYC to regularly conduct internal audits of TYC, including audits of correctional facilities operated by and under contract with TYC and medical services provided to children in TYC custody, and report on a quarterly basis report the results of the audits to the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities, and the state auditor.

Requires TYC to provide the Joint Select Committee on the Operation and Management of TYC with reports concerning TYC's progress in complying with the requirements of this Act. The first report must be prepared and delivered to the joint select committee on December 1, 2007, the second report on June 1, 2008, and the final report on December 1, 2008. This provision expires January 1, 2009.

Requires TYC to develop and adopt a statement regarding its role and mission.

Makes the executive commissioner, rather than TYC, responsible for the adoption of all policies and making of rules appropriate to the proper accomplishment of TYC's functions.

Provides that except as otherwise provided, a TYC employee is employed on an at-will basis.

Requires TYC to establish procedures and practices governing employment-related grievances submitted by TYC employees, and disciplinary actions within TYC, including a procedure allowing a TYC employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal.

Adds Section 61.0356 (Juvenile Correctional Officers; Staffing) to the Human Resources Code:

- Defines "juvenile correctional officer."
- Requires TYC to provide each TYC juvenile correctional officer with at least 300 hours of training, which must include on-the-job training, before the officer independently commences the officer's duties at the facility. The training must provide the officer with information and instruction in numerous areas, including appropriate restraint techniques, behavior management, and mental health issues.
- Authorizes TYC to employ part-time juvenile correctional officers who are subject to the training requirements of this section.
- Requires TYC to:
 - maintain a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 persons committed to the facility in each correctional facility operated by TYC that has a dormitory, including an open-bay dormitory;
 - consider the age of a juvenile correctional officer or other TYC employee who performs direct supervisory duties when determining the placement of the officer or employee in a TYC facility so that, to the extent practicable, an officer or employee is not supervising a child who is not more than three years younger than the officer or employee or is otherwise a similar age to the officer or employee;
 - rotate the assignment of each juvenile correctional officer at an interval determined by TYC so that a juvenile correctional officer is not assigned to the same station for an extended period of time;
 - ensure that at least one juvenile correctional officer is assigned to supervise in or near a classroom or other location in which children receive education services or training at the time the children are receiving the education services or training; and
 - adopt rules necessary to administer this section.

Adds Section 61.0357 (Required Background and Criminal History Checks) to the Human Resources Code:

- Requires the executive commissioner to review the national criminal history record information, state criminal history record information maintained by DPS, and previous and current employment references of each person who is an employee, contractor, volunteer, ombudsman, or advocate

working for TYC or working in a TYC facility or a facility under contract with TYC, provides direct delivery of services to children in TYC custody, or has access to records in TYC facilities or offices.

- Requires the executive commissioner to review on an annual basis each person's national criminal history record information.
- Requires TYC to:
 - adopt rules requiring such persons to electronically provide DPS with a complete set of the person's fingerprints in a form and of a quality acceptable to DPS and the Federal Bureau of Investigation;
 - ensure that the system used to check state criminal history record information maintained by DPS is capable of providing real time arrest information;
 - require by rule a person to pay a fee related to the first national criminal history record information review conducted under this section. The amount of the fee may not exceed the administrative costs incurred by TYC in conducting the initial review, including the costs of obtaining the person's fingerprints; and
 - adopt rules necessary to administer this section.

Requires TYC to allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, and victims of sexual assault to provide on-site information, support, and other services for children confined in TYC facilities.

Requires TYC to adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services, and standards consistent with standards adopted by TDCJ regarding the confidential correspondence of children confined in TYC facilities with external entities, including advocacy and support groups.

Requires the executive commissioner to ensure that the location of public hearings is rotated between municipalities in which a TYC facility is located or that are in proximity to a TYC facility.

Establishes the Office of Inspector General at TYC for the purpose of investigating crimes committed by TYC employees, including parole officers employed by or under a contract with TYC, and crimes committed at a TYC facility or at a residential facility under a contract with TYC.

- Requires the office of inspector general to prepare and deliver a report concerning the results of any investigation to specific officials.
- Requires such report to include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense occurred, and a description of the finding. The report is public information the extent authorized under law.
- Authorizes the office of inspector general to employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general has all of the powers and duties given to peace officers under Article 2.13 (Who Are Peace Officers), Code of Criminal Procedure.
- Requires peace officers employed and commissioned by the officer of inspector general to be certified by the Commission on Law Enforcement Officer Standards and Education, and complete

advanced courses relating to the duties of peace officers employed and commissioned by the officer of inspector general as part of any continuing education requirements for the peace officers.

- Requires the executive commissioner to select a commissioned peace officer as chief inspector general.
- Provides that the chief inspector general may only be discharged for cause.
- Requires the chief inspector general on a quarterly basis to prepare and deliver a report concerning the operations of the office of inspector general to specific officials.
- Provides that the operations report is public information to the extent authorized under law, and requires TYC to publish the report on TYC's Internet website.
- Requires the operations report to be both aggregated and disaggregated by individual facility and include certain information.
- Requires the office of inspector general to immediately report to the executive commissioner, the advisory board, the governor's general counsel, and the state auditor any particularly serious or flagrant problem concerning the administration of a TYC program or operation or any interference by the executive commissioner or a TYC employee with an investigation conducted by the office.

Requires TYC to establish a permanent, toll-free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in TYC custody, and requires that the toll-free number is prominently displayed in each TYC facility and that children in TYC custody and TYC employees have confidential access to telephones for the purpose of calling the toll-free number.

Requires TYC to ensure that a chaplain is employed or formally designated for each TYC correctional facility that is an institution.

Prohibits TYC from assigning a child younger than 15 years of age to the same correctional facility dormitory as a person who is at least 17 years of age unless TYC determines that the placement is necessary to ensure the safety of children in TYC custody. (This does not apply to a dormitory that is used exclusively for short-term assessment and orientation purposes.)

Requires TYC to adopt by rule scheduling, housing, and placement procedures for the purpose of protecting vulnerable children in TYC custody.

Requires that the procedures address the age, physical condition, and treatment needs of a child as well as any other relevant factor, and consider the proximity of the residence of a child's family in determining the appropriate TYC facility in which to place a child.

Requires TYC to establish a minimum length of stay for each child committed to TYC without a determinate sentence.

Requires a court that commits a child to TYC to provide TYC with certain documents.

Requires TYC to adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in TYC custody, and to establish standards for reporting and collecting data on the sexual abuse of children in TYC custody.

Requires that the initial examination and study of a child committed to TYC include consideration of the child's medical, substance abuse, and treatment history, including the child's psychiatric history and substance abuse history. If the child has a minimum length of stay of one year or longer, the initial examination must include a comprehensive psychiatric evaluation.

Requires TYC to administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation.

Requires TYC to, as soon as practicable, conduct a psychiatric evaluation of the child if the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation.

Amends provisions requiring TYC to periodically reexamine each child under its control, except those on release under supervision or in foster homes.

Requires TYC to integrate the provision of medical care, behavioral health care, or rehabilitation services in an integrated comprehensive delivery system.

Authorizes TYC to disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with TYC.

Requires TYC, in consultation with advocacy and support groups, to develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to TYC and sets forth the required components of the parent's bill of rights.

Requires TYC to provide certain information and progress reports to a child's parent or guardian within specific time frames.

Requires TYC to assign a caseworker to a child committed to TYC, to perform certain tasks.

Provides that to the extent practicable, a caseworker or another facility administrator must attempt to communicate with a parent or guardian who does not speak English in the language of choice of the parent or guardian.

Requires TYC, when certain children serving determinate sentences become 18 years of age, to evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 18th birthday to prepare the child for release from TYC custody or transfer to TDCJ. (This does not apply to a child who is released from TYC custody or who is transferred to TDCJ before the child's 18th birthday.)

Requires TYC to develop a reentry and reintegration plan for each child committed to TYC custody and sets forth the required components of the plan.

Requires TYC, if a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, to find a suitable alternative program or service so that the child's release is not postponed.

Requires TYC, when a child who is committed to TYC without a determinate sentence completes the minimum length of stay established by TYC under this Act, to discharge the child from TYC custody, release the child under supervision, or extend the length of the child's stay in TYC custody.

Requires TYC to maintain certain statistical information regarding a child committed to TYC, to post the statistics on TYC's Internet website, and to prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics.

Requires TYC to establish by rule a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from TYC custody, be released under supervision, or remain in TYC custody for an additional period of time.

Sets forth the composition and functions of the panel and requires TYC to take certain actions relating to decisions made by the panel, including providing a report to the parent, guardian, or designated advocate of a child whose length of stay is extended, explaining the panel's reason for the extension.

Requires TYC by rule to establish a process to request the reconsideration of an extension order issued by the panel, and requires that process to include certain components.

Requires TYC to create a form for a request for reconsideration of an extension order that is clear and easy to understand and to ensure that a child may request assistance in completing a request for reconsideration of an extension order.

Lowers the age at which TYC must discharge from its custody or transfer to TDCJ a person not already discharged from the person's 21st birthday to the person's 19th birthday.

Includes in the information TYC must provide to TDCJ when transferring a person to TDCJ custody any written comments or information provided by the family members of the person or the general public.

Requires TDCJ to grant credit for sentence time served by a person at TYC and in a juvenile detention facility in computing the person's eligibility for parole and discharge from TDCJ.

Authorizes a district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning TYC and described by Article 104.003(a) to request that the special prosecution unit prosecute the offense or delinquent conduct.

Requires the office of inspector general to, on a quarterly basis, prepare and deliver to the board of directors of the special prosecution unit a report concerning any alleged criminal offense or delinquent conduct concerning TYC and described by Article 104.003(a), and the disposition of any case involving a criminal offense or delinquent conduct concerning TYC and described by Article 104.003(a) that occurred during the preceding calendar quarter.

Requires the office of inspector general to immediately provide the special prosecution unit with a report concerning an alleged criminal offense or delinquent conduct concerning TYC and described by Article 104.003(a), if the chief inspector general reasonably believes the offense or conduct is particularly serious and egregious.

Requires the chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, to notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, of certain credible evidence of illegal or improper conduct by TYC officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in TYC custody.

Requires the executive commissioner, if the executive commissioner has reasonable cause to believe that a child in TYC custody is the victim of a crime committed at a TYC facility, to immediately file a complaint with the appropriate law enforcement agency.

Adds Chapter 64 (Office of Independent Ombudsman of the Texas Youth Commission), Human Resources Code, to provide that the office of independent ombudsman (office) is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to TYC, including a child released under supervision before final discharge.

- Sets forth the powers and duties of the office.
- Provides that the office is subject to review under the Texas Sunset Act, but is not abolished under that chapter.
- Requires the ombudsman to submit certain reports on a quarterly basis to the governor, the lieutenant governor, the state auditor, and each member of the legislature.
- Requires the ombudsman to immediately report to certain elected and agency officials certain serious or flagrant case of abuse or injury of a child committed to TYC or problems concerning the administration of a TYC program or operation, or the delivery of services in a facility operated by or under contract with TYC, or interference by TYC with an investigation conducted by the office.
- Requires TYC to allow any child committed to TYC to communicate with the ombudsman or an assistant to the ombudsman.
- Provides that the records of the ombudsman are confidential and sets forth certain exceptions.
- Bars the ombudsman from investigating alleged criminal behavior.
- Prohibits TYC from discharging or in any manner discriminating or retaliating against an employee who in good faith makes a complaint to the office or cooperates with the office in an investigation.

Bars TYC from exempting any TYC employee from a licensing requirement for rehabilitation service or to act as a sex offender treatment provider.

Amends Section 39.04 (Violations of The Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody), Penal Code, to make it second degree felony for an official, employee, volunteer, or peace officer, in the case of an individual in TYC custody, to employ, authorize, or induce the individual to engage in sexual conduct or a sexual performance.

Repeals Sections 54.04(s) and (t), Family Code, regarding the disposition of children for delinquent conduct that violates a penal law of the grade of misdemeanor; Section 54.05(k), Family Code, regarding the disposition of children for delinquent conduct that violates a penal law of the grade of misdemeanor; Section 61.001(3), Human Resources Code, defining the chairman of the TYC board, Sections 61.0122 (Board Member Training), 61.014 (Quorum), 61.015 (Per Diem; Expenses), 61.0151 (Removal from Office), and 61.017 (Executive Director), Human Resources Code; Section 61.084(f), Human Resources Code, regarding TYC's transfer of a person under a determinate sentence; and Section 141.042 (d), Human Resources Code, regarding TYC biennial inspection of juvenile pre-adjudication secure detention facilities and post-adjudication secure correctional facilities.

Requires that certain persons committed to TYC on the basis of conduct constituting the commission of an offense of the grade of misdemeanor must be discharged from TYC custody not later than the person's 19th birthday.

Requires TJPC, not later than November 1, 2007, to issue guidelines for the creation of community-based programs as required by this Act.

Requires the juvenile board of a county to which this Act applies, not later than January 1, 2008, to implement a community-based program that complies with the guidelines established by TJPC.

Requires TYC to:

- develop and adopt a mission statement, as required by this Act on or before October 1, 2007;
- complete the training of juvenile correctional officers hired before the effective date of this Act that is necessary to conform to the requirements of this Act, as soon as practicable, but not later than six months after the effective date of this Act;
- certify before October 1, 2007, to the Employees Retirement System of Texas, in the manner prescribed by the retirement system, the name of each person employed by the office of inspector general at TYC as a law enforcement officer, and any other information the system determines is necessary for the crediting of service and financing of benefits;
- elect the board of directors of the special prosecution unit, not later than September 30, 2007;
- ensure that each correctional facility operated by TYC that has a dormitory, including an open-bay dormitory, has a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 children committed to the facility, and that children younger than 15 years of age are assigned to separate correctional facility dorms from persons who are at least 17 years of age as required by Section 61.06; and
- obtain national criminal history record information for each person as required by this Act.

Requires the governor, lieutenant governor, and speaker of the house of representatives to make certain appointments.

Requires HHSC, TYC, and TJPC to jointly establish a timetable for the submission of agency reports.

Requires the executive board of the board of directors of the special prosecution unit to elect the counselor.

Increasing Penalties for Sexual Predators Targeting Children—H.B. 8

By Representative Riddle et al.—Senate Sponsor: Senators Deuell and Nelson

This bill enacts tougher penalties on sexual predators who target children. This bill:

Provides that this Act is known as the Jessica Lunsford Act.

Authorizes the attorney general to offer to assistance to a county or district attorney in the prosecution of certain specified sexual offenses when the victim is younger than 17 years of age at the time the offense is committed.

Requires the attorney general, at the request of a county or district attorney, to assist in the prosecution of such offense. (Assistance includes investigative, technical, and litigation assistance.)

Provides that there is no statute of limitations for:

- sexual assault of a child under Section 22.011, Penal Code;
- aggravated sexual assault of a child under Section 22.021, Penal Code;
- continuous sexual abuse of young child or children under Section 21.02, Penal Code, or;
- indecency with a child under Section 21.11, Penal Code.

Provides that the statute of limitations is 20 years from the 18th birthday of the victim of one of the following offenses, if victim is younger than 17 years of age at the time the offense is committed:

- Section 43.25 (Sexual Performance by a Child), Penal Code;
- Section 20.04 (Aggravated Kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; or
- Section 30.02 (Burglary), Penal Code, if the defendant committed the offense with intent to commit certain sexual offenses.

Requires that a defendant be punished by life imprisonment if the defendant is convicted of Section 21.11 (Indecency With a Child) involving sexual contact and the defendant has been previously convicted of a specified offense involving sexual conduct or abuse.

Adds Section 21.02 (Continuous Sexual Abuse of a Child) to the Penal Code, making it an offense if a person during a period of 30 days or more commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims, and at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.

Defines "child" and "act of sexual abuse" for the purposes of Section 21.02.

Provides that under Section 21.02, if a jury is the trier of fact, the members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact

date when those acts were committed, and must agree unanimously that the defendant, during a period of 30 days or more in duration, committed two or more acts of sexual abuse.

Provides that a defendant may not be convicted in the same criminal action of an offense listed as an act of sexual abuse under Section 21.02 if the victim is the same victim as a victim of the offense alleged under Section 21.02, unless the offense is charged in the alternative, occurred outside the period of the offense alleged under Section 21.02, or is considered by the trier of fact to be a lesser included offense of the offense alleged under Section 21.02.

Provides that a defendant may not be charged with more than one count under Section 21.02 if all of the alleged specific acts of sexual abuse are alleged to have been committed against a single victim.

Sets forth certain affirmative defenses to prosecution under Section 21.02.

Makes an offense under Section 21.02 a first degree felony punishable by imprisonment in the Texas Department of Criminal Justice (TDCJ) for life, or for any term of not more than 99 years or less than 25 years.

Requires a defendant to be punished by imprisonment for life without parole if it is shown on the trial for an offense under Section 21.02 that the defendant has previously been finally convicted of such an offense or for an offense under the laws of another state that contains substantially similar elements.

Adds Section 22.021(f) to the Penal Code, increasing the minimum term of imprisonment for aggravated sexual assault to 25 years if the victim of the offense is younger than six years of age at the time the offense is committed, or is 14 years of age at the time the offense is committed and the actor committed certain acts.

Adds Section 12.42(c)(3) to the Penal Code requiring that a defendant be punished for a capital felony if it is shown on the trial of an offense under Section 22.021(f) that the defendant has previously been finally convicted an offense under that section or for an offense under the laws of another state that contains substantially similar elements.

Adds Article 37.072 to the Code of Criminal Procedure, setting forth certain procedures in repeat sex offender capital cases.

- Requires a court to sentence a defendant to life imprisonment without parole if a defendant is found guilty in a capital felony case punishable under Section 12.42(c)(3) and the state does not seek the death penalty.
- Requires a court to conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death or life imprisonment without parole if a defendant is found guilty of a capital offense under Section 12.42(c)(3) in a case in which the state seeks the death penalty.
- Sets forth the procedures and requirements of the sentencing proceeding, including the introduction of evidence.
- Requires the court, on conclusion of the presentation of the evidence in such proceeding, to submit certain issues to the jury.

- Requires the state to prove each such issue beyond a reasonable doubt.
- Sets forth the charges and instructions the court must give to the jury.
- Sets forth, based on the jury's findings, when a court must sentence the defendant to death or to life imprisonment without parole.
- Provides that the conviction and sentence of death are subject to automatic review by the Texas Court of Criminal Appeals.

Prohibits a judge from ordering community supervision if the defendant is convicted of an offense under Section 43.25 (Sexual Performance by a Child), Penal Code.

Provides that a defendant is not eligible for jury-recommended community supervision if the defendant is convicted of an offense under Section 21.11, Section 22.011, or Section 22.021, if the victim was under 14 years of age at the time of the offense, aggravated kidnapping if the victim was under 14 years of age at the time of the offense and the defendant committed the offense with the intent to sexually abuse the victim, or sexual performance by a child.

Prohibits a judge from granting deferred adjudication to a defendant charged with continuous sexual abuse of young child or children or an offense punishable under Section 12.42(c)(3) or Section 22.021(f).

Requires the computerized criminal history system to include the age of the victim of the offense if the defendant was arrested for or charged with an offense under Section 21.02, Section 21.11, Section 22.011 or 22.021, Section 43.25, Section 20.04, if the defendant committed the offense with intent to violate or abuse the victim sexually, Section 30.02, if the defendant committed the offense with intent to commit certain sexual offenses.

Requires TDCJ to establish a sex offender treatment program to treat inmates who are serving sentences for offenses punishable under Section 21.02 or 22.021(f) and to require such inmates to participate in and complete the program before being released.

Authorizes TDCJ to establish a sex offender treatment program for other inmates.

Bars an inmate serving a sentence under Section 21.02 or 22.021(f) from being released on parole.

Provides that an inmate serving a sentence for an offense under Section 43.25 is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

Bars an inmate from being released to mandatory supervision if the inmate is serving a sentence or has been previously convicted of an offense under Section 21.11, 21.02, or 43.25, or any felony under Section 22.011.

Requires a tracking service for a person civilly committed to outpatient treatment as a sexually violent predator to track the person's location in real time, be able to provide a real-time report of the person's location to the case manager at the case manager's request, and periodically provide a cumulative report of the person's location to the case manager.

Provides that a civilly committed person who is not indigent is responsible for the cost of the tracking service and must pay monthly to the Council on Sex Offender Treatment (council) the amount that the council determines will be necessary to defray the cost of operating the service during the subsequent month. The council must immediately transfer the money to the appropriate service provider.

Makes it a third degree felony for a person to hinder the apprehension or prosecution of a individual who fails to comply with the registration requirements of Chapter 62.

Enhances an offense under Section 43.25.

Requires trial courts to give preference to hearings and trials regarding an offense under Section 21.02, Section 43.25, Section 20.04, if the defendant committed the offense with intent to violate or abuse the victim sexually, Section 30.02, if the defendant committed the offense with intent to commit certain sexual offenses.

Requires the Texas Court of Criminal Appeals, if the United States Supreme Court finds that imposition of the death penalty under Section 12.42(c)(3) violates the United States Constitution, to reform a sentence of death imposed under that section to life without parole.

Makes conforming changes to provisions in the Education Code regarding students who have been convicted of various offenses or engage in certain conduct to include Section 21.02.

Makes conforming changes to provisions in the Family Code regarding abuse of a minor and termination of a parent-child relationship to include Section 21.02.

Amends the Occupations Code to provide for the suspension or denial of a nurse's license to a person convicted of an offense under Section 21.02.

Collection and Analysis of Information on Certain Sexual Offenses—H.B. 76

By Representatives Naishtat and Flynn—Senate Sponsor: Senator Zaffirini

Current law requires the bureau of identification and records (bureau) within the Department of Public Safety (DPS) to collect certain information regarding offenses reported or known to have been committed in the state, including a statistical breakdown of those offenses in which family violence was involved. However, the law does not currently require the collection and breakdown of statistics about sexual assault. This bill:

Requires the bureau to collect information enabling the bureau to create a statistical breakdown of offenses under Sections 22.011 (Sexual Assault) and 22.021 (Aggravated Sexual Assault), Penal Code, including information relating to the victim, any relationship between the offender and the victim, any weapons used or exhibited in the commission of the offense, and any injuries sustained by the victim.

Requires law enforcement agencies to report such offenses to DPS in the form and manner and at regular intervals as prescribed by DPS rules.

Requires DPS, in consultation with statewide, nonprofit sexual assault programs, to establish the rules and procedures necessary to comply with this Act not later than October 1, 2007.

Use of Text Messages to Commit Sexual Offenses Against Minors—H.B. 401

By Representative Betty Brown et al.—Senate Sponsor: Senator Zaffirini

Current law makes it an offense to solicit a minor for sexual gratification over the Internet, by electronic mail, or through a commercial online service. However, the law does not include solicitation by text message or other electronic message service or system. This bill:

Amends Section 33.021 (Online Solicitation of a Minor), Penal Code, to make it an offense for:

- a person 17 years of age or older, with the intent to arouse or gratify the sexual desire of any person, to by text message or other electronic message service or system intentionally communicate in a sexually explicit manner with a minor or to distribute sexually explicit material to a minor; or
- a person by text message or other electronic message service or system to knowingly solicit a minor to meet the actor or another person with the intent that the minor will engage in sexual conduct with the actor or another person.

Makes it an offense for an employee of a public or private primary or secondary school to engage in conduct prohibited under Section 33.021 with a person who is enrolled in the school at which the employee works and who is not the employee's spouse, regardless of the age of that person.

Fees on Sexually Oriented Businesses for Prevention of Sexual Assault—H.B. 1751

By Representative Cohen et al.—Senate Sponsor: Senator West

A source of funding for sexual assault prevention programs is needed. This bill:

Provides for an admission fee on sexually oriented businesses, a portion of which will be dedicated to the sexual assault program fund, to cover the costs of programs that relate to sexual assault prevention, intervention, and research provided by state, local, and nonprofit agencies.

Requires that all amounts received from the fee imposed by the bill after the first \$25 million in a state fiscal biennium be used to provide health benefits coverage premium payment assistance to low-income persons.

Sex Offender Treatment and Civil Commitment—H.B. 2034

By Representative England—Senate Sponsor: Senator Shapiro

Current law requires licensure through the Council on Sex Offender Treatment for any sex offender treatment provider. H.B. 2036, 79th Legislature, Regular Session, 2005, created a protective practice for

sex offender treatment providers. Protective practice means that only licensed persons can provide sex offender treatment. This bill:

Redefines "sex offender," "sex offender treatment provider," "attorney representing the state," and "predatory act" and defines "civil commitment proceeding" and "sexually motivated conduct."

Provides that this bill does not apply to a person licensed to practice in this state who provides adjunct therapy or to the prescribing of a drug, remedy, or clinical supply by a licensed physician.

Provides that a sex offender treatment provider licensed under this bill is subject to the rules of the Council on Sex Offender Treatment (council), in relation to the person's provision of sex offender treatment, rather than the rules of the licensing entity by which the provider is licensed or otherwise regulated.

Provides that a sex offender treatment provider who acts in conformance with the rules, policies, and procedures of the council is not subject to any administrative sanction against the provider by the licensing entity by which the provider is licensed or otherwise regulated.

Sex Offender Release on Medically Recommended Intensive Supervision—H.B. 2611

By Representative Madden—Senate Sponsor: Senator Whitmire

Current Texas law does not allow sex offenders who have a reportable conviction or adjudication under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, to be released for medical supervision, even if they have a terminal illness or a debilitating medical condition. Such ill inmates, if released to supervision, could become eligible for federal Medicare and Medicaid. This bill:

Permits an inmate who has a reportable conviction or adjudication under Chapter 62 to be released on medically recommended intensive supervision if the inmate is in a persistent vegetative state or has an organic brain syndrome with significant to total mobility impairment.

Student Sex Offenders and Prosecution of Online Solicitation of Minors—S.B. 6

By Senator Zaffirini—House Sponsor: Representative Peña

Public school students who have committed certain sexual offenses and are required to register under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, may threaten the safety of school employees and other students.

The Internet is being used by sexual predators to contact and sexually solicit children. Currently, under Section 33.021 (Online Solicitation of a Minor), Penal Code, sexually explicit online communication with a minor who is 14 to 16 years old is a state jail felony and online solicitation of such a minor is a third degree felony. Also, under current law, judges are authorized to provide that sentences for certain offenses may run concurrently or consecutively, but does not include offenses under Section 33.021, Penal Code. This bill:

Authorizes a school district superintendent or the superintendent's designee to send to a school district employee having direct supervisory responsibility over the student the notice sent under Article 15.27

(Notification to Schools Required), Code of Criminal Procedure, regarding the arrest or referral of that student for certain specified offenses or conduct if the superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person or others.

Requires the office of the prosecuting attorney in which notification is required under Article 15.27 to also notify the superintendent or the superintendent's designee, in addition to the information already required under Article 15.27, whether the student is required to register as a sex offender under Chapter 62.

Requires a parole, probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the pardons and paroles division of the Texas Department of Criminal Justice, and the Texas Youth Commission, having jurisdiction over such student who transfers from a school or returns to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred to notify the new school officials of the arrest or referral within 24 hours of learning of the student's transfer or reenrollment.

Requires the superintendent, within 24 hours of receiving notification from the office of the prosecuting attorney, to notify all instructional and support personnel who have regular contact with the student.

Provides that the notification provisions of this Act concerning a person who is required to register as a sex offender under Chapter 62 do not lessen the requirement of a person to provide any additional notification prescribed by that chapter.

Adds Subchapter I to Chapter 37 (Discipline; Law and Order), Education Code, regarding the placement of students who are registered sex offenders:

- Provides that Subchapter I applies to a student who is required to register as a sex offender under Chapter 62. It does not apply to a student who is no longer required to so register, including a student who receives an exemption from registration or an early termination under Chapter 62.
- Requires a school district, on receiving notice under Article 15.27 or Chapter 62 that a student is required to register as a sex offender, to remove the student from the regular classroom and determine the appropriate placement of the student in the manner provided by Subchapter I.
- Requires a school district to place a student to whom Subchapter I applies and who is under any form of court supervision in the appropriate alternative education program as provided under Subchapter I for at least one semester.
- Provides that if a student transfers to another school district during the student's mandatory placement in an alternative education program, the district to which the student transfers may require the student to complete an additional semester in the appropriate alternative education program without conducting a review of the student's placement for that semester, or count any time spent by the student in an alternative education program in the district from which the student transfers toward the mandatory placement requirement.
- Authorizes a school district to place a student to whom Subchapter I applies and who is not under any form of court supervision in the appropriate alternative education program as provided by Subchapter I for one semester or in the regular classroom.
- Prohibits the district from placing the student in the regular classroom if the board determines that the student's presence in the regular classroom threatens the safety of other students or teachers,

will be detrimental to the educational process, or is not in the best interests of the district's students.

- Requires the board, at the end of the first semester of a student's placement in an alternative education program under Subchapter I, to convene a committee to review the student's placement in the alternative education program, and sets out the composition of such committee.
- Requires the committee by majority vote to determine and recommend to the board whether the student should be returned to the regular classroom or remain in the alternative education program.
- Requires the board, if the committee recommends that the student:
 - be returned to the regular classroom, to return the student to the regular classroom unless the board determines that the student's presence in the regular classroom threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the district's students;
 - remain in the alternative education program, to continue the student's placement in the alternative education program unless the board determines that the student's presence in the regular classroom does not threaten the safety of other students or teachers, will not be detrimental to the educational process, and is not contrary to the best interests of the district's students; and
 - remain in the alternative education program, to convene the committee before the beginning of each school year to review the student's placement in an alternative education program.
- Requires a school district, except as otherwise provided, to determine whether to place a student to whom Subchapter I applies and who transfers to the district in the appropriate alternative education program or in a regular classroom.
- Requires the school district to follow the procedures specified under Subchapter I in making the determination.
- Requires a school district to place a student who is required by the board to attend an alternative education program in a disciplinary alternative education program or in a juvenile justice alternative education program if certain conditions exist.
- Provides that a juvenile justice alternative education program is entitled to funding for a student who is placed in the program under Subchapter I in the same manner as a juvenile justice alternative education program for certain specified students.
- Authorizes a student or the student's parent or guardian to appeal a decision by a board to place the student in an alternative education program by requesting a conference among board, the student's parent or guardian, and the student.
 - Limits the conference to the factual question of whether the student is required to register as a sex offender under Chapter 62.
 - Provides that the student is subject to placement in an alternative education program under Subchapter I if the board determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62.

- Provides that the board's decision is final and may not be appealed.
- Provides that Subchapter I does not waive any liability or immunity of a governmental entity or its officers or employees, or create any liability for or a cause of action against a governmental entity or its officers or employees.
- Provides that in the event of any conflict between Subchapter I and a provision of Subchapter A (Alternative Setting for Behavior Management), Education Code, Subchapter I prevails.
- Requires the attorney general to establish a computerized database containing certain contact information for all Internet service providers providing service in this state.

Requires the attorney general, at the request of a district attorney, criminal district attorney, county attorney, Texas law enforcement agency, or local law enforcement agency, to allow the requestor access to the database to expedite the information-gathering process of a criminal investigation conducted by the requestor concerning an offense under Section 33.021.

Adds Chapter 24A to the Code of Criminal Procedure regarding a subpoena, search warrant, or other court order (order) relating to the investigation or prosecution of a criminal offense under Section 33.021 and that is served on or issued with respect to an Internet service provider (provider) that provides service in this state:

- Requires a provider, except as otherwise provided, to fully comply with the order or petition a court to excuse the provider from compliance not later than the 10th day after the date on which the provider is served with or receives the order.
- Requires a provider, if the order indicates that full compliance is necessary to address a situation that threatens a person with death or other serious bodily injury, to fully comply with the order as soon as is practicable, and in no event later than the second business day after the date the provider is served.
- Sets forth conditions constituting full compliance with the order.
- Authorizes the punishment in any manner provided by law of a provider that disobeys an order and was not excused from compliance as provided under this Act.
- Requires a provider, on the written request of a law enforcement agency in this state or a federal law enforcement agency and pending the issuance an order under this Act, to take all steps necessary to preserve all records or other potential evidence in a criminal trial that is in the possession of the provider.
- Requires the provider to preserve such information a period of 90 days after the date the provider receives the written request and for an additional 90-day period if the requesting law enforcement agency requests in writing an extension of the preservation period.

Requires the Crime Stoppers Advisory Council to perform certain tasks.

Adds an offense under Section 33.021 to the provisions of Section 3.03 (Sentences for Offenses Arising Out of the Same Criminal Episode), Penal Code, regarding sentences that may run concurrently or consecutively.

Increases the punishment for communicating in a sexually explicit manner with a minor or distributing sexually explicit material to a minor under Section 33.021 from a state jail felony to a third degree felony and to a second degree felony if the minor is younger than 14 years of age or is an individual whom the actor believes to be younger than 14 years of age at the time of the commission of the offense.

Increases the punishment for soliciting a minor with the intent that the minor will engage in sexual contact under Section 33.021 from a third degree felony to a second degree felony.

Repeals Article 15.27(d), Code of Criminal Procedure, which authorizes a school superintendent or the superintendent's designee to notify a school district employee having direct supervisory responsibility over the student regarding the arrest or referral of that student for certain specified offenses or conduct.

Requires the attorney general to ensure that the database required under this Act is fully operational not later than April 1, 2008, and to begin allowing requesting parties access to that database not later than June 1, 2008.

Increasing Penalty For Certain Repeat Sex Offenders—S.B. 75

By Senators Shapiro and Van de Putte—House Sponsor: Representative Rose

Current law provides for enhanced punishment in a case in which the defendant has a prior conviction for certain offenses. An offender is subject to life imprisonment if the offender is convicted of certain specified sex offenses and has a prior conviction for certain sex offenses. This bill:

Adds a conviction under Section 21.11(a)(1) (indecent with a child younger than 17 years of age in which the offender engages in sexual contact with the child or causes the child to engage in sexual contact) to the list of offenses for which a defendant may be punished by life imprisonment if the defendant has a previous conviction for certain enumerated sex offenses.

Allocations to the Skills Development Fund and Texas Enterprise Fund—H.B. 48

By Representative Chavez et al.—Senate Sponsor: Senator Zaffirini

H.B. 2421, 79th Legislature, Regular Session, created the employment and training investment assessment (EITA), a one-tenth of one percent assessment to be collected from employers as part of existing unemployment insurance contributions. The EITA is a funding mechanism for the Texas Enterprise Fund (TEF) and the skills development fund.

The TEF provides financial incentives to attract new businesses and assist in the expansion of existing businesses in order to further economic development and job creation. The skills development program is a customized workforce training program in which funds are distributed as partnership grants between a business and a community college in the area.

For fiscal year 2007, H.B. 2421 allocated 67 percent of the EITA holding fund to the TEF and 33 percent to the skills development program. Beginning on September 1, 2007, the distribution will change to 75 percent to the TEF and 25 percent to the skills development program. This bill:

Sets the distribution from the EITA holding fund at 67 percent to the TEF and 33 percent to the skill development program. According to the Legislative Budget Board, this would result in a funding increase of \$4.6 million per year for the skills development program, and a corresponding decrease of \$4.6 million per year for the TEF.

Penalties for Copycat Musicians—H.B. 54

By Representative Chavez et al.—Senate Sponsor: Senators Deuell and Ellis

Currently, there are many bands that tour across the country claiming to be a popular musical group when in fact they are not that musical group and do not have any ties to the original artists. Other states have taken action against such claims and enacted legislation to prevent such false advertisements, including Pennsylvania, Connecticut, Illinois, North Dakota, and South Carolina. This bill:

Prohibits advertising the live performance of a musical group unless an original member is performing, the group in question holds the original group's federal service mark, each member of the original group authorizes it, the performance takes place out of state, or it is identified as a salute or tribute.

Authorizes the attorney general under certain conditions to bring an action in the name of the state against the person to restrain that act or practice by temporary or permanent injunction.

Authorizes the prosecuting attorney in the county in which a violation occurs, with prior written notice to the attorney general, to institute and prosecute an action seeking injunctive relief.

Authorizes a court, when it issues a permanent injunction to restrain and prevent a violation of this Act, to make additional orders or judgments as necessary to restore money or other property that may have been acquired because of a violation.

Provides that a person who violates Section 17.902 is liable to the state for a civil penalty of not less than \$5,000 or more than \$15,000 for each violation and that each performance constitutes a separate violation.

Authorizes the attorney general or the prosecuting attorney in the county in which a violation occurs to bring suit to recover the civil penalty.

Release of Confidential Personal Information by "Pretexting"—H.B. 73

By Representative Flynn et al.—Senate Sponsor: Senator Van de Putte

Identity theft has been a growing concern across the country. One of the methods used to obtain someone's personal information is referred to as pretexting. A form of pretexting is when an individual acquires confidential phone record information from a telecommunications carrier under false pretenses via the Internet or website. Pretexters who acquire an individual's Social Security number, telephone records, and bank and credit card account numbers may use the information for identify theft and personal financial gain. This bill:

Makes it illegal for a person to fraudulently obtain or attempt to obtain, or conspire with another person to obtain, a telephone record of any person in this state without the authorization of the person to whom the record pertains.

Provides that a violation of this provision is a Class A misdemeanor that may result in a fine of up to \$20,000, and authorizes a person convicted of an offense to be required to forfeit personal property used or intended to be used in violation of this Act in addition to the criminal penalties.

Requires a person convicted of an offense to be ordered to pay restitution to a resident whose telephone record was obtained in a manner prohibited by this Act.

Provides that a violation of this subchapter is a false, misleading, or deceptive act or practice under Section 17.46 (Deceptive Trade Practices Unlawful) and is subject to action only by the consumer protection division of the attorney general's office as provided by Section 17.46(a) (regarding deceptive trade practices).

Provides that this subchapter does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a state, or a political subdivision of a state or of an intelligence agency of the United States.

Credit Card Providers Marketing in Institutions of Higher Education—H.B. 85

By Representative Branch et al.—Senate Sponsor: Senator Van de Putte

According to the federal lender Nellie Mae, 76 percent of all college undergraduates who started the 2004 school year held credit cards. Most college students have not developed a credit history; they have very little income, if any; and in many cases, they have student loans as well. Still, students are a prime marketing target for banks. Because of the ease of acquiring student credit cards and the fact that many students have limited income, students often become indebted beyond their ability to pay and subsequently default on the card, damaging their credit rating. A number of states have made it harder for credit card companies to market on college campuses, and a growing number of colleges have begun to impose restrictions on their own. This bill:

Requires a credit card issuer who conducts campus credit card marketing activities to develop financial educational material in consultation with or subject to approval by the postsecondary educational institution.

Requires the financial educational material to include a clear and practical explanation of effective money management skills, key financial terms and phrases related to credit cards and personal debt management; credit educational materials and programs offered by the credit card issuer that are available to student cardholders after they have opened an account, resources to assist students in understanding credit reports and credit scores and the consequences of irresponsible credit card use, and the importance of responsible credit practices.

Requires a credit card issuer that conducts campus credit card marketing activities to make available to students, on the campus, the financial educational material during the time that the credit card issuer conducts the credit card marketing activity on the campus, make such material available on the Internet, and provide such material to a student to whom a credit card is issued, at the time the credit card is provided.

Prohibits a credit card issuer from offering a gift or other incentive in exchange for the completion of a credit card application as part of a campus credit card marketing activity unless the credit card issuer, at the time the credit card issuer provides a credit card application to an individual, provides the requisite financial educational material to the individual.

Requires the governing board of a postsecondary educational institution that has designated a location for campus credit card marketing activities to also adopt a policy requiring a credit card and debt education and counseling session to be included in any orientation program for new students.

Provides that a person who intentionally violates the provisions of this Act is liable to the state for a civil penalty in an amount not to exceed \$2,500 for each violation.

Authorizes the attorney general or the prosecuting attorney in the county in which the violation occurs to bring suit to recover the civil penalty.

Texas No-Call List and Text Messaging—H.B. 143

By Representative Deshotel—Senate Sponsor: Senator Carona

The federal Telephone Consumer Protection Act of 1991 prohibits using a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a fax machine. The federal Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 and Federal Communications Commission rules adopted in 2004 protect consumers against unwanted e-mail messages sent to cellular phones and pagers, if the message uses an Internet address that includes an Internet domain name. At times cellular phone customers are charged for incoming text messages and are forced to pay for telemarketers' cellular text message advertisements or solicitations. Prior to the enactment of this legislation these type advertisements or solicitations were permitted and were not included as part of the "no call list." This bill:

Amends Section 44.002(9), Business & Commerce Code, to redefine "telephone call" to include a call or other transmission, including a transmission of a text or graphic message or of an image, to a mobile

telephone number serviced by a provider of commercial mobile service, except that the term does not include a transmission made to a mobile telephone number as part of an ad-based telephone service, in connection with which the telephone service customer has agreed with the service provider to receive the transmission.

Requires the Public Utility Commission of Texas to include on its website a notice explaining the application of the Texas no-call list to a call or other transmission, including a transmission of a text or graphic message or of an image, to a mobile telephone number.

Use of Electronically Readable Information by a Business—H.B. 320

By Representative West—Senate Sponsor: Senator Carona

Currently, certain entities and organizations are authorized to access the electronically readable information in a driver's license or identity card. Authorizing certain businesses access to this information could decrease instances of identity and check fraud. This bill:

Amends Section 521.126(e), Transportation Code, to allow a business to access or use the electronically readable information on a person's driver's license or identification certificate if the information is accessed and used only for purposes of identification verification or check verification at the point of sale for a purchase of a good or service by check.

Charity Auctioneers—H.B. 365

By Representative Chisum—Senate Sponsor: Senator Seliger

Current law requires auctions for charitable purposes to be conducted by an auctioneer who receives no compensation. Since auctioneers are licensed, this limits the pool of available people who are able to donate their time for such purposes, and has placed fundraising hardships on charitable organizations. This bill:

Amends Section 1802.002, Occupations Code, to authorize a person to conduct an auction for charitable, religious, or civic organizations without having to be an auctioneer.

Provides that Chapter 1802 (Auctioneers), Occupations Code, does not apply to a sale conducted by a charitable, religious, or civic, organization, including an organization having a tax exempt status under Section 501(c), Internal Revenue Code of 1986, or organized as a nonprofit entity, if the person organizing, arranging, or conducting the auction receives no compensation.

Mortgage Fraud Protections—H.B. 716

By Representative Solomons et al.—Senate Sponsor: Senator Averitt

According to the Financial Crimes Enforcement Network of the United States Department of the Treasury, mortgage fraud is increasing and Texas ranks in the top 10 in the nation for mortgage foreclosures. Mortgage fraud is often perpetrated through misleading, incorrect, or false information put forth by potential buyers during the loan application process.

The effects of mortgage fraud to the residential lending industry range from monetary losses incurred by financial companies to criminal and administrative actions. Consequences to the consumer are higher loan rates and fees, stolen identities, and possibly impaired credit ratings. These losses increase the cost of financing for consumers and increase risks to all participants in the mortgage process. This bill:

Requires a lender, mortgage banker, or licensed mortgage broker to provide a written notice containing certain information at closing to each applicant for a home loan.

Requires the loan applicant to verify the information and execute the notice on receipt of the notice.

Provides that the failure of a lender, mortgage banker, or licensed mortgage broker to provide the notice to each applicant for a home loan does not affect the validity or enforceability of the home loan by any holder of the loan.

Requires a person to report information relating to fraudulent activity to an authorized governmental agency if a person determines or reasonably suspects that fraudulent activity has been committed or is about to be committed.

Requires the attorney general to notify each agency with representation on the residential mortgage fraud task force if a person reports information relating to fraudulent activity to the attorney general.

Prohibits a financial institution or person from notifying any person involved in fraudulent activity that the fraudulent activity has been reported, and prohibits the authorized governmental agency who has any knowledge that such report was made from disclosing to any person involved in the fraudulent activity that the fraudulent activity has been reported if a financial institution or person voluntarily or pursuant to this Act reports fraudulent activity to an authorized governmental agency.

Prohibits any financial institution or person that makes a voluntary report of any possible violation of law or regulation to an authorized governmental agency from being liable to any person under any law or regulation of the state or the United States for such report.

Requires the office of the attorney general to establish the residential mortgage fraud task force (task force) to form a strategic partnership between certain law enforcement agencies to better enable law enforcement and state agencies to take a proactive stance towards tracking and prosecuting mortgage fraud and the perpetrators of mortgage fraud statewide.

Sets forth the composition, duties, authority, and powers of the task force, including authorizing the task force to request assistance from the certain federal agencies.

Authorizes the agencies represented on the task force to share confidential information, or information to which access is otherwise restricted by law, with one or more of the other agencies represented on the task force and provides that such information remains confidential and legal restrictions on access to the information apply.

Requires the task force to submit to certain state officials an annual report on the progress of each agency represented on the task force.

Requires the office of the attorney general to oversee the administration of the task force and to provide the necessary staff and facilities to assist the task force in performing its duties.

Authorizes the attorney general to solicit and accept certain items on behalf of the state for disbursement to any state agency or local law enforcement agency to aid the task force in the investigation and prosecution of mortgage fraud in this state.

Entitles the credit union commissioner (commissioner) to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to certain persons associated with a credit union or to the credit union department and prohibits such information from being released by any person except under certain conditions.

Provides that it is an offense if a person intentionally or knowingly makes a materially false or misleading written statement to obtain a mortgage loan.

Requires certain agencies to assist a prosecuting attorney of the United States or of a county or judicial district of this state, a county or state law enforcement agency of this state, or a federal law enforcement agency in the investigation of an offense involving a mortgage loan.

Provides that the attorney general, with the consent of the appropriate local county or district attorney, has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this Act that involves a mortgage loan.

Authorizes felony indictments to be presented within certain limits, including, within seven years from the date of the commission of the offense, an indictment for the offense of a false statement to obtain property or credit or money laundering.

Locating State Banks Within Commercial Affiliates—H.B. 944

By Representatives Solomons and Leibowitz—Senate Sponsor: Senator Fraser

Banking and commercial activity have traditionally remained separate business activities and federal law provides for strict barriers. In 1987, Congress enacted the Competitive Equality Banking Act (CEBA), which authorized the creation of industrial loan corporations (ILCs), which are special purpose banks that are owned by commercial firms and their affiliates. This authorization permitted a commercial business to locate its ILC bank branch within its stores violating the separation of banking and commercial activity.

ILCs are chartered in several states. In 2005, several giant commercial firms, including Wal-Mart and Home Depot, applied for ILCs insured by the Federal Deposit Insurance Corporation (FDIC). While their applications are still pending, the FDIC ruled in January 2007, to continue the moratorium on new ILC approvals, pending further review. This bill:

Defines "commercial activity" to include an activity in which a bank holding company, financial holding company, national bank, or national bank financial subsidiary may not engage under United States law.

Amends the Finance Code to prohibit a state bank, a savings bank, or a depository institution from maintaining a branch in this state on the premises or property of an affiliate of that financial institution if the affiliate engages in a commercial activity not permitted under federal law for that type of bank or institution.

Texas Emerging Technology Fund Enhancements—H.B. 1188

By Representative Morrison—Senate Sponsor: Senators Shapiro and Janek

H.B. 1765, 79th Legislature, Regular Session, 2005, created the Texas Emerging Technology Fund (TETF) as a way to help stimulate economic activity and development in Texas for emerging technologies. Allocation of funding through the fund was largely in the form of grants. After a year-and-a-half of development and execution of the fund, revisions need to be made to help facilitate its operation. This bill:

Provides that an emerging technology industry participant is eligible for funding if the activity to be funded has the potential to result in a breakthrough in the area of clean energy.

Renames the Texas Emerging Technology Committee as the Texas Emerging Technology Advisory Committee and allows the governor's office to enter into individual contracts when making awards through TETF in the form of interest-bearing loans, or in stocks or securities that could be sold, traded, or exchanged and provides for interest earned from the loans to be deposited to the corpus of the fund.

Requires necessary staffing and funding for the administration of the TETF to be provided by the office of the governor and by gifts, grants, and donations to that office and authorizes the fund to be used for necessary staff, administration of the fund including administration by the office of the governor, and services and expenses related to the fund.

Authorizes the governor to negotiate on behalf of the state regarding awards from the fund.

Authorizes the governor to make awards in the form of loans, charge and receive reasonable interest for the loans, take an equity position in the form of stock or other security in consideration of an award, and sell or otherwise trade or exchange the security for the benefit of the fund.

Requires interest or proceeds received as a result of a transaction authorized by this Act to be deposited to the corpus of the fund and authorizes interest and proceeds to be used in the same manner as the corpus of the fund.

Authorizes the contract between the governor and a recipient of an award under this chapter to set the terms relating to an award.

Provides that the amounts necessary to administer the fund are not subject to the money appropriated to the fund by the legislature that is required to be allocated in a certain fashion.

Decreases from 25 percent to 16.67 percent the amount of the fund that is allocated for research award and increases from 25 percent to 33.33 percent the amount of the fund that is allocated for acquisition of research superiority.

Requires that priority be given to certain proposals in allocating money from the fund, including proposals that may result in a breakthrough in the area of clean energy.

Requires 50 percent to be allocated for incentives for commercialization activities, rather than for incentives to create regional centers of innovation and commercialization, and authorizes an amount not to exceed two percent of the amount allocated for a fiscal biennium for incentives to be invested directly in the regional centers of innovation and commercialization as recommended by the committee and approved by the governor, lieutenant governor, and speaker of the house of representatives to support commercialization activities.

Requires a person receiving money from the fund to use the money in accordance with a contract between the person and the office of the governor.

Requires the committee to review and consider proposals by public institutions of higher education for certain purposes.

Combative Sporting Events Coordinator Regulation—H.B. 1293

By Representative Flores—Senate Sponsor: Senator Lucio

Current law requires a license for the majority of the pertinent parties involved in a combative sports event, including contestants, managers, referees, judges, and timekeepers, but does not require a license for event coordinators. The event coordinators act as the local liaison to the local market for such events and are not subject to regulation by the Texas Department of Licensing and Regulation and liability cannot be assigned. In addition, if the event coordinator breaks the law the promoter is the person liable for such actions, which may jeopardize the promoter's license, even though the promoter may not have committed a violation. This bill:

Amends Section 2052.002, Occupations Code, by adding Subdivision (11-a) to define "event coordinator" to mean a person who performs any function to arrange, conduct, or stage a combative sports event promoted by another person, other than a permanent full-time employee of the promoter of the event or an employee of an event coordinator.

Amends Section 2052.107, Occupations Code, to prohibit an person from acting as an combative sports event coordinator unless the person holds a license or registration.

Requires the Texas Commission of Licensing and Regulation, not later than December 1, 2007, to adopt the rules necessary to implement the changes in law made by this Act.

Makes application of Section 2052.107, Occupations Code, as added by this Act, prospective to January 1, 2008.

Refund Anticipation Loan Regulations—H.B. 1344

By Representatives Villarreal and Leibowitz—Senate Sponsor: Senator Van de Putte

Current law does not require refund anticipation loan facilitators (facilitators) to register with the state nor to disclose certain information to consumers. A refund anticipation loan (RAL) is a short-term cash advance against a taxpayer's anticipated income tax refund. The use of such loans is common among Texans filing for the earned income tax credit. Because refund anticipation loan annual percentage rates often reach into triple digits and the loan carries associated fees, the cost of such a loan often consumes a significant portion of a taxpayer's refund. This bill:

Prohibits a person, individually or in conjunction or cooperation with another person, from acting as a facilitator unless the person meets certain requirements set forth in this Act and requires a person to provide certain information to the consumer credit commissioner (commissioner), on or before December 31 preceding each calendar year in which a person seeks to act as a facilitator in order to register as a facilitator.

Sets forth fee, application, and registration requirements.

Requires the commissioner to make available to the public a list of registered facilitators.

Requires a facilitator to discuss with and clearly disclose to a borrower, after the borrower's tax return has been prepared and before the loan is closed, certain information, fees, and documents.

Requires a RAL fee schedule to be a listing or table of fees charged by the lender for RAL amounts and requires that the schedule list and include certain information related to a fee and a loan.

Requires a facilitator who advertises, markets, or negotiates a RAL with a borrower in Spanish to offer any borrower the option of receiving a Spanish-language printed disclosure and loan contract.

Requires the commissioner to monitor the operations of a facilitator to ensure compliance and to receive and investigate complaints against a facilitator or a person acting as a facilitator.

Authorizes the commissioner to revoke the registration of a facilitator if the commissioner concludes that the facilitator has violated this Act and requires the commissioner to provide the basis of the decision in an order revoking the registration.

Sets forth the requirements for a revocation hearing and provides that such hearings are governed by Chapter 2001 (Administrative Procedure), Government Code.

Entitles a facilitator aggrieved by a ruling, order, or decision of the commissioner to appeal to a district court in the county in which the hearing was held and provides that an appeal under this subsection is governed by Chapter 2001, Government Code.

Authorizes the commissioner to assess an administrative penalty of \$500 against a person for each knowing and willful violation of this Act.

Provides that this Act preempts a local ordinance or rule regulating RALs.

Real Estate Regulations and Back Ground Checks—H.B. 1530

By Representative Flores—Senate Sponsor: Senator Eltife

Currently, the Texas Real Estate Commission (TREC) regulates real estate brokers, salespersons, inspectors, and right-of-way agents. The statutory powers involving the regulation of real estate licensees, inspectors, and right-of-way agents need to be updated and improved. This bill:

Requires TREC to conduct a criminal history check of each applicant and establishes procedures and fees for conducting a criminal history check for an application for an original or unexpired renewal broker or salesperson license filed on or after January 1, 2008.

Modifies continuing education requirements for real estate brokers, requiring a member of the legislature who is a licensed broker to complete three hours of continuing education on legal topics.

Increases from \$10,000 to \$20,000 the corporate security bond certain educational institutions that offer real estate related courses must maintain as of January 1, 2008.

Requires TREC, not later than January 1, 2008, to set specific license application fees by rule.

Requires TREC to use Federal Bureau of Investigation background checks in addition to Department of Public Safety background checks for licensees and charge the licensee the cost of that background check.

Authorizes TREC to take disciplinary action against a licensee for failure to notify TREC of a guilty plea to a felony charge or an offense involving fraud and authorizes TREC to revoke the license of a licensee who has had a judgment paid from the real estate inspection recovery fund.

Announcing Alcohol Promotion Events for Purposes of Sampling—H.B. 1541

By Representative Isett—Senate Sponsor: Senator Van de Putte

Current law allows for certain alcoholic beverage permittees to prearrange or preannounce a promotional activity with a retailer to be held on the retailer's premises. However, the permittee is prohibited from preannouncing that same promotional activity to consumers to promote attendance at the promotional event, thus reducing the effect of increased business being derived from the promotional event. This bill:

Amends Section 102.07(g), Alcoholic Beverage Code, to authorize a holder of an alcoholic beverage permit, or an agent, servant or employee of that person, to preannounce a promotion or the purchase of wine or distilled spirits to a consumer.

Identity Theft Notification—H.B. 2002

By Representatives Giddings and Ortiz—Senate Sponsor: Senator Fraser

Currently, a person whose identity is stolen notifies his or her bank. However, the person may not realize that other entities will not be notified. For example, check verification entities will continue cashing bad checks in the customer's name, unaware that the customer is a victim of identity theft. This bill:

Requires a financial institution that receives from a customer a copy of a police report of an offense under Section 32.51, Penal Code, a sworn statement by the person that the person was the victim of an offense under that section, and written authorization to submit the information to the electronic notification system for secure distribution to check verification entities, to submit the information, not later than the second business day after the date the customer provides the documents to the financial institution, to the electronic notification system if a customer notifies the financial institution that the customer was a victim of identity theft and requests that the financial institution close an account that has been compromised by the alleged offense.

Requires certain information to be included in the information submitted by a financial institution.

Requires a check verification entity to maintain reasonable procedures, in accordance with rules adopted by the Finance Commission of Texas (commission), to prevent the check verification entity from recommending acceptance or approval of a check or similar sight order drawn on an account identified in the notification if the check verification entity receives notification through the electronic notification system, or a customer presents to the check verification entity certain required documents and information.

Provides that a financial institution or check verification entity, or an officer, director, employee, or agent of the institution or entity, is not liable for damages resulting from providing the notification required or failing to recommend acceptance or approval of a check or similar sight order.

Authorizes the commission to adopt rules to implement this Act, to clarify the duties and responsibilities of a customer, financial institution, or check verification entity under this Act, and to specify how an erroneous notification may be withdrawn, amended, or corrected.

Requires the commission to adopt rules requiring a check verification entity to register with the banking commissioner at the intervals the finance commission determines, but not less frequently than annually, and by providing to the banking commissioner the information that the commission determines is necessary to enable a financial institution or a check verification entity to comply with the requirements of Section 35.595, Business & Commerce Code.

Requires the commission to adopt rules authorizing the banking commissioner to charge a check verification entity a reasonable annual fee, not to exceed \$100, to register with the commissioner; and requiring the banking commissioner to establish an electronic notification system, through secure e-mail or another secure system, to be used by a financial institution to notify check verification entities.

Prohibits the commission from imposing a duty on the banking commissioner to verify the validity or completeness of information transmitted through the electronic notification system.

Authorizes the banking commissioner to solicit and accept gifts, grants, and donations from public and private entities to establish and maintain the secure notification system.

Provides that a financial institution is not required to comply with Section 35.595, Business & Commerce Code, as added by this Act, before March 1, 2008.

Technology Center Grant Programs for Rural Counties—H.B. 2235

By Representative Guillen—Senate Sponsor: Senator Zaffirini

Many rural communities lack the resources to prepare residents, including high school students, for careers in applied technology and other skilled industries. Multi-institutional rural technology centers would leverage the resources of schools, colleges, and other public entities. This bill:

Requires the Office of Rural Community Affairs (ORCA) to establish a grant program, subject to available funds, to award grants to public institutions of higher education, public high schools, and governmental entities located in a rural county for the development and operation of multi-instructional technology centers that provide certain services.

Requires the executive committee of ORCA by rule to establish eligibility criteria for grant applicants, grant application procedures, guidelines relating to grant amounts, procedures for evaluating grant applications, and procedures for monitoring the use of grants awarded under the grant program and for ensuring compliance with the conditions of a grant.

Authorizes ORCA to seek, receive, and spend money received through an appropriation, grant, donation, or reimbursement from any public or private source to implement this subchapter.

Requires ORCA to establish the rural technology center grant program not later than October 1, 2007, and requires ORCA to award the first grants under that program not later than January 1, 2008.

Disclosure of Information Regarding Advertisements and Information for Insurers— H.B. 2251

By Representative Taylor—Senate Sponsor: Senator Duncan

There is a need to be able to differentiate between advertisements by insurers and general information provided on an insurer's Internet website under the Texas Insurance Code and rules promulgated by the Texas Department of Insurance (TDI). The lack of clarity related to insurers' website information has caused confusion for consumers. This bill:

Requires an insurer that includes certain types of advertisements on its Internet website to also include appropriate disclosure statements in accordance with rules adopted by the commissioner of insurance.

Specifies that such statements are required for information describing specific policies or coverage available in Texas or allowing an individual to apply for or obtain a quote for such coverage, with certain exceptions.

Exempts from TDI filing and approval requirements an advertisement that is the same as or substantially similar to an advertisement previously accepted by TDI.

Investment of the Prepaid Funeral Benefits Trust—H.B. 2393

By Representative Flynn—Senate Sponsor: Senator Janek

Prepaid funeral benefits are governed by the Texas Uniform Prudent Investor Act (TUPIA). TUPIA in conjunction with Texas trust laws limits the investment parameters for the Prepaid Funeral Benefits Trust (PFBT). The allowable investment alternative limits an investor from building a diversified portfolio. While the limited investment instruments may incur lower volatility in the short-term, they may impose a greater risk on the prepaid fund.

Other states follow the “prudent investor” rule requiring trustees to use the judgment and care that one would exercise in managing one’s own financial affairs. However, Texas has more restrictive investment language. This bill:

Requires that the investment of PFBT funds be in accordance with the Uniform Prudent Investor Act and consistent with provisions of the trust.

Requires the trustee to meet the standard of duty set out in the Texas Trust Code, with certain restrictions.

Requires the trustee to consider as a trust beneficiary a funeral provider or other party that delivered a contracted funeral or is otherwise designated in a prepaid funeral benefits contract as being entitled to payment from the funds in the trust.

Sale of Salesroom Floor Items—H.B. 2471

By Representatives Homer and Aycok—Senate Sponsor: Senator Deuell

Current law does not allow bedding salesroom floor items to be sold unless the items are cleaned with a germicide. This includes furniture such as loungers, recliners, and other non-bedding and bedding furniture. The items are sold under a secondhand bedding classification, causing the value of the items to decrease and placing an undue cost burden on owners of furniture stores. This bill:

Provides that bedding that has not been used for a purpose other than as a floor model is regulated as new bedding.

Funding for Rural Rail Districts—H.B. 2660

By Representative Tracy King—Senate Sponsor: Senator Ellife

Current law grants the authority to create rural rail districts. However, there is no state funding to assist in the initial creation of such rural rail districts. This bill:

Authorizes the Texas economic development bank fund to provide grants or other financing to the Texas Department of Transportation to implement the department’s powers and duties relating to rural rail development.

Provides an exception for the financing of those districts prohibiting spending from the general revenue fund to implement the law governing rail facilities except pursuant to a line-item appropriation.

Extending Sampling Privileges to Alcoholic Permittees or Licensees—H.B. 2723

By Representative Thompson—Senate Sponsor: Senator Gallegos

Certain specified licensed or permitted establishments may conduct alcoholic beverage samplings, where a sample of an alcoholic beverage is provided to the public at no charge. However, beer and ale brewers and wine package stores are not among the establishments permitted to conduct alcoholic beverage samplings. This bill:

Authorize the holder of a brewer's permit or a wine only package store to conduct samplings of certain alcoholic beverages, including tastings, at a retailer's premises and authorizes an agent or employee of the holder of a brewer's permit to open, touch, or pour the beverage, make a presentation, or answer questions at a sampling event.

Authorizes the holder of a wine and beer retailer's off-premise permit to conduct free product samplings of beer and malt liquor containing between one-half of one percent and 17 percent of alcohol by volume on the permit holder's premises during regular business hours.

Authorizes the holder of a nonresident seller's permit who owns a winery or brewery outside of the state to conduct samplings of certain beverages at a retailer's premises.

Authorizes the holder of a manufacturer's license or a retail dealer's off-premise license to conduct samplings, including tastings, of beer at a retailer's premises and authorizes an agent or employee of the holder of a manufacturer's license to open, touch, or pour beer, make a presentation, or answer questions at a sampling event.

Provides that a retail dealer's off-premise license does not authorize the sale of alcoholic beverages for on-premise consumption and provides that none of the license holder's income may be considered to be income from the sale of alcoholic beverages for on-premise consumption for the purposes of this code and any other law or ordinance.

Requires any beer used in a sampling event to be purchased from or provided by the retailer on whose premises the sampling event is held.

Revising the Alcohol Distribution System—H.B. 2727

By Representative Goolsby—Senate Sponsor: Senator Williams

Prior to 1997, Texas law prohibited distributors of imported beer, ale, and malt liquor from storing those products in Texas when they were to be sold out of state. The situation rendered importing goods from Mexico for sale in states other than Texas less than efficient. In 1997, the 75th Legislature attempted to remedy the problem by creating a "storage license" that permits a license holder to import and store beer, ale, and malt liquor in a county with a population of 300,000 or less that borders the United Mexican States. Since 1997, state experience has indicated that fine tuning is needed to be done improve the effectiveness of the storage license. This bill:

Authorizes the holder of a manufacturer's agent's warehousing permit to receive beer, ale, or malt liquor from the holder of a nonresident brewer's permit or nonresident manufacturer's license and store the alcoholic beverages on the permitted premises.

Authorizes the holder of a manufacturer's agent's warehousing permit to ship, cause to be shipped, sell, and otherwise transfer the beer, ale, or malt liquor to licensed or permitted distributors and wholesalers in this state and to persons outside this state who are qualified to receive the beer, ale, or malt liquor under the regulatory laws of the state or other jurisdiction in which the beer, ale, or malt liquor is received.

Authorizes the holder of a manufacturer's agent's warehousing permit to return beer, ale, or malt liquor to the manufacturer or brewer from which it was originally received.

Authorizes the holder of a manufacturer's agent's warehousing permit to ship only to wholesalers and distributors in this state who have been issued a territorial designation by the actual manufacturer or brewer of the brand or brands to be shipped.

Requires the territorial designation for the sale of beer to be under and a part of the agreement entered into between the actual manufacturer of the brand and the distributor under Subchapter C (Territorial Limits on Sale of Beer) and Subchapter D (Beer Industry Fair Dealing Law), Chapter 102.

Provides that this Act does not affect the requirement that the actual manufacturer, and the agreement between the actual manufacturer and the distributor, comply with Subchapters C and D, Chapter 102.

Authorizes beer, ale, or malt liquor received at premises permitted under this Act that is not labeled and approved for sale in this state to be held and stored at the premises and be shipped from the premises if it is cosigned and transported to qualified persons in other states or jurisdictions where its sale is legal.

Provides that the provisions of this code related to the residency of an applicant for a permit do not apply to a permit under this Act.

Requires the Texas Alcoholic Beverage Commission (TABC) by rule to set the amount of the annual state fee for a manufacturer's agent's warehousing permit.

Authorizes a manufacturer's agent's warehousing permit to be issued to entities that meet certain conditions.

Requires the premises of a permit holder under this Act to be located in an area that is wet for the sale of beer, ale, and malt liquor.

Requires TABC to require monthly reports from a permit holder containing certain information and in a certain format.

Provides that if any part of Chapter 55, Alcoholic Beverage Code, as added by this Act, is invalidated by a final, unappealable order of a court, the entire chapter is invalid and any permit issued under the chapter is void.

Tax Incentives for Clean Energy Production—H.B. 2994

By Representative Bonnen et al.—Senate Sponsor: Senator Hegar

There is a growing demand for low-cost, reliable, and clean sources of energy. These types of energy plants attract jobs and bring revenue to the state and supply efficient and safe electricity to the public.

In 2001, the 77th Legislature, Regular Session, enacted the Texas Economic Development Act, which authorized school districts to provide tax abatements for corporations and limited liability companies that would use the property for manufacturing, research and development, or renewable energy electric generation. In 2005, the 79th Legislature, Regular Session, added clean-coal projects and coal and biomass gasification projects to the list of projects eligible for tax abatements. Tax abatements encourage the development of energy producing plants in Texas. This bill:

Amends Chapters 312 and 313 of the Tax Code, relating to tax abatements and value limitations for nuclear and integrated gasification combined cycle electric generating facilities.

Permits owners of nuclear electric power generation facilities by agreement with taxing units to defer the effective date of an abatement agreement up to seven years after the date the agreement was made, and if the effective date of an agreement is deferred, it may have a term ending not later than 10 years after the effective date of the agreement.

Allows value limitations on tangible personal property used in connection with nuclear or integrated gasification combined cycle electric generating facilities without regard to whether the property is affixed to or incorporated into real property and increases the qualifying time period in a value limitation agreement from two to seven years for nuclear electric power generation facilities, unless a shorter period was agreed to by the school district and the property owner.

Clarifies that Subchapters B, C, and D of the Tax Code apply to nuclear electric power generating facilities and integrated gasification combined cycle electric generating facilities.

Adds nuclear electric power generating facilities and integrated gasification combined cycle electric generating facilities to the list of property use types eligible for a value limitation.

Defines "nuclear electric power generating facilities" and "integrated gasification combined cycle electric generating facilities."

Requires the comptroller of public accounts (comptroller) to submit to the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature a report containing certain information, assessing the progress of each agreement under this Act.

Authorizes the comptroller to require a recipient to submit, on a form the comptroller provides, information required to complete the report.

Prohibits the report from including information that is confidential by law.

Validates certain governmental acts and proceedings related to the approval of tax abatements or value limitations that occurred before the effective date of the bill.

Credit Card Security—H.B. 3093

By Representative Charlie Howard—Senate Sponsor: Senator Janek

Identity theft is a leading cause of credit card fraud. Thieves can gain access to an individual's credit card accounts in many ways, including by searching an individual's garbage for discarded credit card information or non-activated cards, by stealing an individual's wallet or purse, or acquiring an individual's banking information via the Internet. They are then able to use the credit information as their own, causing hardship to the legitimate account holder. This bill:

Authorizes a business to require a customer who purchases a good or service from the business using a credit card to provide the customer's zip code to verify the customer's identity.

Authorizes the business to electronically verify with the credit card issuer that the zip code matches any zip code that the credit card issuer has on file for the credit card.

Prohibits the business from retaining the zip code in any form after the purchase of the good or service has been completed.

Prohibition of Alcoholic Retailers Profiting From Charitable Events—H.B. 3123

By Representative Miles—Senate Sponsor: Senator Gallegos

Currently, the Alcoholic Beverage Code restricts upper level alcoholic beverage permit holders from giving things of value to lower level alcoholic beverage permit holders. This restriction does not allow the alcoholic beverage industry to sponsor charitable events for a charitable organization that has received a Texas Alcoholic Beverage Commission temporary retailer's license, which would have all the proceeds going directly to that charity. This bill:

Provides that this code does not prohibit permit and license holders in the alcoholic beverage industry from simultaneously or jointly sponsoring a civic, religious, or charitable event, including by providing or lending money, products, or certain things of value directly to a civic, religious, or charitable entity in conjunction with the event, provided that any license or permit to sell or serve alcoholic beverages at the event is held by a retailer who is independent of the sponsors, and none of the retailers who sponsor the event, if any, receive any direct benefit or service because of joint sponsorship by a wholesaler or manufacturer of alcoholic beverages.

Authorizes the Texas Alcoholic Beverage Commission by rule to establish limitations consistent with this Act with respect to the sponsoring of an event for or making a gift to a civic, religious, or charitable organization by permit holders in the alcoholic beverage industry.

Establishment of the Genuine Texas Program—H.B. 3446

By Representative Rose et al.—Senate Sponsor: Senator Eltife et al.

Currently, there is no way to distinguish a Texas-made product from any other product. An effort to provide acknowledgment of Texas-made products and notifications to the public, would provide a distinct market

advantage to Texas producers. H.B. 3446 promotes Texas products in an attempt to develop and expand markets for Texas based and produced products. This bill:

Establishes the "Genuine Texas" program (program) and its logo, which will be placed on Texas-made products.

Authorizes the governor's office of economic development (office) to establish and administer a program to develop and expand markets for Texas manufactured products.

Authorizes the office to adopt rules and establish procedures to administer the program.

Sets forth the duties of the office, if it establishes a program, including certain specific duties.

Authorizes the office to require a person to pay a fee not to exceed \$100 a year for use of the program logo to cover the costs of administering the program.

Authorizes the office to use available money to purchase food and beverages for a promotional event, sell or contract for the sale of items, including clothing, posters, and banners, to promote Texas manufactured products, and use its Internet website to advertise and sell such products and items.

Requires the office to appoint an advisory board to assist in the implementation of the program and provides that a member of the advisory board serves at the pleasure of the office.

Provides that a member of the advisory board serves without compensation but is entitled to reimbursement for actual expenses incurred in the performance of official board duties, subject to approval of the office.

Requires the advisory board, at the request of the office, to advise the office on the adoption of rules and the establishment of procedures relating to the administration of the program, and requires the office to provide the advisory board with the staff necessary to carry out its duties.

Sets forth certain actions that constitute violations of this Act, the procedures for addressing such violations, and the penalties for such violations, including suspension or forfeiture of the right to use the logo of the program and civil and administrative penalties.

Requires an administrative or civil penalty collected under this subchapter to be deposited to the credit of the general revenue fund.

Authorizes the attorney general or the county or district attorney of the county in which the alleged violation is threatened to occur or is occurring, at the request of the office, to file suit for the appropriate injunctive relief to prevent or abate a violation of this chapter. Provides that the venue for such an action is in Travis County.

Modifications to the Texas Enterprise Zone Program—H.B. 3694

By Representative Deshotel—Senate Sponsor: Senator Janek

The Texas Enterprise Zone program (program) provides for local jurisdictions and the state to partner to offer local and state incentives to businesses expanding or locating within an enterprise zone to bring economic development into certain areas. Through the enterprise zone program, the Texas Economic Development and Tourism Office (TEDTO) can authorize incentives of state sales and franchise tax refunds for businesses that agree to locate, invest, and create jobs in communities that the department has identified as economically distressed. This bill:

Prohibits the Texas Economic Development Bank from designating more than 105 enterprise projects during any biennium and provides that any designations remaining at the end of a biennium may be carried forward to the next biennium.

Provides that the designation period for an enterprise project may not be for less than one year.

Authorizes a bank to lower the designation level of a nominated enterprise project if there are fewer designations available than applications received or to further the economic interests of the state.

Prohibits a state benefit under the program from being obtained for jobs moved from one jurisdiction in the state to another.

Entitles an enterprise project to a franchise tax credit under certain conditions and limitations.

Requires the comptroller to adopt necessary rules and forms and to submit a report to the governor, lieutenant governor, and speaker of the house of representatives relating to enterprise projects that claim a franchise tax credit.

Authorizes the governing body of a municipality to refund the local sales and use taxes paid by a qualified business on all taxable items purchased for use at the qualified business site related to the project or activity, rather than on certain items.

Provides that an enterprise project is eligible for a refund of state sales, excise, and use taxes on all taxable items purchased for use at the qualified business site related to the project or activity, rather than on certain items.

Caps the total amount of tax refund that double and triple jumbo enterprise projects may apply for in a state fiscal year and receive in total.

Authorizes the comptroller to monitor qualified business or enterprise project commitments and determine whether a business or project is entitled to a refund or credit of state taxes.

Clarification of Provisions Relating to Home Equity Loans—H.J.R. 72

By Representative Solomons—Senate Sponsor: Senator Carona

Due to a recent lawsuit, *ACORN et al. v. Finance Commission of Texas et al.*, it is necessary to clarify provisions relating to home equity loans in the Texas Constitution. The court case challenges the Finance Commission's interpretation of the constitutional amendment that allows home equity lending in Texas. The Texas Legislature in 2003 gave the Finance Commission the authority to interpret the amendment. This resolution:

Proposes a constitutional amendment to clarify certain provisions relating to the home equity loans and the use of home equity loan proceeds.

Prohibits such a loan from closing, without the borrower's consent, sooner than one business day after the borrower receives a copy of the loan application if not previously provided and an itemized disclosure of actual fees, points, interest, costs, and charges that will be charged at closing.

Authorizes a borrower to secure a loan within one year of obtaining a loan on the same homestead if the owner on oath requests an earlier closing because of a state of emergency has been declared by the president of the United States or the governor as provided by law and applies to the area where the homestead is located.

Clarifies the restriction on the use of an agricultural homestead property to secure a home equity loan.

Provides that a borrower may not be required to execute an instrument containing blanks for substantive terms of the agreement that are left to be filled.

Clarifies that a home equity line of credit is a form of an open-end account that may be debited from time to time, under which credit may be extended from time to time and under which the owner does not use a preprinted check unsolicited by the borrower, to obtain an advance.

Certain Funds for Purposes of a Sports Venue—S.B. 191

By Senator Brimer—House Sponsor: Representative Eiland

Currently, Chapters 334 and 335, Local Government Code, authorize communities to fund a wide variety of sports and community "venues" by levying certain taxes and issuing bonds approved by the voters. The current law was not intended to authorize a municipality to use revenue generated from such sources to finance improvements to one venue project and later use the revenue from that source to demolish that project and construct an entirely new venue project. This has been the practice in some communities. This bill:

Prohibits a county or municipality from using revenue from a method of financing approved at an election for the purpose of improving, renovating, or expanding the venue or related infrastructure planned, acquired, established, developed, constructed, or renovated under other law, to demolish the venue and subsequently construct a new venue.

Credit Security Protections—S.B. 222

By Senators Ellis and Hinojosa—House Sponsor: Representatives Thompson and Castro

Under current law a consumer may place a security freeze on the consumer's credit file by presenting a written request sent by certified mail to the credit agency that includes proper identification and a police report. This bill:

Removes the requirement that a request to a consumer reporting agency for a security freeze on a consumer file include a copy of a valid police or investigative report or complaint made under Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code.

Provides that the requirement to place a security alert or freeze on a consumer file does not apply to certain consumer reporting agencies.

Provides that a violation of a requirement to place, temporarily lift, or remove a security freeze on a consumer file is not a false, misleading, or deceptive act or practice.

Authorizes a consumer reporting agency to impose a reasonable charge on a consumer for temporarily lifting or removing a security freeze and sets forth specific amounts that a consumer reporting agency is prohibited from exceeding in charging for certain services.

Prohibits a consumer reporting agency from charging a fee for the placement, temporary lifting, or removal of a security freeze at the request of a consumer who has submitted to the consumer reporting agency a copy of a valid police report, investigative report, or a complaint involving the alleged commission of an offense under Section 32.51, Penal Code.

Repeals Section 20.037(e) (relating to a consumer reporting agency not charging a fee for a request for removal or temporary lifting of a security freeze), Business & Commerce Code.

General Contractor Contingent Clauses—S.B. 324

By Senators Deuell and Fraser—House Sponsor: Representative Chisum

Contingent payment clauses are payment provisions in construction contracts that make the payment by a general contractor or owner for work performed by a contractor or subcontractor conditional upon receipt of payment by another person. The intent of the clause is that the general or primary contractor does not have to pay the subcontractor until and unless the contractor receives payment from the owner. These types of clauses have the potential to be used by unscrupulous contractors to avoid payment to subcontractors where the owner has legitimately withheld payment from the contractor because of the contractor's default. In that case, the subcontractor would be precluded from seeking payment from the contractor even though the subcontractor properly performed its subcontract obligations. This bill:

Prohibits a contingent payor or its surety from enforcing a contingent payment clause to the extent that the obligor's nonpayment is the result of a failure on the part of the contingent payor to meet its contractual obligations, unless the nonpayment is the result of a contingent payee's default on its contractual requirements.

Prohibits a contingent payor or its surety from enforcing a contingent payment clause as to work performed or materials delivered after he or she has received written notice objecting to the further enforceability thereof, with certain exceptions.

Sets forth the timeframe and manner in which such a notice is to be delivered and become effective, and specifies the conditions under which a notice does not prevent enforcement of a contingent payment clause.

Provides that the enforcement of a contingent payment clause, to the extent that the funds are not collectable as a result of the primary obligor's successful assertion of a defense of sovereign immunity, is not precluded by a written notice if the contingent payor has exhausted all its rights and remedies under Chapter 2251 (Payment For Goods and Services), Government Code, and provides that this does not create or validate a defense of sovereign immunity nor extend a defense or right that did not exist before the effective date of this section.

Reinstates the contingent payment clause as to work performed or materials furnished after the receipt of payment of the unpaid indebtedness by the contingent payee.

Prohibits a contingent payor or its surety from enforcing a contingent payment clause if the contingent payee is considered to be in direct contractual relationship, described under Section 53.026 (Sham Contract), Property Code.

Prohibits a contingent payment clause from being used as a basis for invalidation of the enforceability or perfection of a mechanic's lien under Chapter 53 (Mechanic's, Contractor's, or Materialman's Lien), Property Code.

Prohibits a contingent payor or its surety from enforcing a contingent payment clause if the enforcement is proven by the asserting party that the enforcement would be unconscionable and that the party that asserts the enforcement of a contingent payment clause is unconscionable has the burden of proving the clause is unconscionable.

Sets forth specific guidelines by which the enforcement of a contingent payment clause is not unconscionable.

Specifies that certain causes of action are enforceable by a contingent payee against an obligor or primary obligor.

Provides that a contingent payor has exercised diligence under a contract for a private project governed by Chapter 53, Property Code, and for a public project governed by Chapter 2253 (Public Work Performance and Payment Bonds), Government Code, or 40 U.S.C. Section 3131, if the contingent payee receives certain information in writing.

Requires the primary obligor to furnish the applicable information to the contingent payor not later than the 30th day after the date that the primary obligor receives a written request for this information, and specifies that the contingent payor, contingent payee, and their sureties are relieved of their obligation to initiate or continue performance of the construction contracts thereof, if the primary obligor fails to provide the information under the written request.

Provides that an assertion of a contingent payment clause is an affirmative defense to a civil action for payment under a contract.

Provides that this Act does not affect a provision that affects the timing of a payment in a contract for construction of improvements to real property or construction management if the payment is to be made within a reasonable period.

Prohibits a person from waiving the provisions of this Act by contract or other means, and voids any purported waiver thereof.

Prohibits an obligor or primary obligor from prohibiting a contingent payor from allocating risk by means of a contingent payment clause.

Specifies the contracts to which this Act does not apply.

Hedging Contracts for Coal and Nuclear Fuel—S.B. 495

By Senators Van de Putte and Watson—House Sponsor: Representative Straus

Currently, municipal electric utilities are authorized to enter into fuel hedging contracts for fuel oil, natural gas, and electric energy to protect against loss due to price fluctuations. These contracts are agreements that allow municipalities to buy or sell a specific amount of fuel at a particular future date. However, these utilities are not authorized to enter into hedging contracts for coal or nuclear fuel. This bill:

Authorizes a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public to enter into a hedging contract and related security and insurance agreements in relation to coal and nuclear fuel in order to protect against loss due to price fluctuations.

Expands the definition of "hedging" to include the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Green Concepts Course for Certain Architects and Interior Designers—S.B. 541

By Senators West and Hinojosa—House Sponsor: Representative Miles

Currently, Texas Board of Architectural Examiners (board) licensees are required to take eight hours of continuing education per year for re-licensure, yet none of the required education pertains to "green" or sustainable design. Since most of the features that make a building sustainable are incorporated in the design phase, architects can play a pivotal role in determining how green a building is. This bill:

Requires the continuing education programs for a person licensed by the board to include courses relating to sustainable or energy-efficient design standards.

Requires the board by rule to require a certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards as part of a certificate holder's continuing education requirements for each annual registration period.

Requires the board to adopt rules, procedures, forms, and fees under Section 1051.356, Occupations Code, as amended by this Act, not later than January 1, 2008, and makes application of this Act prospective to September 1, 2008.

Notification and Reimbursement of Notification for Returned Checks—S.B. 548

By Senator Carona—House Sponsor: Representative Hamilton

Currently, the notice of intent to prosecute the issuer of a dishonored check must be sent by registered or certified mail, with return receipt requested, or by telegram with report of delivery requested by the holder of the instrument. The increasing cost of certified/registered mail compounds the financial losses of businesses that have had a check returned for insufficient funds. This bill:

Authorizes the holder of a dishonored check (holder) to notify the issuer of intent to prosecute by first-class mail, with delivery evidenced by an affidavit of service and deletes telegrams as an acceptable means of notice.

Requires the issuer of a dishonored check to reimburse the holder for the cost of sending the notice of intent to prosecute by registered or certified mail with return receipt requested when that type of mail is used, and requires that the fee be collected in all such cases and remitted to the holder on receipt of proof of the actual costs expended.

Sets forth circumstances under which certain persons seeking collection of a dishonored check or sight order is authorized to charge the drawer or endorser of the check the cost of delivery notification under Section 31.06 (Presumption for Theft by Check) or 32.41 (Issuance of Bad Check), Penal Code.

Prohibits a person from charging a delivery notification fee to a drawer or endorser if the fee has been collected under Article 102.007(g), Code of Criminal Procedure, and requires the holder to immediately refund a fee previously collected if a delivery notification fee has been collected under that provision.

Provides that this section does not affect the right or remedy to which the holder may be entitled under any rule, written contract, judicial decision, or other statute.

Authorization for Sidewalk Cafés to Sell Alcohol—S.B. 952

By Senator Watson—House Sponsor: Representative Hamilton

Current law prohibits restaurants from locating part of the establishment on the street side of the sidewalk where it would not be contiguous to the rest of the restaurant. As a result, employees serving alcohol cannot leave the restaurant and travel across the pedestrian walkway to reach the sidewalk café seating area. Such a restriction limits the amount of business an establishment may conduct. This bill:

Authorizes a mixed beverage permit holder who holds a food and beverage certificate to designate as part of the permit holder's premises a secured noncontiguous area located on a public sidewalk adjoining the premises if the designation is authorized by city ordinance.

Provides that the ordinance may specify and limit the areas of the municipality in which this subsection is applicable.

Authorizes the delivery of alcoholic beverages by an employee of the permit holder to patrons for consumption in the designated sidewalk area.

Alcohol Distribution Transfer—S.B. 1215

By Senator Gallegos—House Sponsor: Representative Miles

Currently, a holder of a distributor's license, wholesaler's permit, or a class B wholesaler's permit is allowed to withdraw the equivalent of 15 cases of 24 12-ounce containers of beer, ale, or malt liquor from a retail establishment, as long as the date has not expired, to assure and control product quality. At times the quality of the product is jeopardized due to the 15-case restriction, which prevents wholesalers from maintaining complete product quality control. This bill:

Increases from 15 to 25 the maximum number of cases of 24 12-ounce containers of beer, ale, or malt liquor a holder of a distributor's license, wholesaler's permit, or class B wholesaler's permit is authorized to withdraw, with the permission of the retailer, from the retailer's stock, to assure and control product quality.

Consumer Rebate Protections—S.B. 1389

By Senator Van de Putte—House Sponsor: Representative Hochberg

Rebates are a popular method of enticing consumers to buy something new. While many rebate programs work well, some companies do not meet their obligations. In fact, some customers never receive a response to their rebate request. Currently, state law does not provide any remedy when the consumer does not receive any response or the rebate is denied after the rebate program has ended. Furthermore, Texas law is silent in regards to the timeliness of rebates. This bill:

Requires a person, including a manufacturer or retailer, who offers a rebate to mail the amount of the rebate to the consumer or electronically pay the consumer the amount of the rebate within the time period promised in the rebate information provided to the consumer, or if silent, not later than the 30th day after the date the person receives a properly completed rebate request.

Provides that if a consumer rebate offer is contingent on the consumer continuing to purchase a service for a minimum length of time, the rebate time period begins on the later date of the date the consumer submits the rebate request or the expiration date of the service period.

Sets forth the procedure and requirements if a person offering a rebate receives a rebate request that is timely submitted but not properly completed.

Provides that if a person offering a rebate has complied with this Act, no obligation is imposed to pay a rebate to any consumer who is not eligible under the terms and conditions of the rebate offer or has not satisfied all of the terms and conditions of the rebate offer, and that a person offering a rebate has the right to reject a rebate request from certain consumers.

Sets forth the procedure to be followed when a person has rejected a rebate request.

Provides that, for the purposes of this Act, an act of an independent entity that processes the rebate is considered to be an act of the person and receipt of a rebate request by such an entity is considered receipt of the request by the person.

Provides that a violation of this section is a deceptive trade practice in addition to the practices prescribed by Subchapter E (Deceptive Trade Practices and Consumer Protection), Chapter 17, and is actionable by a consumer under that subchapter.

Prohibits claims related to more than one consumer to be joined in a single action brought for an alleged violation, unless all parties agree, and prohibits a court from certifying an action brought under this Act as a class action.

Provides that a violation of this section is subject to an action by the office of the attorney general as provided by Section 17.46(a) (relating to unlawful deceptive trade practices).

Sporting Event Trust Fund—S.B. 1523

By Senator Wentworth—House Sponsor: Representative Dukes

There are many site selection organizations that operate to promote and bring major sporting and athletic events to Texas. In the past Texas has used trust funds to provide a structure for financing the costs of bidding, preparing, and conducting such events, including the Other Events Trust Fund, the Olympic Games Trust Fund, and the Motor Sports Racing Trust Fund. These events generate valuable tax dollars that are used to replenish the funds. However, under current law, only certain games hosted by certain municipalities or counties of a certain size qualify to apply for such funds. This bill:

Establishes the Sporting Events Trust Fund (SETF) and authorizes a county with a population of at least 800,000 or a municipality with a population of at least 500,000 to apply to the comptroller of public accounts (comptroller) for funds from SETF to pay for certain costs incurred by the municipality or county for hosting the event or to pay the principal and interest on notes issued to improve, construct, renovate, or acquire equipment or facilities.

Provides a limitation on the use of sales and use tax for certain projects by voter approval.

Provides that a corporation that was created for certain projects by an eligible city with a population of less than 20,000 is not required to hold a public hearing under certain circumstances.

Authorizes an eligible city, at a sales and use tax election, to also allow the voters to vote on a ballot proposition that limits the length of time that a sales and use tax may be imposed.

Authorizes an eligible city that imposes a tax for a limited time to later extend the period of the tax's imposition or reimpose the tax only if the extension or reimposition is authorized by a majority of the qualified voters of the city voting in an election called and held for that purpose.

Authorizes the city at such an election to also allow the voters to vote on a ballot proposition that limits the use of the sales and use tax to a specific project.

Authorizes a corporation that has been created to perform a specific project as provided by this subsection to retain its corporate existence and perform other projects as may be approved by the voters of the city under an election called and held for that purpose.

Requires a corporation to hold a public hearing as otherwise provided by this section before expending funds to undertake a project.

Requires the comptroller to make certain determinations for the 30-day period that ends at the end of the day after the date on which the event will be held or, if the event occurs on more than one day, after the last date on which the event will be held, in accordance to specific procedures developed by the comptroller, if a site selection organization, after considering through a highly competitive process one or more sites that are not located in this state, selects a site for an event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of the event.

Requires the comptroller to designate as a market area for the event each area in which the comptroller determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the event and related activities, including areas likely to provide venues, accommodations, and services in connection with the event (market area) based on the proposal provided by the local organizing committee to the comptroller.

Requires the comptroller to determine the geographic boundaries of each market area and requires an endorsing municipality or endorsing county that has been selected as the site for the event to be included in that area.

Sets forth the manner and procedures by which money is remitted, deposited, disbursed, and maintained in the SETF.

Establishes the SETF outside the state treasury, to be held in trust by the comptroller for administration of this Act and authorizes money to be disbursed by the comptroller without appropriation only as provided by this Act.

Authorizes an endorsing municipality or endorsing county to guarantee its obligations under an event support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the event, in addition to the tax revenue deposited in the trust fund.

Authorizes an endorsing municipality by ordinance or an endorsing county by order to authorize the issuance of notes to meet its obligations under an event support contract in order to improve, construct, renovate, or acquire facilities or to acquire equipment and sets forth the requirements for such notes.

Authorizes the money in the trust fund to be used to pay the principal of and interest on notes issued by an endorsing municipality or county and to fulfill obligations of the state or an endorsing municipality or county to a site selection organization under an event support contract or event support contract.

Requires a local organizing committee, endorsing municipality, or endorsing county to provide information required by the comptroller to enable the comptroller to fulfill certain duties.

Requires a local organizing committee or endorsing municipality or county to provide an annual audited financial statement required by the comptroller, if any, not later than the end of the fourth month after the date the period covered by the financial statement ends.

Requires the comptroller to provide an estimate not later than three months before the date of an event of the total amount of tax revenue that would be deposited in the SETF in connection with that event, if the event were to be held in Texas at a site selected pursuant to an application by a local organizing committee or endorsing municipality or county.

Prohibits this Act from being construed as creating or requiring a state guarantee to obligations imposed on the state or an endorsing municipality or county under an event support contract or other agreement relating to hosting one or more events in Texas.

Prohibits the comptroller from undertaking certain responsibilities or duties unless a request is submitted by the municipality or the county in which the event will be located.

Tuition Rebates for ROTC Members—H.B. 86

By Representative Branch et al.—Senate Sponsor: Senator Ogden

Current law requires undergraduate students to graduate within a certain time period to be eligible for a rebate of a portion of the undergraduate tuition. Reserve Officer Training Corps (ROTC) members are not eligible for such rebates because they are required to take military science credit hours that exceed the limit for eligibility. This bill:

Amends Section 54.0065(a), Education Code, to provide that a qualified student is eligible for a rebate of a portion of the undergraduate tuition the student has paid if the student has attempted no more than three hours in excess of the minimum number of semester credit hours required to complete the degree program, excluding course credit that is earned to satisfy requirements for a ROTC program but that is not required to complete the degree program.

Provides that the change in law made by this Act applies only to a student who is awarded a baccalaureate degree from a general academic teaching institution on or after the effective date of this Act.

Lower Tuition for Off-Peak Courses—H.B. 120

By Representative Fred Brown—Senate Sponsor: Senator Shapiro

Encouraging student enrollment in courses offered at off-peak hours would enable more students to graduate in a timely fashion, while making efficient use of the facilities and ensuring that the demand for courses is met. This bill:

Authorizes governing boards of The University of Texas at Austin, Texas A&M University, and Texas Tech University to set a reduced tuition rate for a course offered in the evening, on the weekend, or at other off-peak hours when classroom facilities at those campuses would be underused, that is not more than 25 percent lower than the rates that would otherwise apply to the course.

Requires the Texas Higher Education Coordinating Board (THECB) to include in its funding formulas sufficient funding to cover an institution's revenue loss resulting from the reduced tuition rates and authorizes THECB to include as an incentive for the institutions to reduce tuition rates additional funding that represents a portion of the savings to the state resulting from the institution's efficient use of resources.

Applies these provisions contingent on an appropriation by the state for the fiscal biennium ending August 31, 2009, to cover the tuition revenue loss.

Requires THECB, as soon as practicable after the effective date of this Act, to adopt rules under which public institutions of higher education may establish lower tuition rates in accordance with this Act.

Tuition Exemptions for Children of Disabled Veterans—H.B. 125

By Representative Delisi et al. —Senate Sponsor: Senators Van de Putte and Uresti

Current law provides a tuition exemption for Texas veterans who attend institutions of higher education and for the children of military personnel killed while serving. However, the law does not provide such a

privilege to the children of military personnel who are completely disabled due to an injury received while serving. This bill:

Provides that certain tuition exemptions apply and inure to the benefit of the children of members of the armed forces of the United States and orphans or children of members of the Texas National Guard and the Texas Air National Guard who are totally disabled for purposes of employability according to the disability rating of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

Prohibits a person from receiving exemptions provided for by this Act for more than a cumulative total of 150 credit hours.

Requires a person, if the value of the federal benefits does not equal or exceed the value of the exemption, to first utilize the federal benefit, and prohibits the combined amount of the federal benefit plus the amount of the exemption from exceeding the maximum value of the exemption.

Provides that a person is not eligible for an exemption under this section if the person is in default on a loan made or guaranteed for educational purposes by the State of Texas.

Study Regarding Revenue Bonds for Certain Institutions—H.B. 317

By Representative Miller et al.—Senate Sponsor: Senator Fraser

The Texas Higher Education Coordinating Board (THECB) published a report in 2006, recognizing the need to accommodate enrollment increases in higher education in Central Texas. Currently, Texas A&M University in College Station, The University of Texas at Austin, and Tarleton State University System Center--Central Texas (Tarleton--CT) serve the Central Texas area; however, each of these schools is almost at capacity, if not already at capacity. Tarleton--CT is to be transferred into The Texas A&M University System for the purpose of establishing Texas A&M University--Central Texas once the appropriate student threshold is met. Texas A&M University--Central Texas was authorized to receive \$25 million in tuition revenue bonds; however, the school is not eligible to receive the bonds until it reaches an enrollment equivalent of 1,500 full-time students. This bill:

Requires THECB to conduct a study to determine the merits of permitting public institutions of higher education to issue revenue bonds for the purpose of funding capital projects at various system centers and the student enrollment levels at those centers that may be appropriate to serve as a statutory prerequisite for issuing revenue bonds for such purposes.

Requires THECB to report to the legislature concerning the results of the study not later than January 1, 2009.

Repeals Section 55.1751(d), Section 55.1751(e) and Section 55.1755(d) of Education Code to eliminate the threshold enrollment levels at which The Texas A&M University System and the University of North Texas System could issue tuition revenue bonds as established in House Bill 153, Third Called Session, 79th Legislature, for Texas A&M University--Central Texas, Texas A&M University--San Antonio, and the University of North Texas at Dallas.

Reduced Tuition for Junior College Students Residing Outside District—H.B. 544

By Representatives Strama and Gonzalez Toureilles—Senate Sponsor: Senator Watson

Current law allows junior colleges to offer reduced tuition rates for students who reside outside of the district if they demonstrate financial need and live within an independent school district that meets certain criteria of the Texas Higher Education Coordinating Board for the establishment of a junior college district. This bill:

Deletes the provision that authorizes the governing board of a public junior college district to allow a person who resides outside the district to pay tuition and fees at a rate less than the rate applicable to other persons residing outside the district, but not less than the rate applicable to a student who resides in the district, if the person does not reside in an independent school district that meets the criteria of the coordinating board for the establishment of a junior college district under Section 130.013 (Order To Establish), Education Code.

Enrollment Requirements for General Academic Teaching Institutions—H.B. 589

By Representative Aycock et al.—Senate Sponsor: Senator Fraser

Current law prohibits certain institutions of higher education from operating as a general academic teaching institution until the Texas Higher Education Coordinating Board (THECB) certifies that certain enrollment requirements for one semester are met. Several institutions, including Texas A&M University--Central Texas (Texas A&M--CT), Texas A&M University--San Antonio (Texas A&M--San Antonio), and the University of North Texas at Dallas (UNT Dallas), can meet the threshold to qualify as a general academic teaching institution if enrollment is considered at certain centers for an entire academic year, including the summer session, rather than only the fall and spring semesters. This bill:

Prohibits Texas A&M--CT from operating as a general academic teaching institution until THECB certifies that enrollment at the Tarleton State University System Center--Central Texas has reached an equivalent of 1,000 full-time students for one semester or one academic year, rather than for only one semester.

Prohibits Texas A&M--San Antonio from operating as a general academic teaching institution until THECB certifies that enrollment at the Texas A&M University--Kingsville System Center--San Antonio has reached an equivalent of 1,000 full-time students for one semester or one academic year.

Prohibits UNT Dallas from operating as a general academic teaching institution until THECB certifies that enrollment at the University of North Texas System Center at Dallas has reached an equivalent of 1,000 full-time students for one semester or one academic year, rather than for only one semester.

Requires THECB, in computing the full-time student enrollment equivalent for an academic year, to include all semester credit hours completed during the fall and spring semesters and the summer session of the academic year.

Tuition Exemptions for Children of Disabled Peace Officers—H.B. 741

By Representative Tracy King et al.—Senate Sponsor: Senator Zaffirini

Current law provides a tuition and fees exemption at public institutions of higher education for the children of full-paid and volunteer firefighters and full-paid peace officers who have been disabled or killed in the line of duty. However, the law does not provide such a privilege to volunteer peace officers who are disabled or killed in the line of duty. This bill:

Expands the definition of "eligible firefighter or law enforcement officer" to include volunteer peace officers or a custodial officer of the Texas Department of Criminal Justice.

Extends the exemption from tuition and certain fees at public institutions of higher education to the child of a volunteer peace officer or a custodial officer of the Texas Department of Criminal Justice who is disabled or killed in the line of duty.

Sets forth the process for making an eligibility determination.

Recreational Facility Fee at UT--El Paso—H.B. 868

By Representative Haggerty—Senate Sponsor: Senator Shapleigh

The recreational facilities at The University of Texas at El Paso (UT--El Paso) require expansion to meet the growing population of students. This bill:

Authorizes the imposition of a student recreational facility fee to provide funding for such expansion of the recreational facilities at UT--El Paso.

Authorizes the board of regents at The University of Texas System to impose a recreational facility fee not to exceed \$70 per student for a semester of 10 weeks or longer or \$50 for any other semester for the purpose of financing, constructing, operating, maintaining, and improving new and existing recreational sports facilities and programs at UT--El Paso.

Requires any increase in the fee to be approved by a majority vote of the students participating in a general student election.

Student Fees at Texas Woman's University—H.B. 902

By Representative Crownover—Senate Sponsor: Senator Estes

The recreational facilities and services for students of Texas Woman's University (TWU) need improvement, and the student body has approved the imposition of a recreational fee for such purposes. This bill:

Allows for the imposition of recreational fees on students at TWU to provide funding for recreational facilities and programs.

Authorizes the board of regents of TWU to charge each student enrolled a student fitness and recreational fee to be used for financing, constructing, operating, maintaining, or improving a fitness or recreational facility or for operating a fitness or recreational program at TWU.

Prohibits the fee from being increased by 10 percent or more unless approved by a majority vote of the students enrolled.

Student Services Fees at UT--Permian Basin—H.B. 1157

By Representative West—Senate Sponsor: Senator Seliger

Current law does not provide for a fee to be imposed on the students at The University of Texas of the Permian Basin (UT--Permian Basin) to finance a multi-purpose student center. This bill:

Authorizes the board of regents of The University of Texas System (UT System) to impose a student fee at UT--Permian Basin for financing the construction and operation of a student services building.

Authorizes the board of regents of the UT System to charge a student fee at UT--Permian Basin for the purpose of financing, constructing, operating, maintaining, or improving a student services building.

Sets forth the maximum amount of the fee.

Tuition Exemption for Students Sounding "Taps" at Funerals—H.B. 1187

By Representative Morrison—Senate Sponsor: Senator Van de Putte

Currently, there is a lack of available musicians to perform "Taps" at a military honors funeral. This bill:

Requires the Texas Veterans Commission to establish a program to issue vouchers to be exchanged for an exemption from the payment of tuition and required fees at an institution of higher education for students who sound "Taps" at a veteran's funeral.

Authorizes a school district to excuse a student in grades six through 12 for the purpose of sounding "Taps" at a military honors funeral.

Texas-B-On-Time Loan Academic Eligibility Requirements—H.B. 1250

By Representatives Charlie Howard and Aycock—Senate Sponsor: Senator Patrick

H.B. 944 of the 78th Legislature, Regular Session, 2003, requires that state-supported colleges and universities treat home school graduates on the same basis as public school graduates for purposes of college admission. However, home school students are currently not eligible for a Texas-B-On-time loan. This bill:

Amends the academic eligibility requirements for the Texas-B-On-time loan to provide that a student must be a graduate of a public or private high school, regardless of the private school's accreditation status, under the recommended or advanced high school program or its equivalent.

Optometry Career Program at University of Houston—H.B. 1427

By Representatives Alonzo and Patrick—Senate Sponsor: Senator Zaffirini

The University of Houston College of Optometry, which is the only professional school of optometry in Texas, implemented a career opportunities program in 1987 to add diversity to the profession of optometry by aiding in the recruitment and retention of economically and/or academically disadvantaged students. In recent years, funding for the program has diminished, possibly causing the program to decrease operations and capacity. This bill:

Authorizes the College of Optometry at the University of Houston to operate a summer program that prepares junior-level, senior-level, and postbaccalaureate students from any public or private institution of higher education for advanced studies and a career in the field of optometry.

Requires the College of Optometry to recruit eligible students, develop the procedures for application and admission, monitor the program, and assist in developing services.

Authorizes the College of Optometry to solicit and accept gifts and grants from any public or private source to provide funding for the program.

Severe Storm Research and Planning Center—H.B. 1493

By Representative Bonnen—Senate Sponsor: Senator Janek

Currently, no center exists in this state for the study of severe storms. This bill:

Requires the regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, whose membership includes the most populous county that borders on the Gulf of Mexico or on a bay or inlet of the Gulf of Mexico (commission) to create a severe storm research and planning center to facilitate research and develop plans, programs, and technology associated with the impact of and response to hurricanes and other storms in the Gulf Coast Region and adjacent areas.

Requires the commission to contract with certain private postsecondary educational institutions.

Authorizes the commission to receive state-appropriated funds for the purpose of supporting the activities of the center, as well as solicit and accept gifts, grants, and donations.

Intercollegiate Athletics Fees at UT --Brownsville—H.B. 1505

By Representative Lucio III—Senate Sponsor: Senator Lucio

Currently, The University of Texas at Brownsville (UT--Brownsville) funds student athletic programs through a general student services fee. This bill:

Authorizes the board of regents of The University of Texas System to impose an intercollegiate athletics fee on the students of UT--Brownsville.

Prohibits the fee from being increased by an amount that exceeds 10 percent or more the fee last approved by the students unless the increase has been approved by a majority vote of the student body.

Loan Repayment Pilot Program for Correctional Officers—H.B. 2103

By Representatives Kolkhorst and Gonzalez Tourelles—Senate Sponsor: Senator Ogden

The Texas Department of Criminal Justice often has difficulty in recruiting and retaining correctional officers. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to establish a pilot program to provide assistance in the repayment of student loans for correctional officers who graduate from Sam Houston State University who apply and qualify for the assistance, using money in the correctional officer loan repayment assistance trust fund.

Sets forth eligibility requirements, program structure, allocation methods, and repayment requirements for the program.

Requires THECB to adopt rules necessary to administer the program and authorizes THECB to consult with the Texas Department of Criminal Justice to assist the board in establishing priorities among eligible correctional officers for repayment assistance.

Establishes a trust fund outside the treasury but held in trust by the comptroller for the program and requires THECB to award repayment assistance from the amount available in the trust fund.

Provides that the money in the trust fund may be spent without appropriation and only to fund the pilot program. Interest and income from the assets of the trust fund shall be credited to and deposited in the trust fund.

Requires THECB to evaluate the effectiveness of the pilot program and report the results of the evaluation to the legislature not later than December 31 of each even-numbered year.

Prohibits THECB from awarding repayment assistance to pay the costs of enrollment in an academic year after the 2013-2014 academic year and provides that on January 1, 2017, the trust fund is abolished and any amount remaining in the trust fund shall be transferred to the general revenue fund.

Baccalaureate Degrees Offered at Certain Junior Colleges—H.B. 2198

By Representative Flores et al.—Senate Sponsor: Senator Janek

The 78th Legislature, Regular Session, 2003, created a pilot project to allow South Texas College, Brazosport College, and Midland College to offer limited baccalaureate degrees in applied science and technology. Because these public junior colleges have invested substantial resources in the implementation of the project and provided reports and assessments regarding the success of the project, removal of the pilot status will make the project permanent, allowing more students the opportunity to move forward to managerial and first-line supervisory positions. This bill:

Requires the Texas Higher Education Coordinating Board to authorize certain public junior colleges to offer baccalaureate degree programs in the fields of applied science and applied technology and sets forth the procedures relating to approval, funding, and oversight of such programs.

Certain Hearings Against Unauthorized Career Schools—H.B. 2371

By Representative Morrison—Senate Sponsor: Senator Zaffirini

Currently, the Texas Workforce Commission (TWC) is not permitted to set a hearing on whether to issue a cease and desist order against a career school that is operating without proper authority unless that school fails to respond to more than one written notice of noncompliance. Therefore, such a career school may avoid a hearing entirely simply by providing any response to a written notice. This bill:

Authorizes TWC to set a hearing on whether to issue a cease and desist order against a person if the person has not responded to more than one written notice of noncompliance.

Risk Management Programs for Fraternities—H.B. 2639

By Representatives Smithee and Helfin—Senate Sponsor: Senator Duncan

There is concern over the number of injuries and fatalities occurring as a result of hazing, drinking, or other activities associated with fraternities. This bill:

Requires a postsecondary education institution to provide a risk management program (program) to certain members of student organizations registered at the institution at least once during each academic year and for those persons to report to other members of the organization regarding the matters discussed in the program.

Sets forth certain issues to be discussed during the program, including, but not limited to, possession and use of alcoholic beverages and illegal drugs, hazing, and travel.

Requires the Texas Department of Insurance to conduct a study concerning certain aspects of insurance policies issued to fraternities.

Tuition Exemptions for Certain Adopted Children—H.B. 2702

By Representative Truitt—Senate Sponsor: Senator Shapiro

Current law provides exemptions from tuition and fees at Texas institutions of higher education for children adopted out of foster care. The wording of the current statute allows internationally adopted children to qualify for the same exemptions, but generally, people who pursue international adoptions are upper middle-class citizens who do not need tuition assistance. This bill:

Provides that a student is exempt from the payment of tuition and fees if the student was adopted and was the subject of an adoption assistance agreement that provided monthly payments and medical assistance benefits and was not limited to providing only for the reimbursement of nonrecurring expenses.

Requires the Department of Family and Protective Services (DFPS) to pay a monthly \$150 subsidy for health benefits coverage premiums for a legally adopted child if the child was under DFPS conservatorship at the time of the adoptive placement, is not eligible for medical assistance after the adoption, and is younger than 18 years of age.

Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the provisions relating to subsidy for health benefits coverage, including certain provisions.

Provides that a child for whom a subsidy is provided and who does not receive any other subsidy is not considered to be the subject of an adoption assistance agreement for any other purpose, including for determining eligibility for the exemption from payment of tuition and fees for higher education under Section 54.2111, Education Code.

Engineering Recruitment Programs—H.B. 2978

By Representative Morrison et al.—Senate Sponsor: Senator Shapiro

Currently, Texas falls behind most of its competitor states in the number of engineering and computer science degrees awarded to graduating students. To compete on a national and global level in these fields, children need to be encouraged to enroll in more mathematics-related and science-related classes. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to establish and administer a one-week summer program for middle and high school students to take place on the campus of each general academic teaching institution that offers an engineering degree program.

Requires THECB to establish and administer scholarships for student pursuing a degree in engineering at a general academic teaching institution.

Requires THECB, by rule, to establish the requirements for admission to a summer program which take into consideration certain factors and the amount of scholarships.

Sets forth the qualifications for such scholarships.

Requires THECB to administer the program using available appropriations and gifts, grants, and donations made for the purposes of the program.

Student Fees at TAMU Institutions—H.B. 3114

By Representative Swinford—Senate Sponsor: Senator Zaffirini

Component institutions of The Texas A&M University System (TAMU System) have made recommendations during past legislative sessions for statutes authorizing or modifying the imposition of student fees. This bill is designed to provide one omnibus student fee bill for the TAMU System, and it authorizes certain student fees for various component institutions. This bill:

Establishes a student fee advisory committee at each component institution of the TAMU System to advise the board of regents and the administration on the type, amount, and expenditure of fees for student services.

Authorizes the board of regents of the TAMU System to charge certain fees to students at component institutions.

Prohibits an increase in the amount of certain fees by 10 percent or more unless approved by a student vote.

Prohibition Against Certain Contracts by University—H.B. 3291

By Representative Otto—Senate Sponsor: Senator Averitt

Currently, the Texas Higher Education Coordinating Board (THECB) must approve contracts entered into by institutions of higher education that require significant capital expenditures, such as construction of new buildings. However, certain lease agreements with third parties make it easier to finance construction of a new building and are not required to be approved. This bill:

Prohibits the governing body of an institution of higher education from entering into a contract with a person relating to a permanent improvement project at the institution under which the institution makes contractual payments to the person that are not reflected on the institution's financial statement unless the governing body is specifically authorized to enter into the contract by other law or receives prior approval by THECB.

Electronic Materials for Blind and Dyslexic Students—H.B. 3382

By Representatives Naishtat and Leibowitz—Senate Sponsor: Senator Uresti

Current law requires textbook publishers to provide alternative forms of instructional materials for blind and visually-impaired students in kindergarten through 12th grade; however, there is no law that extends such requirements to college-level materials. Further, when such materials are requested from the publishers, they will sometimes not respond or, often, prolong the response to the time when the class is nearing completion. Students with dyslexia often benefit from the same or similar alternative materials used by the blind or visually-impaired. This bill:

Applies the provisions of this Act only to instructional material that is written and published primarily for postsecondary instruction of students and required or essential for a student's success in a course at an institution of higher education, as identified by the instructor of the course for which the instructional material will be used, in consultation with the person at the institution with primary responsibility for services for students with disabilities and in accordance with THECB rules.

Requires a publisher to provide to an institution of higher education upon request a copy in an electronic format of the instructional material not later than the 15th business day after the date of receipt of the request.

Requires a request made by an institution of higher education to meet certain criteria and authorizes a publisher or manufacturer to require a signed student statement that the student will use of the requested

electronic copy and related special instructional material only for the student's own educational purposes and not to copy or otherwise distribute in a manner that violates 17 U.S.C. Section 101 et seq. the requested electronic copy or the instructional material on which the requested electronic copy is based.

Sets forth certain requirements for each electronic copy of instructional material and certain exceptions.

Authorizes THECB to impose a reasonable administrative penalty, not to exceed \$250 per violation, against a publisher or manufacturer that knowingly violates this Act and sets forth requirements relating to a hearing on the matter and the basis for a penalty.

Requires THECB, in coordination with certain entities to adopt rules for administering the program and sets forth certain exceptions to compliance with the program.

Transfer Angelo State University to Texas Tech System—H.B. 3564

By Representative Darby et al.—Senate Sponsor: Senator Duncan

Currently, Angelo State University (ASU) is a component institution of the Texas State University System (TSUS). Because the academic programs align, ASU stands to benefit from greater resources and opportunities by working in conjunction with the Texas Tech University System (Texas Tech System). H.B. 3564 is the enabling legislation for H.J.R. 103. This bill:

Transfers ASU from the TSUS to the Texas Tech System.

Transfers management and control of ASU to the board of regents of the Texas Tech System and sets forth provisions for a successful transition.

Adoption of Standard GPA—H.B. 3851

By Representative Morrison—Senate Sponsor: Senator Shapiro

High school grade point average scales vary across the state, which can lead to difficulty in determining admissions and financial eligibility at institutions of higher education. There is a need to standardize the method for computing high school grade point average. This bill:

Requires the Texas Higher Education Coordinating Board to develop a standard method for computing a student's high school grade point average that is based on a four-point scale and assigns additional weight for honors, international baccalaureate, dual credit, or advanced placement courses.

Requires that method to be used in determining a student's eligibility for admission under the state's uniform university admission policy.

Requires each general academic teaching institution to provide to publish on its website, not later than December 1, rather than July 31, a report describing the composition of the institution's entering class of students, including high school class standing and a description of the institution's plans, policies, or programs to recruit and retain students from underrepresented groups such as racial or ethnic minority groups among other information.

Requires each general academic teaching institution to adopt a written admission policy to promote the admission of undergraduate transfer students to the institution that must provide for outreach and recruiting efforts directed at junior colleges and that may include incentives to encourage transfer applications.

Texas Tomorrow Fund II: Prepaid Tuition Unit—H.B. 3900

By Representative Morrison et al.—Senate Sponsor: Senator Shapiro et al.

The Texas Tomorrow Fund II will allow parents to purchase prepaid tuition units, each of which is worth one percent of one year's tuition and required fees at a public institution of higher education. This program provides parents the opportunity to lock in today's tuition rates, while planning and preparing for their child's postsecondary education. This bill:

Creates the Texas Tomorrow Fund II and sets forth the powers and duties of the Prepaid Higher Education Tuition Board (board).

Requires the board by rule to develop and implement the Texas Save and Match program under which money paid by a purchaser under a prepaid tuition contract may be matched with certain contributions or appropriations.

Sets forth three types of tuition units and the manner in which such units are to be purchased, used, and priced.

Requires an institution of higher education to accept the amount transferred to the institution under the Texas Tomorrow Fund II when the units are redeemed as payment for all of the applicable portion of the student's tuition and fees.

Requires the board to adopt a form for a prepaid tuition contract to be used by the board and purchasers and sets forth the required content for such contracts.

Sets forth certain requirements for purchasers of prepaid tuition contracts and sets forth the conditions under which such contracts may be transferred or terminated.

Provides that this Act is not a promise or guarantee that a beneficiary will be admitted to any public or private institution of higher education; admitted to a particular public or private institution of higher education; allowed to continue enrollment at a public or private institution of higher education; or graduated from a public or private institution of higher education.

Provides that the comptroller of public accounts (comptroller) is the custodian of the fund and sets forth the duties of the comptroller with respect to the fund.

Sets forth the duties of the board with respect to depositing and investing the fund's assets.

Requires the board by rule to provide for a purchaser to transfer money between a fund account and an account under another plan established by this state or by another state or other authorized entity in accordance with Section 529, Internal Revenue Code of 1986, to the extent and in the manner authorized by that section, and sets forth the procedures for such transfers.

Provides that the registration requirements of The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) do not apply to the sale of a prepaid tuition contract by the board or by a registered securities dealer or registered investment adviser.

Provides that money in the fund is exempt from claims of creditors.

Sets forth actions required of the board to ensure the actuarial soundness of the fund, reporting and auditing requirements, and provisions relating to suspension of enrollment or termination of the program.

Authorizes the board, beginning September 1, 2008, to enter into prepaid tuition contracts with purchasers and begin selling tuition units under those contracts in accordance with Subchapter H, Chapter 54, Education Code, as added by this Act.

Student Outcomes Pilot Program by Alamo Community College—H.B. 3934

By Representative McClendon—Senate Sponsor: Senator Van de Putte

Currently, data is collected by the Texas Education Agency regarding student performance and accountability for elementary and secondary education, and separate data is collected by the Texas Higher Education Coordinating Board regarding retention and graduation rates for higher education students. This bill:

Requires the Alamo Community College District to establish a pilot program to collect and analyze statistical data regarding student outcomes at the college, facilitate accountability of the college in determining the efficacy of instruction by the college, examine the transition of students to four-year institutions of higher education, and advance ongoing education excellence initiatives by the college.

Transfer of Funds for ASU to Texas Tech—H.J.R. 103

By Representative Darby—Senate Sponsor: Senator Duncan

Currently, Angelo State University (ASU) is a component institution of the Texas State University System (TSUS). Because the academic programs align, ASU stands to benefit from greater resources and opportunities by working in conjunction with the Texas Tech University System (Texas Tech System). This resolution:

Proposes a constitutional amendment requiring funds appropriated to ASU to stay with ASU during and after the transfer of ASU to the Texas Tech System.

Student Fees at Texas State University System—S.B. 161

By Senator Wentworth et al.—House Sponsor: Representative Deshotel

Currently, funding for intercollegiate athletics at Texas State University System (Texas State System) is provided through the student services fee imposed on students. The Texas State System seeks approval to implement a separate intercollegiate athletics fee to stabilize funding for intercollegiate athletics, ensure reliable planning, and increase transparency of student support. This bill:

Authorizes the Texas State System to impose an intercollegiate athletics fee on enrolled students in a certain amount.

Prohibits the imposition of such a fee and the increase in any fee by more than 10 percent unless approved by a majority of the students in a general student election held for that purpose.

Tuition Exemption for Nursing Preceptors and Children—S.B. 201

By Senator Nelson—House Sponsor: Representative Morrison

Currently, nurse preceptors and their children have certain exemptions from tuition during the semester the nurse works as a preceptor. However, preceptors often sign contracts to work after tuition has already been paid for the semester. This bill:

Entitles nursing preceptors and their children to a tuition exemption for one semester or academic term for each semester or academic term during which the preceptor serves as a clinical preceptor.

Authorizes the preceptor to claim the exemption in the semester in which the person serves or a semester that begins before the first anniversary of the last day of the semester in which the person served.

Application for Student Regent—S.B. 276

By Senator Wentworth—House Sponsor: Representative Rose

Current law requires the removal of a student's name from an application for student regent before the applicant is considered by the applicant's institution; therefore, the president or chancellor of the institution does not have an opportunity to interview the student before making a recommendation to the governor. This bill:

Deletes the requirement that the name of each applicant for student regent and the name of the institution in which the applicant is enrolled be removed from the application before submission to the president or chancellor of the institution.

Deletes the provision authorizing the governor to request to review the information required to be removed from an application.

Requires a student to be enrolled as an undergraduate or graduate student in a general academic teaching institution or medical and dental unit in the university system and to be in good academic standing as determined by the institution at the time of appointment to be eligible for appointment as a student regent, and requires the person to remain enrolled at the institution throughout the person's terms as a student regent.

Requires a student regent, throughout the student regent's term, to maintain a grade point average of at least 2.5 on a four-point scale and requires the president of the institution in which the student regent is enrolled to notify the governor if the student regent fails to maintain his or her qualifications. Sets forth the action required of the governor in the event that he or she receives such notice.

Provides that a student regent serves without compensation but is entitled to be reimbursed for the actual expenses incurred by the student regent in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents.

Student Fees at UT--Dallas—S.B. 285

By Senator Shapiro—House Sponsor: Representative Hill

Recently, the student body at The University of Texas at Dallas (UT--Dallas) voted to implement three new fees: a fee for shuttle services, a fee to build a new student services building, and a fee to fund the athletic program. This bill:

Authorizes the board of regents of The University of Texas System to charge all enrolled students at UT--Dallas a transportation fee, a student services building fee, and an athletics fee.

Sets forth the limits on the amount of the fees and prohibits the board of regents from increasing any of the fees by 10 percent or more unless approved by a majority vote of the enrolled students.

Grants for Nursing Instruction by Part-Time Faculty —S.B. 289

By Senator Nelson—House Sponsor: Representative Morrison

Currently, nursing schools in Texas have difficulty in recruiting and retaining qualified faculty, thereby exacerbating the nursing shortage. This bill:

Requires grant funds from the professional nursing shortage reduction program to be used towards preceptors or part-time faculty to provide clinical instruction.

THECB Certificate of Recognition for Donations—S.B. 469

By Senators Brimer and Zaffirini—House Sponsor: Representative Patrick

Currently, there is a lack of recognition for those who make generous donations to institutions of higher education. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to design and produce a certificate of recognition for presentation by an institution of higher education to a person who in any year contributes to the institution for the support of any purpose, program, or activity in a total amount of at least \$10,000.

ABA Accreditation of Private or Independent Colleges—S.B. 480

By Senators Janek and Patrick—House Sponsor: Representative Gattis

The current definition of "private or independent institutions of higher education" includes those institutions accredited by certain associations but does not include the American Bar Association (ABA). This bill :

Includes institutions accredited by the ABA in the definition of private or independent institutions of higher education.

Study of Joint Partnerships Between Institutions of Higher Education—S.B. 649

By Senator Shapleigh—House Sponsor: Representative Morrison

Joint partnerships between institutions of higher education could potentially be an efficient use of resources. A report by the Texas Higher Education Coordinating Board (THECB) will help determine how institutions can share and maximize their resources to offer the best services to students for the least cost. This bill:

Authorizes THECB to conduct a study to determine whether institutions of higher education, including component institutions of different university systems, may effectively enter into joint partnership agreements to develop joint degree and research programs, make joint appointments of faculty or other personnel to the partnership and to either or both institutions, and maintain joint facilities for purposes of conducting joint programs and requires THECB to report to the legislature concerning the results of the study, if THECB conducts a study, not later than January 1, 2009.

Student Representation on THECB—S.B. 1007

By Senators West and Van de Putte—House Sponsor: Representative Giddings

Currently, there is no direct student input to the Texas Higher Education Coordinating Board (THECB), which oversees and coordinates the higher education system in the state. This bill:

Requires a student representative to be appointed to THECB in the same manner as a student regent and with the same minimum requirements for a student regent.

Requires THECB to develop a uniform application form to be used by each institution of higher education to solicit applicants for the position of student representative to THECB.

Provides that the student representative has the same powers and duties as the members of THECB, except that the student representative is prohibited from voting and is not counted in determining whether a quorum exists.

Requires THECB to provide certain information relating to available positions for student representatives on THECB advisory committees to each institution of higher education.

Notice of THECB Meetings—S.B. 1046

By Senator Wentworth—House Sponsor: Representative Morrison

Currently, the Texas Higher Education Coordinating Board (THECB) is required to mail the agenda of a THECB meeting to the chairman of each governing board and the chief administrator of an institution of higher education at least 30 days before a meeting. Current statute authorizes governing boards for

institutions of higher education to meet by telephone conference call under certain circumstances; however, THECB is not permitted to do the same. This bill:

Requires an agenda for a meeting to be mailed to the chairman of each governing board and the chief administrative officer of each state institution of higher education at least seven days prior to the meeting, rather than 30 days.

Provides that THECB is not prohibited from holding an open or closed meeting by telephone conference.

Work-Study Student Mentorship Program—S.B. 1050

By Senator Zaffirini—House Sponsor: Representative Patrick

Research has demonstrated the effectiveness of work-study programs that involve peer mentoring and tutoring in improving the retention and graduation rates of college and high school students involved in the programs. Currently, however, there is a limited number of job opportunities available in the programs, preventing expansion of such programs. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to administer a work-study student mentorship program under which eligible students at participating institutions of higher education may be employed to mentor students at participating institutions or high school students in participating school districts.

Requires THECB to establish the criteria for participation and to ensure proper operation and funding of the program.

Course Requirements for Students in Joint Degree Programs—S.B. 1051

By Senator Zaffirini—House Sponsor: Representative Guillen

Under current law, institutions of higher education are not authorized to make exceptions to state-mandated basic courses for students. Institutions offering joint baccalaureate degree programs under a contract with a foreign institution fear that such required courses would deter students from enrolling in such a program. This bill:

Authorizes the governing board of an institution of higher education that offers a joint baccalaureate degree program under a contract with a foreign college or university to exempt a student enrolled in such program from certain course requirements.

Provides for the design and implementation of the American Way course required to be completed by students enrolled in a joint degree program and sets forth the content requirements for such a course.

Authorizes the governing board of a general academic teaching institution that offers a program under a contract with a foreign college or university to, in consultation with the foreign college or university, identify and approve courses offered by the foreign college or university that are equivalent to courses in the core curriculum of a student enrolled in the program who is considered to be primarily a student of the general

academic teaching institution and authorizes such a course to be substituted for courses in the core curriculum of such a student.

Assessing Quality of Academic Advising—S.B. 1053

By Senator Zaffirini—House Sponsor: Representative Aycock

Currently, there is no statutory assessment system for academic advising services, although some institutions perform their own assessments through the use of student surveys. It is important to evaluate and assess academic advising services at all of the institutions of higher education in Texas to prevent poor advice and ensure the effectiveness of the services statewide. This bill:

Requires the Texas Higher Education Coordinating Board, in consultation with certain persons, to establish a method for assessing the quality and effectiveness of academic advising services available to students at each institution of higher education.

Requires the method of assessment to include student surveys and to identify objective, quantifiable measures for determining the quality and effectiveness of academic advising services at an institution of higher education.

Risk Management Programs for Fraternities—S.B. 1138

By Senator Duncan—House Sponsor: Representative Smithee

There is concern over the number of injuries and fatalities occurring as a result of hazing, drinking, or other activities associated with fraternities. This bill:

Requires a postsecondary education institution to provide a risk management program to members of student organizations registered at the institution at least once during each academic year.

Sets forth certain issues to be discussed during the program, including, but not limited to, possession and use of alcoholic beverages and illegal drugs, hazing, and travel, and the manner in which the program is to be administered.

Requires the Texas Department of Insurance to conduct a study concerning certain aspects of insurance policies issued to fraternities and, not later than January 1, 2009, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have jurisdiction over insurance and higher education a written report summarizing the results of the study.

Refunds for Dropped or Withdrawn Classes—S.B. 1231

By Senator Zaffirini—House Sponsor: Representative Morrison

Current law does not provide a refund process for courses that are dropped during academic terms that are shorter than regular academic semesters. A number of institutions of higher education offer shorter

academic terms and have developed their own procedures for issuing refunds of tuition and fees for courses dropped during those terms. This bill:

Limits the number of courses that a student may drop without incurring an academic penalty.

Prohibits a public college or university from allowing an undergraduate student to drop more than six courses, including courses dropped at another college or university, and authorizes a public college or university board to adopt a policy setting a lower limit.

Requires the Texas Higher Education Coordinating Board to adopt rules under which a student is authorized to drop more courses than permitted to be dropped if the student shows good cause, including a showing of a severe illness or other debilitating condition, the responsibility for the care of a sick, injured, or needy person, the death of certain related persons, or active duty service as a member of the military.

Requires a general academic teaching institution to refund within certain timeframes the amount of tuition and mandatory fees collected for courses from which students drop, including during academic terms that are shorter than regular terms.

Sets forth tables determining the amount required to be refunded based on the term, number of class days before the student withdrew, and percentage of tuition to be refunded.

Repayment of Emergency Student Loans—S.B. 1232

By Senator Zaffirini—House Sponsor: Representative Morrison

Current law relating to the collection of tuition payments and the repayment of emergency student loans does not offer much flexibility to students. The law does not provide for payment through installment plans, online agreements for emergency loans, or the option to pay an origination fee rather than interest on an emergency loan. This bill:

Requires each institution of higher education to provide for the payment of tuition and fees through installments under one or more payment plan options.

Requires that the first payment be made before the start of the semester or summer term and the last payment before the last day of the semester or term.

Requires a student owing a balance of tuition and fees as a result of a change in the student's class schedule or a balance less than \$100 after making an insufficient payment of tuition and fees to pay the balance owed not later than the next scheduled payment date.

Requires the governing board of an institution to require a student who elects to pay tuition and fees by installment to enter into a written or electronic agreement for the installment plan.

Authorizes electronic agreements for emergency loans and permits a college or university to charge an origination fee of not more than 1.25 percent of the amount of the loan for an emergency loan.

Student General Deposit—S.B. 1233

By Senator Zaffirini—House Sponsor: Representative Morrison

Current law does not authorize the application of general deposits made by students at institutions of higher education toward other balances incurred by the student at the institution, nor does it provide a time frame for institutions to determine whether students will enroll for another semester before refunds of the general deposits are distributed. This bill:

Authorizes a general deposit in an amount not to exceed \$100 from each student to insure the institution against any losses, damages, and breakage for which the student is responsible and to cover any other amounts owed by the student to the institution.

Requires the institution to return to the student the deposit, less any amounts owed to the institution by the student, within a reasonable period after the date of the student's withdrawal or graduation from the institution, not to exceed 180 days.

Master Plan for Higher Education—S.B. 1234

By Senator Zaffirini et al.—House Sponsor: Representative Rose

The *Closing the Gaps* initiative seeks to increase participation by Texas residents in higher education, the number of degrees and certificates awarded to Texas students, the number of nationally recognized services and programs at institutions of higher education, and the level of federal science and engineering research funding to Texas institutions. To assure progress towards these goals, Texas must prepare a strategic plan involving benchmarks and measures. This bill:

Requires the Texas Higher Education Coordinating Board to develop a master plan for higher education in this state that includes certain considerations and recommendations to ensure that students enrolled at institutions of higher education are sufficiently prepared to meet the challenges associated with participation in the public affairs of the state and in the global economy.

Eligibility of Relatives of Board for Scholarships—S.B. 1325

By Senator West—House Sponsor: Representative McCall

Currently, there are no state laws or university policies that prohibit relatives of members of the governing board of a public institution of higher education or university system from receiving scholarships from the institution or system on which the board member serves. This bill:

Prohibits relatives of university board members from receiving scholarships from the institution or system on which the board member serves, unless the scholarship is from a third party, based on academic achievement, or an athletic scholarship, or unless the relationship between the board member and the relative is not within the third degree by consanguinity or the second degree by affinity.

Requires an applicant for a scholarship originating from and administered by an institution or system to file a written statement with the application indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the board of the institution or system.

Requires the Texas Higher Education Coordinating Board (THECB) to adopt rules for the administration of this Act, prescribe the application statement to be used, and notify each institution and system of the required statement and applicable rules.

Provides that a person commits a Class B misdemeanor by knowingly filing a false statement.

Student Fees at Component Institutions of TAMU—S.B. 1495

By Senator Zaffirini—House Sponsor: Representative Swinford

Component institutions of The Texas A&M University System (TAMU System) have made recommendations during past legislative sessions for statutes authorizing or modifying the imposition of student fees. This bill:

Establishes a student fee advisory committee at each component institution of the TAMU System to advise the board of regents and the administration on the type, amount, and expenditure of fees for student services.

Authorizes the board of regents of the TAMU System to charge certain fees to students at component institutions.

Prohibits an increase in the amount of certain fees by 10 percent or more unless approved by a student vote.

Joint Admission Medical Program—S.B. 1601

By Senator West—House Sponsor: Representative Fred Brown

The Joint Admission Medical Program (program) was created by the 77th Legislature, Regular Session, 2001, to encourage qualified, economically disadvantaged students to prepare for and attend medical school. The program provides scholarships, mentoring, summer enrichment programs, and guaranteed admission to medical school if certain requirements are met. This bill:

Removes the 10 percent limitation on program openings for private or independent institutions of higher education, allocates one opening each year to each private or independent institution, and allows for up to 30 percent of the openings in certain situations to be allocated for such institutions.

Requires the Joint Admission Medical Program Council, if there are insufficient openings to accommodate the allocations, to allocate not more than 15 percent of the total openings to students at the private or independent institutions.

Sets forth the eligibility requirements for admission to the program.

Authorizes each four-year public, private, or independent institution to select an academic or health professions advisor to assist in implementing the program at the institution or expanding degree programs.

Entitles students who express an interest in participating in the program to regular meetings with an advisor to monitor the student's academic progress and advise the student in academic course work and career choices.

Dating Violence Policies at School Districts—H.B. 121

By Representative Dukes et al.—Senate Sponsor: Senator Hinojosa

School districts are currently required to have a district improvement plan, the purpose of which is to guide district and campus staff in the improvement of student performance in order to attain certain state standards. This bill:

Requires each school district to adopt and implement a dating violence policy to be included in its district improvement plan and sets forth certain content to be included in the dating violence policy.

Midcycle Review and Adoption of Textbooks—H.B. 188

By Representative Hochberg et al.—Senate Sponsor: Senator Van de Putte

Currently, the State Board of Education (SBOE) uses a certain cycle when reviewing and purchasing textbooks. However, publishers may have supplemental or niche materials that do not cover a subject's entire curriculum or the materials may not yet be available when SBOE purchases the textbooks. Additionally, the state pays for most public school textbooks after SBOE sets the maximum price that the state will pay, providing no market incentive for publishers to lower the price. The 77th Legislature, Regular Session, 2001, established a textbook credit pilot program to determine whether market forces would drive down the cost of textbooks by providing credit to school districts that purchase textbooks at a cost below a certain limit. This bill:

Requires SBOE to adopt rules, including specific requirements for textbook publishers, for the midcycle review and adoption of textbooks for a subject for which textbooks are not under current review, as well as supplemental textbooks.

Requires SBOE, in determining the six-year textbook review and adoption cycle, to consult with the Legislative Budget Board and the governor's office of budget, planning, and policy before approving and publishing any notice or amendment of the cycle, consider certain data and budgetary impact, and limit the cycle to those subject areas for which textbooks can be purchased within funding levels for the school year in which they are to be adopted.

Sets forth conditions under which a school district or open enrollment charter school can purchase supplemental textbooks and entitles a district or charter school to receive credit for textbooks purchased at a cost below the cost limit for that textbook in a certain amount.

Potential Conflicts-of-Interest and Superintendents—H.B. 189

By Representatives Hochberg and Allen—Senate Sponsor: Senator Janek

Some superintendents of school districts receive financial benefits for performing personal services for entities that contract with the school district, creating a potential conflict of interest. This bill:

Prohibits the superintendent of a school district from receiving any financial benefit for services performed by the superintendent for any business entity that conducts or solicits business with the school district.

Requires any financial benefit received by the superintendent for performing personal services for any other entity to be approved by the board of trustees on a case-by-case basis in an open meeting.

UIL Eligibility for Students Enrolled in Dual Credit Courses—H.B. 208

By Representative Flores—Senate Sponsor: Senator Lucio

Some school districts and institutions of higher education allow high school students to enroll in courses offered at a college, permitting them to earn both high school and college credit. However, because the student may not physically be attending the number of courses on the high school campus required for University Interscholastic League (UIL) eligibility, the student is not permitted to participate in UIL-sponsored activities. The bill is designed to allow students to be eligible to participate in UIL-sponsored activities, even though they may not physically be attending the number of courses on their high school campus required for eligibility due to concurrent enrollment for college credit. This bill:

Provides that a student's enrollment in a course offered for joint high school and college credit does not affect the student's eligibility to participate in an extracurricular or UIL activity or competition.

Purchasing Contracts and Fees of School Districts—H.B. 273

By Representative Truitt—Senate Sponsor: Senators Harris and Van de Putte

Currently, school districts are allowed to award contracts to vendors based on certain considerations. Many school districts form purchasing consortiums, which develop cooperative contracts for common, standardized products and services, and pay management fees to the consortiums for services rendered. There is currently no requirement to report such agreements to the board of trustees or the general public. This bill:

Authorizes a county board of trustees or a school district board of trustees (board) to establish and operate an economical public school transportation system outside the county or district, as applicable, if the county or district enters into an interlocal contract as provided by Chapter 791, Government Code.

Authorizes a board to contract with a juvenile board for all or any part of a district's public school transportation if the juvenile board requires its bus drivers to have the qualifications required by and to be certified in accordance with Department of Public Safety standards and uses only buses that meet or exceed certain school bus safety standards.

Requires school districts to consider certain factors when determining whether to award purchasing contracts.

Requires a school district that enters into a purchasing contract valued at \$25,000 or more or under any other cooperative purchasing program authorized for school districts by law to document any contract-related fee, including any management fee, and the purpose of each fee under the contract.

Requires the amount, purpose, and disposition of any fee to be presented in a written report and submitted annually in an open meeting of the board of trustees of the school district and requires that the written report appear as an agenda item.

Authorizes the commissioner of education to audit such written reports.

Classroom Placement of Multiple Birth Siblings—H.B. 314

By Representative Eissler et al.—Senate Sponsor: Senator Van de Putte

Currently, parents of multiple birth siblings are not permitted to request placement of their children in the same or separate classrooms. This bill:

Authorizes a parent of multiple birth siblings (siblings) assigned to the same grade level and school to request, in writing and not later than the 14th day after the first day of enrollment, placement of the siblings to the same or separate classrooms.

Requires a school to provide the siblings with the requested placement, except that the principal is authorized to determine the appropriate classroom placement of the siblings if, after the first grading period following enrollment, the principal in consultation with the siblings' teachers determines that the requested classroom placement is disruptive to the school.

Authorizes a parent to appeal the principal's classroom placement of the siblings in the manner provided by school district policy and requires the siblings to remain in the classroom chosen by the parent during an appeal.

Authorizes the school to recommend to a parent the appropriate class placement for the siblings and provide professional educational advice to assist the parent with the decision regarding appropriate class placement.

Provides that a school district is not required to place siblings in separate classrooms if the request requires the district to add an additional class to the siblings' grade level.

Provides that this Act does not affect a right or obligation under Subchapter A (Special Education Program), Chapter 29, Education Code, or under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) regarding the individual placement decisions of the school district admission, review, and dismissal committee, or the right of a school district or teacher to remove a student from a classroom under Chapter 37 (Discipline; Law and Order), Education Code.

Seatbelts on School Buses—H.B. 323

By Representative Hamilton et al. —Senate Sponsor: Senator Lucio et al.

Currently seat belts are not required for large school buses and charter buses. This bill:

Defines "bus" to include a school bus and a school activity bus.

Requires each bus purchased by a school district on or after September 1, 2010, and each school-chartered bus contracted for use by a school district on or after September 1, 2011, for the transportation of schoolchildren to be equipped with a three-point seat belt for each passenger, including the operator.

Requires the State Board of Education (SBOE) to develop and make available to each school district a program of instruction in the proper use of a three-point seat belt and to serve as a clearinghouse of best practices regarding school bus safety.

Requires a school district to require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus and authorizes a school district to implement a disciplinary policy to enforce the use of seat belts by students.

Authorizes a person to offer to donate three-point seat belts or money for the purchase of three-point seat belts for a school district's school buses and requires the board of trustees of a school district to take certain actions with regard to such offers.

Requires a school district to report annually to the Texas Education Agency (TEA) the number of accidents in which the district's buses are involved; requires TEA, by rule; to determine the information to be reported, including certain information; and requires TEA to publish the reports on its Internet website.

Standards of Operation of DAEPs—H.B. 426

By Representatives Madden and Strama—Senate Sponsor: Senator Zaffirini

Current statute provides few minimum standards of operation for disciplinary alternative education programs (DAEPs). The dropout rate of DAEP students is over twice the rate for students statewide, and students in DAEPs generally perform poorly on standardized tests. This bill:

Requires each school district to provide a DAEP that employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21, Education Code, and provides not less than the minimum amount of instructional time per day required by Section 25.082(a) (seven hours).

Requires the Texas Education Agency to adopt standards for the operation of DAEPs, including standards relating to student/teacher ratios, student health and safety, reporting of abuse, neglect, or exploitation of students, training for teachers in behavior management and safety procedures, and planning for a student's transition from a DAEP to a regular campus.

Requires TEA, not later than December 15, 2008, to deliver a report to the legislature that provides the estimated costs to the agency of enforcing the standards adopted under this Act including the estimated cost of on-site monitoring to enforce the standards and alternative methods of monitoring compliance with the standards.

Compulsory Attendance of 18-year-old High School Students—H.B. 566

By Representative Hamilton—Senate Sponsor: Senator Williams

Currently, school truancy laws do not apply to students who voluntarily enroll or attend high school after their 18th birthday, and schools lose money due to the increasing dropout rate of these students. This bill:

Authorizes school districts to require students who voluntarily enroll in school or voluntarily attend school after their 18th birthday to attend school until the end of the school year.

Provides that truancy laws are applicable to such students.

Write-in Voting for Common School District Board Members—H.B. 606

By Representative Madden et al.—Senate Sponsor: Senator Shapiro

Current law requires write-in candidates to declare their participation in an election to allow cancellation of an election if there is no competitive race on the ballot. This bill:

Provides that the procedures for write-in voting prescribed for an election for trustees of an independent school district under Section 11.056 apply to an election for trustees of a common school district operating under former Chapter 22 as that chapter existed on May 1, 1995.

Celebrate Freedom Week—H.B. 708

By Representative Puente—Senate Sponsor: Senator Uresti

Current law designates the week in which November 11 falls as Celebrate Freedom Week to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. This bill:

Changes the date of Celebrate Freedom week to the week in which September 11 falls, to coincide with federal law.

Foundation School Program—H.B. 828

By Representative Hochberg et al.—Senate Sponsor: Senator Shapiro

The Foundation School Program provides a mechanism for funding the state's public education system, consisting of a two tier allotment system, calculated by adding the basic and special allotments and the guaranteed yield allotment, and a facilities component. During the 79th Legislature, 3rd Called Session, 2006, H.B. 1 amended the guaranteed yield allotment by linking it to the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District (AISD), making other Texas school districts vulnerable to the fluctuating Austin real estate market. This bill:

Provides certain circumstances under which the amount of state revenue to which a school district is entitled may be increased or reduced.

Requires the commissioner of education to adjust the amount of a school district's local revenue derived from maintenance and operations tax collections if the district takes certain actions.

Provides that the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort for a school district is the greater of the amount of district tax revenue per weighted student per cent of tax effort either available to AISD or the amount used in the preceding school year.

Health Insurance Eligibility for Public School Employees—H.B. 973

By Representative Eissler—Senate Sponsor: Senator Averitt

Under current law, public school employees who resign at the end of a school year are not entitled to remain on the school district's insurance policy during the summer months. H.B. 973 is designed to allow public school employees who move to a position with a new school district to retain their health insurance coverage during the summer months. This bill:

Entitles an employee of a school district to participate or be enrolled in the uniform group coverage plan or the group health coverage through the first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district, if the employee's resignation was effective after the last day of an instructional year.

Prohibits the school district and the Teacher Retirement System from diminishing or eliminating the amount of a contribution or salary supplementation available to an employee under Chapter 1581 (Employee Expenditures for School Employee Health Coverage Plans), Insurance Code, as long as the employee is eligible to participate or enroll in the group health insurance plan.

Eligibility and Attendance of Certain Non-Minor Students—H.B. 1137

By Representative Hochberg—Senate Sponsor: Senator Zaffirini

Current law is unclear regarding the age of a person eligible to enroll in public schools and whether the school is entitled to receive state funding for such a person's education. It also seems that the law encourages students to drop out because a student cannot receive course credit if the student attends fewer than 90 percent of the days of instruction in a school year. This bill:

Entitles students who are at least 21 years of age and under 26 years of age to the benefits of the available school fund for that year.

Authorizes school districts to admit persons at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma under certain conditions.

Provides that a person who is 21 years of age or older and is admitted to a school district is not eligible for placement in a disciplinary alternative education program or a juvenile justice alternative education program if the person engages in conduct that would require or authorize such placement for a student under the age of 21, and authorizes the school district to revoke admission of a student who engages in conduct that would otherwise require such placement.

Prohibits a person who is 21 years of age or older who is admitted to a school district and who has not attended school in the three preceding school years from being placed with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity.

Authorizes a student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered to be given credit for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class.

Provides that a child is eligible for enrollment in a prekindergarten class if the child is at least three years of age and is or ever has been in the conservatorship of the Department of Family and Protective Services.

Intensive Reading Pilot Program—H.B. 1270

By Representative Eissler—Senate Sponsor: Senator Van de Putte

The 79th Legislature established an intensive reading and language intervention pilot program for at risk students. However, according to the commissioner of education unforeseen costs associated with the impact of hurricanes Katrina and Rita prevented the funding of the pilot program. This bill:

Requires the commissioner of education to establish an intensive reading or language intervention pilot program and amends the criteria for a program that may be selected by a participating campus to require that such programs include scientifically based reading interventions and proven methods, interventions, or tools that accelerate acquisition and reading proficiency for certain students.

Requires that the selection of students to participate in the program be based on assessment data, and requires the administration of benchmark measures at the beginning and end of the program.

Academic Study of the Bible—H.B. 1287

By Representative Chisum et al.—Senate Sponsor: Senators Estes and Nichols

Recent research studies have shown that most high school English teachers and university English department heads believe that due to the high percentage of Biblical allusions in literature, knowledge of the bible confers a major educational advantage to those who have it. This bill:

Authorizes a school district to offer to students in grade nine or above an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or an elective course that combines certain courses to teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and familiarize students with, as applicable the contents, history, literary style and structure and the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

Prohibits a student from being required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament.

Requires a course offered under this Act to follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school district.

Prohibits a course from endorsing, favoring, or promoting, or disfavoring or showing hostility toward, any particular religion or nonreligious faith or religious perspective in violation of any provision of the United States Constitution or federal law, the Texas Constitution or any state law, or any rules or guidelines provided by the United States Department of Education or the Texas Education Agency.

Requires the State Board of Education (SBOE), before adopting rules identifying the essential knowledge and skills of a course offered under this Act, to submit the proposed essential knowledge and skills to the attorney general and requires the attorney general to review the proposed essential knowledge and skills to ensure that the course complies with the First Amendment to the United States Constitution.

Prohibits SBOE from adopting rules identifying the essential knowledge and skills of a course without the attorney general's approval.

Requires a teacher of a course to hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religion or biblical studies and requires a teacher selected to teach a course to successfully complete certain staff development training.

Requires a school district to grant certain credit for satisfactory completion of a course.

Provides that for a particular semester, if fewer than 15 students at a school district campus register to enroll in a course, the district is not required to offer the course at that campus for that semester.

Provides that the board of trustees of a school district is not prohibited from offering an elective course based on the books of a religion other than Christianity.

Requires the commissioner of education to develop in consultation with appropriate faculty members at institutions of higher education and make available through access to in-service training certain materials and other teacher training resources for a school district to use in assisting teachers of elective Bible courses in developing certain expertise, understanding, and proficiency.

Requires each school district that offers kindergarten through grade 12 to offer, as a required curriculum, a foundation curriculum that includes religious literature, including the Hebrew Scriptures and New Testament, and its impact on history and literature.

Authority of the Charter School Finance Corporation—H.B. 1400

By Representative Dutton—Senate Sponsor: Senator Shapiro

In 2001, the legislature enacted legislation requiring the Texas Public Finance Authority (TPFA) to create the Charter School Finance Corporation to issue revenue bonds for authorized open-enrollment charter schools for the acquisition, construction, repair, or renovation of the schools' educational facilities. However, since this legislation was passed, many technical problems in the law have been discovered. This bill:

Requires TPFA to establish a nonprofit corporation to act on behalf of the state, as its duly constituted authority and instrumentality, to issue revenue bonds for authorized open-enrollment charter schools for the acquisition, construction, repair, or renovation of the schools' educational facilities.

Provides that the corporation has all powers granted under the Texas Non-Profit Corporation Act, or granted to a nonprofit corporation under the Business Organizations Code.

Authorizes the corporation to exercise the powers granted to the governing body of an issuer with regard to the issuance of obligations and the execution of credit agreements under the Government Code.

Requires the comptroller of public accounts to establish a fund dedicated to the credit enhancement of bonds issued by any issuer for any open-enrollment charter school.

Posthumous High School Diplomas—H.B. 1563

By Representative Bolton—Senate Sponsor: Senator Shapleigh

Under current law, school districts are not authorized to issue high school diplomas posthumously to students who attended high school in the district and were victims of homicide during the school year. This bill:

Requires a school district, on the request of a student's parent, to issue a high school diploma posthumously to each student who died while enrolled in the district at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died.

Provides that a school district is not required to issue a high school diploma to a student who died while enrolled at grade level 12 if the student was convicted of a felony.

Standards and Funding for Communities in Schools Program—H.B. 1609

By Representative Crownover et al.—Senate Sponsor: Senator Shapleigh

The Communities in Schools (CIS) program is the largest dropout prevention program in the state. CIS was initially funded in 1980 through discretionary funding under the federal Job Training Partnership Act, but since 1989, it has been financed with discretionary funding either from the governor or from the legislature through an appropriation rider passed each legislative session. Current statute does not require any funds to be set aside for the program. This bill:

Eliminates the role of Department of Protective and Regulatory Services (now the Department of Family and Protective Services) in supporting CIS programs and abolishes the office of state CIS director.

Transfers the duties of the office of state CIS director to the commissioner of education (commissioner) and expands those duties relating to state performance goals, objectives, and measures for the CIS program and policies relating to Texas Education Agency responsibilities in encouraging local businesses to participate in CIS programs, in obtaining information from participating school districts, in determining the use of federal or state funds for the programs, and any other areas identified by the commissioner.

Authorizes the commissioner to withhold funding if the commissioner determines that a program consistently fails to achieve the performance goals, objectives, and measures established by the commissioner and to require such a program to receive funding through a competitive bidding process.

Requires the commissioner, each fiscal year, to withhold an amount to be determined by appropriation for prekindergarten through high school CIS programs from the total amount of funds appropriated for compensatory education allotments and to distribute that amount as provided in the Education Code.

Grievance Reporting Procedures for School Employees—H.B. 1622

By Representative Delisi et al.—Senate Sponsor: Senator Averitt

Current grievance reporting procedures in school districts are not required to include provisions allowing an employee to report a grievance against a supervisor to someone other than his or her supervisor. This bill:

Requires a school district grievance policy to permit a school district employee to report a grievance against a supervisor that alleges the supervisor's violation of the law in the workplace or the supervisor's unlawful harassment of the employee to a supervisor other than the supervisor against whom the employee intends to report the grievance.

Nature Science Curriculum—H.B. 1700

By Representative Hilderbran—Senate Sponsor: Senator Fraser

Texas Tech University at Junction (TTU--Junction) has operated a nature science program called the Outdoor School since 2003. The program integrates mathematics, science, and social studies curriculum and has been very successful at improving the academic performance of students on certain assessments in related subject areas. This bill:

Expands the nature science program statewide to provide the opportunity to attend to more students.

Requires the State Board of Education (SBOE), acting jointly with the Outdoor School at TTU--Junction, the Texas Science, Technology, Engineering, and Mathematics Center of Texas Tech University, and the South Llano River State Park, to assist in developing an outdoor science curriculum for grades six through 12.

Requires the nature science curriculum to provide essential knowledge and skills in the areas of science, mathematics, social studies, language arts, and to be made available statewide.

THECB Oversight of Texas Governor's Schools—H.B. 1748

By Representative Morrison—Senate Sponsor: Senator Shapiro

The Texas governor's schools were created during the 79th Legislature, Regular Session, 2005, to provide summer programs for high-achieving high school students. Original oversight of the programs was given to the Texas Education Agency; however, through a memorandum of understanding, the Texas Higher Education Coordinating Board (THECB) has taken over the programs. This bill:

Provides that a governor's school program may include fine arts, in addition to mathematics and science, humanities, or leadership and public policy.

Updates reference to the commissioner of education to refer to THECB.

Home-Schooled Student PSAT and Advanced Placement Testing—H.B. 1844

By Representatives Charlie Howard and Bonnen—Senate Sponsor: Senator Janek

Currently, home-schooled students are not given the opportunity to participate in Advanced Placement or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) testing in public schools. This bill:

Requires a school district to permit a home-schooled student to participate in an administration of the PSAT/NMSQT or a college advanced placement test offered by the district.

Requires a school district to permit a home-schooled student entitled under Section 25.001, Education Code, to attend public school in the district to participate in an administration of the PSAT/NMSQT sponsored by the College Board and Educational Testing Service and the National Merit Scholarship Corporation or a college advanced placement test offered by the district.

Requires a school district to require a home-schooled student to pay the same fee to participate in a test that a student enrolled in the district is required to pay.

Requires a school district to post on an Internet website maintained by the district the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered and state that the PSAT/NMSQT or the advanced placement test is available for home-schooled students eligible to attend school in the district and describe the procedures for a home-schooled student to register for the test.

Requires a school district that does not maintain an Internet website to publish the information required in a newspaper in the district or if a newspaper is not published in the school district, to provide for the publication of notice in at least one newspaper in the county in which the district's central administrative office is located.

Authorizes the commissioner of education to adopt rules as necessary.

Funding for School District Maintenance, Operations, and Facilities—H.B. 1922

By Representative Kolkhorst et al.—Senate Sponsor: Senator Shapiro

The Education Code creates the Foundation School Program to provide a mechanism for funding the state's public education system. The Foundation School Program consists of a two tier allotment system, calculated by adding the basic and special allotments and the guaranteed yield allotment, and a facilities component. Currently, the state provides assistance for existing debt for construction of school facilities if a school district made payments on the bonds during the 2004-2005 school year and the school district's wealth level qualifies the district for assistance. This bill:

Provides for an adjustment in the amount of state aid to which a school district is entitled to offset lost local revenue associated with the tax rate reduction mandated by the 79th Texas Legislature, 3rd Called Session.

Authorizes an increase or decrease of the additional entitlement for any given year for changes in funding received through the new instructional facilities allotment (NIFA).

Rolls forward the eligibility date for the Existing Debt Allotment program to provide state assistance for the payment of debt service on bonds for which a district either made payments or levied taxes during the 2006-2007 school year.

Prohibiting Firearms on School Parking Areas—H.B. 2112

By Representative Patrick et al.—Senate Sponsor: Senator Hegar

Section 37 (Discipline; Law and Order), Education Code, does not include school parking lots and parking garages in the list of premises on which a person is prohibited from intentionally, knowingly, or recklessly possessing a firearm. This bill:

Provides that a person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm in or on any public or private school property, including a parking lot, parking garage, or other parking area.

Pregnancy Awareness in High School Health Courses—H.B. 2176

By Representative Deshotel et al.—Senate Sponsor: Senator West

The Office of the Attorney General developed the Parenting and Paternity Awareness (PAPA) Curriculum to promote responsible parenthood and to encourage the formation of strong, stable families among pregnant and parenting youth. The curriculum provides information regarding child support and educates young people about the realities, legal rights, and financial responsibilities that come with parenthood. This bill:

Requires the State Board of Education, in conjunction with the Office of the Attorney General, to develop a parenting and paternity awareness program that a school district is required to incorporate in the high school health curriculum.

Sets forth certain components to be addressed in the program.

High School Completion and Success Initiative—H.B. 2237

By Representative Eissler et al.—Senate Sponsor: Senator Shapiro

Texas high schools tend to fall short in preparing students for postsecondary studies and vocational opportunities. Over 20 percent of Texas adults between the ages of 24 and 44 do not have a high school diploma or GED, and over 50 percent of students entering postsecondary education have to complete at least one remedial course in mathematics, reading, or writing when enrolling in college. This bill:

Requires the commissioner of education (commissioner) to establish an online clearinghouse of information relating to best practices of campuses and school districts regarding dropout prevention.

Requires the commissioner to contract with certain education entities to study the best practices of campuses and school districts regarding dropout prevention programs and to prepare a report regarding the findings of such a study.

Requires the commissioner to establish a program to provide grants to school districts for the purpose of constructing or renovating high school science laboratories.

Authorizes the commissioner to develop and award grants to districts for providing professional development activities for teachers and administrators relating to implementing curriculum and instruction aligned with the foundation curriculum and standards and expectations for college readiness.

Requires the commissioner to establish a pilot program in which participating districts receive grants to provide assistance in the development of content knowledge and instructional expertise of teachers who instruct students in mathematics.

Requires the commissioner to develop and make available reading academies and mathematics, science, and technology teacher preparation academies for teachers.

Authorizes a peace officer who has probable cause to believe that a child is in violation of the compulsory school attendance laws to take the child into custody for the purpose of returning the child to school.

Requires the administration of additional reading instruction to students who perform poorly on certain reading instruments.

Requires the State Board of Education to incorporate college readiness standards and expectations into the essential knowledge and skills of the foundation curriculum and courses in college preparatory mathematics, science, social studies, and English language arts.

Requires the Texas Education Agency to establish minimum standards for a personal graduation plan and encourages each school district to establish for each ninth-grade student a personal graduation plan that promotes college and workforce readiness and career placement and advancement, as well as facilitates the student's transition from secondary to postsecondary education.

Requires the commissioner to administer a pilot program to provide grants to school districts to fund student club activities for students at risk of dropping out of school and to implement a local collaborative dropout reduction program.

Requires the commissioner to establish pilot programs to award grants to campuses that provide intensive technology-based supplementary instruction and intensive summer programs in English, mathematics, science, or social studies, and promote college and workforce readiness to high school students identified at risk of dropping out of school.

Requires each school district to designate one week as "Education: Go Get It" Week to educate middle and high school students about the importance of higher education.

Authorizes the commissioner to award grants to organizations that provide volunteers to teach classroom or after-school programs to enhance college and workforce readiness, dropout prevention, or personal financial literacy.

Authorizes the commissioner to establish a grant program under which grants are awarded to secondary campuses to support the implementation of innovative high school improvement programs.

Establishes the High School Completion and Success Initiative Council to identify strategic priorities for and make recommendations to improve the effectiveness, coordination, and alignment of high school completion and college and workforce readiness efforts.

Subsidies for Certain Programs and Scholarships for Early Graduation—H.B. 2383

By Representative Lucio III et al.—Senate Sponsor: Senator Lucio

Career and technical education programs in the public school system offer courses to prepare students for the workforce; however, students often fail to take the certification examinations associated with the programs due to financial constraints. This bill:

Entitles a student to a subsidy for the costs of a certification examination if the student successfully completes the career and technology program of a school district in which the student receives training and instruction for employment in a certain trade or occupation, passes a certification examination, and demonstrates financial need.

Requires a person to have graduated from a public high school in Texas to be eligible for an award through the Early High School Graduation Scholarship Program.

Teacher Retention Demonstration Projects—H.B. 2399

By Representative Delisi—Senate Sponsor: Senator Shapiro

Current law establishes grants under the student achievement program for school districts with certain rankings and ratings based on academic performance, part of which is to be used as an incentive payment to classroom teachers who are deemed to positively influence the academic performance of the students. However, schools are faced with the issue of high turnover rates of classroom teachers, contributing to the shortage of qualified teachers and to the high cost of training new teachers. This bill:

Requires a school that receives a grant under the student achievement program to use such funding for a program that has been proven to recruit and retain highly effective teachers, including a teacher retention demonstration project that employs innovative, research-based practices to identify and retain highly effective teachers.

School District Depositories—H.B. 2411

By Representative Strama—Senate Sponsor: Senator Ogden

When the legislature modified the basic purchasing statutes for school districts, the concept of using best value procurement for contracts of \$25,000 or more was introduced, enabling school districts to use competitive bidding, competitive sealed proposals, request for proposals, catalogue purchase procedures, inter-local contracts, or design-build contracts. Banking depositories were omitted from that modification, thereby requiring school districts to use competitive bidding in selecting banking services. This bill:

Provides school districts with the option of utilizing a request for proposal process for selecting a bank depository.

Amends Section 45.204, Education Code, to provide that a bank is not disqualified from submitting a proposal to a school district, if the bank is selected by a majority vote of the district's board of trustees or a majority vote of a quorum when only a quorum is present, if a member of the board is a stockholder, officer, director, or employee of the bank.

Amends Section 45.205(b), Education Code, to authorize a school district and the school district's depository bank to agree to extend a depository contract for two additional two-year terms.

Amends Section 45.206, Education Code, to require a school district, not later than the 60th day before the date a school district's current depository contract expires, to choose whether to select a depository through competitive bidding or through requests for proposals.

Establishes the process that a school district that chooses to use competitive bidding or requests for proposals must follow prior to the expiration of an existing depository contract.

Requires a school district, if it chooses to use requests for proposals, to state the selection criteria, including certain specified factors in the request for proposals and to select the proposal that offers the best value to the district based on the evaluation and ranking of each submitted proposal in relation to the stated selection criteria.

Authorizes a district to negotiate with the bank that submits the highest-ranked proposal to determine any terms of the proposed depository contract other than the interest rates proposed.

Provides a process for a school district to award the depository contract if the district receives tying bids for the contract or after evaluating the proposals for the contract ranks two or more proposals equally.

Excused Absences for Court Appearances—H.B. 2455

By Representatives Byron Cook and Strama—Senate Sponsor: Senator Seliger

Currently, students receive unexcused absences for attending court appearances, causing schools to lose funding for those absences. This bill:

Requires a school district to excuse a student from attending school for the purpose of attending a required court appearance.

Technology Literacy Assessment Pilot Program—H.B. 2503

By Representative Eissler et al.—Senate Sponsor: Senator Williams

Current federal law requires students to be technology literate by the eighth grade. Texas does not have a data-gathering tool or an accountability measure to determine whether students are meeting the federal standard. This bill:

Authorizes the establishment of a pilot program for an online technology assessment instrument to assess the knowledge and skills of students' technology applications.

Provides for a statewide pilot program of an online technology assessment for a certain sample of Texas students.

Intensive Mathematics Intervention Pilot Program—H.B. 2504

By Representative Eissler et al.—Senate Sponsor: Senator Shapiro

In May of 2006, the Texas Education Agency reported that only 67 percent of eighth grade students met the standard required to pass the Texas Assessment of Knowledge and Skills. Further, the state mandated high school curriculum requires students to take four years of mathematics courses. For students to be prepared for such mathematics courses, those who are not performing at grade level need additional intensive mathematics intervention and assistance. This bill:

Establishes an intensive mathematics intervention pilot program to provide additional assistance to students who are not performing at the state standard.

Requires the commissioner of education (commissioner) to establish an intensive mathematics and algebra intervention program for students who are not performing at grade level.

Authorizes school districts whose population of at-risk students exceeds the state average proportion of at-risk students to implement the intensive mathematics and algebra intervention pilot program.

Requires the commissioner to contract to evaluate the effectiveness of the program and report the results to the legislature.

Placement of Students Committing Certain Crimes—H.B. 2532

By Representative Patrick et al.—Senate Sponsor: Senator Shapiro

Juvenile justice alternative education programs (JJAEP) and disciplinary alternative education programs (DAEP) were established by the legislature to provide separate educational facilities for dangerous or disruptive students removed from regular classes to ensure the safety of the other students and productivity of the classroom. Under current law, the board of trustees of a school district does not have the authority to expel students charged with certain crimes to an alternative education program unless the offense occurred on school property or at a school-related event. This bill:

Authorizes the board of trustees of a school district to expel a student charged with a felony to an alternative education program.

Provides for the assessment of academic growth of a student placed in a DAEP.

Requires school districts to remove students who are registered sex offenders from the regular classroom and to place those students under court supervision in an alternative education program for at least one semester.

Authorizes school districts to place a student who is a registered sex offender who is not under court supervision in an alternative education program for one semester or in the regular classroom, unless the district board of trustees determines the student's presence in the regular classroom would threaten the

safety of others, would be detrimental to the educational process, or is not in the best interest of the other students.

Provides for the review by a committee of the placement of students who are registered sex offenders in alternative education programs.

Requires notice from a prosecuting attorney or probation facility to a school district of a student's conviction or adjudication of an offense, including if the student is required to register as a sex offender.

Powers and Duties of School Boards and Superintendents—H.B. 2563

By Representative Hancock—Senate Sponsor: Senator Van de Putte

Current law is not specific as to the powers and duties of superintendents and the boards of trustees of independent school districts. There have been complaints of violations by board members relating to operating procedures and management of certain school districts. This bill:

Requires a board of trustees to oversee the management of the district and ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations.

Prohibits a member of the board of trustees from, individually, acting on behalf of the board of trustees.

Sets forth specific powers and duties of the board of trustees.

Requires the superintendent to ensure the implementation of the policies created by the board of trustees.

Sets forth certain collaborative duties of the board of trustees and superintendent.

Sets forth provisions to be included in the employment policy of the school district, including requiring the board of trustees to employ and evaluate the superintendent and authorizing the board of trustees to delegate final hiring authority to the superintendent.

Sets forth specific powers and duties of the superintendent.

National Board of Professional Teaching Standards Recipient Stipends—H.B. 2646

By Representative Rose—Senate Sponsor: Senator Watson

The National Board of Professional Teaching Standards offers national certification of teachers, which sets rigorous standards for teachers' knowledge and skills and identifies highly accomplished teachers. Currently, there is no incentive for Texas teachers to pursue such certification, while other states reward teachers who obtain this certification with salary stipends. This bill:

Provides financial incentives to teachers to pursue national certification by allowing Educator Excellence Award Funds to be used to provide stipends for teachers who obtain national certification.

Requires grant funds remaining from the Educator Excellence Awards to be used to provide stipends to classroom teachers who obtain national board certification through the National Board of Professional Teaching Standards, in addition to other uses.

Dual Language Education Pilot Program—H.B. 2814

By Representative Eissler et al.—Senate Sponsor: Senator Van de Putte

The ability to speak more than one language is becoming an increasingly important and marketable skill in higher education and the workforce. Dual language education programs can provide students with this ability, while influencing student achievement and preparing students for higher education and the workforce. Current law provides for a dual language immersion program but does not provide a dual language education program, which would provide instruction in both English and the native language of non-English speaking students. This bill:

Requires the commissioner of education to establish a pilot project in not more than 10 school districts under which the Texas Education Agency examines dual language education programs and the effect of those programs on a student's ability to graduate from high school.

Requires each school district participating in the dual language education pilot project to establish a community educational pipeline progress team to assist in developing and implementing the dual language education pilot project.

Requires the commissioner of education to enter into a contract to license language learning software using language immersion methods to expand language learning opportunities for all public school students and school district or campus employees.

Technology-based Supplemental Instruction Pilot Program—H.B. 2864

By Representative Chisum—Senate Sponsor: Senator Shapiro

In some rural areas students lack access to advanced or upper level courses that are vital for them to develop aspirations of furthering their education or career goals. This bill:

Requires the commissioner of education to establish a pilot program under which state grant funds are provided to finance technology-based supplemental instruction to students at the sixth through 12th grade levels at eligible campuses.

Authorizes the funding to be used to provide distance learning opportunities for the subject areas of English language arts, social studies, mathematics, science, and languages other than English, and that enable students to earn college credit in those subject areas.

Accountability of Performance of Confined Youth—H.B. 3092

By Representative Hilderbran et al.—Senate Sponsor: Senator Duncan

Currently, the performance of students confined to residential probation facilities is counted, for accountability purposes, in the results of the school district in which the facility is located. This can significantly impact the school district's accountability rating. This bill:

Excludes the results of the students confined to such facilities from the accountability rating of the school districts in which the facilities are located.

Provides that, for the purposes of determining the performance of a school district, a student confined by court order in a residential program or facility operated by or under contract with the Texas Juvenile Probation Commission or any other governmental entity, in addition to a Texas Youth Commission facility, is not considered to be a student of the school district in which the facility is physically located.

Internet Safety Resources—H.B. 3171

By Representative Swinford—Senate Sponsor: Senator Wentworth

Internet safety and copyright laws have become increasingly important due to the availability and efficiency of the Internet. This bill:

Requires the Texas Education Agency to develop and make available to school districts a list of resources concerning Internet safety, including a list of organizations and Internet websites that may assist in educating teachers and students about the potential dangers of allowing personal information to appear on an Internet website; the significance of copyright laws; and the consequences of cyber-plagiarism and theft of audiovisual works.

Equalization of Property Wealth—H.B. 3226

By Representative Branch et al.—Senate Sponsor: Senator West

Chapter 41 of the Education Code requires the commissioner of education to notify a school district not later than July 15 each year if the commissioner finds that, based on estimated values prior to adoption of a local tax rate and budget, the district's taxable value of property per student in weighted average daily attendance exceeds the equalized wealth level, also known as the recapture level. Currently, a school district that exceeds the recapture level is required to hold a one-time authorizing election on methods of distribution of recapture funds, or else face an action such as detachment of territory.

H.B. 1 of the 79th Legislature, 3rd Called Session, 2006, does not require a school district to send recapture levels to the state if the recapture funds sent to the state and the amount of funds received from the state would net out. School districts that are newly identified as Chapter 41 districts that would net out under this provision are still required to hold the election; however, such elections are costly, time consuming, and unnecessary. This bill:

Authorizes the commissioner of education (commissioner) to consider a school district, if the school district's wealth per student exceeds the equalized wealth level for the first time in 2006-2007 or later, to have reduced its wealth per student to the equalized wealth level for any school year.

Requires the commissioner to estimate the amount of state revenue to which the district is entitled as additional state aid for tax reduction and the cost to the district to purchase attendance credits in an amount sufficient to reduce the district's wealth per student to the equalized wealth level for that school year.

Requires the commissioner to calculate the cost for the district to reduce the district's wealth per student to the equalized wealth level using the final attendance and tax rate for the school year and to award the district any available credit or discount in a timely manner.

Requires the commissioner to withhold certain amounts if the final amount calculated for the cost for the district to reduce the district's wealth per student to the equalized wealth level for a school year exceeds the amount of state revenue to which the district is entitled for that year.

Provides that an action by the board of trustees of a school district authorizing the commissioner to withhold state revenue from the district is valid without voter authorization.

International Assessment Instruments—H.B. 3259

By Representative Branch—Senate Sponsor: Senator Shapiro

Currently, there is no measure by which Texas can compare the performance of Texas students on assessment tests with the performance of students of other countries. This bill:

Requires the commissioner of education to establish an international assessment instrument program to compare the results of students in this state with those in other countries.

Authorizes school districts to apply to the commissioner of education to participate in the program.

Prohibition Against Idling Diesel School Bus Engine—H.B. 3457

By Representative Hochberg—Senate Sponsor: Senator Zaffirini

School buses often idle outside schools or at school events for long periods of time, causing tailpipe exhaust to accumulate, which poses a health risk to children and bus drivers. Additionally, idling a school bus engine wastes fuel and money, increasing operating costs for school districts. This bill:

Prohibits the driver of a school bus equipped with a diesel engine from allowing the idling of the bus engine while the bus is parked at a school or school-related event.

Provides an exception to the prohibition against idling for the time necessary to heat or cool a bus engine before departure.

Career and Technology Education Curriculum—H.B. 3485

By Representative Susan King et al.—Senate Sponsor: Senator Shapiro

There is evidence that students who enroll in a sequence of career and technology education courses have better attendance, higher test scores, and higher graduation rates than those who do not. These courses prepare students for the workforce and are often required for many available positions. There is a shortage

of qualified applicants in the workforce of this state to fill current job openings and to replace the large number of skilled workers who will be retiring soon. This bill:

Requires the Texas Education Agency (TEA) to establish a panel to review the career and technical education curriculum.

Authorizes college credit to be earned in high school through the completion of certain courses.

Encourages school districts to establish a personal graduation plan for each student that promotes college and workforce readiness and career placement and advancement and that facilitates the student's transition into postsecondary education.

Voluntary Student Religious Expression—H.B. 3678

By Representative Charlie Howard et al.—Senate Sponsor: Senator Williams et al.

Numerous court decisions have set forth permissible ways in which students are allowed to express their religious freedom at school. Statutory clarification is needed regarding the first amendment rights of students at schools. This bill:

Prohibits a school district from discriminating against a student based on a religious viewpoint expressed by the student.

Requires a school district to adopt a policy, which must include the establishment of a limited public forum and a disclaimer providing that a student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Authorizes students to express their belief about religion in homework, artwork, and other written and oral assignments free from discrimination, and to organize religious groups and activities before, during, and after school.

Requires a school district to adopt and implement a policy regarding a limited public forum and voluntary student expression of religious viewpoint, and sets forth a model policy.

Automatic Admission Requirements—H.B. 3826

By Representative Morrison—Senate Sponsor: Senator Zaffirini

Current law does not require students applying for automatic admission under the top 10 percent rule to complete a particular course curriculum; however, the law does set forth a recommended curriculum and an advanced curriculum, providing that the recommended curriculum be the default curriculum of the high schools in Texas. This bill:

Requires students to have completed the recommended or advanced high school curriculum, the equivalent of such a curriculum, or have satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent, to be eligible for automatic admission at institutions of higher education.

Sets forth application procedures and admission requirements relating to qualifying for admission.

Provides an exception for an applicant who completes only the part of a curriculum specified above that was available to the student but who was unable to complete the rest of the curriculum solely because the required courses were unavailable to the student at the appropriate times because of factors not within the student's control.

Requires the Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, to establish by rule standards for determining whether a private high school is accredited by a generally recognized accrediting organization and whether a person completed a high school curriculum that is equivalent in content and rigor to the recommended or advanced high school curriculum.

Establishes an automatic admissions policy for an undergraduate student who is the child of a public servant killed or fatally injured in the line of duty and who meets the minimum academic requirements, if any, established for this purpose by the public college or university where the student is applying.

Instruction of CPR, Availability of AEDs, and Cardiovascular Screening—S.B. 7

By Senator Hinojosa et al.—House Sponsor: Representatives Eissler and Vo

Sudden cardiac arrest strikes people of all ages and degrees of fitness, often without warning. Proper preparation and training of bystanders to such incidents can increase the likelihood of survival of the victim of sudden cardiac arrest through the use of cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs). This bill:

Requires the availability of at least one AED at every public school campus, and every school athletic competition and practice, as well as the training of certain school personnel and students in the use of an AED and in using CPR.

Provides for the establishment of a cardiovascular screening pilot program under which sixth grade students at participating campuses are administered a cardiovascular screening to detect any complications before they become serious or harmful.

Authorizes the Texas Education Agency to accept donations for use in providing CPR instruction to students.

Requires school districts to annually make available to district employees and volunteers instruction in the principles and techniques of CPR and the use of AEDs.

Requires certain school personnel and students to participate in the instruction.

Requires the State Board of Education to include elements relating to instruction in CPR and the use of AEDs as part of the essential knowledge and skills of the health curriculum.

Requires school districts to make available at each campus in the district and at each University Interscholastic League athletic event at least one AED and at least one employee trained in the proper use of the AED.

Requires school districts to develop safety procedures for employees and students to follow in responding to medical emergencies involving cardiac arrest.

Requires the commissioner of education to establish a pilot program under which sixth grade students at participating campuses, selected by the commissioner, are administered a cardiovascular screening.

Random Steroid Testing of High School Athletes—S.B. 8

By Senators Janek and Seliger—House Sponsor: Representative Flynn

Current law prohibits the use of steroids among student athletes; however, steroid use is becoming more prevalent in high schools across the state. Students are often unaware of the severe physical and psychological consequences associated with steroid use. School districts currently lack programs to educate students and faculty regarding the effects of using steroids, and they need effective measures to address this growing problem. This bill:

Requires the University Interscholastic League (UIL) to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by UIL unless the student agrees not to use steroids and submits to random testing for the presence of illegal steroids in the student's body.

Requires a school district to require each coach at or above the seventh grade to complete an educational program developed by UIL or a comparable private entity.

Requires UIL to adopt rules for the annual administration of a steroid testing program that meets certain criteria regarding the selection and sample size of students, the process of administering the tests, and the ineligibility for students with positive results.

Criminal History Background Check of School District Employees—S.B. 9

By Senators Shapiro and Hinojosa—House Sponsor: Representatives Branch and Madden

In October 2003, Texas began requiring national criminal history background checks through fingerprinting for all new applicants for educator certification. This bill:

Requires a national criminal history background check for all certified public school employees, including those employed prior to October 2003.

Authorizes the Texas Board for Educator Certification to suspend, revoke, or refuse to issue a certificate or permit of a person who has been convicted of certain felony or misdemeanor offenses relating to the duties and responsibilities of the education profession.

Requires DPS to create a criminal history clearinghouse to provide criminal history record information to certain persons entitled to receive it, including TEA.

Safety Training in Athletic Programs at Public Schools—S.B. 82

By Senators Van de Putte and West—House Sponsor: Representative Eissler

Currently, Texas students participate in school-sponsored extracurricular activities without uniform health and safety standards. Texas law does not provide for comprehensive training of certain school personnel or students in basic safety procedures. This bill:

Requires the commissioner of education to develop and adopt an extracurricular activity safety training program.

Requires coaches, trainers, and sponsors of athletic programs to complete the safety program, which includes training in the recognition of potentially catastrophic injuries, emergency action planning, and CPR.

Requires students participating in extracurricular activities to receive training in recognizing serious injuries and the dangers of dietary supplements marketed as enhancing athletic performance. Requires such students to complete the University Interscholastic League (UIL) forms entitled "Preparticipation Physical Evaluation-Medical History" and "Acknowledgement of Rules."

Prohibits a coach, trainer, or sponsor of an athletic program from encouraging or permitting a student to engage in an unreasonably dangerous athletic technique that unnecessarily endangers the health of a student.

Sets forth certain safety precautions required by a coach, trainer, or sponsor for an athletic program at each practice or competition.

Sets forth provisions regarding compliance, enforcement and penalties, and immunity from liability.

School District Employee Communication with School Board—S.B. 135

By Senator Wentworth—House Sponsor: Representative Eissler

Currently, school district employees are often discouraged from speaking directly to school board members about the operation of the school. Better public policy can be made when school board members communicate directly with those employees who are in the schools, implementing the policies. This bill:

Prohibits the employment policy of a school district from restricting the ability of a school district employee to communicate directly with a member of the board of trustees regarding a matter relating to the operation of the district, except in certain situations.

Internet Safety Community Education Program—S.B. 136

By Senator Nelson et al.—House Sponsor: Representative Branch

Currently, several resources and programs exist regarding Internet safety that may be used by schools to educate students about some of the dangers of using the Internet. However, these programs are often not consistent. This bill:

Requires the Texas School Safety Center, in cooperation with the Office of the Attorney General, to develop a program that provides instruction concerning Internet safety.

Sets forth certain components to be included in the program.

Certification of Educational Diagnosticians—S.B. 158

By Senators Seliger and Van de Putte—House Sponsor: Representative Eissler

Currently, educational diagnosticians are not required to be certified in any manner. This bill:

Adds educational diagnosticians to the list of persons prohibited from being employed by a school district without an appropriate certificate or permit issued by the State Board for Educator Certification (SBEC).

Requires SBEC to propose rules governing the certification of education diagnosticians.

School District Employees' Liability for Certain Materials—S.B. 370

By Senator Shapiro—House Sponsor: Representative Eissler

Currently, school district employees, including teachers, may be held liable for items confiscated under a school district or classroom policy that are then damaged or stolen. This bill:

Prohibits school district policies from requiring a district employee to assume liability for an act for which the employee is immune from liability, or to pay for or replace property belonging to a student that is or was in the possession of the employee because of an incident that is within the scope of the duties of the employee's position.

Restrictions on the Amount of Permanent School Fund Bonds—S.B. 389

By Senator Shapiro—House Sponsor: Representative McCall

Current law restricts the amount of bonds guaranteed by the Permanent School Fund (PSF) to two-and-a-half times the cost value or the market value of the PSF, whichever is less. The existing multiplier is not set at a maximum level to allow the highest bond rating. This bill:

Deletes provisions restricting the amount of guaranteed bonds to two-and-a-half times the market value of the PSF.

Authorizes the State Board of Education to increase the limit on the amount of bonds guaranteed by the PSF to an amount not to exceed five times the cost value of the PSF.

Physical Activity Requirements—S.B. 530

By Senator Nelson et al.—House Sponsor: Representative Eissler

Research has shown that childhood obesity has many long-term, severe consequences. It is essential that healthy habits begin early in a child's life to prevent the chronic disease risks associated with being overweight or obese. This bill:

Requires school districts to require students in kindergarten through fifth grade to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of a district's physical education curriculum or through structured activity during a school campus's daily recess.

Requires school districts to require students in sixth through eighth grades to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels.

Requires school district to annually assess the physical fitness of students in grades three through 12 and report such results to the Texas Education Agency (TEA).

Requires TEA to analyze the results of the physical fitness assessment and identify correlations between the results and certain factors.

Disclosure of Name of Student Victim—S.B. 606

By Senator Ogden—House Sponsor: Representative Gattis

Currently, the press is able to obtain the identity of a student victim of abuse by a teacher under the Public Information Act in reports of teacher misconduct filed with the State Board for Educator Certification because there is no statutory language preventing its disclosure. This bill:

Requires the name of a student or minor who is the victim of abuse or unlawful conduct by an educator to be included in a report filed with the State Board for Educator Certification providing the names of educators believed to have committed certain crimes, including sexual abuse of a student.

Provides that the name of the student or minor is not public information under the Public Information Act.

Special Education Student Participation in Graduation—S.B. 673

By Senator Zaffirini et al.—House Sponsor: Representative Eissler

Under current law, each school board in Texas has discretion over the general graduation policies for its district. An individualized education program (IEP) of a student with disabilities may provide that such student attend high school longer than the traditional four years. School districts are not required to allow these students to participate in the graduation ceremony after completion of four years of high school. This bill:

Requires a school district to issue a certificate of attendance to a student who receives special education services and who has completed four years of high school but has not completed the student's IEP.

Agriculture Awareness in Schools—S.B. 827*By Senator West—House Sponsor: Representative Patrick*

Currently, elementary schools in large urban districts may apply for grants to establish demonstration agriculture projects or other projects designed to foster an understanding and awareness of agriculture. This bill:

Allows middle schools in large urban districts to apply for an agriculture project grant from the Texas Department of Agriculture.

End-of-Course Exams—S.B. 1031*By Senator Shapiro et al.—House Sponsor: Representative Eissler*

Texas has relied on the Texas Assessment of Knowledge and Skills (TAKS) testing regime to improve the educational attainment of students and to hold school districts and teachers accountable for the academic performance of students. However, the TAKS tests have had some unintended consequences because they are generic and cumulative, causing teachers to spend valuable time preparing students for the tests rather than focusing on the richness of the curriculum. This bill:

Replaces the TAKS test at the high school level with end-of-course exams in English language arts, mathematics, science, and social studies.

Establishes the Select Committee on Public School Accountability to conduct a comprehensive review of the public school accountability system and to prepare a report of the findings of the study and recommendations.

Requires the end-of-course assessment instruments adopted to be developed in a manner that measures a student's college readiness.

Requires school districts to administer, each school year and at state cost, a college preparation assessment to students in eighth, 10th, 11th, and 12th grades.

Provides that a person commits a Class C misdemeanor by intentionally disclosing the contents of any portion of an assessment instrument.

Limits the amount of field testing of assessment instruments.

Benefits for Rehired TRS Retirees—S.B. 1039*By Senators Lucio and Eltife—House Sponsor: Representative Homer*

Current law requires school districts to begin the school year no earlier than the fourth Monday in August. Schools that start later in August have to extend the school year into June. Many school retirees return to work under the six-month exemption, which allows retired teachers to return to teaching for up to six months in a full-time position without losing benefits. However, changes in the school year calendar led to an inadvertent forfeiture of the annuity checks currently received by these teachers in June. This bill:

Allows retired members of the Teacher Retirement System who return to work at a Texas public educational institution to work into the month of June of a school year if the work cannot be completed by May 31 and the retiree does not work beyond June 15 of that year.

Provides that time spent by a retiree attending professional development classes or activities is not considered work for the purpose of causing retirees' annuities to be forfeited.

Employers for Education Excellence Award—S.B. 1433

By Senator Van de Putte—House Sponsor: Representative Rose

Texas has implemented policies that recognize the importance of parental involvement in a child's schooling. Many parents, however, risk job loss or financial hardship if they take time away from their work to attend school functions or related school activities. This bill:

Requires the State Board of Education (SBOE) to create the Employers for Education Excellence Award to encourage businesses to implement policies that allow employees to attend activities involving their child at school.

Requires SBOE to establish certain levels of recognition and criteria required to qualify for an award.

Internet Website and Training Program on Prevention of Child Abuse—S.B. 1456

By Senator Uresti—House Sponsor: Representative Castro

Child abuse is a devastating problem that has long-lasting, severe psychological effects. Training teachers with the latest tools and information to be able to identify the signs of child abuse and to prevent child abuse may be an effective method of addressing the problem. This bill:

Requires the Texas Education Agency to maintain on its Internet website a list of links to websites that provide information regarding the prevention of child abuse and to develop and periodically update a training program on prevention of child abuse that a school district may use for staff development.

Train Derailment Response for Schools—S.B. 1504

By Senator Van de Putte—House Sponsor: Representative Villarreal

Train derailments are dangerous to the area surrounding the accident, whether from direct harm to sites within 100 feet of the accident to chemical spills that can affect a much larger area. It is necessary for schools in close proximity to train tracks to prepare response plans to protect students from the possible dangers of an accident. This bill:

Requires a school district to include in its multihazard emergency operations plan a policy for responding to a train derailment near a school that is located within 1,000 yards of a railroad track.

No-Pass No-Play Course Exemptions—S.B. 1517*By Senator Janek—House Sponsor: Representative Hochberg*

The "No-Pass No-Play" statute was designed to prioritize the competing interests of high school academic performance and athletic competition. The statute requires a student participating in sports or an extracurricular activity to be suspended from the activity upon receiving a failing grade, and it authorizes school districts to exempt certain courses from those requirements. Currently, exempt courses vary between school districts, discouraging students from enrolling in more challenging courses for fear of jeopardizing their ability to participate in extracurricular activities. This bill:

Exempts certain courses from the requirement that a student be suspended from extracurricular activities for failing a class, including an advanced placement or international baccalaureate course, or an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English.

Requires the Texas Education Agency to review on a biennial basis the exempt courses to determine whether other courses should be excluded from the requirement that a student be suspended from extracurricular activities for failing a class.

Designation of Location for Public School Transportation—S.B. 1713*By Senators Eltife and Van de Putte—House Sponsor: Representative Patrick*

Generally, school districts are authorized to allow a parent to designate a child care facility or a grandparent's residence as a regular location for transportation of the child to and from school if the location is on an approved route. Some schools, however, have chosen not to honor such a request made by a parent. This bill:

Requires school districts to honor the requests of parents to designate a child care facility or a grandparent's residence as a location at which the child may be dropped off or picked up by school transportation.

Requires a county or school district to allow a parent to designate a grandparent's residence or child care facility for the purpose of accessing transportation to and from the child's school if the location is on an approved route.

State Virtual School Network—S.B. 1788*By Senators Shapiro and Patrick—House Sponsor: Representative Madden*

Many students do not have access to certain courses at their schools for various reasons. Several school districts in Texas already provide online learning opportunities for students wanting to take certain courses. A state virtual school network would provide Web-based instruction in cooperation with local school districts to allow students who reside in rural areas where such courses are not offered or who work to take courses online for credit. This bill:

Establishes a state virtual school network.

Sets forth the operational, administrative, and funding requirements of the network.

Funding and Benefits of the Teacher Retirement System—S.B. 1846

By Senator Duncan—House Sponsor: Representative Truitt

One of the constitutional provisions of the Teacher Retirement System of Texas (TRS) is a requirement that financing of benefits be based on sound actuarial principles. One such principle is the funding period, or the necessary amortization period for assets to fund liabilities. According to the TRS outside consulting actuary, the system has had an "infinite" funding period, which has resulted in retirees being precluded from receiving any benefit enhancements until the fund can amortize liabilities within a 31-year period. This bill:

Authorizes the TRS board of trustees to, by order, require that the rate of contributions for each member of the retirement system be increased to not more than 6.58 percent of the member's annual compensation for services rendered after the date of the order.

Grants his authorization if the legislature by law requires or authorizes the board of trustees to pay a supplemental payment to specified annuitants, and if the board of trustees finds, as of the time the payment is to be made, that after the payment is made the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.

Prohibits the board of trustees, notwithstanding any other law, from making a supplemental payment required or authorized by the legislature by law, and from imposing an increase in the rate of contributions, if the board of trustees finds that after making the payment and imposing the increase the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.

Provides that the state contribution to the retirement system may not be less than the amount contributed by members during a fiscal year.

Requires the state, during each fiscal year of the state fiscal biennium beginning September 1, 2007, to contribute to the retirement system an amount equal to 6.58 of the aggregate annual compensation of all members of the retirement system during that fiscal year.

Requires TRS to make a one-time supplemental payment of a retirement or death benefit to eligible persons, as provided for by the bill.

Evaluation of Bilingual Education Programs—S.B. 1871

By Senators Zaffirini and Van de Putte—House Sponsor: Representative Hochberg

Currently, school districts with an enrollment of 20 or more students of limited English proficiency in the same grade level have the discretion to adopt different instruction models of bilingual or special language education. However, there is no system in place that measures the effectiveness of the various programs available. This bill:

Requires school districts that are required to offer bilingual education or special language programs to include in the district's Public Education Information Management System (PEIMS) report certain information regarding the students enrolled in the bilingual education or special language programs.

Requires the commissioner of education (commissioner) to adopt rules to classify bilingual education and special language programs according to method and content.

Requires the Texas Education Agency to contract with the State Center for Early Childhood Development to receive and use the score results on a certain reading instrument in the school readiness certification system that certifies the effectiveness of prekindergarten programs.

Requires the commissioner to develop an assessment system to be used for evaluating the academic progress of students of limited English proficiency and to report the results of such assessment in a manner that is disaggregated by the bilingual education or special language program in which students of limited English proficiency are enrolled.

Certification of Educators from Outside of Texas—S.B. 1912

By Senators Shapleigh and Zaffirini—House Sponsor: Representative Haggerty

Current law authorizes the issuance of a one-year temporary teaching certificate to a teacher from another state to use while the State Board for Educator Certification (board) reviews the teacher's credentials to determine what other requirements must be met by the teacher to become certified in Texas. This bill:

Authorizes the board to issue a temporary certification to an educator who holds a certain degree and is certified in another state but who has not performed satisfactorily on the certification examination required in Texas.

Authorizes the board to specify the term of a temporary certificate issued.

Prohibits such a temporary certificate issued to an educator employed in a school district that has been affected by action taken under the Defense Base Closure and Realignment Act of 1990 from expiring before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examinations required to receive a certificate.

Eligibility Requirements for the Children's Health Insurance Program—H.B. 109

by Representative Turner et al.—Senate Sponsors: Senator Averitt et al.

The Texas Children's Health Insurance Program (CHIP) was created by S.B. 445, 76th Legislature, 1999, to provide primary and preventative health care to low-income, uninsured children whose family income and assets are too high to qualify for Medicaid. Eligibility was granted to children under the age of 19 whose family's income was at or below 200 percent of the federal poverty level (FPL); income disregards for Medicaid-allowable expenses such as child care and child support were included in the income calculation. After initial eligibility determination, a child received CHIP benefits for 12 months before eligibility was re-determined. Children leaving another health plan were required to wait 90 days before receiving services under CHIP.

The 78th Legislature, 2003, reduced the continuous eligibility period from 12 to six months and eliminated the income disregards so that eligibility is calculated using gross, rather than net, family income. It extended the 90-day waiting period to all new applicants regardless of their previous insurance history. An assets test was also implemented for applicants with incomes above 150 percent of the FPL. This bill:

Reinstates the income disregards for child care in accordance with Medicaid standards, so that eligibility is based on a calculation of net, rather than gross, family income and reinstates the 12-month continuous eligibility period.

Limits the 90-day waiting period to children who had health insurance during the 90 days prior to applying for CHIP coverage. (The wait period would extend for 90 days after the last date on which a child was insured under a health benefits plan.)

Increases the allowable family asset limit to \$10,000. (Excluded from the calculation of allowable assets is the value of one vehicle exempted by HHSC rule based on its use; the value of a second vehicle exempted by HHSC rule worth \$18,000 or less or modified for a household member with a disability; or, if no vehicle qualified for an exemption based on its use, the first \$18,000 of the value of the highest-valued, non-exempt vehicle or the first \$7,500 of value of any additional vehicle.)

Requires HHSC to conduct a bilingual community outreach and education campaign for CHIP involving school-based health clinics, a toll-free hotline, and information for joint conservators of a child on the importance of notifying each other regarding the child's health benefits coverage.

Child Safety Month—H.B. 1045

By Representative Truitt—Senate Sponsor: Senator Zaffirini

Accidents claim the lives of thousands of children every year and the injuries these accidents cause can result in increased health care costs and pain and suffering for Texas families. This bill:

Designates April as Child Safety Month and provides that this state seeks to ensure that children grow up in a safe and supportive environment by promoting their protection and care through increased public awareness of ways to reduce accidental injury and death through the use of items such as bicycle helmets, seat belts, and smoke alarms, and the dangers presented to children by unattended and unlocked vehicles and by being left in closed vehicles.

Authorizes Child Safety Month to be regularly observed by appropriate celebrations and activities in public schools and other places.

Immunization Awareness Program in Certain School Districts—H.B. 1059

By Representative Parker et al.—Senate Sponsor: Senator Nelson

Each year more than 200,000 individuals nationwide are hospitalized as a result of influenza or complications derived from influenza. During the past three flu seasons, more than 225 children in the United States have died due to influenza. In recent years, four Texas children age 16 and younger have died from influenza, three of whom had not received vaccinations. This bill:

Requires school districts that operate a website, in conjunction with the Department of State Health Services (DSHS), to post information on both required and recommended children's vaccinations to educate families regarding the need to vaccinate children against influenza.

Requires DSHS to post the list in English and Spanish, and take certain measures to increase the accessibility of the list.

Diabetes Intervention Pilot Program for Certain School Districts—H.B. 3618

By Representative Raymond et al.—Senate Sponsor: Senator Zaffirini

Student populations along the Texas-Mexico border suffer from high rates of Type 2 diabetes and are at an increased risk for becoming obese. Hospitalization rates relating to this condition in the Texas-Mexico border region are very high for Hispanics.

According to a report by the Social Health & Research Center in San Antonio, more than 30 percent of all Laredo elementary school children suffer from obesity. An evidence-based and culturally appropriate coordinated health school program is necessary in border communities to educate the area about the unhealthy trends that are occurring. This bill:

Creates a bilingual coordinated health program in certain school districts along the border.

Provides that the diabetes intervention pilot program (pilot program) applies only to a school district located in a county that has a population of less than 600,000 and is located on the international border.

Requires the Department of State Health Services (DSHS), in consultation with the Texas Education Agency, to adopt criteria for the development of a pilot program that is designed to prevent and detect Type 2 diabetes for certain school districts that have a student population identified as at risk for Type 2 diabetes and that takes into account the needs of the school district.

Requires a pilot program to provide that for each student in kindergarten through grade eight, each school in the school district is required to take certain measurements and make certain assessments and provide bilingual materials.

Authorizes a school district to which this bill applies to choose to participate in a pilot program.

Requires a school district participating in the program, in the first year a school district implements a program, to report to the entity that administers the program the measurements of student height, weight, and blood glucose levels and the progress of a student under the program.

Requires the administering entity, in cooperation with DSHS, to evaluate and analyze the measurements to determine the effectiveness of the program in the first year.

Requires DSHS, from money appropriated for that purpose, to distribute money to each school district that chooses to implement a pilot program to cover the costs associated with the program.

Requires DSHS to employ one person as a grant writer to assist and coordinate with school districts located in the Texas-Mexico border region in obtaining grants and other funds for school-based health centers.

Authorizes a grant writer employed under this section to secure a grant or other funds on behalf of the state for a school-based health center.

Authorizes funds obtained by the use of a grant writer employed under this bill to be used only for certain purposes.

Enforcement and Administration of Department of Agriculture Programs—H.B. 4062

By Representatives Miller and Aycock—Senate Sponsor: Senator Nelson

The Texas Department of Agriculture (TDA) currently administers child nutritional programs within the Texas public school system. These programs include the national school lunch and school breakfast programs. This bill:

Clarifies the authority of TDA to administer state and federal nutritional programs and requires TDA to conduct studies relating to reducing the amount of trans-fatty acids in school meals and increasing the number of students participating in the national school breakfast program.

Transfers all records, contracts, assets, personal property, and personnel of the Health and Human Services Commission (HHSC) associated with the administration of a nutrition program transferred to TDA by this Act to TDA.

Updates the Human Resources Code to provide that the Health and Human Services Commission operates the food stamp program and makes conforming changes to that effect.

Requires TDA to administer certain federal and state nutrition programs. Sets forth appropriate penalties for violations of certain provisions of the Agriculture Code.

Requires TDA to prepare and submit a report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature containing information on TDA's and the United States Department of Agriculture's steps to reduce trans-fatty acids from all school meals and nutrition programs.

Requires the report to detail all initiatives, proposals, and programs that the department and the United States Department of Agriculture are then currently conducting or planning to conduct and include TDA's recommendations for legislative action to assist in reducing trans-fatty acids from school meals.

Requires TDA to identify methods for increasing the number of students who eat breakfast. Requires the commissioner of agriculture to prepare and deliver a report describing the results of the study to the governor, the lieutenant governor, and the speaker of the house of representatives.

Provides that HHSC operates the food stamp program.

Health Care Coverage as a Child Support Obligation—S.B. 303

By Senator Harris—House Sponsor: Representative Eiland

Current law authorizes a court, in handling a suit to determine child support in which health care coverage is not available to either parent at what the state defines as "reasonable cost," to require that the child be enrolled in Medicaid or the state children's health insurance plan, and that the parent who is not enrolling the child make payments in addition to child support for the child's health insurance. As a condition for receiving federal funds for certain child support enforcement programs and welfare programs, states must comply with various mandates under Title IV-D of the Social Security Act. The federal Deficit Reduction Act of 2005 amended certain sections of Title IV-D, including requirements with respect to state laws for medical support. This bill:

Requires a court, when determining the net resources available for child support, to deduct expenses for the cost of health insurance or cash medical support for the obligor's child ordered by the court under Section 154.182 (Health insurance), Family Code.

Requires the court, if the obligor has other minor dependents covered under the same health insurance plan, to divide the total cost to the obligor for the insurance by the total number of minor dependents, including the child, covered under the plan, when calculating the amount of the deduction for health care coverage for a child.

Requires a court rendering a final child support order to make specific findings with respect to the manner in which health care coverage is to be provided for the child, in accordance with the priorities identified under Section 154.182, and except for good cause shown or on agreement of the parties, require the parent ordered to provide health care coverage to produce evidence to the court's satisfaction that the parent has taken necessary action to provide for health care coverage for the child.

Defines "reasonable cost" to mean the cost of health insurance coverage for a child that does not exceed nine percent of the responsible parent's annual resources, as described by Section 154.062 (Net resources), Family Code.

Changes the heading of Section 154.182, Family Code, to "Health Care Coverage for Child" and makes conforming changes throughout the section.

Requires a court to give priority to health insurance coverage available through the employment of one of the parties if the coverage is available at a reasonable cost.

Changes references to "obligor" in Section 154.182 to "parent," now providing that if health insurance is available for the child through a parent's employment or membership in an organization at reasonable cost, the court must order that parent to include the child in the parent's health insurance.

Authorizes the court, if health insurance is available to a parent from another source at a reasonable cost, to order that parent to provide health insurance for the child.

Requires the court if health insurance coverage is not available for the child at a reasonable cost through a parent's employment or another source, to order the obligor to pay the obligee, in addition to any amount ordered under the guidelines for child support, an amount, not to exceed nine percent of the obligor's monthly resources, as cash medical support for the child.

Requires the court to order the obligor to pay the obligee, as additional child support, an amount equal to the actual cost of health insurance for the child.

Requires the court, in calculating the actual cost of health insurance for the child, if the obligee has other minor dependents covered under the same health insurance plan, to divide the total cost to the obligee for the insurance by the total number of minor dependents, including the child covered under the plan, or neither parent has access to private health insurance at a reasonable cost, to order the parent awarded the exclusive right to designate the child's primary residence or, to the extent permitted by law, the other parent to apply immediately on behalf of the child for participation in a government medical assistance program or health plan.

Requires the court to order cash medical support if the child participates in a government medical assistance program or health plan.

Provides that an order requiring the payment of cash medical support must allow the obligor to discontinue payment of the cash medical support if health insurance for the child becomes available to the obligor at a reasonable cost, and the obligor enrolls the child in the insurance plan, and provides the obligee and, in a Title IV-D case, the Title IV-D agency, certain information.

Provides that an amount that an obligor is ordered to pay as medical support for the child, including the costs of health insurance coverage or cash medical support is in addition to the amount that the obligor is required to pay for child support under the guidelines for child support, is a child support obligation, and may be enforced by any means available for the enforcement of child support, including withholding from earnings.

Requires a court, if the court finds and states in the child support order that the obligee will maintain health insurance coverage for the child at the obligee's expense, to increase the amount of child support to be paid by the obligor in an amount not exceeding the actual cost to the obligee for maintaining health insurance coverage.

Provides that a court must, as additional child support, allocate between the parties, according to their circumstances, the reasonable and necessary health care expenses of a child that are not reimbursed by health insurance or are not otherwise covered by the amount of cash medical support.

Authorizes a court to modify an order providing for health care coverage.

Use of Certain Vaccines in the Vaccines for Children Program—S.B. 811

By Senator Janek—House Sponsor: Representative Dukes

The federal Vaccines for Children Program (program) was developed to support efforts to increase childhood immunization levels by providing publicly purchased vaccines, including influenza vaccines, to eligible children. A large number of Texas children qualify for influenza vaccines through the program. The majority of the vaccines provided through the program are administered in the offices of private physicians who are program providers. The physicians receive the vaccines at no cost in exchange for abiding by federal laws concerning the use of the influenza vaccine. The Department of State Health Services (DSHS) selects which brand of influenza vaccine on the federal list will be provided and used in the program. Currently, DSHS uses only the least expensive available influenza vaccine without considering the administration method or efficacy of the vaccine. Thus, physicians are limited to a single brand of influenza vaccine provided by DSHS. This bill:

Requires DSHS to allow each health care provider participating in the program to select any influenza vaccines from the list of all influenza vaccines and use both inactivated influenza vaccines and live, attenuated influenza vaccines.

Requires DSHS, where two or more manufacturers produce equivalent vaccines, to procure an equal supply of the vaccine from each manufacturer.

Requires equivalent vaccines to meet certain criteria.

HIV/AIDS Reporting—H.B. 246

By Representative Alonzo—Senate Sponsor: Senator Zaffirini

In 2005, almost 6,000 Texans had acquired immune deficiency syndrome (AIDS) caused by the human immunodeficiency virus (HIV). Currently, the Department of State Health Services (DSHS) reports cases on HIV/AIDS to the Centers for Disease Control (CDC) in Atlanta, and the CDC uses HIV surveillance to learn more regarding risk factors for HIV, whether people have adequate information about the disease, whether persons at risk are being tested, whether person with HIV are receiving care, and whether persons with HIV are taking their medicines as directed. This information is then used to direct HIV prevention efforts to where they are needed most. The frequency of reports and the variables that are reported are currently reported by rule, but are not included in statute. This bill:

Requires certain health authorities to report to the Department of State Health Services (DSHS) all cases of diagnosed HIV/AIDS infections on a weekly basis.

Requires an infected person's city and county of residence, age, gender, race, ethnicity, and national origin, and the method of transmission to be included in the report.

Requires DSHS to prepare and submit a report to the legislature regarding the use of emerging technologies in enhancing surveillance, treatment, and prevention of AIDS and HIV infection.

Importation of Electronic Eligibility Information—H.B. 321

By Representative Dukes—Senate Sponsor: Senators Deuell and Shapleigh

Currently, local and regional indigent care networks assess new clients in order to determine their eligibility for local, state, and/or federal programs. A patient who is found to be eligible is then required to resubmit the patient's information to the Health and Human Services Commission (HHSC). Using an electronic database of such information may improve the overall efficiency of the process and to save money for involved parties by removing the step in which the patient resubmits information. This bill:

Requires HHSC to establish a pilot project in at least one urban area of this state to determine the feasibility, costs, and benefits of accepting, for the purpose of establishing eligibility for benefits under state and federal health and human services programs administered by HHSC, the direct importation of electronic eligibility information from an electronic system operated by a regional indigent care collaborative system.

Requires an area selected for the implementation of the pilot project to meet certain criteria.

Requires HHSC to implement the pilot project in a specified time and manner.

Requires HHSC to evaluate and assess the pilot program and report its findings to the standing committees of the senate and the house of representatives having primary jurisdiction over health and human services issues.

Home-Delivered Meals and the Department of Agriculture—H.B. 407

By Representative Chisum et al.—Senate Sponsor: Senator Watson

Currently, home-delivered meal services exist in almost every county in Texas. These services are paid for through the Department of Aging and Disability Services, local area agencies on aging, and private donations. This bill:

Increases access to home-delivered meals for elderly persons and persons with disabilities through the creation of a home-delivered meal grant program in the Texas Department of Agriculture.

Umbilical Cord Blood Information—H.B. 709

By Representative Puente et al.—Senate Sponsor: Senators Nelson and Zaffirini

Each year, thousands of individuals in the United States are diagnosed with fatal blood-related diseases, such as leukemia, lymphoma, aplastic anemia, and deficiencies of the immune system. A majority of such cases are treated through bone marrow transplants, yet approximately 10,000 to 15,000 Americans each year who need a bone marrow transplant are unable to find suitable donors. In lieu of a bone marrow transplant, umbilical cord blood, which is rich in stem cells, may be used to treat a variety of these fatal blood-related diseases. Currently, mothers are required to be made aware of the umbilical cord blood options available. This bill:

Specifies the entities responsible for distributing umbilical cord blood option information.

Serving Transitional Youth With Disabilities—H.B. 1230

By Representative Rodriguez et al.—Senate Sponsor: Senators Zaffirini and Van de Putte

The Department of Assistive and Rehabilitative Services (DARS) has an established team of counselors to provide services to youth with disabilities who are transitioning from school-oriented living to post-secondary educational or vocational opportunities. These transition counselors often have little knowledge of the community services and supports available through other health and human service agencies and are not required to participate in specialized training programs focusing on those supports and services, resulting in less effective assistance being provided to the transitioning youth. Improved training for those counselors may solve this problem. Additionally, while pockets of state and national data exist, little is known about youth outcomes in Texas with respect to employment, community integration, and quality of life. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to monitor programs and services offered through health and human services agencies designed to assist youth with disabilities to transition from school-oriented living to post-schooling activities, services for adults, or community living.

Requires the executive commissioner, in monitoring the programs and services, to consider whether the programs and services result in certain positive outcomes for individuals with disabilities and to collect information regarding the outcomes of the transition process as necessary to assess the programs and services.

Requires the Department of Assistive and Rehabilitative Services (DARS) to establish and require employee participation in a specialized training program for certain employees whose duties involve assisting transitioning youth with disabilities.

Requires the training program to provide employees with information regarding supports and services available from other health and human services agencies for, and community resources available to improve the quality of life of, transitioning youth with disabilities or adults with disabilities, and other available resources that may remove transitional barriers for transitioning youth with disabilities.

Requires DARS to collaborate with other health and human services agencies as necessary in developing the training program.

Requires the executive commissioner to establish a work group to create and implement a plan to ensure that a transitioning individual with a disability has certain choices and opportunities and supports; to improve the collaboration between certain agencies to maximize existing supported employment resources, and to increase the quality and quantity of available supported employment opportunities.

Requires the work group, in developing the plan, to focus on increasing the quality of services and resulting employment outcomes across disabilities and increasing the cooperation among agencies and community providers in the development and provision of seamless supported employment services.

Requires the work group to file its recommended plan with the executive commissioner not later than April 1, 2008.

Requires the executive commissioner to establish the work group not later than November 1, 2007, to adopt rules necessary to implement the plan recommended by the work group not later than October 1, 2008, and to present a report that describes the actions taken by the health and human services agencies to implement the plan recommended by the work group, and any actions the agencies intend to take during the next biennium in accordance with the plan, to certain appropriate committees not later than January 1, 2009.

Prescription Drug Awareness Program—H.B. 1676

By Representative Delisi et al.—Senate Sponsor: Senator Van de Putte

While many reputable pharmacies provide medications through Internet websites, there are also unscrupulous Internet-based pharmacy operations. Since these Internet pharmacies usually operate out of foreign countries, consumers may discover that they have little or no recourse if they are the victims of malfeasance. This bill:

Requires the office of the attorney general to develop a public awareness campaign to educate consumers concerning solicitations for the sale of prescription drugs that are made using electronic mail or the Internet.

Requires the office of the attorney general to consult with the State Board of Pharmacy in developing the program.

Municipal and County Ancillary Health Care Facilities—H.B. 2168

By Representatives Hill and Robby Cook—Senate Sponsor: Senator Carona

Many hospitals are entering into joint ventures with physicians to own and operate ancillary health care facilities, such as day surgery centers or imaging centers. Municipal and county hospital authorities are unable to compete effectively with such private facilities. This bill:

Authorizes hospital authorities and districts to create a nonprofit corporation and to own and operate an ancillary health care facility.

Pilot Project to Construct a Public Safety Triage and Detoxification Unit—H.B. 2524

By Representative McReynolds et al.—Senate Sponsor: Senator Van de Putte

The Bexar County Jail routinely has 450-550 inmates who have persistent mental illnesses and/or a substance addiction, and of the 11,179 inmates screened, approximately 60 percent showed signs of mental health disorders compounded by a substance addiction. These people often are in jail for misdemeanors such as public intoxication, panhandling, or vagrancy.

In 2005, several agencies within Bexar County developed the Crisis Care Center to help reduce the costs to law enforcement, time spent in emergency rooms, and inappropriate incarcerations. This jail diversion program has been successful and has won awards from the National Council of Community Behavioral Health Centers and the Gold Award of the American Psychiatric Association. This bill:

Authorizes the development of a pilot project in Bexar County, through which the Department of State Health Services (DSHS) will assist Bexar County in providing medical and mental health care through intervention and detoxification units.

Requires DSHS to develop a pilot project in Bexar County to address jail overcrowding by diverting persons with mental illness or substance abuse problems to inpatient and outpatient services using a public safety triage and detoxification unit.

Authorizes DSHS, participating local mental health authorities, prosecutorial agencies, law enforcement agencies, jail facilities, courts, county or municipal governments, appropriate nonprofit foundations, and providers of psychiatric services to enter into agreements regarding the procedures to follow in implementing the project and the duties of each participating entity.

Requires DSHS to submit to the governor, lieutenant governor, and speaker of the house of representatives a report regarding the quality of the services provided through the pilot project, the cost-effectiveness of providing mental health and substance abuse services in coordination with a jail diversion program, recommendations for establishing similar programs throughout the state, and any other relevant information as determined by DSHS.

Healthy Marriage Development—H.B. 2683

By Representative Chisum et al.—Senate Sponsor: Senator Estes

The 78th Legislature, Regular Session, 2003, enacted H.B. 2292 to reorganize the delivery of health and human services. Among its many provisions, H.B. 2292 established the Healthy Marriage Development Program (HMDP). Recipients of assistance through Temporary Assistance to Needy Families (TANF)—a federal block grant that funds cash assistance and other services for low-income families—who take HMDP courses receive an additional \$20 per course in financial assistance up to \$60. This bill:

Authorizes the Health and Human Services Commission (HHSC) to administer a program to provide grants to programs that provide marriage education services and support the development of healthy marriages or strengthening of families.

Requires that each grant recipient provide program services at no cost to participants.

Authorizes the executive commissioner of HHSC to adopt rules to implement the grant program.

Requires HHSC to spend a minimum of one percent of money received under the TANF block grant to fund certain programs.

Requires HHSC to establish a process for evaluating the best practices and outcomes of programs.

Premarital Education Course and Marriage Requirements—H.B. 2685

By Representative Chisum et al.—Senate Sponsor: Senator Estes

Current law encourages individuals to attend a premarital education course of at least four hours during the year preceding the date of the application for the license, but there are no incentives for individuals to attend a premarital course. Marriage license applicants participating in a premarital course are required to pay associated fees and choose a course based on the list provided by the county clerk. A marriage license fee of \$30 is required to be paid by the applicants. Additionally, individuals are required to wait 72 hours between receiving a license and getting married, except if they are active members of the armed forces, employees or contractors of the U.S. Department of Defense, and others who receive a written waiver from a judge. This bill:

Encourages couples to enroll in an eight hour marriage development course prior to marriage and sets forth the criteria of the required curriculum for the course.

Requires the Health and Human Services Commission (HHSC) to maintain a website with which certain individuals and organizations may electronically register with the commission to indicate the skills-based and research-based curriculum in which the registrant is trained.

Provides that the 72-hour waiting period after issuance of a marriage license does not apply to an applicant who completes the marriage course at a certain time and presents a certificate of completion to the appropriate authority.

Requires the county clerk to issue a marriage license without collecting a marriage license fee from certain applicants and to take certain actions with the money collected from enrollment in the marriage courses.

Texas Hospital-Based Nursing Education Partnership Grant Program—H.B. 3443

By Representative Donna Howard—Senate Sponsor: Senator West et al.

Texas, like most other states, continues to face a registered nurse shortage that is projected to worsen without legislative intervention. This bill:

Establishes a new Texas Hospital-Based Nursing Education Partnership Grant Program (program).

Requires the Texas Higher Education Coordinating Board (THECB) to administer the program and to make grants to hospital-based nursing education partnerships to assist those partnerships.

Authorizes THECB to make a grant to a hospital-based nursing education partnership only if THECB makes certain determinations, and authorizes a grant to be spent only on costs related to the development or operation of a hospital-based nursing education partnership that meets certain criteria.

Requires THECB, in awarding a grant, to give priority to a hospital-based nursing education partnership that submits a proposal that satisfies certain conditions.

Authorizes THECB, in addition to money appropriated by the legislature, to solicit, receive, and spend grants, gifts, and donations from any public or private source.

Requires THECB to adopt rules for the administration of the Texas hospital-based nursing education partnership grant program, and sets forth guidelines for the rules.

Requires THECB and the Board of Nurse Examiners to establish a single application process under which a hospital-based nursing education partnership is authorized to apply both for approval as a pilot program and for a grant under this bill.

Requires each hospital-based nursing education partnership that receives a grant to submit to the board narrative and financial reports that include information concerning the extent to which during the reporting period the partnership has complied with accountability standards established by the board.

Requires THECB to submit a report to the governor, lieutenant governor, and speaker of the house of representatives that includes a list and description of partnerships created under this bill and the number of new nursing student enrollees.

Authorizes a reasonable amount, not to exceed three percent, of any money appropriated for purposes of this bill to be used to pay the costs of administering the statute established in this bill.

Consent to Treatment and Home and Community Support Services—H.B. 3473

By Representative Delisi—Senate Sponsor: Senator Watson

Currently, only nursing facilities and hospitals are permitted under the Consent to Medical Treatment Act (Chapter 313, Health and Safety Code) to obtain consent to medical treatment from an adult surrogate on behalf of an adult who is comatose, incapacitated, or otherwise mentally or physically incapable of communication.

As the aged and disabled population receiving home care services continues to grow, agencies are encountering more situations where the patient is unable to provide consent to the treatment being provided by the home care agency. This bill:

Authorizes home and community support services agencies to obtain consent to medical treatment from an adult surrogate on behalf of an adult who is comatose, incapacitated, or otherwise mentally or physically incapable of communication.

Provides that a home and community support services agency or a person acting as an agent for or under the control of such an agency is not subject to criminal or civil liability and has not engaged in unprofessional conduct, if the medical treatment consented to is done in good faith under the consent to medical treatment and does not constitute a failure to exercise due care in the provision of the medical treatment.

Collection of Information on Health Professionals—S.B. 29

By Senator Nelson—House Sponsor: Representative Truitt

Section 105.003, Health and Safety Code, requires the collection of non-specific information on health professionals and Texas nurses, in particular. Under current law, there is a lack of comprehensive information regarding health professionals in Texas. This bill:

Requires the Department of Information Resources (DIR), through TexasOnline and in consultation with Statewide Health Coordinating Council (council) and the Health Professions Council (HPC), to add and label as "mandatory" certain fields on an application or renewal form for a license, certificate, or registration for certain persons.

Requires the relevant members of HPC to encourage certain persons licensed, certified, or registered under that council's authority to submit application and renewal information through the system developed by DIR and TexasOnline.

Requires the relevant members of HPC, in conjunction with DIR, to ensure that the information collected is transmitted to the council.

Requires the council to store the information as needed and conduct related workforce studies, including a determination of the geographical distribution of the reporting professionals.

Requires the relevant members of HPC, in conjunction with DIR, to ensure that certain information is submitted to the council for certain persons.

Requires DIR to work with the health occupation regulatory agencies that are members of HPC to minimize the costs to HPC members of obtaining the information.

Requires DIR to provide HPC with the appropriate federal information processing standards code based on the information described in this bill.

Electronic Medical Records System—S.B. 204

By Senator Nelson et al.—House Sponsor: Representative Delisi

Current law requires health care providers to report all vaccinations of children under 18 years of age to the Department of State Health Services. This bill:

Requires a person who sells, leases, or provides an electronic medical records software package or system to a person who administers immunizations in this state or to an entity that manages records for the person to provide, as part of the electronic medical records software package or system, the ability to electronically interface with the immunization registry created under this subchapter and generate electronic reports that contain the fields necessary to populate the immunization registry.

Requires the executive commissioner of the Health and Human Services Commission by rule to make certain specifications regarding the immunization registry.

Requires the data standards set forth in the bill to be compatible with the standards for immunization information transmission adopted by the Healthcare Information Technology Standards Panel sponsored by the American National Standards Institute and included in certification criteria by the Certification Commission for Healthcare Information Technology.

Authorizes the attorney general to bring an action in the name of the state to enjoin a violation of a statute established by this bill.

Authorizes the attorney general to recover on behalf of the state reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding if the state prevails in a suit described by this bill.

Work Participation in TANF Programs—S.B. 589

By Senator Nelson et al.—House Sponsor: Representative John Davis

On February 8, 2006, the President of the United States signed the Deficit Reduction Act (DRA) to reauthorize Temporary Assistance for Needy Families (TANF). New rules implementing DRA contain significant changes in the method of calculation of federal work participation rates. For a state to continue to receive TANF funds, a participation rate of 50 percent (all-family) and 90 percent (two parent family) must be achieved. Certain low-income parents have become ineligible for TANF for various reasons, including not complying with work participation requirements. Under current law, the Texas Workforce Commission (TWC) is prohibited from providing job training and support services to persons who are no longer TANF-eligible. This bill:

Makes current law regarding TANF employment assistance programs applicable to nonrecipient parents and their families.

Requires TWC provide employment services, including needs assessment, job training, postemployment, and related support services, to nonrecipient parents to the same extent the services are provided to recipients.

Recognition Day for Adoption, Adoptive Families, and Adoption Workers—S.B. 640

By Senator West et al.—House Sponsor: Representative Hilderbran

A recent survey found that a large portion of the public is unaware that adoptions from the foster care system are possible and adoption days are already held locally across Texas. Previous adoption days held within Texas and throughout various states have resulted in the adoption of many children. This bill:

Provides that the Saturday before Thanksgiving Day annually is Texas Adoption Day with the purpose of celebrating and encouraging adoption, adoptive families, and adoption workers in Texas.

Requires Texas Adoption Day to be regularly observed by appropriate ceremonies and activities that encourage participation in and raise awareness about the adoption process and that honor adoptive families and adoption workers in Texas.

Requires the Department of Family and Protective Services to create a statewide awareness campaign to promote Texas Adoption Day and coordinate ceremonies and activities held throughout the state.

Texas Health Services Authority—H.B. 1066

by Representative Delisi—Senate Sponsor: Senator Nelson

Currently, many Americans die each year from preventable medical errors, and nearly one-fifth of these errors arise from a lack of access to needed health information. Sources for these errors include miscommunications between physicians, inaccessible records, mislabeled lab specimens, misfiled or missing paper charts, and inadequate physician reminder systems. Moreover, these errors contribute to our rising health care costs, which, according to some estimates, are among the highest in the world. Future reductions in medical errors and health care costs may be possible through an emphasis on preventive care, by changing consumer and healthcare provider incentives, or through the establishment of fully interoperable health information technology (HIT), such as electronic health record (EHR) systems. Although adoption of EHR offers potential benefits, only a small percentage of providers currently report adoption of the systems. This bill:

Establishes the Texas Health Services Authority (corporation) as a public-private collaborative to implement the state-level health information technology functions identified by the Texas Health Information Technology Advisory Committee by serving as a catalyst for the development of a seamless electronic health information infrastructure to support the health care system in the state and to improve patient safety and quality of care.

Sets forth the purpose of the corporation and provides that the corporation is subject to state law governing nonprofit corporations and places a sunset provision on the corporation.

Sets forth the composition of the board of directors of the corporation and describes the process by which appointments to the board are made.

Provides that members of the board serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the board or performing other official duties authorized by the presiding officer.

Prohibits the board from compensating, employing, or contracting with any individual who serves as a member of the board or advisory council to any other governmental body, including any agency, council, or committee, in this state.

Authorizes the board to hire a chief executive officer and authorizes the chief executive officer to hire additional staff.

Requires the board to implement a policy requiring the corporation to use appropriate technological solutions to improve the corporation's ability to perform its functions.

Provides that liabilities created by the corporation are not debts or obligations of the state, and prohibits the corporation from securing any liability with funds or assets of the state except as otherwise provided by law.

Prohibits a board member from being held civilly liable for an act performed, or omission made, in good faith in the performance of the member's powers and duties under this chapter.

Sets forth the powers and duties of the corporation and prohibits the corporation from engaging in specified acts.

Provides that protected health information and individually identifiable health information collected, assembled, or maintained by the corporation is confidential and is not subject to disclosure and requires the corporation to comply with all state and federal laws and rules relating to the transmission of health information, including the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and rules adopted under that Act.

Requires the corporation to take certain actions regarding the establishment of security standards and the maintenance of security and to take commercially reasonable measures to protect its intellectual property, including obtaining patents, trademarks, and copyrights where appropriate.

Requires the corporation to submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate oversight committee in the senate and the house of representatives that includes financial information and a progress update on the corporation's efforts to carry out its mission.

Sets forth acceptable sources of funding for the corporation.

Reporting of Methicillin-Resistant Staphylococcus Aureus—H.B. 1082

By Representative Straus et al.—Senate Sponsor: Senator Van de Putte

The most common cause of skin or soft tissue infections in the United States is a bacterium often referred to as "staph," formally known as Staphylococcus aureus. About 20 to 40 percent of the population carries staph bacteria on their skin or in the nose, usually without serious problems. In the past, about 90 percent of staph infections occurred as a result of surgery; however, in the last 10 years an antibiotic-resistant strain of staph bacteria has emerged, known as methicillin-resistant Staphylococcus aureus (MRSA). A 2003 study indicates that 12 percent of all MRSA cases are acquired outside of medical facilities and more public schools are reporting cases of MRSA. No national or statewide tracking system of MRSA infections currently exists, which makes the exact number and cause of the infections impossible to determine. This bill:

Requires the executive commissioner of the Health and Human Services Commission (HHSC) by rule and the Department of State Health Services (DSHS) to develop and establish a pilot program to research and implement procedures for reporting cases of methicillin-resistant Staphylococcus aureus (MRSA).

Requires DSHS to select a health authority that demonstrates an interest in hosting the program and possesses adequate resources to administer the program successfully to administer the program and sets forth criteria that the pilot program must meet.

Requires DSHS to submit to the legislature a report concerning the effectiveness of the pilot program in tracking and reducing the number of methicillin-resistant Staphylococcus aureus infections within the area served by the health authority.

Human Papillomavirus Immunization—H.B. 1098

By Representative Bonnen et al.—Senate Sponsor: Senator Hegar

Under Executive Order RP65 (February 2, 2007), Governor Perry mandated that all female children be vaccinated against human papillomavirus (HPV) prior to admission to the sixth grade with provisions for a parent to opt out. There is only one vaccine currently available on the market to meet this mandate and its effectiveness and long-term effects remain unclear. This bill:

Authorizes the executive commissioner of the Health and Human Services Commission (HHSC) to modify or delete any of the immunizations or require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

Provides that immunization against human papillomavirus is not required for a person's admission to any elementary or secondary school.

Requires HHSC, using existing resources, to provide educational material about the human papillomavirus vaccine that is unbiased, medically and scientifically accurate, and peer reviewed, available to parents or legal guardians at the appropriate time in the immunization schedule by the appropriate school.

Provides that this Act preempts any contrary executive order issued by the governor.

Interagency Coordinating Council for HIV and Hepatitis—H.B. 1370

By: Representative Coleman—Senate Sponsor: Senator Zaffirini

In 1993, the HIV/AIDS Interagency Coordinating Council (council) was created to facilitate communication between agencies and associations that provide HIV/AIDS services to individuals, families, and communities and to explore efficient, cost-saving means of delivering services to people infected with HIV. In 2001, hepatitis was added to the scope of the council and the name was changed to reflect the addition. Legislation passed in 2003 authorized the executive commissioner of the Health and Human Services Commission (HHSC) to dissolve advisory councils, leading to the dissolution of the council. This bill:

Re-creates the council, effective January 1, 2008.

Update the composition of the council and adds a representative from the Texas Higher Education Coordinating Board.

Sets forth the required responsibilities of the council.

Requires the Department of State Health Services, not later than September 1 of each year, to file a report with the legislature and the governor containing policy recommendations based on information reported to the council relating to prevention of AIDS, HIV infection, and hepatitis, and delivery of health services to individuals who have AIDS or hepatitis or are infected with HIV.

Requires HHSC to provide administrative support to the council.

Chronic Kidney Disease Task Force—H.B. 1373

By Representative Guillen—Senate Sponsor: Senator Zaffirini

Chronic kidney disease is known as a silent disease, leaving many people unaware of the condition until it is too late to slow or arrest irreversible kidney damage. Without early recognition of the symptoms by individuals and by members of the medical profession, the outcome from that damage is certain kidney failure, which in turn leads to a prognosis of either a lifelong need for dialysis, a kidney transplant, or death. As an indicator of the increase in occurrence of chronic kidney disease, the Texas Renal Coalition anticipates that number of dialysis patients in Texas will grow from the 27,000 counted in 2002, to 48,000 by 2010. Currently, there is no coordinated effort to target decrease in the occurrence of chronic kidney disease. This bill:

Creates a chronic kidney disease task force comprised of legislators, physicians, renal care providers, the Department of State Health Services (DSHS), and patient advocates, to develop a plan to educate certain persons about chronic kidney disease, to promote awareness of chronic kidney disease, and to make recommendations regarding the implementation of a cost-effective plan for early screening, diagnosis, and treatment in Texas.

Names the Act the Glenda Dawson Act and sets forth the findings of the legislature regarding problems associated with kidney disease.

Sets forth the duties and composition of the task force.

States that a member of the task force is not entitled to compensation but, at the discretion of DSHS, is entitled to reimbursement for the member's actual and necessary expenses in attending meetings of the task force and performing other official duties authorized by the presiding officer.

Requires DSHS to provide administrative support to the task force.

Requires the task force to submit a report on its findings to certain entities and sets forth the date for the abolishment of the task force.

Sets forth available sources of funding for the task force.

Human Papillomavirus Education Programs—H.B. 1379

By Representative Deshotel et al.—Senate Sponsor: Senator Nelson

According to the Centers for Disease Control and Prevention, the human papillomavirus (HPV) is the leading cause of cervical cancer. At least 50 percent of sexually active people will contract HPV at some time in their lives. Every year in the United States, approximately 6.2 million people contract HPV. HPV is most common in young women and men who are in their late teens and early twenties. There is a new vaccine that protects against four HPV types, which together cause 70 percent of cervical cancers. This bill:

Requires the Department of State Health Services (DSHS) to produce and distribute informational materials in English and Spanish regarding HPV.

Requires the inclusion of additional information regarding HPV in course materials related to sexually transmitted diseases in the model public health education program for school-aged children developed by DSHS.

Requires DSHS to collaborate with the Texas Cancer Council or its successor entity to develop educational programs for parents regarding HPV and promoting awareness of a minor's need for preventive services for cervical cancer and its precursors.

Regulation and Licensing Exemptions for Certain Childcare Facilities—H.B. 1385

By Representative Villarreal et al.—Senate Sponsor: Senator Uresti

Anecdotal evidence suggests there are currently a significant number of businesses that are operating unregistered child care facilities for their employees with no state oversight. This bill:

Prohibits a small employer from operating an employer-based day-care facility unless the employer holds a permit issued by the department under this subchapter.

Provides that a small employer is not required to obtain a permit to operate an employer-based day-care facility if the employer holds a license to operate a child-care facility that is issued by the Department of Family and Protective Services (DFPS).

Requires an employer that holds that license to comply with the applicable provisions of existing statute, the applicable rules of DFPS, and any specific terms of the license.

Requires DFPS to develop and implement a streamlined procedure by which a small employer may apply for and be issued a permit to operate an employer-based day-care facility.

Requires the employer to submit an application for the permit to DFPS on a form prescribed by DFPS.

Authorizes DFPS to charge an administrative fee in a reasonable amount sufficient to cover the costs of processing the application.

Requires DFPS to develop and implement a procedure by which a small employer that holds a license to operate a child-care facility that is issued before September 1, 2007, may convert the license to a permit.

Authorizes DFPS to waive the requirements for an initial inspection or background and criminal history checks with respect to a facility operated by a small employer seeking to convert a license to a permit under this section if the department determines that previously conducted inspections or background and criminal history checks, as applicable, are sufficient to ensure the safety of children receiving care at the facility.

Authorizes an employer-based day-care facility operating to provide care only for a child whose parent or guardian meets certain criteria.

Requires an employer-based day-care facility operating to maintain a caregiver-to-child ratio of at least one caregiver to every four children receiving care.

Requires a caregiver employed by an employer-based day-care facility operating subchapter to be appropriately qualified and meet certain criteria.

Requires a small employer, when applying for a permit and at least once during each 24 months after receiving that permit, to submit certain information to DFPS for use in conducting background and criminal history checks.

Requires the small employer also submit to DFPS for use in conducting background and criminal history checks the name of each prospective caregiver who will provide care to children at the facility or other prospective employee who will have direct access to those children.

Provides that an employer-based day-care facility and each employee of that facility are subject to the reporting requirements of current statute to the same extent a licensed child-care facility and employees of licensed child-care facilities are subject to that section.

Authorizes DFPS to inspect an employer-based day-care facility if DFPS receives a complaint or report of child abuse or neglect alleged to have occurred at the facility.

Authorizes DFPS, if DFPS inspects an employer-based day-care facility, to require the small employer operating the facility to take appropriate corrective action DFPS determines necessary to comply with the requirements of this bill and to ensure the health and safety of children receiving care at the facility.

Authorizes DFPS to continue to inspect the facility until corrective action is taken and for a reasonable time after that action is taken to ensure continued compliance.

Authorizes DFPS to suspend, deny, or revoke a permit issued to a small employer if the employer does not comply with the provisions of this bill or any applicable DFPS rules.

Authorizes DFPS to refuse to issue a permit to a small employer that had its authorization to operate a child-care facility issued under another statute revoked, suspended, or not renewed for a reason relating to child health or safety as determined by DFPS.

Provides that an employer-based day-care facility is subject to the emergency suspension of its permit to operate and to closure under current statute to the same extent and in the same manner as a licensed child-care facility is subject to that statute.

Lung Cancer Awareness Month—H.B. 1449

By Representative Bohac et al.—Senate Sponsor: Senator Deuell

Establishing a Lung Cancer Awareness month will help to increase awareness of lung cancer and generate support for lung cancer research. This bill:

Provides that November is Lung Cancer Awareness Month to increase awareness of lung cancer and encourage funding of research and more effective treatments.

Authorizes Lung Cancer Awareness Month to be regularly observed by appropriate activities in public schools and other places to increase awareness of and support for lung cancer and related research.

Creating a Diabetes Mellitus Registry Pilot Program—H.B. 2132

By Representative Straus—Senate Sponsor: Senator Van de Putte

According to the Centers for Disease Control and Prevention, diabetes has become more than twice as common as it was just 20 years ago, and the Texas Diabetes Council reports that in 2005, 1.3 million adults in Texas had diabetes. Currently there is no electronic diabetes mellitus registry in Texas. A centralized database resource will allow researchers across the state to begin looking for ways to curtail this disease and to determine the root causes of diabetes. This bill:

Requires the Department of State Health Services (DSHS) to select to participate in the pilot program a public health district that serves a county with a population of less than two million and contains a municipality with a population of over one million.

Requires DSHS and the public health district to create an electronic registry to track the glycosylated hemoglobin level of each person who has a laboratory test to determine that level performed at a clinical laboratory in the district.

Stipulates that the participating public health district is responsible for the costs of establishing and administering pilot program.

Authorizes the commissioner of the Health and Human Services Commission to make rules to implement the pilot program.

Regional Health Care Systems Review Committee—H.B. 3154

By Representatives Laubenberg and Jackson—Senate Sponsor: Senator Deuell

Regionalization of indigent health care throughout the state has been the subject of discussion in the legislature and among various stakeholders. This bill:

Establishes a regional health care systems review committee (committee) to conduct public hearings regarding, and to study the implications of, implementing regional health care services to address indigent health care in public health region three as established by the Department of State Health Services.

Sets forth the composition, duties, and initial meeting of the committee.

Authorizes the committee to accept gifts, grants, technical support, or any other resources from any source to carry out the functions of the committee.

Requires the committee, not later than September 1, 2008, to issue a report on indigent health care that summarizes hearings conducted by the committee; studies conducted by the committee; any legislation proposed by the committee; and any other findings or recommendations of the committee.

Requires the committee, not later than December 1, 2008, to submit a summary report to the governor, lieutenant governor, and speaker of the house of representatives.

Increasing Immunization Awareness—H.B. 3184

By Representative Coleman—Senate Sponsor: Senator Deuell

Influenza is a highly infectious acute viral respiratory disease that causes moderate to severe illness in persons of all ages every year. The most common major complication of influenza is pneumonia. The very young and the elderly have similar high rates of hospitalization for influenza and its sequellae. Infants and preschool-aged children are considered to be among the most efficient incubators and transmitters of this disease. These infected children may also transmit their disease to other highly susceptible healthy individuals or to high-risk persons with certain medical conditions. In February 2006, the Advisory Committee on Immunization Practices (ACIP) expanded earlier influenza recommendations to include annual routine vaccinations for all children aged six months to 59 months. Annual vaccinations are necessary, because circulating strains of the influenza virus vary from one flu season to the next. This bill:

Requires the Department of State Health Services (DSHS) to work to increase immunization awareness and participation, among parents of children in child-care facilities, in the state's early childhood vaccination program by publishing information on its website about the benefits of annual immunization against influenza for children aged six months to five years.

Requires DSHS to work with the Department of Family and Protective Services and child-care facilities to ensure information is annually distributed to parents in August or September.

Require the executive commissioner of the Health and Human Services Commission to conduct a study of the wholesale distribution of influenza vaccine to determine the feasibility of implementing a system that requires giving a priority in filling orders for influenza vaccine to physicians and other licensed health care providers authorized to administer influenza vaccine over retail establishments.

Authorizes the commissioner to implement such a system if it is determined to be feasible.

Diabetes Demonstration Pilot Program—H.B. 3735

By Representative McReynolds—Senate Sponsor: Senator Nichols

A comprehensive approach to promoting the prevention and treatment of diabetes and acanthosis nigricans is needed. This bill:

Requires DSHS and council to assist in the establishment of a diabetes demonstration pilot program at the Memorial Health System of East Texas to provide a comprehensive approach to promoting the prevention and treatment of acanthosis nigricans and diabetes.

Requires the pilot program to focus on taking an epidemiological approach to disease surveillance, identify the prevalence of acanthosis nigricans and diabetes in adults and children in the service area of the Memorial Health System of East Texas, provide to persons positively screened for acanthosis nigricans or diabetes wellness and health information and services, improve the access to care for persons diagnosed

with acanthosis nigricans or diabetes, and study the cost savings of early detection and treatment of acanthosis nigricans and diabetes.

Authorizes the Memorial Health System of East Texas to solicit, accept, and administer gifts and grants from any source, other than this state, for the use and benefit of the diabetes demonstration pilot program.

Requires the Memorial Health System of East Texas to submit a report to the council regarding the effectiveness of the pilot program and any recommendations to continue, expand, or eliminate the pilot program.

Point-of-Sale Health Warnings for Tobacco Products—S.B. 91

By Senator Van de Putte—House Sponsor: Representative Zedler

Currently, there is no state law requiring point-of-sale health warnings for tobacco products specifically regarding the risk of smoking during pregnancy. The tobacco point-of-sale signs that are currently required by law only pertain to the consequences of underage smoking and tobacco purchasing. This bill:

Requires point-of-sale tobacco signage to include certain text regarding the risk of smoking during pregnancy.

Authorizes the comptroller of public accounts to accept gifts or grants from any public or private source to perform the duties related to this provision.

Risk Assessment Program for Type 2 Diabetes—S.B. 415

By Senators Lucio and Zaffirini—House Sponsor: Representative McReynolds

Currently, the Acanthosis Nigricans Screening program is for public school students in 11 Texas Education Agency regional areas and trains school nurses to administer Acanthosis Nigricans screening to assess risk for Type 2 diabetes. This bill:

Updates the program's name to Risk Assessment for Type 2 Diabetes (program).

Requires The University of Texas-Pan American Border Health Office (office) to provide on the office's Internet website information on obesity, Type 2 diabetes, and related conditions to health care providers and update the information at least annually.

Authorizes the office to accept gifts, grants, and donations to support the Type 2 diabetes risk assessment program.

Establishes the Type 2 Diabetes Risk Assessment Program Advisory Committee (advisory committee) to advise the office on the Type 2 diabetes risk assessment program.

Sets forth the composition of the advisory committee, and prohibits lobbyists from serving as members of the advisory committee.

Requires the advisory committee to meet at least twice a year and at other times at the call of the presiding officer and authorizes the advisory committee to meet by teleconference if an in-person meeting of all the members is not practicable.

Sets forth the duties of the advisory committee and requires the advisory committee to submit to the office a report of recommendations developed.

Requires the office, subject to the availability of funds, to implement each advisory committee recommendation concerning the Type 2 diabetes risk assessment program.

Creation of the Interagency Obesity Council—S.B. 556

By Senators Lucio and Van de Putte.—House Sponsor: Representative McReynolds

Currently, there are steps in place in Texas to treat and prevent obesity. A key step in this process is to monitor rates of obesity and the tactics that are in place to address this crisis. Monitoring prevention efforts allows for evaluation of current practices and can guide future planning. This bill:

Creates an interagency obesity council (council) with the commissioner of agriculture, commissioner of state health services, and commissioner of education.

Requires the commissioner of agriculture, commissioner of state health services, and commissioner of education, or a staff member designated by each of those commissioners, to meet at least once a year as an interagency council to discuss the status of each agency's programs that promote better health and nutrition and prevent obesity among children and adults in this state and consider the feasibility of tax incentives for employers who promote activities designed to reduce obesity in the workforce.

Requires the interagency council to submit a report containing certain information to the governor, the lieutenant governor, and the speaker of the house of representatives on the activities of the council during the preceding two calendar years each odd-numbered year.

Provides that a meeting held under this section is not subject to the provisions of the open meetings law.

Restrictions on the Interchange of Transplant Immunosuppressant Drugs—S.B. 625

By Senator Janek—House Sponsor: Representative John Davis

Current law allows a pharmacist to substitute a generic drug for a brand-name prescription. However, certain immunosuppressant transplant surgeries require specific medication that work in different phases of the immune response, minimize side effects, and produce effective immunosuppression to prevent rejection of a transplanted organ and maintain sufficient immunity to prevent infection. Certain generic forms of these medications may cause adverse effects prior to a transplant surgery because generic products do not always contain the same amount of an active ingredient or are formulated in a different manner than their brand-name counterpart. As a result, patients may be placed at a health risk if the brand of prescription is changed without a doctor's notice. This bill:

Requires the Texas State Board of Pharmacy (board) and the Texas Medical Board to establish a joint committee to recommend to the board a list of narrow therapeutic index drugs.

Sets forth the composition and functions of the joint committee and specifies certain drugs to be considered by the joint committee.

Prohibits a pharmacist from interchanging an immunosuppressant drug or formulation of an immunosuppressant drug, brand or generic, for the treatment of a patient following a transplant without prior consent to the interchange from the prescribing practitioner.

Requires a pharmacist to notify a prescribing practitioner to secure permission to interchange an immunosuppressant drug or formulation of an immunosuppressant drug, whether brand or generic.

Gives the board rulemaking authority in certain instances when the joint committee is called upon to review and make recommendations regarding a drug by a drug manufacturer.

Sets forth the procedures for the joint committee to review drugs upon request, and sets forth the appropriate actions to be taken by the joint committee upon completing a review of a drug and reporting the findings of the review.

Outsourcing of Health Care—S.B. 1391

By Senator Uresti—House Sponsor: Representative Todd Smith

Business and insurance companies are beginning to consider outsourcing health care due to the prospect of significant savings. This bill:

Prohibits certain health benefit plans from requiring enrollees to travel to a foreign country to receive health care services.

Bleeding Disorders Advisory Council—S.B. 1566

By Senator Patrick — House Sponsor: Representative Jackson

Many people are affected by blood disorders and it is important to ensure that adequate services are available for those affected by such disorders and that issues related to such disorders are well-researched in order to provide solutions. This bill:

Establishes the Texas Bleeding Disorders Advisory Council (council) and sets forth its composition.

Prohibits a member of the council from receiving compensation for service on the council, but authorizes the reimbursement for actual and necessary expenses incurred while performing council business.

Requires the Department of State Health Services (DSHS) to provide reasonably necessary administrative support for council activities.

Requires the council to meet at least quarterly and at the call of the commissioner or presiding officer.

Prohibits the council from receiving any funds that are appropriated by the legislature and designated for the purpose of treatment of hemophilia and other bleeding or clotting disorders.

Requires the council to study and advise DSHS, the Health and Human Services Commission, and the Texas Department of Insurance on issues that affect the health and wellness of persons living with hemophilia and other bleeding or clotting disorders.

Requires the council to report on its findings and recommendations to the governor, the lieutenant governor, and the speaker of the house of representatives and requires the report to be made available to the public and to be subject to public review and comment before it can be adopted by the council.

Consumer Access to Health Care Information—S.B. 1731

By Senator Duncan—House Sponsor: Representative Isett et al.

In recent years, the consistent rise in health care costs has been a main point of discussion and debate among employers, providers, health plans, and patients. One matter of concern is the potential for inaccurate information and the absence of transparency in the cost of health care services. This bill:

Creates a "Consumer Guide to Health Care" on the website of the Department of State Health Services, to provide certain health care information, including information regarding facility pricing and billing practices, to the general public.

Requires that physicians and hospitals create and maintain consistent billing policies and that notice of the availability of these policies be posted in patient waiting areas.

Requires health benefit plans that provide health care through a provider network to provide notice to their enrollees that a facility-based physician or other health care practitioner may not be included in the health benefit plan's provider network, and that an enrollee may be billed for amounts not paid by the health benefit plan.

Requires the Texas Department of Insurance (TDI) to create a new data collection program to collect certain reimbursement rates that health plans pay to insurers and to organize this information in a specific fashion.

Directs TDI to work with a network adequacy study group to develop the data collection and evaluate the information collected.

Personal Needs Allowance for Certain Medicaid Recipients—H.B. 52

By Representative Chavez et al.—Senate Sponsor: Senators Harris and Shapleigh

The 78th Legislature required the Health and Human Services Commission (HHSC) to decrease the personal needs allowance from \$60 to \$45. The personal needs allowance was created to assist individuals who enter a medical institution, a personal care facility, ICF-MR (intermediate care facility for the mentally retarded) facility, or long-term facility to purchase simple goods and services. This bill:

Requires HHSC to increase the personal needs allowance from \$45 to \$60.

Long-Term Care Partnership Program—S.B. 22

By Senators Nelson and Williams—House Sponsor: Representative Delisi

Long-term care is one of the leading cost drivers in the Medicaid program. Medicaid pays for 67 percent of all nursing facility days in Texas, and less than five percent of Texans have private long-term care insurance. Although the fiscal impact of publicly financing long-term care will continue to grow as the population in Texas ages, current law creates a disincentive for some Texans who can afford to purchase long-term care insurance due to strict asset limits for Medicaid eligibility and required estate recovery of assets. This bill:

Creates a long-term care partnership program that is to be administered as part of the medical assistance program by the Health and Human Services Commission (HHSC), with the assistance of the Texas Department of Insurance (TDI).

Requires HHSC, in consultation with the Department of Aging and Disability Services and TDI, to develop and implement a public awareness and education campaign to educate the public on the cost, value, and availability of long-term care and the limits of Medicaid eligibility and Medicare benefits, and to encourage individuals to obtain long-term care insurance.

Community Living Option Information Process—S.B. 27

By Senator Nelson—House Sponsor: Representative Delisi

Only an estimated 25 percent of the population is using advanced directives. Current law requires written information to be provided to nursing home residents in regard to advance care directives and advance care planning, but it does not discuss an education program to enable staff and residents to address issues related to, and the potential importance of, these topics. This bill:

Directs the Department of Aging and Disability Services (DADS) to institute a pilot program to train nursing home staff to educate nursing home residents about advance care planning.

Requires DADS to contract with local mental retardation authorities to implement the community living options information process required for an adult resident and sets forth requirements for the local mental retardation authority.

Requires DADS to develop an effective community living options information process, create uniform procedures for the implementation of the community living options information process, and minimize any potential conflict of interest regarding the community living options information process between a state school and an adult resident, an adult resident's legally authorized representative, or a local mental retardation authority.

Requires a state school to allow a local mental retardation authority to participate in the interdisciplinary planning process involving the consideration of community living options for an adult resident, to the extent not otherwise prohibited by state or federal confidentiality laws, provide a local mental retardation authority with access to an adult resident and an adult resident's records to assist the authority in implementing the community living options information process, and provide the adult resident or the adult resident's legally authorized representative with accurate information regarding the risks of moving the adult resident to a community living option.

Requires DADS to develop and implement a pilot program to increase the use of advance directives by residents of nursing homes and intermediate care facilities for the mentally retarded in this state by educating the residents and the families of residents about advance care planning.

Requires the pilot program to provide for a process to educate residents and the families of residents regarding the legal issues associated with advance directives, the health care choices available to a person with a terminal or irreversible condition, the proper completion of advance directives, and the importance of discussing advance directives with family, friends, advisers, and health care providers.

Grants the executive commissioner of the Health and Human Services Commission rulemaking authority.

Requires DADS to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature, regarding the pilot program that includes an evaluation of the effectiveness of the pilot program and a recommendation to continue, expand, or eliminate the pilot program.

Nursing Home Family Councils—S.B. 131

By Senator West et al.—House Sponsor: Representative Naishtat

The Nursing Home Reform Act, passed by the United States Congress in 1987, authorizes the formation of family councils in nursing homes and requires nursing facilities to consider and act upon grievances communicated by families and residents. However, no state law exists to specifically allow for nursing home family councils. This bill:

Authorizes the creation of nursing home family councils (council), a group of family members, friends, or legal guardians of residents, who organize and meet privately or openly.

Authorizes a council to make recommendations to the nursing home that affect resident care and quality of life and promote the health and happiness of residents.

Authorizes one council member to authorize another council member to visit and observe a resident unless the resident objects.

Requires a nursing home to respond in writing within five days to a written request by a council and to make a reasonable effort to resolve a family council's grievances.

Requires an institution to permit a representative of the council to discuss concerns with a person inspecting the facility and to provide a copy of a statement of violations of the Health and Safety Code to the council within five days of receiving the statement.

Requires a nursing home to provide certain information to all family members regarding a council, provide a meeting place and bulletin board for the council, and provide a staff person to act as liaison to the council.

Prohibits a nursing home from taking certain actions that would willfully interfere with the formation, maintenance, or operation of a council.

Requires the Department of Aging and Disability Services to administer the provisions relating to a council.

Requires the executive commissioner of the Health and Human Services Commission to adopt necessary rules by December 1, 2007.

Adult Day-Care Facilities and Certain Long-Term Facilities Regulation—S.B. 1318

By Senator Janek—House Sponsor: Representative John Davis

Legislation was filed last session to assist the Department of Aging and Disability Services (DADS) in standardizing and streamlining regulatory processes following the consolidation of the legacy health and human services agencies. However, the legislation containing those proposals did not pass. This bill:

Standardizes and streamlines some requirements in DADS programs to help DADS staff more efficiently manage processes and procedures related to providers.

Requires DADS to terminate a nursing facility's provider agreement if DADS has imposed required Category 2 or Category 3 remedies on the facility three times within a 24-month period.

Requires the executive commissioner of the Health and Human Services Commission (HHSC) by rule to establish criteria under which the requirement to terminate the provider agreement may be waived.

Authorizes the executive commissioner of HHSC by rule to adopt a system under which licenses expire on various dates during the two-year period.

Requires DADS, for the year in which a license expiration date is changed, to prorate the license fee on a monthly basis.

Requires each license holder to pay only that portion of the license fee allocable to the number of months for which the license is valid, requires a license holder to pay the total license renewal fee at the time of renewal, and changes the cost of the renewal fee to \$50.

Authorizes DADS to assess an administrative penalty without providing a reasonable period of time to the agency to correct the violation if the violation satisfies certain conditions.

Provides that an applicant for license renewal who submits an application later than the 45th day before the expiration date of a current license is subject to a late fee in accordance with DADS rules.

Authorizes DADS to assess an administrative penalty against a person who fails to notify DADS of a change of ownership before the effective date of the change of ownership.

Sets forth the expiration date of a license as on the second anniversary of the license's issuance and authorizes the executive commissioner of HHSC by rule to adopt a system under which licenses expire on various dates during the two-year period.

Consumer Direction Expansion—S.B. 1766

By Senator Watson et al.—House Sponsor: Representative Naishtat

Terminology that referred to the "voucher payment program" enacted in the 76th Legislature has since changed in health-related fields to "consumer direction." However, the statutes have not changed to reflect the new terminology, and as a result, "consumer direction" remains undefined. A statutory work group related to voucher payment services is similarly unchanged and is set to expire this year. This bill:

Changes terminology to "consumer direction" and adds certain new programs and terms regarding the voucher payment system.

Redefines the role of the consumer direction work group.

Requires the Health and Human Services Commission (HHSC) to develop and oversee the implementation of consumer direction models.

Sets forth the duties and composition of the work groups and requires each work group to report to the legislature regarding the activities of the work group every other year.

Anti-kickback Provisions and Medicaid—H.B. 889

By Representative Delisi—Senate Sponsor: Senator Nichols

The federal False Claims Act (FCA), after which the Texas Medicaid Fraud Prevention Act (TMFPA) (Human Resources Code, Chapter 36) is patterned, specifically makes it a violation of the FCA to engage in conduct that would violate the federal anti-kickback statute. However, TMFPA does not include such language. This bill:

Expands the conduct that constitutes an unlawful act against the state Medicaid program to include knowingly engaging in conduct that constitutes a violation under Section 32.039(b), Human Resources Code, including presenting or causing to be presented a claim that contains a statement or representation the person knows or should know to be false; engaging in conduct that violates Section 102.001 (Solicitation of Patients), Occupations Code; or soliciting or receiving, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind for a referral for service or the purchase, lease, or order of any good, facility, service, or item for which payment may be made, in whole or in part, under the medical assistance program, or for inducing a person to make such a referral, or for influencing a decision regarding selection of a provider or receipt of a good or service.

Medicaid Reimbursement for Certain Services Without PCP Referral—H.B. 1579

By Representative Guillen—Senate Sponsor: Senator Deuell

Under current law, the Medicaid Primary Care Case Management program (program), operating exclusively in Texas' rural areas, is exempted by interpretation from the requirement that managed care organizations reimburse a federally qualified health center (FQHC) or a rural health clinic for service provided outside of regular business hours if the patient's primary care provider does not provide the patient with a referral. When a primary care provider is unavailable, patients covered by Medicaid often receive care from other clinics. In the past, this treatment has been barred from Medicaid reimbursement. This bill:

Requires the Health and Human Services Commission (HHSC) to ensure that an FQHC or rural health clinic or a municipal health department's public clinic is reimbursed for health care services (services) provided to a recipient outside of regular business hours, including a weekend or holiday, equal to the rate allowed for those services by Section 32.028 (Fees, Charges, and Rates), Human Resources Code, regardless of whether the recipient has a referral from the recipient's primary care provider.

Requires the executive commissioner of HHSC to adopt rules regarding the days, times of days, and holidays that are considered to be outside of regular business hours.

Determining Medicaid Eligibility for Military Personnel and Families—H.B. 1633

By Representatives Geren and Susan King—Senate Sponsor: Senators Deuell and Shapleigh

TRICARE, a health care provider for military personnel and their families, is lacking physician participation in certain areas in the state which can create difficulties for military families when there is a need for a medical specialist. Military personnel and families can opt to apply for Medicaid since many meet the income eligibility requirements for Medicaid; however, a 45-day waiting period is typical when applying for Medicaid and during that time period, the applicant is required to pay medical costs out of pocket. This bill:

Requires the executive commissioner of the Health and Human Services Commission to develop and implement an expedited process for determining eligibility for and enrollment in Medicaid for persons on active duty as a member of the United States armed forces, reserves, or National Guard or of the state military forces, or the spouse or dependent of such a person, to the extent allowed by federal law.

Authorizes a state agency to delay implementing a provision of this Act until a federal waiver or authorization necessary to implement that provision is granted.

Electronic Database for Medicaid Participants—H.B. 2042

By Representatives Dukes and Veasey—Senate Sponsor: Senator Nelson et al.

Currently, there is a lack of information available for patients to determine which physicians and providers participate in Medicaid or, of those who do, who is accepting new patients. Lack of such information makes it difficult for patients to select a physician or other provider, and may delay a patient obtaining the care he or she needs. Additionally, without a central database of participating providers, it is difficult for physicians and health care providers to arrange referrals for needed specialty or dental care, often delaying needed treatment and fueling providers' frustration with Medicaid. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) establish and administer an electronic, searchable, Internet-based database of all participating providers in the medical assistance program and sets forth the information that must be included in the database.

Requires the executive commissioner to make updates to the database on a regular basis.

Prohibits fees from being charged of entities that submit information to the database for making information available or for accessing information in the database.

Authorizes the executive commissioner to contract with a state agency or a private entity for the creation, operation, and maintenance of the database required by this subchapter and gives the executive commissioner the ability to adopt rules to implement the database.

Uniform Fair Hearing Rules for Medicaid Services—H.B. 2256

By Representative McReynolds—Senate Sponsor: Senator Deuell

The Health and Human Services Commission (HHSC) administers the Medicaid and Medicare program for the State of Texas. States that participate in the Medicaid program must comply with all federal requirements governing the program. Federal regulations require the state Medicaid agency to provide an opportunity for a fair hearing to any beneficiary who requests one and to mail the beneficiary a notice at least 10 days before the date of the termination or a reduction of services. If the beneficiary requests a fair hearing before the date of the termination or reduction of services, federal regulations require that the services be maintained until a decision is rendered after the hearing. These federal due process protections apply to all Medicaid-funded services.

HHSC rules exempt services that involve prior authorization from these federal requirements. HHSC was successfully sued in federal court and has attempted to rewrite the rules. This bill:

Requires the executive commissioner of HHSC to promulgate uniform fair hearing rules for all Medicaid-funded services and requires that such rules provide due process to an applicant for Medicaid services and to a Medicaid recipient who seeks a Medicaid service, including a service that requires prior authorization.

Requires the rules to provide the protections for applicants and recipients required by 42 C.F.R. Part 431, Subpart E, including requiring that the written notice to an individual of the individual's right to a hearing contain an explanation of the circumstances under which Medicaid is continued and be mailed at least 10 days before the date the individual's Medicaid eligibility or service is scheduled to be terminated, suspended, or reduced, with certain exceptions.

Requires that the notice also contain an explanation that if a hearing is requested before the date a Medicaid recipient's service, including a service that requires prior authorization, is scheduled to be terminated, suspended, or reduced, the agency may not take that proposed action before a decision is rendered after the hearing unless it is determined at the hearing that the sole issue is one of federal or state law or policy and the agency promptly informs the recipient in writing that services are to be terminated, suspended, or reduced pending the hearing decision.

Authorizes HHSC to seek a waiver or authorization from a federal agency if necessary for implementation and to delay implementation until the waiver or authorization is granted.

Costs Associated with the Medicaid Cost Reporting and Auditing Process—H.B. 2540

By Representative Isett—Senate Sponsor: Senator Nelson

The system for cost reporting, auditing, and rate-setting for certain Medicaid programs is complex and tends to foster an adversarial relationship between providers and the Health and Human Services Commission (HHSC). Riders in the appropriations bills of the 78th and 79th Legislatures called for reporting, auditing, and rate-setting improvements, but the reports resulting from those riders were not considered to fulfill what the legislature requested in those riders. Implementing a pilot program to address these concerns may prove more effective than attaching another waiver to an appropriations bill. This bill:

Requires HHSC to develop and implement a pilot project to simplify, streamline, and reduce costs associated with the Medicaid cost reporting and auditing process for private ICF-MR (intermediate care facilities for mental retardation) facilities and home and community-based services waiver program providers

Requires the executive commissioner of HHSC to adopt cost reporting and auditing processes and guidelines similar to standard business financial reporting processes and guidelines, and requires the processes and guidelines to meet certain criteria.

Requires HHSC, in developing the pilot project, to establish a work group that reports to the executive commissioner and has certain responsibilities.

Requires HHSC to submit a report to the legislature that evaluates the operation of the pilot project and makes recommendations regarding the continuation or expansion of the pilot project.

Integrated Eligibility and Benefits Determination System Enhancement—H.B. 3575

By Representative Rose et al.—Senate Sponsor: Senator Nelson et al.

The 76th Legislature, Regular Session, 1999, created and funded TIERS (Texas Integrated Eligibility Redesign System). There has been an ongoing concern about the operability of TIERS and the Integrated Eligibility and Enrollment System. This bill:

Requires each contract with the Health and Human Services Commission (HHSC) or a health and human services agency that requires the provision of call center services or written communications related to call center services to include performance standards that measure the effectiveness, promptness, and accuracy of the contractor's communications with persons with limited English proficiency.

Requires each person who seeks to enter into a contract described by this bill to include in the bid or other applicable expression of interest for the contract a proposal for providing call center services or written communications related to call center services to persons with limited English proficiency.

Requires the proposal to include a language access plan that describes how the contractor will achieve any performance standards described in the request for bids, proposals, or other applicable expressions of interest.

Requires HHSC or a health and human services agency, in determining which bid or other applicable expression of interest offers the best value, as applicable, to evaluate the extent to which the proposal for providing call center services or written communications related to call center services in languages other than English will provide meaningful access to the services for persons with limited English proficiency.

Requires the enhanced eligibility system to be designed to achieve certain goals with respect to health and human services programs in this state.

Requires HHSC to develop a transition plan under which the eligibility system in existence on September 1, 2007, is transformed and enhanced to be more fully functional relative to the needs of eligible Texas residents and to meet the goals described in this bill.

Requires HHSC to include a timetable in the transition plan for meeting specific goals with respect to achieving that transformation and sets forth the goals to be met by the transition plan and to make the transition plan available to the public.

Requires the state auditor's office to establish, in consultation with the Department of Information Resources and HHSC, an independent validation and verification program for the eligibility system during the period of the transition plan.

Requires the state auditor's office to present the proposed independent validation and verification program to the committee and seek HHSC's recommendations for modifications to the proposed program.

Requires the quality assurance team to establish a schedule for periodic monitoring of the eligibility system during the period of the transition plan.

Requires the state auditor's office and the quality assurance team to share information as necessary to fulfill their respective duties under this section.

Creates the health and human services eligibility system legislative oversight committee to support HHSC's implementation of the enhanced eligibility system in a manner that maximizes the positive effects of that implementation on the delivery of health and human services in this state, and sets forth the composition, powers, and duties of the legislative oversight committee.

Medicaid and Health Care Benefits Programs Operation and Financing—S.B. 10

By Senator Nelson et al.—House Sponsor: Representative Delisi

The federal Deficit Reduction Act of 2005 included provisions that give states additional flexibility in the way Medicaid is administered. The Senate Committee on Health and Human Services was charged during the interim with monitoring state and federal Medicaid reform proposals, including their impact on the Medicaid program in Texas, as well as cost-containment measures in other states. The committee made recommendations in its interim report based on those reform measures that were considered most applicable to the Texas Medicaid program. This bill:

Requires the Health and Human Services Commission (HHSC) to promote Medicaid recipient access to federally qualified health center services or rural health clinic services and ensure that payment for federally qualified health center services or rural health clinic services is in accordance with 42 U.S.C. Section 1396a(bb).

Requires HHSC, if cost-effective and feasible, to contract through an existing procurement process for the implementation of an acute care Medicaid billing coordination system for the fee-for-service and primary care case management delivery models that will, upon entry in the claims system, identify within 24 hours whether another entity has primary responsibility for paying the claim and submit the claim to the entity the system determines is the primary payor.

Prohibits the system from increasing Medicaid claims payment error rates.

Sets forth guidelines for the implementation of the billing system.

Requires HHSC to administer the medical transportation program and sets forth the functions and purpose of the program.

Criminal Offenses Involving Medicaid—S.B.1694

By Senator Nelson—House Sponsor: Representative Jackson

The Medicaid Fraud Control Unit of the state attorney general's office handles criminal investigations of providers in the state Medicaid program. Additionally, various agencies and licensing boards maintain information regarding investigations of Medicaid fraud and abuse. These agencies currently have the

ability to share information; however, obtaining information is sometimes difficult due to administrative obstacles. This bill:

Authorizes the Medicaid fraud enforcement division of the office of the attorney general and each board or agency with authority to license, register, regulate, or certify a health care professional or managed care organization that is authorized to participate in the state Medicaid program (participating agency) to submit a written request for information regarding a health care professional or managed care organization that is the subject of an investigation by the participating agency to any other participating agency.

Authorizes a participating agency that discovers information that may indicate fraud or abuse by a health care professional or managed care organization to provide that information to any other participating agency unless the release of the information is prohibited by other law.

Requires a participating agency that determines the agency is prohibited from releasing requested information to inform the agency requesting the information of that determination in writing.

Provides that confidential information shared remains subject to the same confidentiality requirements and legal restrictions on access to the information that are imposed by law on the participating agency that originally obtained or collected the information.

Requires a participating agency that receives information from another participating agency under this section to obtain written permission from the agency that shared the information before using the information in a licensure or enforcement action.

Mental Health Detention Period Extension—H.B. 518

By Representative Naishtat—Senate Sponsor: Senator Brimer

Current statute authorizes a peace officer to detain a person without a warrant if the circumstances leads the officer to conclude that there is reasonable cause to believe that the person is mentally ill and that the mental illness causes a substantial risk of imminent serious harm to the mentally ill person or others. This detention can last no longer than 24 hours, excluding nights and weekends and any time the person spends receiving medical care in the emergency room, unless a probate court has issued an order of protective custody. This bill:

Extends to 48 hours the maximum authorized time to detain a person presumed to be mentally ill.

Local Mental Health and Mental Retardation Facilities—H.B. 2439

By Representative Truitt et al.—Senate Sponsor: Senator Janek

Chapters 533 (Powers and Duties) and 535 (Support Services), Health and Safety Code, address the roles and responsibilities of local mental health and mental retardation authorities. These roles and responsibilities were amended by the 78th Legislature, Regular Session, 2003, through H.B. 2292. That bill limited the provision of services by those authorities. This bill:

Sets forth certain parameters for a local mental health authority's (authority) provision of services as a "provider of last resort," requires said authority to develop local network development plans, and requires the Department of State Health Services (DSHS) to review these plans.

Requires DSHS and Department of Aging and Disability Services (DADS) to take certain actions, respective to each entity, relating to the support and advisement of local mental health and mental retardation authorities.

Requires the executive commissioner of the Health and Human Services Commission to adopt certain rules regarding the roles and responsibilities of a local mental retardation authority.

Authorizes DSHS consumers of mental health services and family members of individuals with mental health needs appointed to the local authority network advisory committee amended by the bill for travel costs incurred in performing their duties as provided in the General Appropriations Act.

Repeals statute that requires biennial review of the appropriateness of mental health and mental retardation centers (centers) and that certain actions be taken toward the privatization of those center's services.

Child Abuse and Neglect Prevention and Early Intervention—H.B. 662

By Representatives Dukes and Veasey—Senate Sponsor: Senator Ellis et al.

Although prevention and intervention services for child abuse and neglect are available statewide, the specific services offered and their availability as well as the jurisdiction of each program is often unknown. According to the Prevention and Early Intervention Division of the Department of Family and Protective Services (DFPS), the population for which services are available may not be known even when service areas are clearly identified. As a result, prevention and intervention services for child abuse and neglect are fragmented. This bill:

Requires DFPS to coordinate with the Interagency Coordinating Council for Building Healthy Families (council) to develop a strategic plan for child abuse and neglect prevention services.

Requires transition to a system that promotes prevention services through public awareness efforts and outreach.

Requires DFPS, in coordination with the council, to develop a statewide, long-range strategic plan for child abuse and neglect prevention services.

Sets forth the objectives of the plan, and requires DFPS to assist the council in preparing a report to be submitted to the legislature by a specified date regarding the plan.

Redefines the purpose of the council by expanding its duties and objectives, and includes a representative of the Department of Assistive and Rehabilitative Services as a member of the council.

Requires the council to make certain evaluations and report its findings to the lieutenant governor, the speaker of the house of representatives, and the legislature at a specified date.

Termination of Parental Rights of Certain Abandoned Children—H.B. 1747

By Representative Morrison—Senate Sponsor: Senator Nelson

H.B. 3423, enacted by the 76th Legislature, Regular Session, 1999, requires an emergency infant care provider to take possession of a child 30 days old or younger, if the parent or other person entitled to possession of the child voluntarily leaves the child with the provider and does not express an intent to return for the child. However, the Department of Family and Protective Services (DFPS) has experienced delays in filing petitions for termination of parental rights because it is not authorized to search the paternity registry until 30 days after the child's date of birth. This bill:

Amends the Family Code to provide that there is a rebuttable presumption that a parent who delivers a child to a designated emergency infant care provider in accordance with Subchapter D (Emergency Possession of Certain Abandoned Children), Chapter 262, is the child's biological parent, intends to relinquish parental rights and consents to the termination of parental rights with regard to the child, and intends to waive the right to notice of the suit terminating the parent-child relationship.

Requires DFPS to take certain actions before the court may render an order terminating parental rights, rather than filing a petition to terminate the parental rights, with regard to a child taken into DFPS's custody under Section 262.303 (Notification of Possession of Abandoned Child).

Designation of Individual to Consent to Medical Care for Foster Child—H.B. 2580

By Representative Naishtat—Senate Sponsor: Senator Nelson

The purpose of this bill is to clarify the original legislative intent of authorizing a court to designate the Department of Family and Protective Services (DFPS) or an agent from DFPS to provide consent to medical care for a child. Current law is being interpreted to mean that DFPS is not authorized to designate a child's foster parent or a child's parent to provide consent to the child's medical care. This bill:

Authorizes DFPS to designate a child's foster parent or the child's parent, if the parent's rights have not been terminated, to exercise the duty and responsibility of providing consent on behalf of DFPS.

Mentorship Pilot Program—H.B. 3008

By Representative Pierson et al.—Senate Sponsor: Senator Nelson

Currently, children in foster care receive help with making their transition into adulthood by participating in the Preparation for Adult Living (PAL) Program. Often, foster children who are making the transition into adulthood experience difficulties and need extra support. This bill:

Requires the Department of Family and Protective Services (DFPS) to establish a pilot program under which DFPS contracts with a private or nonprofit entity to pair children in foster care in Tarrant County, Denton County, Dallas County, and Collin County who are 14 years of age or older with volunteer adult mentors in order to foster relationships of support and guidance in preparation for the children's transition to adult living.

Requires the private or nonprofit entity selected by DFPS to administer the program to have a demonstrated record of successfully providing services similar to those provided under the program.

Authorizes children in foster care who qualify for participation in the program to participate on a voluntary basis.

Provides that an individual who volunteers as a mentor under the program is subject to state and national criminal background checks.

Requires DFPS to encourage substitute care providers to facilitate participation in the program by a child who chooses to voluntarily participate in the program.

Requires DFPS to report to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature on the activities conducted under the pilot program.

Requires DFPS to contract with a public institution of higher education located in the geographic area served by the pilot program for the institution to conduct an evaluation of the effectiveness of the program.

Requires the institution selected to conduct an evaluation under this subsection to report certain findings to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature.

Fetal and Infant Mortality Review—S.B. 143

By Senator West et al.—House Sponsor: Representative Veasey

Currently, child fatality review teams across the state review all deaths of children from birth to age 18. Fetal deaths are not reviewed by such teams. This bill:

Authorizes an infant mortality review team (review team) to be established only by a local health authority or other local health official or by the Department of State Health Services (DSHS) or under a contract or in accordance with a memorandum of agreement with a local health authority or other local health official or DSHS.

Requires a review team to be composed of culturally diverse members representing multiple disciplines, including professionals and representatives of agencies that provide services or community resources for families in the community and community representatives and authorizes the review team to include certain members.

Sets forth the purpose and duties of the review team, along with the appropriate information to be collected in the event of a death or fetal death subject to review.

Requires the names and addresses of the decedent and the decedent's family and the name and address of each health care provider that provided services to the decedent or decedent's family to be removed from information collected before review at a meeting of the review team.

Provides that meetings of the review team are closed to the public.

Sets forth procedural guidelines for the review team to request information and requires a health care provider or other custodian of requested information, on the request of the review team, to provide such information.

Provides that information collected by the review team is confidential and sets forth information that is prohibited from being disclosed.

Provides that certain information is not confidential if the information is general information and cannot be connected with any specific individual, case, or health care provider.

Authorizes the review team to publish statistical studies and research reports based on information that is confidential, provided that the information published is prohibited from identifying a decedent or the decedent's family and from including any information that could be used to identify a decedent or the decedent's family.

Provides that review team work product and information obtained by a review team, including files, records, reports, records of proceedings, recommendations, meeting notes, records of interviews, statements, and

memoranda, are privileged and not subject to subpoena or discovery and sets forth the conditions under which a review team member commits an offense by disclosing confidential information.

Provides that a member of the review team is not liable for damages to a person for an action taken or a recommendation made within the scope of the functions of the review team if the member acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to the review team member.

Possession of Firearms in Certain Foster Homes—S.B. 322

By Senator Deuell—House Sponsor: Representative Flynn

Under standards adopted beginning January 1, 2007, some foster families were instructed to remove all firearms and ammunition from their property or they would no longer be eligible to serve as foster parents. This bill:

Prohibits the Department of Family and Protective Services (DFPS) from prohibiting possession of lawfully permitted firearms and ammunition in a foster home of any type.

Authorizes minimum standards to be adopted relating to safety and proper storage of firearms and ammunition.

Reporting and Maintenance of Information Relating to Child Placement—S.B. 723

By Senator Lucio—House Sponsor: Representatives Rose and Pierson

Many child welfare experts and organizations agree that when a child is removed from his or her home by Child Protective Services, a relative foster care setting is generally preferable over a non-familial placement. However, a family may not have the financial resources to care for a family member who has been removed from his or her home. While non-familial foster parents receive a daily payment for children in their care, kinship providers receive no more than a one time payment of \$1,000 and a yearly stipend of \$500. This bill:

Requires the Department of Family and Protective Services (DFPS) to note and record when a potential placement of a child in foster care with a willing relative caregiver is not possible strictly for financial reasons.

Requires DFPS to document, if possible, the amount of monetary assistance and reimbursement to which the caregiver would be entitled and the amount of assistance that would have made the placement affordable for the caregiver.

Requires DFPS to compile statistics based on the information recorded and to report annually to the legislature regarding proposed placements that are not made in the preceding year due to financial reasons.

Requires a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence to determine whether the address of the persons involved in the

allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center (TCIC).

Requires the peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence to make a report to DFPS if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home as listed in TCIC.

Entitles DFPS to access the records relating to any person who is 14 years of age or older and who resides in a licensed foster home or a verified agency foster home.

Requires DFPS to notify a child-placing agency of each family violence report DFPS receives that occurred under certain circumstances.

Requires DFPS to maintain a regularly-updated database of licensed foster homes and verified agency foster homes including the current address for each licensed or verified home as reported to DFPS.

Requires DFPS to make the database available to the Department of Public Safety and requires the information to remain confidential.

Provides that, before DFPS can issue a license or registration for a foster home or a child-placing agency can issue a verification certificate for an agency foster home, DFPS or the child-placing agency is required to obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application.

Requires the applicant to provide the information on a form prescribed by DFPS.

Reporting Mistreatment of Persons Receiving Community-Based Services—S.B. 744

By Senator Uresti—House Sponsor: Representatives Rose and Naishtat

Current law prohibits the following health care providers from retaliating against persons reporting abuse, neglect, or exploitation of clients or patients in their care: hospitals, nursing homes, intermediate care facilities for the mentally retarded, community mental health centers, primary and long-term care facilities, outpatient and ambulatory care facilities, health maintenance organizations, detoxification facilities, intensive care facilities, recovery centers, and halfway houses. This list does not include providers of home and community-based services. This bill:

Prohibits a provider from retaliating against a person for filing a report or providing information in good faith relating to the possible abuse, neglect, or exploitation of an individual receiving services from the provider or residing in a residence owned, operated, or controlled by the provider in which services are provided.

Provides that this bill does not prohibit a provider from terminating an employee for a reason other than retaliation.

Child Protective Services—S.B. 758

By Senators Nelson and Uresti—House Sponsor: Representative Rose et al.

S.B. 6, 79th Legislature, Regular Session, 2005, established needed reforms in protective services and to improve quality and accountability in foster care. This bill:

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to provide that the maximum amount of the subsidy that may be paid to an adoptive parent of a child under an adoption assistance agreement is an amount that is equal to the amount that would have been paid to the foster parent of the child, based on the child's foster care service level on the date the Department of Family and Protective Services (DFPS) and the adoptive parent enter into the adoption assistance agreement.

Provides that a person's failure to report to an agency authorized to investigate abuse or neglect of a child within a reasonable time after receiving proper notice constitutes a refusal by the person to cooperate with the department's investigation.

Authorizes a summons to be issued to locate the person.

Requires DFPS to consult with relevant professionals to determine the skills or knowledge that the parents of a child under two years of age should learn or acquire to provide a safe placement for the child.

Requires DFPS to incorporate those skills and abilities into its service plans, as appropriate.

Requires DFPS to spend money appropriated for the child protective services program to pay reasonable and necessary burial expenses for a person for whom it is paying for foster care and who dies while in foster care unless there is money in the person's estate or other money available to pay the person's burial expenses.

Requires DFPS, if, at the time a child is discharged from foster care, the child is at least 18 years of age or has had the disabilities of minority removed, to provide birth certificates, immunization records, and passport information to the child, not later than the 30th day after the date the child is discharged from foster care.

Requires DFPS to develop a pilot program for the competitive procurement of case management services in one or more geographic areas of the state.

Requires DFPS to contract with one or more substitute care providers to provide case management services under the pilot program.

Requires DFPS to have a goal of privatizing case management services in five percent of the cases in which DFPS has been appointed temporary or permanent managing conservator of a child.

Authorizes an employee of DFPS who has on file a background and criminal history check, if DFPS is unable to find an appropriate placement for a child, to provide temporary emergency care for the child.

Prohibits an employee from providing emergency care under this subsection in the employee's residence.

Requires DFPS to provide notice to the court for a child placed in temporary care under this subsection not later than the next business day after the date the child is placed in temporary care.

Requires DFPS to work with OneStar Foundation to expand the foster parent recruitment program to increase the number of foster families available for DFPS and its private providers.

Authorizes the OneStar Foundation, in cooperation with the DFPS, to provide training and technical assistance to establish networks and services in faith-based organizations based on best practices for supporting prospective and current foster families.

Authorizes a child for whom DFPS has been appointed managing conservator and who has been placed in foster care to travel outside of the United States only if the person with whom the child has been placed has petitioned the court for, and the court has rendered an order granting, approval for the child to travel outside of the United States.

Requires DFPS to develop a program to strengthen families through enhanced in-home support.

Requires the program to assist certain low-income families and children in child neglect cases in which poverty is believed to be a significant underlying cause of the neglect and in which the enhancement of in-home support appears likely to prevent removal of the child from the home or to speed reunification of the child with the family.

Sets forth the guidelines for adopting rules regarding the program's implementation.

Sets forth the composition and duties of the committee on pediatric centers of excellence relating to abuse and neglect.

Requires the committee to submit a report to the legislature regarding its activities.

Requires the Department of State Health Services (DSHS) to implement an efficient and effective method to verify birth information or provide a certified copy of a birth record necessary to provide services for the benefit of a minor being served by DFPS.

Requires DFPS to study the effect that providing reimbursement for certain educational expenses would have on recruiting and retaining qualified child protective services caseworkers.

Requires DFPS to take certain considerations into account in determining the cost of reimbursing caseworkers for educational expenses, and report its findings.

Requires DFPS, when recruiting child protective services caseworkers, to target its recruitment efforts toward individuals who hold a bachelor's degree or advanced degree in at least one of several specified areas.

Requires DFPS, in reporting information relating to caseloads of child protective services caseworkers, in addition to reporting caseload by each individual affected by the case, to report the number of cases for each caseworker on the basis of family unit.

Requires the division designated by DFPS to hire one specially trained investigation safety specialist, one risk analyst, and a performance management unit.

Sets forth the composition and duties of the committee on licensing standards, and requires the committee to report its findings.

Authorizes a residential child-care facility that provides emergency services to temporarily exceed the facility's capacity for not more than 48 hours to provide temporary care for a child in an emergency.

Requires the facility to notify DFPS within 24 hours of the placement that the facility temporarily exceeded the facility's capacity.

Requires at least one of the unannounced, annual inspections of a residential child-care facility to be conducted by a team of at least two residential child-care monitoring staff, and, if feasible, members of the inspection team must be from different residential child-care monitoring units.

Requires DFPS to develop a process by which a child-placing agency is required to report certain information to DFPS regarding the closure of a foster home or foster group home.

Sets forth the guidelines and procedures for the transfer of an agency foster home.

Requires the director, owner, or operator of a day-care center, in accordance with rules adopted by the executive commissioner of HHSC, to submit a complete set of fingerprints of each person whose name is submitted by the director, owner, or operator.

Prohibits a person whose name is submitted by the director, owner, or operator of a day-care center from providing direct care or having direct access to a child in a day-care center before the person's background and criminal history checks are completed.

Sets forth the conditions under which a director, owner, or operator of a day-care center commits an offense regarding hiring practices.

Provides that an owner or operator of a day-care center commits an offense if the owner or operator knowingly operates the day-care center without a director who meets the qualifications of a director prescribed by department rules or without the routine presence during the day-care center's hours of operation of a director.

Requires DFPS to develop a child protective services improvement plan that is designed to build on the child protective services reform elements added by Chapter 268, Acts of the 79th Legislature, Regular Session, 2005.

Requires DFPS, in developing the plan, to seek to expand on or modify initiatives that have resulted in demonstrable improvements and that serve certain goals. Sets forth the required content of the improvement plan.

Requires DFPS to implement the improvement plan only to the extent that funds are available for that purpose.

Requires DFPS to prepare and submit a detailed plan for the implementation of each element of the child protective services improvement plan required by Section 51 of this Act for which funding has been obtained and the continued implementation of all child protective services reform activities required by Chapter 268, Acts of the 79th Legislature, Regular Session, 2005, as modified by this Act.

Requires DFPS to actively pursue a waiver or other authorization from an appropriate federal agency to use any available federal funds, including funds available under Title IV-E, Social Security Act (42 U.S.C. Section 670 et seq.), to provide monthly monetary assistance under a caregiver assistance agreement.

Procedural Changes Regarding Child Protective Services—S.B. 813

By Senator Janek—House Sponsor: Representative Turner

If privatization of substitute care and case management services is implemented in Harris County as required by S.B. 6, 79th Legislature, Regular Session, the assumed biennial loss of nearly \$15 million in local funds would reduce the capacity of that county to serve the current caseloads and provide the current level of services. Current law requires the outsourcing of case management and substitute care services to private entities without exception. Ambiguity and conflicting provisions of the law enacted by S.B. 6 have resulted in delays in terminating parental rights and finalizing the permanent placement of children. In addition, certain court-related procedures in cases that impact the parent-child relationship are difficult to implement or are absent. This bill:

Requires a parent who claims indigence to file an affidavit of indigence in accordance with current statute before the court can conduct a hearing to determine the parent's indigence under this section.

Authorizes the Department of Family and Protective Services (DFPS) or an independent administrator to contract with a child welfare board, a local governmental board granted the powers and duties of a child welfare board under state law, or a children's advocacy center for the provision of substitute care and case management services in this state if the board or center provided direct substitute care or case management services under a contract with DFPS by a certain date.

Authorizes a substitute care or case management services provider that contracts with DFPS or an independent administrator to provide substitute care or case management services to provide value-added services that supplement the substitute care or case management services required to be provided under the contract.

Labeling Requirements for Certain Drugs—H.B. 948

By Representative Yvonne Davis—Senate Sponsor: Senator Ellis

The Health and Safety Code requires drug labels to contain certain important information relating to proper usage, side effects, and cautionary statements to ensure public awareness of the proper use of prescription drugs. The font size used in printing this vital information is often small and may be difficult for certain individuals to read, thus increasing the potential for accidental misuse of prescription drugs. This bill:

Requires the Texas State Board of Pharmacy (board) to adopt rules requiring the label on a dispensing container to be in plain language and printed in an easily readable font size for the consumer.

Requires the board to adopt rules specifying the information a pharmacist must provide to a consumer when dispensing a prescription to the consumer for self-administration.

Requires that the information be written in plain language, relevant to the prescription, and printed in an easily readable font size.

Boarding Home Regulation Pilot Program—H.B. 1168

By Representative Menendez et al.—Senate Sponsor: Senator Shapeigh et al.

Current law does not regulate the operation of group homes for residents who are not related to the provider. With the exception of reported and investigated cases of abuse through the Department of Aging and Disability Services (DADS), state agencies currently do not have the authority to require registration, inspection, and oversight or enforcement of such facilities and lack general investigative authority to ensure the safety and well-being of the residents. This bill:

Includes provisions authorizing a licensing authority to deny, suspend or revoke a license if the licensing authority determines, after administrative notice and hearing, that the person engaged in certain conduct or actions relating to a false statement, misrepresentation, or refusal to provide information.

Provides that a person who knowingly makes a false statement in connection with applying for or renewing a license may be subject to criminal prosecution under Section 37.10, Penal Code.

Includes provisions relating to the liability of a facility owner, other controlling person, or affiliate of a person assessed with a civil penalty for violations compromising the health and safety of an assisted living facility resident.

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to develop and implement a pilot program to license boarding houses, subject to the appropriation of funds for the express purpose of implementing the pilot.

Provides that the provision authorizing the pilot program expires September 1, 2011.

Defines a "boarding house" as an establishment that provides services, including community meals, light housework, meal preparation, transportation, grocery shopping, money management or laundry services to three or more elderly or disabled persons who are unrelated to the proprietor.

Excludes from the definition of boarding house entities that are currently licensed by the Department of Aging and Disability Services (DADS), entities that are exempted from licensure by DADS (Home and Community-based Services Program providers); child-care facilities; family violence centers; hotels; retirement communities; monasteries; convents; and sororities, fraternities and dormitories affiliated with an institution of higher learning.

Requires the pilot program to be implemented in each county or municipality that has adopted an order or ordinance regulating the operation of boarding houses.

Requires that the rules to implement the pilot address licensing, inspections, and enforcement.

Requires the executive commissioner, if the pilot program is implemented, to report, by January 1, 2009, the number of houses licensed, rule violations, and investigations related to alleged abuse, neglect or exploitation of a resident; a description of any penalties imposed on a boarding house; and recommendations on the advisability of expanding the pilot statewide.

Requires the executive commissioner, if the pilot program has not been implemented, to study and make recommendations regarding the most effective method for regulating boarding houses, including whether clarifying and expanding county and municipal authority to establish health and safety standards for boarding houses is recommended.

Duties of the Texas Medical Board—H.B. 1973

By Representative Delisi—Senate Sponsor: Senator Nelson

The Texas Medical Board (board) is charged with the oversight and processing of physician licensing in Texas. Recently, there has been an increase in the number of physician license applications, causing a backlog of license processing at the board. This bill:

Prohibits a member of the board from serving as an expert witness in a suit involving a health care liability claim against a physician for injury to or death of a patient.

Requires the executive director of the board (executive director), not later than January 1 of each year, to review the policy and procedures the board uses to issue licenses and to issue a report to certain officials and entities on the state of the board's licensing process.

Requires the board, not later than January 1 of each year, to perform a needs assessment to enable the board to determine the performance goals that the board is required to meet to reduce any unreasonable delays in the timely completion of the licensing process and to ensure the process is completed in a reasonable number of days.

Requires the executive director, not later than August 1 of each even-numbered year, to issue a report to certain officials on the state of the board's licensing process that includes, among other information, a

projected yearly budget for board staffing and technology improvements that will allow the board to issue licenses within a reasonable number of days and specialty certification information collected from applicants, including certain physician profile information, the location where each applicant intends to practice, and in aggregate form, data collected since the prior report relating to certain criminal convictions and deferred adjudications.

Requires the board and the executive director to ensure that any change in licensing policies or procedures is made only to increase the number of licenses issued, reduce unreasonable delays in the licensing process, and maintain public safety.

Requires the board, not later than August 31, 2008, to ensure that the average time to process license applications under this chapter does not exceed 51 days.

Requires the board to make an effort to give priority to an application submitted by an applicant who informs the board that the applicant intends to practice in a medically underserved area of this state.

Requires each applicant for a license or a licensee seeking renewal to submit information to the board detailing any conviction for a felony or a Class A or Class B misdemeanor or a deferred adjudication for a felony or Class A or Class B misdemeanor for a violation relating to Medicare, Medicaid or insurance fraud, the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses, sexual or assaultive offenses, and tax fraud or evasion.

Deletes existing text requiring the board to adopt rules for expediting any application for a license under this subtitle made by a person who is licensed to practice medicine in another state or country and who submits an affidavit with the application containing certain information.

Renewal Period for License or Registration of Radioactive Materials—H.B. 2285

By Representative Chisum—Senate Sponsor: Senator Seliger

H.B. 2292, 78th Legislature, 2003, mandated that licenses for radioactive materials and registrations of radiation-producing machines issued by the Department of State Health Services (DSHS) be renewed every two years. Prior to this, the fee for radioactive materials licenses and x-ray and laser registrations was not tied to the permit renewals. The renewals were for periods of eight to 10 years, and the fees were annual fees that reflected actual costs of the program.

The provision resulted in an unintended burden on the licensees and registrants. Permit renewals require submission of detailed facility operating and emergency procedures and detailed drawings of facilities and equipment changes since the last permit renewal. This bill:

Exempts a license or registration related to radioactive materials and other sources of radiation issued by DSHS from certain fee and renewal requirements.

Prohibits DSHS from assessing a fee on a local law enforcement agency for the licensing and registration of an x-ray machine used to screen packages for explosives or other items that would pose a danger to the public health and safety.

Provides that except as otherwise provided by this Act, a local law enforcement agency is subject to the licensing and registration requirements of Chapter 401 (Radioactive Materials and Other Sources of Radiation), Health & Safety Code.

Minimum Standards for Anaphylaxis Treatment by EMS Personnel—H.B. 2827

By Representative Taylor et al.—Senate Sponsor: Senator Jackson

Currently, anaphylaxis treatment is not carried in every emergency medical service (EMS) vehicle. This bill:

Requires the Texas Board of Health, when adopting minimum standards for emergency medical services, to require that an EMS vehicle be equipped with an epinephrine auto-injector or similar device to treat anaphylaxis and that EMS personnel complete continuing education training in the administration of anaphylaxis treatment.

Removes minimum certification requirements limiting the type of EMS personnel authorized to carry, maintain, administer, and dispose of epinephrine auto-injector devices and authorizes a licensed physician acting as a medical director for an emergency medical services system to restrict the use and administration of the devices to certain EMS personnel.

Regulation of Cigarettes—H.B. 2935

by Representatives Phil King and Gallego—Senate Sponsor: Senator West

Cigarettes are the leading cause of home fire fatalities in the United States, killing 700 to 900 people, smokers and nonsmokers alike, per year. Most victims of smoking-material fire fatalities are not the smokers whose cigarettes started the fire: 34 percent are children of the smokers; 25 percent are neighbors or friends; 14 percent are spouses or partners; and 13 percent are parents. There is technology available to produce a cigarette that has been termed a fire-safe cigarette which has a reduced propensity to burn when left unattended. This bill:

Requires cigarettes sold in Texas to meet testing requirements that are in accordance with the Standard Test Method for Measuring the Ignition Strength of Cigarettes, E2187-04, by the American Society of Testing and Materials.

Prohibits a cigarette from being sold or offered for sale in this state unless the cigarette has been tested according to statute, meets the performance standard provided by statute, has been certified, and marked in accordance with statute.

Requires a manufacturer of cigarettes to ensure that tests on cigarettes are conducted in a certain manner.

Sets forth procedures for the test trial of cigarettes, performance standards, and certification requirements.

Sets forth alternative testing methods for cigarettes that cannot be tested according to the prescribed procedures.

Requires the cigarette's manufacturer, before a cigarette is authorized to be sold or offered for sale in this state, to certify in writing to the state fire marshal that the cigarette has been tested in accordance with and meets the performance standard set forth in this bill.

Sets forth the information required to be included in the certification.

Requires the state fire marshal to retain a copy of a certification and provide a copy to the comptroller of public accounts (comptroller) to ensure compliance with this statute.

Requires a cigarette certified according to this Act to be recertified every three years.

Sets forth the requirements for the markings to be included on the cigarettes by the manufacturers and the procedure for receiving approval for markings from the state fire marshal.

Requires a manufacturer to maintain copies of the reports of all tests conducted on all cigarettes offered for sale for the previous three years and to make copies of the reports available to the state fire marshal on the state fire marshal's written request.

Sets forth the penalties for a manufacturer who fails to make copies of the reports available not later than 60 days after the date the manufacturer receives a written request.

Grants the state fire marshal rulemaking authority.

Authorizes the state fire marshal and the comptroller to make certain inspections regarding the cigarettes.

Sets forth the penalties and procedures for violations of the chapter introduced in this bill and requires a civil penalty collected under this statute to be deposited to the credit of the fire prevention and public safety account.

Requires the state fire marshal to review the effectiveness of the chapter introduced in this bill, submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate committees of the legislature on the state fire marshal's administration of this chapter, and make recommendations to improve the effectiveness of this chapter, if appropriate.

Regulation of the Practice of Dentistry—H.B. 3876

By Representatives Menendez and Fred Brown—Senate Sponsor: Senator Nichols

Currently, the State Board of Dental Examiners (board) regulates licensed dentists, but has little to no jurisdiction over dental clinics or dental organizations that employ dentists to perform dental services. The inability to obtain patient records from dental organizations prevents the board from properly investigating complaints filed by members of the public and prevents formerly employed dentists from properly answering questions regarding the care rendered to dental patients. This bill:

Requires an owner, shareholder, partner, or executive officer of a clinic or other entity that provides dental services for the public to designate a license holder as the dental custodian of records to provide records to

the board or a dentist who has provided dental treatment and to comply with other law regulating dental patient records.

Requires the dental custodian of records, on demand, to give access to the board and produce for the board all records or other evidence related to the investigation or prosecution of an alleged violation of this subtitle or another law regulating the practice of dentistry in this state.

Requires the board to adopt rules regarding the designation and duties of a dental custodian of records.

Sets forth various penalties for violations of the bill.

Prohibits a member of the board from serving as an expert witness in a suit involving a health care liability claim against a dentist for injury to or death of a patient unless the member receives approval from the board or an executive committee of the board to serve as an expert witness.

Examination for a License to Practice Medicine—S.B. 36

By Senators Nelson and Van de Putte —House Sponsor: Representative Eiland

During the 79th Legislature, changes were made to the physician licensure examination attempt requirements without the inclusion of a grandfathering provision. This bill:

Requires an applicant who, on September 1, 2005, held a physician-in-training permit or had an application for that permit pending before the Texas Medical Board to pass each part of the examination within three attempts, except that, if the applicant has passed all but one part of the examination within three attempts, the applicant is authorized to take the remaining part of the examination one additional time.

Provides that an applicant is considered to have satisfied the requirements of this bill if the applicant meets certain criteria.

Provides that the limitation on examination attempts by an applicant under current law does not apply to certain applicants.

Professional Nursing Program Enrollment Retention—S.B. 138

By Senator Nelson—House Sponsor: Representative Susan King

The current graduation rate from initial nursing programs in Texas is 56 percent. In order to meet current and future nursing needs in Texas, that graduation rate must improve. This bill:

Directs the Texas Higher Education Coordinating Board (THECB) to consider and develop methods to promote the retention and graduation of students enrolled in a professional nursing program and to adopt rules to implement those methods the board considers feasible, including recommendations on financial aid.

Requires THECB by rule to establish a program to recognize a professional nursing program that achieves a graduation rate of 85 percent or more.

Immunizations of Students in Health Professional Degree Programs—S.B. 140

By Senator Nelson—House Sponsor: Representative Kolkhorst

Students enrolled in health professional degree programs are currently required to show proof of specific vaccinations before interacting with patients. However, some of those students may not be able to cover the costs of those immunizations in addition to other costs related to their degree program. This bill:

Requires the Department of State Health Services (DSHS) and the Texas Higher Education Coordinating Board (THECB) to conduct a study of the feasibility of providing immunizations for free or at a reduced price to economically disadvantaged students enrolled in health professional degree programs at institutions of higher education.

Requires DSHS and THECB to submit to the legislature a joint written report containing the findings of the study and the department and coordinating board's recommendations by a certain date.

Chemical Dependency Counselor Regulation—S.B. 155

By Senator Zaffirini—House Sponsor: Representative Madden

A licensed chemical dependency counselor (counselor) is licensed to provide chemical dependency counseling services involving the application of the principles, methods, and procedures of the chemical dependency profession as defined by the profession's ethical standards and the Knowledge, Skills, and Abilities (KSAs); these standards are currently set by rule in Texas Administrative Code, Title 25, Chapter 441. Counselors are in short supply statewide, which impacts chemical dependency services provided in the child protective services, healthcare, and criminal justice systems. Counselors are leaving the system and recruitment is down for a variety of reasons. This bill:

Amends language pertaining to licensing provisions of chemical dependency counselors by ensuring that work experience obtained for licensure is supervised by a certified clinical supervisor, requiring that documentation be provided to the Department of State Health Services (DSHS) demonstrating that the applicant has access to a peer assistance program, and requiring all certification information to be printed on the face of the license.

Requires DSHS to enforce rules as necessary for the performance of its duties described in this bill and ensure strict compliance with and enforcement of this bill.

Requires DSHS to approve one or more peer assistance programs established by DSHS or a professional association in accordance with current statute from which persons licensed under this bill may seek assistance and sets forth the types of peer assistance programs that DSHS is required to approve.

Requires DSHS to maintain a list of approved peer assistance programs for licensed chemical dependency counselors on DSHS's Internet website.

Requires a license issued under this bill to include an area on which a license holder may apply an adhesive label issued by the Texas Certification Board of Addiction Professionals with the designation and expiration date of any other related certification held by the license holder that is approved by the International Certification Reciprocity Consortium or another entity approved by DSHS.

Requires a counselor intern to obtain the supervised work experience required under statute provided in this bill that is obtained in this state at a clinical training institution or under the supervision of a certified clinical supervisor.

Prohibits DSHS from renewing a license under this bill unless the license holder provides to DSHS written documentation that the license holder has access to an approved peer assistance program.

Authorizes DSHS to waive the requirement provided in this statute if DSHS determines that a peer assistance program is not reasonably available to the license holder.

Nurse-Family Partnership Program Funding—S.B. 156

By Senator Shapiro—House Sponsor: Representative Madden

Currently there is no Nurse-Family Partnership Program (program) in Texas. Programs, however, have existed for 23 years in 22 states, serving over 20,000 mothers. The programs focus on improved pregnancy outcomes, child health and development, and the economic self sufficiency of the family. Statistics for programs in other states show benefits to both children and mothers. The program is an evidence-based nurse home visitation program that improves the health and well-being of low income first-time parents and their children, and will include regular home visits by qualified nurses to participant mothers from pregnancy to age two and requires eligible participant mothers to enter the program not later than the 28th week of pregnancy. This bill:

Authorizes a public or private entity, including a county, municipality, or other political subdivision of Texas, to apply to the Health and Human Services Commission (HHSC) for a grant under this subchapter.

Requires HHSC to select sites based on the number of low income, first-time mothers residing in the community and on a demonstrated need for a partnership program.

Requires grant recipients to participate in ongoing monitoring and performance evaluations and in community development support for the program.

Authorizes the Greater Dallas YWCA, which has been operating a pilot program, to participate in the grant program.

Requires HHSC to work with the Nurse-Family Partnership National Service Office to adopt standards for the program and performance measurement indicators for the evaluation of each site.

Health Care-Associated Infections Reporting—S.B. 288

By Senators Nelson and Uresti—House Sponsor: Representative Delisi

Health care-associated infections account for an estimated two million infections and 90,000 deaths annually and cost approximately \$4.5 billion per year. This bill:

Requires the commissioner of state health services (commissioner) to establish the panel within the infectious disease surveillance and epidemiology branch of the Texas Department of State Health Services

(DSHS) as a permanent advisory panel to guide the development, implementation, and evaluation of the Texas Health Care Associated Infection Reporting System (reporting system).

Requires the commissioner to appoint the members of the panel and sets forth the conditions of eligibility and membership for the panel.

Requires the panel to advise DSHS in relation to the oversight of the reporting system by the panel and authorizes the panel to consult with persons who have expertise in infectious diseases or infection control.

Requires the commissioner to report to the legislature the panel's suggestions for legislation surrounding the collection and reporting of infection rates and measures by a certain date.

Requires a health care facility to provide the infectious disease surveillance and epidemiology branch of DSHS with a report of the health care associated infections at the facility for the period covered by the report.

Requires DSHS to develop a reporting system that is flexible and can gather data through electronic communications and review infection control and reporting activities of health care facilities to ensure that valid data is being supplied and to identify unusual trends.

Requires DSHS to release the infection rate for certain infections in facilities required to submit a report on its Internet website and in a written report at least annually.

Offers protection for health care facility employees by prohibiting a health care facility from retaliating against an employee for reporting required information to DSHS.

Provides that information obtained or compiled by DSHS under this chapter is confidential and exempt from certain statutes addressing public disclosure and from certain legal actions to compel the release of this information.

Sets forth conditions relating to the information's disclosure.

Prohibits published infection rates from being used in a civil action to establish a standard of care for a health care facility.

Participation of a Foster Child in a Clinical Trial—S.B. 450

By Senator Uresti et al.—House Sponsor: Representative Turner

It has been reported in the press that government-funded researchers have been testing drugs on foster children. There is no current law protecting foster children from being entered into clinical trials. This bill:

Prohibits a person from authorizing the enrollment of a foster child or consenting to the participation of a foster child in a drug research program (research program) without a court order, unless the person is the foster child's parent and the person has been authorized by the court to make medical decisions for the foster child in accordance with Section 266.004 (Consent for Medical Care).

Requires the court, before issuing an order authorizing the enrollment or participation of a foster child in a research program, to take certain actions.

Provides that an appointed advocate is not a party to the suit and authorizes the advocate to conduct an investigation regarding the foster child's participation in a drug research program (investigation) and to obtain and review copies of the foster child's relevant medical and psychological records and information describing the risks and benefits of the child's enrollment and participation in the research program.

Requires an advocate, within a reasonable time after the appointment, to conduct certain interviews relating to the child's enrollment and participation in a research program.

Requires the advocate, after reviewing the information collected, to submit a report to the court presenting the advocate's opinion and recommendation as it relates to information collected during the investigation.

Requires the advocate, at the court's request, to testify regarding the advocate's opinion and recommendation.

Authorizes the court to appoint any person eligible to serve as the foster child's guardian ad litem, as defined by Section 107.001, as the advocate, including a physician or nurse or an attorney who has experience in medical and health care and prohibits certain persons from serving as the foster child's advocate.

Authorizes a person otherwise authorized to consent to medical care for a foster child to petition the court for an order permitting the enrollment and participation of a foster child in a research program.

Requires the person conducting the research program, in a developmentally appropriate manner, to provide certain information regarding expected benefits, side effects, and alternative treatments, if any, and to receive written informed consent to enroll the foster child for participation in the research program, before enrolling a foster child who is at least 16 years of age and has been determined to have the capacity to consent to medical care in accordance with Section 266.010 (Consent to Medical Care by Foster Child at Least 16 Years of Age) to participate in a research program.

Authorizes the court to render an order approving the enrollment or participation of a foster child in a research program involving an investigational new drug before appointing an advocate if certain conditions exist, and upon a physician's recommendation.

Requires the court, as soon as practicable after issuing an order, to appoint an advocate to complete a full investigation.

Provides this Act does not apply to a drug research study regarding the efficiency of an approved drug that is based only on medical records, claims data, or outcome data, including outcome data gathered through interview with a child, caregiver of a child, or a child's treating professional, a retrospective drug research study based only on medical records, claims data, or outcome data, or the treatment of a foster child with an investigational new drug that does not require the child's enrollment or participation in a research program.

Requires the Department of Family and Protective Services (DFPS) to annually submit to certain government officials and relevant committees in both houses of the legislature, a report regarding the number of foster children who are enrolled or participated in a research program during the previous year, the purpose of each research program in which a foster child was enrolled or participated, and the number of foster children for whom an order was issued.

Prohibits a foster parent or any other person from receiving a financial incentive or any other benefit for recommending or consenting to the enrollment and participation of a foster child in a research program.

Requires DFPS to make reasonable efforts to notify the child's parents within 24 hours of the enrollment or participation of a foster child in a research program.

Environmental Lead Investigations—S.B. 814

By Senators Janek and Shapleigh—House Sponsor: Representative Dukes

Environmental investigations are recommended for all children with confirmed blood lead levels. A grant has been received from the Centers for Disease Control and Prevention which enables the Department of State Health Services (DSHS) to fund child lead poisoning prevention activities. Child Protective Services has requested that DSHS inspect child care facilities regarding allegations that a facility is the source of a child's lead exposure. Current law allows DSHS to do this through its rulemaking process, but this legislation places DSHS's authority in statute. This bill:

Authorizes DSHS to adopt rules establishing standards for follow-up care provided to children with a confirmed blood lead level of concern and provides criteria for the rules adopted.

Authorizes DSHS to conduct an environmental lead investigation of certain facilities or residences on receiving a report of a child with a confirmed blood lead level warranting an environmental lead investigation.

Authorizes DSHS to adopt rules establishing procedures for environmental lead investigations of dwellings and other premises described in the bill and provides criteria for the rules adopted.

Licensing and Regulation of Wholesale Distributors of Prescription Drugs—S.B. 943

By Senator Janek—House Sponsor: Representative Truitt

Texas has made changes in law to address new challenges to the integrity of the prescription drug distribution system as a result of the threat of counterfeit and adulterated drugs by requiring more stringent wholesaler and pedigree licensing. Current law requires wholesaler licensing and drug pedigree documentation only in certain instances. Texas law requires further change to conform state law with newly clarified Food and Drug Administration (FDA) requirements. This bill:

Includes the receipt of a prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and the delivery or proffered delivery of such a drug for payment or otherwise and the alteration, mutilation, destruction, obliteration, or removal of all or any part

of the labeling of a prescription drug or the commission of any other act with respect to a prescription drug that results in the prescription drug being misbranded as prohibited acts.

Prohibits the Department of State Health Services (DSHS) from issuing a wholesale distributor license to an applicant unless DSHS makes certain determinations based on an inspection of an applicant's place of business.

Prohibits DSHS from issuing a wholesale distributor license to an applicant without considering the minimum federal information and related qualification requirements published in federal regulations at 21 C.F.R. [Code of Federal Regulations] Part 205.

Requires DSHS, before the expiration of a license issued, to send to each licensed wholesale distributor a form containing a copy of the information the distributor provided to DSHS.

Requires the wholesale distributor, not later than the 30th day after the date the wholesale distributor receives the form, to identify and state under oath to DSHS any change in or correction to the information.

Requires DSHS, if, after consulting with manufacturers, distributors, and pharmacies responsible for the sale and distribution of prescription drugs in this state, DSHS determines that electronic track and trace pedigree technology is universally available across the entire prescription pharmaceutical supply chain, to establish a targeted implementation date for electronic track and trace pedigree technology.

Authorizes DSHS, after DSHS has established a targeted implementation date, to revise the date and prohibits the targeted implementation date from being earlier than July 1, 2010.

Nursing Peer Review and Nursing Regulation—S.B. 993

By Senator Nelson—House Sponsor: Representative McReynolds

Current provisions of the Nursing Practice Act governing reporting of nurses to the Board of Nurse Examiners (board), enacted in 1987, were based on the principle that over-reporting and multiple source reporting to the board promotes patient safety. However, recent studies by the Institute of Medicine show that these reporting methods lead to unreported errors. This bill:

Requires the president of a medical and dental unit to determine whether a nurse who is employed by the unit for practice in patient care or in clinical activities is a full-time employee for certain purposes.

Provides that this determination does not entitle a nurse who works less than 40 hours a week to the full state contribution to the cost of any coverage or benefit.

Authorizes the medical and dental unit, from money other than money appropriated from the general revenue fund, to contribute to the cost of any coverage or benefit an amount that exceeds the state contribution.

Prohibits a person from suspending or terminating the employment of, or otherwise disciplining or discriminating against, a person who reports, without malice about a nurse's misconduct.

Authorizes a nurse, in a written, signed report to the appropriate licensing board or accrediting body, to report a licensed health care practitioner, agency, or facility that the nurse has reasonable cause to believe has exposed a patient to substantial risk of harm as a result of failing to provide patient care that conforms to certain standards.

Sets forth the procedures for reporting and prohibits retaliatory measures from being taken against a nurse who reports under this provision.

Requires the board, if the board determines after investigating a complaint that there is reason to believe that a nurse's deficiency in care was the result of a factor beyond the nurse's control, to report that determination to the patient safety committee at the facility where the nurse's deficiency in care occurred, or if the facility does not have a patient safety committee, to the chief nursing officer.

Requires a person to establish a nursing peer review committee to conduct nursing peer review for vocational nurses, if the person regularly employs, hires, or contracts for the services of 10 or more nurses, and for professional nurses, if the person regularly employs, hires, or contracts for the services of 10 or more nurses, at least five of whom are registered nurses.

Provides that a nurse or nurse administrator does not act in good faith in connection with a request made or an action taken by the nurse or nurse administrator if there is not a reasonable factual or legal basis for the request or action.

Prohibits a person from suspending or terminating the employment of, or otherwise discipline or discriminate against, a nurse who in good faith requests a peer review determination or a person who advises a nurse of the nurse's right to request a determination or of the procedures for requesting a determination.

Authorizes a nursing peer review committee and a patient safety committee established by the same entity to share information.

Provides that a record or determination of a patient safety committee is not subject to discovery or subpoena, and is not admissible in any civil or administrative proceeding.

Requires the nursing peer review committee to report a deficiency in care that the committee determines was the result of a factor beyond the nurse's control to a patient safety committee for evaluation.

Requires the patient safety committee to evaluate the influence of the factors on the conduct of the nurse being evaluated and on the practice of other nurses within the entity that established the committee and to report its findings to the nursing peer review committee.

Authorization for Pharmacists to Fill Prescription During a Disaster—S.B. 1658

By Senator Nichols et al.—House Sponsor: Representative Hopson

In the wake of hurricanes Katrina and Rita, it became apparent that continued access to healthcare services in an emergency is vital, particularly access to prescription medications. Existing statute

authorizes pharmacists to refill medications without a doctor's prescription, but only for a three-day period. This bill:

Authorizes a pharmacist to exercise the pharmacist's professional judgment in refilling a prescription for a prescription drug, other than a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, without the authorization of the prescribing practitioner under certain circumstances.

Authorizes a pharmacist, in the event of a natural or manmade disaster, to dispense not more than a 30-day supply of a prescription drug, other than a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, without the authorization of the prescribing practitioner under certain circumstances.

Provides that the prescribing practitioner is not liable for an act or omission by a pharmacist in dispensing a prescription drug under this Act.

Controlled Substance Regulation—S.B. 1879

By Senators Williams and Van de Putte—House Sponsor: Representative Hamilton

Because of the rise of prescription drug abuse throughout the country and the associated costs to the state in fighting such abuse, many states have begun using prescription drug monitoring programs to prevent the misuse of pharmaceuticals. These programs require documentation and checks to prevent abusers from using several different methods of obtaining such drugs. Texas currently monitors only Schedule II prescription drugs and requires pharmacies to obtain controlled substance registration certificates. This bill:

Authorizes the director of the Department of Public Safety (director) (DPS) to charge a nonrefundable fee of not more than \$25 before processing an application for annual registration and to charge a late fee of not more than \$50 for each application for renewal DPS receives after the date the registration expires.

Requires each dispensing pharmacist to send all information required by the director, including any information required to complete the Schedule III through V prescription forms, to the director by electronic transfer or another form approved by the director not later than the 15th day after the last day of the month in which the prescription is completely filled.

Authorizes DPS to impose an administrative penalty on a person who violates statutes created by this bill and sets forth the amount of the penalties for various offenses.

Requires DPS, if DPS determines that a violation occurred, to give written notice of the report to the person by certified mail, registered mail, personal delivery, or another manner of delivery that records the person's receipt of the notice and requires the notice to contain certain information.

Authorizes a person, before the 21st day after the date the person receives notice regarding a violation, to accept the determination and recommended penalty or make a request for an informal hearing held by the department on the occurrence of the violation, the amount of the penalty, or both, and sets forth procedural guidelines for the informal hearing.

Authorizes the person to request a formal hearing only after participating in an informal hearing, and sets forth the procedural guidelines for the formal hearing.

Requires the person, before the 31st day after the date the order that imposes an administrative penalty becomes final, to pay the penalty or file a petition for judicial review of the order contesting the occurrence of the violation, the amount of the penalty, or both.

Authorizes a person who files a petition for judicial review to stay the enforcement of the penalty, and sets forth the procedure for receiving a stay of penalty enforcement.

Authorizes the penalty to be collected if the person does not pay the penalty and the enforcement of the penalty is not stayed. Authorizes the attorney general to sue to collect the penalty.

Authorizes the court to uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty, and sets forth the procedure for the remittance of a penalty.

Requires DPS to send any amount collected as a penalty to the comptroller for deposit to the credit of the general revenue fund.

Sets forth the composition of the pain treatment review committee (committee).

Requires the committee to study the relevant provisions in the laws of this state that relate to the administration of prescription medication, controlled substances, and the needs of patients for effective pain control and management.

Requires the committee to report any changes recommended to the statutes examined to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees in the senate and the house of representatives that have jurisdiction over the issues studied by the committee.

Creates an advisory committee to advise DPS on the implementation of this Act, and sets forth the composition, powers and duties of the advisory committee.

Evacuation and Sheltering of Service Animals and Pets in a Disaster—H.B. 88

By Representative Branch—Senate Sponsor: Senator Hinojosa

During Hurricane Katrina many pets were lost. The United States Congress has allowed for funding to be provided to state and local agencies for animal preparedness projects. However, in Texas there are currently no requirements for accommodating pets in disaster planning. This bill:

Requires the Division of Emergency Management of the Office of the Governor to assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster.

Texas Statewide Mutual Aid System—H.B. 1471

By Representatives Hancock and Ortiz—Senate Sponsor: Senator Brimer

Current law does not address liability for borrowed equipment or other property between political subdivisions or regional planning commissions during emergency situations. Therefore, many local government entities are required to engage in elaborate procedures and lengthy decision making processes when it becomes necessary to borrow equipment or other property during an emergency situation, which can increase response time. This bill:

Creates the Texas Statewide Mutual Aid System (system) to allow jurisdictions to request aid from each other during certain disasters regardless of whether a mutual aid compact exists between the jurisdictions.

Authorizes a local government entity or organized volunteer group to provide mutual aid assistance if requested by a local government entity.

Divides the state into disaster districts for the purpose of responding to homeland security preparedness and response issues. Creates disaster district committees to oversee state and federal emergency assets.

Sets forth procedures for requesting and rendering mutual aid.

Sets forth guidelines for the reimbursement of costs if requested by the state or a local governmental entity.

Sale of Ammonium Nitrate—H.B. 2546

By Representative Noriega—Senate Sponsor: Senator Carona

Currently, there are no regulations governing the sale or purchase of ammonium nitrate, which can be used to make explosives. This bill:

Requires persons selling ammonium nitrate to register with the state and keep records of persons purchasing ammonium nitrate.

Sets forth certain actions persons selling ammonium nitrate are required to take to protect against unauthorized access.

Establishes penalties for sellers not in compliance with the registration requirement, for individuals who present false identification to purchase ammonium nitrate, and for individuals who purchase the compound with the intention of manufacturing an explosive device.

Disaster Contingency Fund—H.B. 2694

By Representative Hamilton—Senate Sponsor: Senator Janek

Some East Texas counties faced bankruptcy as a result of the slow pace of federal reimbursement for costs related to hurricane Rita. This bill:

Provides that it is the legislature's intent that state and local agencies first draw upon funds which they are regularly appropriated in responding to an emergency or disaster.

Authorizes a state or local agency to request funds from the disaster contingency fund administered by the governor's division of emergency management to pay for certain expenses related to emergencies and disasters.

Homeland Security Enhancements—S.B. 11

By Senator Carona—House Sponsor: Representative Cortez

Because of its location, Texas faces a variety of natural and human threats. The Senate Committee on Transportation and Homeland Security conducted an interim study regarding threats to homeland security in Texas and identified an assortment of measures that could enhance the state's current capacity to prevent and respond to disasters. This bill:

Designates certain persons to serve as the emergency management director for a political subdivision and authorizes the emergency management director to exercise certain emergency management powers granted to the governor on an appropriate local scale and designate a person to serve as emergency management coordinator.

Establishes the Texas Statewide Mutual Aid System (system) to provide integrated statewide mutual aid response capability between local government entities without a written mutual aid agreement:

- provides that this does not affect a written mutual aid agreement already in existence between local government entities or restrict the ability of local government entities to enter into a written mutual aid agreement in the future;
- requires the division of emergency management in the office of the governor (division) to administer the system;
- requires certain political subdivisions to agree on procedures that specify the manner in which mutual aid will be provided in response to a request from certain governmental entities;
- requires a request for mutual aid assistance to be submitted verbally or in writing and sets forth requirements for providing mutual aid and responding to a request for mutual aid;

- sets forth guidelines for requesting reimbursement from and by the division, local government entity, the state, or federal government for costs associated with providing mutual aid; and
- sets forth requirements for the payment of a request for reimbursement.

Divides the state into disaster districts to engage in homeland security preparedness and response activities.

Establishes a disaster district committee (committee) for each district and sets forth the composition and requirements of the committees.

Authorizes certain amateur radio operators to be granted no more than 10 days leave each fiscal year to participate in specialized disaster relief services without being penalized through salary or compensation reductions.

Exempts authorized emergency vehicles and certain vehicles used by nonprofit disaster relief organizations from requirements to pay a toll for the use of a toll project.

Requires the emergency management council to make recommendations to the Department of Public Safety (DPS) as to which private emergency organizations should be authorized to operate certain vehicles as designated emergency vehicles in the case of a disaster.

Authorizes a judge of competent jurisdiction to issue an order authorizing interception of wire, oral, or electronic communications only if probable cause is shown to believe that the interception will provide evidence of the commission of kidnapping, aggravated kidnapping, trafficking of persons, money laundering, or other offenses classified as offenses against the person.

Requires the Texas Department of Transportation (TxDOT) to develop and maintain a real-time database (database) of information on vehicles to which dealers and converters have affixed temporary cardboard tags and on persons to whom temporary buyer's tags are issued:

- requires the database to be managed by the vehicle titles and registration division of TxDOT;
- requires that the database provide information to law enforcement agencies about the dealer or converter who owns a vehicle through the vehicle-specific number assigned to and displayed on the tag;
- requires TxDOT to prescribe procedures for a dealer to generate a vehicle-specific number using the database and assign it to each tag and procedures to clearly display the vehicle-specific number on the tag;
- requires the dealer or converter to enter certain information regarding the vehicle and the dealer or converter into the database prior to displaying the dealer's or converter's temporary cardboard tag;
- requires each dealer to provide a one-page written notice to a buyer that explains certain information pertaining to temporary cardboard tags.
- requires the dealer to require the buyer to sign a statement indicating the buyer received the notice;
- sets forth penalties for illegally producing, purchasing, selling, or distributing a temporary tag; and

- provides that a utility, common carrier, or transporter of oil, gas, or oil or gas products (transporter) falls within the definition of critical infrastructure and is authorized to take private property through the use of eminent domain and sets forth provisions regarding the use of eminent domain by a utility, common carrier, or transporter.

Requires the Texas Department of State Health Services (DSHS) to maintain a registry of persons who receive an immunization, antiviral, and other medication administered to prepare for or in response to a disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency.

Sets forth guidelines regarding the maintenance of the registry and the release of information in the registry.

Authorizes DSHS or a health authority that has reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease to implement reasonable and necessary control measures to prevent the introduction, transmission, and spread of the disease.

Sets forth guidelines governing the procedures for receiving and issuance of a court order to prevent the introduction, transmission, and spread of disease.

Authorizes the court to order a person be committed to a private health care facility at no expense to the state, county, municipality, or hospital district if a state or public health disaster has been declared or an area quarantine meeting certain conditions is imposed.

Authorizes the governing boards of private institutions of higher education to employ and commission peace officers for the purpose of enforcing state and local law on their campuses.

Sets forth guidelines regarding mutual assistance agreements between the governing board of a private institution and the governing body of a municipality and the authority of peace officers, municipal law enforcement, and private institutions of higher education in locations where a private higher education institution has commissioned a peace officer.

Requires the attorney general to consult with, prepare, and issue a report with the Health and Human Services Commission regarding the ways in which existing laws, rules, and social services programs address the needs of victims of human trafficking, recommending areas of improvement regarding human trafficking, and outlining the interplay of existing social service programs with federal funded victim service programs.

Sets forth the membership and requirements of the Border Security Council.

Requires certain persons to complement emergency management training provided or approved by the division and sets forth requirements of this training.

Authorizes DPS to issue enhanced driver's license or personal identification certificates for the purposes of crossing the Texas-Mexico border.

Requires DPS to implement a one-to-many biometric matching system for the enhanced driver's license or personal identification certificate.

Requires an applicant for an enhanced identification to provide certain information and a biometric identifier.

Requires the enhanced identification to include reasonable security measures to protect privacy.

The Role of Political Subdivisions During a Disaster—S.B. 61

By Senator Zaffirini—House Sponsor: Representative McClendon

Political subdivisions such as counties and municipalities are not currently overtly authorized to adopt and implement internal plans for handling disasters under Texas law. This bill:

Authorizes the governing body of a political subdivision to adopt plans for the continuity of functions of a political subdivision during a declared disaster and sets forth guidelines for the plan.

The Use of Firearms During a Disaster—S.B. 112

By Senator Carona et al.—House Sponsor: Representative Corte et al.

During Hurricane Katrina law-abiding gun owners had their weapons taken away by law enforcement personnel and then had to endure a lengthy process to retrieve their weapons. Current law in Texas allows the confiscation of fire arms during certain conditions such as a state of disaster or emergency. This bill:

Provides that The Texas Disaster Act of 1975 (Chapter 418, Government Code) does not authorize the seizure or confiscation of a firearm or ammunition from an individual who is lawfully carrying the firearm or ammunition.

Polygraph Examinations for Certain State Employees—S.B. 295

By Senator Williams—House Sponsor: Representative Latham

Currently, the Texas Department of Public Safety (DPS) is prohibited from suspending, terminating, or discriminating against a commissioned officer who refuses to take a polygraph examination. A new federal mandate requires all personnel serving on a joint federal/state task force to undergo a polygraph examination in order to obtain security clearance. This bill:

Authorizes DPS to require commissioned officers and noncommissioned employees to take a polygraph examination if the officer or employee works with a federal agency on a national security issue.

Mandatory Hot Water Supply for Tenants—H.B. 177

By Representative Bailey et al.—Senate Sponsor: Senator Gallegos

Current law does not require landlords to provide tenants with hot water, nor remedy a case of a water device failing to supply hot water. In many instances tenants have had to live without hot water for an extended period of time due to landlord neglect. This bill:

Requires a landlord, under certain circumstances, to make a diligent effort to repair or remedy a condition in a residential unit arising from the landlord's failure to provide and maintain in good working order a device to supply hot water of at least 120 degrees Fahrenheit.

Disclosure of Home Used as an Illegal Methamphetamine Laboratory—H.B. 271

By Representatives Gonzales and Leibowitz —Senate Sponsor: Senators Lucio and Estes

Currently, the law does not require a disclosure notice to a homebuyer regarding whether the home was previously used for the production of methamphetamine. Homebuyers may unknowingly be exposed to numerous hazardous materials used in the production of the methamphetamine. Detrimental health affects, such as cancer, nervous system damage, liver and kidney damage, and birth defects can occur from living in such homes. This bill:

Requires the seller of real property to disclose to the potential buyer whether the seller had knowledge that the premises had been used for the manufacture of methamphetamine by providing a certain notice.

Texas Manufactured Housing Standards Act Revisions—H.B. 1460

By Representative Haggerty—Senate Sponsor: Senator Harris

The Texas Manufactured Housing Standards Act (TMSHA) was originally created by the legislature in the mid-1970s and codified into the Occupations Code in 2003. The Texas Department of Housing and Community Affairs (TDHCA) regulates TMSHA and the United States Department of Housing and Urban Development regulates the Federal Manufactured Housing Standards Act (FMHSA). Since the creation of TMSHA the industry has experienced significant change along with amendments to both THMA and the preemptive FMHSA. This bill:

Amends Chapter 1201 of the Occupations Code to expand the definition of a manufactured home or manufactured housing, including new or used homes.

Raises the amount of bond required for a rebuilder license to \$50,000 (from \$30,000) and for an installer's license to \$25,000 (from \$10,000) and adds a new \$50,000 bond for each additional branch location of a retailer.

Requires a retailer to surrender the original manufacturer's statement of origin at the first retail sale and apply for a statement of ownership and location within 60 days and provides for an administrative penalty of not less than \$100 against the seller for failure to comply.

HOUSING

Sets forth requirements for the inspection of a licensee's records by the Texas Department of Housing and Community Affairs (TDHCA).

Entitles a person whose new or renewal license has been revoked, suspended, or denied to a hearing before the State Office of Administrative Hearings.

Sets forth criteria for determining administrative and criminal penalties.

Provides that the installer and retailer of a new manufactured home are jointly responsible for the warranty of installation.

Provides that a consumer purchasing a used manufactured home from a retailer take the home free and clear of any liens created by the seller.

Authorizes a person who acquires a home from or through a licensee by sale, exchange, or lease-purchase to waive his or her right to rescind the contract for that acquisition in an emergency.

Revises the requirements for a retailer's or lender's disclosure of certain financial information to the buyer and for an application for and issuance of a statement of ownership and location.

Establishes requirements for the sale and occupancy of a trade-in home.

Transfers to the Manufactured Housing Board the authority to adopt rules, forms, standards, and other requirements relating to manufactured homes and changes the procedures for adopting rules and establishing fees.

Authorizes the owner of an existing home to replace the home on the same lot under certain conditions and provides that in the event of a fire or natural disaster such a replacement cannot be restricted by municipal ordinances or charters.

Prohibits an uninstalled home from being occupied for any purpose and prohibits the installation of a home on certain problem-prone sites without the owner's written acceptance of risk.

Modifies the requirements for declaring a home abandoned and for perfecting a lien on a home in inventory.

Sets forth specific procedures for an owner's election to treat a manufactured home as either personal property or real property.

Modifies the restrictions on purchasing or selling a salvage home.

Authorizes a local governmental authority to impose certain inspection and other requirements on a salvage home within its jurisdiction.

Exempts the manufactured homeowners' recovery trust fund from liability for certain damages, authorizes the board to limit the costs that may be paid from the fund and sets forth procedures for the recovery of damages from the fund and for resolving informal disputes between a consumer and a licensee.

Requires TDHCA's housing finance division to make its policies and procedures for investigating and resolving complaints available on its website.

Amends provisions of the Property Code relating to a lease agreement for a manufactured home.

Amends Chapter 11 of the Tax Code to allow a person seeking a homestead exemption to provide a copy of the current title page for a manufactured home from the TDHCA website or other computer records of TDHCA.

Limits the time a tax lien could be recorded on a home to no later than six months, following the end of a calendar year for which a tax was owed.

Provides that a properly recorded tax lien could be enforced, but not against the owner of a new home when acquired from a retailer in the ordinary course of business.

Prohibits title transfer on a home until all tax liens perfected on a home were filed in a timely manner with TDHCA and all personal property taxes accruing on each January 1 within 18 months of the date of the sale were extinguished or satisfied and released.

Limits the use of tax warrants in foreclosure, and provides taxpayers the right to designate payments to a tax year.

Authorizes a taxing unit, if a home had been omitted from a tax roll at any time before the second anniversary of the date taxes were due, to file a tax lien no later than the 150th day after the date the tax became delinquent.

Requires a taxing unit to provide a prospective buyer of a home with an estimate of personal property taxes due, accept payment in escrow and certify that information to TDHCA, apply payments when due, and notify a new owner of any liability that might be due.

Provides that the changes relating to ad valorem taxes apply beginning January 1, 2008.

Eligibility for Texas First-Time Homebuyer Program—H.B. 1637

By Representatives Menendez and Murphy—Senate Sponsor: Senator Lucio

The Texas Department of Housing and Community Affairs administers a low income, first-time homebuyer program for qualified families throughout Texas. The program includes down payment and closing cost grant assistance to income-eligible applicants. Eligibility is determined by the family's gross income percentage compared to the area median family income (AMFI). Usually, this percentage has been established in an appropriations rider at 60 percent of AMFI. A family that exceeds that percentage is still eligible for a home loan under the program but without the down payment grant assistance.

In areas of the state where housing prices are lower and where AMFI is below the state average, a greater number of applicants have been denied down payment assistance because, while the family qualifies for the program's fixed-rate mortgage, they make just slightly above the 60 percent ceiling currently imposed by the appropriations process. This bill:

Increases the AMFI cap for down payment and closing cost assistance to 80 percent of the state average mean family income.

Provides that to be eligible for a mortgage loan under the program, a qualified first-time homebuyer must have an income of not more than 115 percent of AMFI or 140 percent of AMFI in targeted areas.

Fire Alarm Protection for Dwellings—H.B. 2118

By Representative Pickett—Senate Sponsor: Senator Van de Putte

Under current law, in order to install a fire detection system in a residence, a fire alarm technician must have a commercial fire detection installation license. This requirement creates a situation where technicians must take a test covering the commercial portion of the law relating to fire detection maintenance, regardless of whether the technician is actually employed in the installation of fire detection systems for commercial use. There is no statewide requirement for one-family or two-family dwellings to have the appropriate safety equipment for detecting smoke, placing residents of the dwellings at risk of fire related injury or death. This bill:

Distinguishes fire alarm technicians from residential fire alarm technicians and allows residential fire alarm technicians to receive training and to be tested to install residential fire detection systems.

Requires each one-family or two-family dwelling on which construction begins on or after January 1, 2008, to be equipped with a working smoke detector.

Requires the Texas Department of Insurance to prepare and distribute information of public interest relating to fire safety and the dangers of carbon monoxide.

Authorizes a municipality or county by ordinance to require a registered firm to make a telephone call to a monitored property before the firm notifies the municipality or county of an alarm signal received by the firm from a fire detection device.

Applicability of the Texas Fair Housing Act to Housing Authorities—H.B. 2353

By Representative Thompson—Senate Sponsor: Senator West

The Texas Fair Housing Act prohibits housing discrimination. Under current law, a public housing authority is not required to comply with the act. This bill:

Applies the Texas Fair Housing Act to public housing authorities.

Authority of Property Owners' Associations to Grant Easements—H.B. 2402

By Representative Truitt—Senate Sponsor: Senator Brimer

Questions have arisen as to whether property owners' associations have the authority to require members to grant easements on their property. This bill:

Prohibits a property owners' association from amending a dedicatory instrument to grant the property owners' association an easement through or over an owner's lot without the consent of the owner.

Comprehensive Landlord-Tenant Reform — H.B. 3101

By Representative Anchia et al.—Senate Sponsor: Senator Carona

Apartment tenants are vulnerable to abuses by landlords for monetary gain, including penalties for failure to provide vehicle documentation, charging excessive late fees, and knowingly collecting nonrefundable deposits from individuals who noticeably do not meet selection criteria. Landlords have been known to circumvent eviction procedures by failing to make needed repairs and by locking out tenants illegally. This bill:

Clarifies when a landlord may prevent a tenant from entering the leased premises.

Clarifies when a landlord may charge a late fee, including the requirement that the lease contain notice of the fee; and authorizes a late fee after the second day after the rent was originally due.

Provides that the landlord who violates the bill's requirements for late fees is liable to the tenant for a sum of \$100, three times the amount of the late fee charged, and the tenant's reasonable attorney's fees.

Requires a tenant emergency phone number for a tenant emergency that materially affects the physical health or safety of an ordinary tenant and clarifies the posting and notification of such number.

Requires notification to possible tenants of the selection criteria for the rental application, including criteria of criminal, rental, and credit histories, income levels, and failure to provide accurate information.

Requires an acknowledgement statement to be signed by the potential tenant acknowledging the notification of the rental selection criteria.

Affordable Housing and Receivership and Rehabilitation of Property—S.B. 1908

By Senator Ellis et al.—House Sponsor: Representative Menendez

The current application for low income housing tax credits requires that an entity meet certain requirements created by the Texas Department of Housing and Community Affairs (TDHCA), which scores and ranks qualified applicants based on a point system. One criterion the point system considers is the level of community support, which can currently be demonstrated through written statements provided by elected officials. This system often requires elected officials to provide a positive or negative written statement regarding a project they may be unfamiliar with and has resulted in disagreement surrounding the role elected officials should play in the allocation of tax credits distributed by the department. This bill:

Creates the Texas First-Time Homebuyer Program (program) to facilitate the origination of single-family mortgage loans for eligible first-time homebuyers and requires TDHCA to administer the program.

Sets forth guidelines regarding eligibility for the program, authorizes fees for application to the program, and sets forth requirements for funding related to the program.

HOUSING

Requires TDHCA to set aside a certain amount of housing tax credits for at-risk developments, for developments that receive federal financial assistance through the Texas Rural Development Office of the United States Department of Agriculture, and for rural areas when allocating low income housing tax credit commitments under the Low Income Housing Tax Credit Program.

Requires TDHCA to develop a formula that includes the need for housing assistance and the availability of housing resources in an urban or rural area, provides for allocations that are consistent with applicable federal and state requirements and limitations, and includes other factors TDHCA considers relevant to the equitable distribution of housing funds for distributing housing funds provided to the state through the Cranston-Gonzalez National Affordable Housing Act.

Requires a point system used by TDHCA to score and rank an application for low-income housing tax credit to evaluate the level of community support for the application on the basis of written statements from the state representative or senator that represents the district in which the proposed development site is located, rather than state elected officials, and to consider whether the proposed development site is located in a declared disaster area at the time the application is submitted or within the preceding two-year period.

Sets forth provisions regarding penalties for violations of Chapter 2306 (Texas Department of Housing and Community Affairs), Government Code, to be assessed by the governing board of TDHCA or a court.

Requires TDHCA to obtain a mortgagee's title policy in the amount of the loan for each loan made for the development of multifamily housing with funds provided to the state under the Cranston-Gonzalez National Affordable Housing Act and prohibits TDHCA from designating a specific title insurance company to provide the mortgage title policy or requiring the borrower to provide the policy from a specific title insurance company.

Limits certain causes of action resulting from the sale of land to a land bank or subsequent purchasers or lenders for values under the Urban Land Bank Program in a municipality with a population of 1.9 million or more.

Authorizes the governing body of certain municipalities to adopt an urban land bank program (land bank) in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien is authorized to sell certain eligible real property by private sale for purposes of affordable housing development.

Sets forth guidelines relating to qualified participating developers; the urban land bank plan; private sales to the land bank; the resale of property by the land bank; restrictions on occupancy and use of property; the right of first refusal; open records and meetings; and records, audits, and reports of the land bank.

Managed Care Plan Physician Credentialing—H.B. 1594*By Representative Zerwas—Senate Sponsor: Senator Carona*

When a physician joins an established medical group that has a contract with a managed care plan, there is a delay in credentialing and the physician is required to bill any patients treated as "out-of-network" until the physician officially becomes part of the plan's network.

The Texas Department of Insurance currently requires that health maintenance organizations (HMOs) make a determination as to whether a physician meets the HMO plan's credentials within one year from the time the application is submitted. However, there are currently no rules relating to preferred provider organization networks. This bill:

Requires that it be determined whether a licensed physician in good standing with the Texas Medical Board who joins an established medical group that has a contract with a managed care plan meets or does not meet the necessary credentials of the managed care plan upon submission of all necessary documentation and information.

Requires the managed care plan issuer, on submission by the applicant physician of the required information, to treat the applicant physician as if the physician were a participating provider in the health benefit plan network when the applicant physician provides services to the managed care plan's enrollees.

Authorizes a managed care plan to recover from the applicant physician or the physician's medical group the difference between payments for in-network benefits and out-of-network benefits if a physician fails to meet the managed care plan's credentials.

Authorizes the applicant physician or the physician's medical group to retain any copayments collected or in the process of being collected as of the date of the issuer's determination.

Provides that an enrollee in the managed care plan is not responsible and shall be held harmless for the difference between in-network copayments paid by the enrollee to a physician who is determined to be ineligible and the managed care plan's charges for out-of-network services.

Prohibits the physician and the physician's medical group from charging the enrollee for any portion of the physician's fee that is not paid or reimbursed by the enrollee's managed care plan.

Provision of Noninsurance Benefits—H.B. 1847*By Representative Hancock—Senate Sponsor: Senator Averitt*

Current law requires insurance companies to file policy forms for life, accident, health, and long-term care insurance for approval by the Texas Department of Insurance (TDI). Many companies doing business in Texas have obtained policy forms approved in other states that include noninsurance benefits as part of the policy, including discount cards for health, vision, dental, prescriptions, physical fitness programs or facilities, financial planning, will preparation, contributions for educational savings, and other programs and services. TDI has been reluctant to approve policy forms that include such benefits in the absence of specific statutory authority. This bill:

Defines and authorizes noninsurance benefits to be approved as part of a life, health, accident, or long-term care policy, as long as such benefits are reasonably related to a policy or certificate.

Provides that the requirement that benefits be payable in currency does not apply to a noninsurance benefit provided as part of a policy or certificate.

Health Plan Coverage for Brain Injuries and Mental Illnesses—H.B. 1919

By Representative Todd Smith—Senate Sponsor: Senators Van de Putte and Ellis

Under current law, insurance companies are prohibited from excluding coverage for medical needs resulting from a traumatic brain injury. However, families caring for a person with a traumatic brain injury are often unaware of the coverage requirement. Additionally, many services are often denied despite the requirement. This bill:

Expands the coverage requirements for survivors of brain injuries, including as related to post-acute care treatment.

Requires that notice of such coverage be provided by the health benefit plan issuer to insured persons and enrollees.

Requires a health benefit plan, at a minimum, to provide coverage to an enrollee older than two years of age and younger than six years of age who is diagnosed with autism spectrum disorder, without precluding coverage of treatment and services for an enrollee who becomes six years of age and continues to need treatment for autism spectrum disorder.

Texas Health Insurance Risk Pool—H.B. 1977

By Representative Taylor—Senate Sponsor: Senator Averitt

Currently, Texans who cannot obtain insurance through a private health insurance provider can obtain insurance through the Texas Health Insurance Risk Pool (pool). Although Texas must provide guaranteed access to the pool for individuals who qualify under federal law and the state requires access to be provided to medically uninsurable individuals, the pool is not funded by any state revenues, but by contributions from its covered members and assessments paid by health insurance carriers. The assessments are based on the number of covered lives covered by each insurance company. For carriers writing non-stop coverage, this type of assessment does not reflect differences in premium amounts for certain lower-cost coverage. This bill:

Maintains the covered lives allocation of the assessment by the pool's board of directors (board) between the health insurance companies writing stop loss coverage and the companies writing the non-stop loss coverage.

Requires the board, once the allocation is determined, to compute the assessment for health insurance companies writing non-stop loss coverage based on the premium of each company.

Requires the commissioner of insurance to conduct a study and issue a report concerning a program that would offer coverage to individuals who are covered under an employer's group health benefit plan.

Defines specific individuals entitled to guaranteed access to health insurance.

Authorizes the pool's board of directors to extend a pool administrator's term of service from three years, as contractually required, to six years, in order to conform with the bid requirements of the Employees Retirement System.

Changes the manner in which the interest rate for delinquent assessments is calculated.

Makes changes to Chapter 1506 (Texas Health Insurance Risk Pool), Insurance Code, to conform that chapter conforms to other applicable state and federal laws.

Reporting of Claim Information Under Employee Group Health Plans—H.B. 2015

By Representative Smithee—Senate Sponsor: Senator Duncan

In order to control health costs, employers, as the sponsors of employee group health plans, examine how they spend their money on health care for their employees. To do this, they must have access to claims and loss experience information that demonstrate the amount spent on employee health care and the manner in which it is spent. This bill:

Provides clear timelines for compliance with certain requests for claim and other information.

Allows protected health information to be exchanged in a manner that is consistent with federal laws.

Provides that an issuer that releases information, including protected health information, in accordance with this statute has not violated a standard of care and is not liable for civil damages resulting from, and is not subject to criminal prosecution for, releasing such information.

Provision of Health-Related Information and Incentives—H.B. 2252

By Representatives Taylor and Hancock—Senate Sponsor: Senator Williams

Current health plans provide members with access to "health and wellness" benefits to improve or maintain the members' health. However, the rebate prohibition under the Insurance Code prohibits health plans from providing information about available health and wellness benefits in advertisements or on the health plan's website. This bill:

Authorizes health plans to disclose health and wellness benefits to the public.

Authorizes individual health plans to offer financial incentives to encourage or reward behavior under programs promoting disease prevention, wellness, and health.

Modification of Small and Large Employer Health Benefit Plans—H.B. 2467

By Representative Solomons—Senate Sponsor: Senator Van de Putte

State law requires carriers to renew policies and certificates issued in the small and large employer market at the employer's option, as long as the employer complies with the law and the terms of the plan. This duty is generally described as "guaranteed renewability" and requires the continuation of the employer's election of benefits and level of coverage. Under current state law, the carrier has no flexibility to make changes to the policy. However, under the federal Health Insurance Portability and Availability Act, carriers are authorized to modify guaranteed renewal policies in certain circumstances. This bill:

Authorizes small and large employer health benefit plan issuers to modify guaranteed renewable policies if the modification occurs at the time of coverage renewal, if the modification is effective uniformly among all small or large employers covered by that health benefit plan, and if the issuer notifies the commissioner of insurance and each affected covered small or large employer of the modification not later than the 60th day before the date the modification is effective.

Coverage Limitations in Health Benefit Plans—H.B. 2548

By Representative Todd Smith—Senate Sponsor: Senator Averitt

Many health benefit plans exclude coverage for pre-existing conditions. Certain health benefit plan coverage provides creditable coverage to a person against a pre-existing condition exclusion if the person moves to a new health benefit plan. This provides portability so that pre-existing provisions can be covered under the new policy and encourages persons to purchase and maintain qualified health benefit plan coverage. Under current law, both group and individual health carriers are required to credit a person's qualified coverage, but an individual carrier is required to do so only if the person's most recent creditable coverage was under a group health plan, a governmental plan, or a church plan.

The Texas Health Insurance Risk Pool deems an individual ineligible for pool coverage under a number of circumstances, one of which is eligibility for COBRA (Consolidated Omnibus Budget Reconciliation Act) coverage. The restriction lasts for the entire COBRA eligibility period, a minimum of 18 months, even though an individual has only 60 days to elect to use COBRA coverage.

Current law also deems an individual ineligible for pool coverage if the individual is eligible for health benefit plan coverage provided in connection with a policy, plan, or program paid for or sponsored by an employer, even if the individual declines the employer coverage. This bill:

Deletes text in statute that prohibits a preexisting condition provision in an individual accident and health insurance policy from applying to an individual whose most recent creditable coverage was, specifically, under a group health plan, a governmental plan, or a church plan.

Provides that ineligibility from the Texas Health Insurance Risk Pool does not apply to an individual who is a part-time employee eligible to participate in an employer plan that provides health benefit coverage that is more limited or restricted than coverage with the pool, and for which there is no employer contribution to the premium, either directly or indirectly.

Provides that an individual who is eligible for benefits from the continuation of coverage under COBRA and who did not elect continuation of coverage during the election period, or whose elected continuation of coverage lapsed or was cancelled without reinstatement, is eligible for pool coverage, subject to a 180-day exclusion of coverage.

Provides that pool coverage for eligible individuals excludes charges or expenses incurred before the expiration of 180 days from the coverage's effective date with regard to certain medical conditions.

Group Life Insurance Eligibility of Dependents—H.B. 2549

By Representative Todd Smith—Senate Sponsor: Senator Averitt

State insurance law currently defines "dependent," for the purposes of eligibility under a group life insurance policy, to include a natural or adopted child younger than 21, or such a child older than 21 years of age if the child is enrolled as a full-time student at an educational institution or is physically or mentally disabled and under the parents' supervision. Therefore, children who are 21 years of age are not included, creating a coverage gap for that one-year period. This bill:

Authorizes a carrier issuing group life coverage to extend coverage to a natural or adopted child of an insured person who is unmarried and younger than 25 years of age or physically or mentally disabled and under the parents' supervision, or to a natural or adopted grandchild of an insured person who is unmarried, younger than 25 years of age, and a dependent of the insured person for federal income tax purposes at the time the application for coverage of the child is made.

Insurance Benefits for Board Members of Rapid Transit Authorities—H.B. 2622

By Representative Ortiz—Senate Sponsor: Senator Hinojosa

Previously all board members of a metropolitan transit authority (MTA) were eligible for \$50 compensation per meeting for a maximum of five meetings per month. Changes in statute eliminated compensation for MTA board members in Austin and Corpus Christi, while board members of San Antonio's VIA and Houston Metro remained eligible. As a result, the Corpus Christi Regional Transportation Authority (CCRTA) has requested to be provided the authority to offer alternative compensation. This bill:

Authorizes a board member of an MTA in which the population of the principal municipality is less than 300,000 to participate in any health or other insurance benefit program offered to an employee of an MTA as if the board member were an employee.

Suitability in Annuity Transactions—H.B. 2761

By Representative Eiland—Senate Sponsor: Senator Averitt

The Texas Department of Insurance has received complaints involving certain agents and carriers who are selling life and annuity products to consumers without fully explaining the fees, penalties, risks, and tax consequences associated with these products. The National Association of Insurance Commissioners (NAIC) has been encouraging states to promulgate the NAIC's Senior Protection in Annuity Transactions

Model Regulation, which requires that recommendations of annuity sales to consumers ages 65 and older be based on information concerning the customer's financial situation. The model also requires that a system be put in place to supervise those recommendations. This bill:

Adopts the language from the most recent NAIC model act, with minor revisions that provide for language consistent with the Insurance Code.

Disclosure of Information in Replacement of Life Insurance Policies—H.B. 2762

By Representative Eiland—Senate Sponsor: Senator Averitt

The National Association of Insurance Commissioners (NAIC) has established a model regulation that serves as a basis for state replacement regulations. It is designed to ensure that insurers and insurance agents provide consumers with fair and accurate information regarding life insurance and annuity products. The model advocates full disclosure of as much relevant information as possible to the consumer without interfering in the consumer's right to make the final decision.

This level of disclosure may aid in preventing unethical practices such as "twisting," which involves a failure to make complete comparisons of contracts for the purpose of persuading an insured to cancel an existing contract and to purchase another contract, and "churning," which involves the persuasion of a life insurance policy holder to purchase a higher death benefit policy. This bill:

Requires insurers to ensure that a consumer is provided with relevant information and adequate protection against unethical practices during a replacement.

Requires state insurance carriers to disclose certain replacement insurance policy elements in forms approved by the commissioner of insurance or pre-approved by the Texas Department of Insurance.

Registration and Regulation of Certain Discount Health Plans—H.B. 3064

By Representative Delisi—Senate Sponsor: Senator Nelson

Discount health care programs (program) are non-insurance programs that offer consumers direct access to health care products and services at discount rates. Programs are offered by discount health care companies directly to consumers, insurance companies to subscribers, banks to customers, and nonprofit organizations to members. The Consumer Health Alliance, the national trade association of discount health care companies, states that its companies serve 28 million customers across the country, including more than two million in Texas. Texas currently does not have any laws to effectively regulate these programs. This bill:

Provides for certain regulations relating to these programs in order to reduce misleading, deceptive, and fraudulent activity while allowing well-operated companies to continue to give Texas residents access to more affordable health care products and services.

Grants the Texas Commission of Licensing and Regulation (commission) rulemaking authority.

Prohibits any advertisement, solicitation, or marketing material of a discount health care program from containing false, misleading, or deceptive statements and sets forth certain requirements for such advertising.

Requires a program operator, before enrollment or with the written materials describing the terms and conditions of the program that are provided after enrollment, to provide each prospective or new member disclosure materials containing certain information.

Authorizes a program operator to market directly or contract with marketers for the distribution of the operator's discount health care program.

Requires a program operator to enter into a written contract with a marketer before the marketer begins marketing, promoting, selling, or distributing the program operator's discount health care program.

Requires the contract to prohibit the marketer from using advertising, solicitations, or other marketing materials, or discount cards that have not been approved in advance and in writing by the program operator.

Requires a program operator to contract, directly or indirectly, with a provider offering discounted health care services or products under the discount health care program and sets forth the required provisions of the contract.

Prohibits a program operator from offering a discount health care program in this state unless the operator is registered with the Texas Department of Licensing and Regulation (TDLR). Sets forth application and renewal procedures and fees.

Authorizes TDLR to conduct a criminal background check on the individuals responsible for conducting the program operator's affairs, each member of the board of directors, board of trustees, executive committee, or other governing board or committee, the officers of the program operator, any contracted management company personnel, and any person owning or having the right to acquire 10 percent or more of the voting securities of the program operator.

Authorizes the executive director of TDLR, on a finding that a ground for disciplinary action exists, to impose an administrative sanction, including any administrative penalty, and to institute an action or civil penalty against a program operator or marketer for injunctive relief to restrain a violation or a threatened violation or an order issued or rule adopted.

Prohibits the amount of any civil penalty assessed from exceeding \$2,500 for each violation.

Authorizes a person affected by a ruling, order, decision, or other action of the executive director of TDLR or TDLR to appeal by filing a petition in a district court in Travis County.

Authorizes TDLR to issue a subpoena and describes the procedure for subpoena issuance and compliance.

Authorizes the executive director of TDLR to issue a cease and desist order if the executive director determines that the action is necessary to prevent a violation of certain statutes, or if an emergency exists

requiring immediate action to protect the public health and safety, to issue an emergency order to suspend or revoke a registration or to halt operation of a person subject to regulation by the department under this chapter.

Credit Insurance Refund Requirements—S.B. 382

By Senator Carona—House Sponsor: Representative Taylor

Currently, credit insurance companies offer debtors insurance policies for the period of their loans for protection in the event that they are not able to repay their loans due to death or disability. Although current statute states that credit insurance companies must promptly refund unearned premiums, it does not contain a notice provision requiring debtors to alert the credit insurance companies that a refund is owed. Thus, in many circumstances, credit insurance companies are not aware that debtors are entitled to the refund. This bill:

Requires that each individual policy or group policy include a written notice stating that if the underlying debt or insurance terminates before the originally scheduled termination date of the insurance, including the termination of a debt by renewing or refinancing a debt, then the debtor shall be entitled to a refund of unearned premium.

Provides that the insurer's obligation to refund any unearned premium requires a notice to be sent to the insurer by the person who is the holder of the underlying debt instrument as of the originally scheduled termination date, including the termination of a debt by renewing or refinancing of a debt, no later than 60 days after the termination date of the insurance.

Requires that an unearned premium be paid or credited to the person entitled to the refund no later than 30 days after receipt of the notice required to be sent to the insurer.

Provides that in any claim or action asserted by an insured against an insurer for failure to refund any unearned premium, the insurer shall be entitled to indemnity from a holder who failed to provide the required notice.

Reporting Requirements for Workers' Compensation Claims—S.B. 471

By Senator Brimer—House Sponsor: Representative Eiland

Under current law, the data elements required to be reported on each workers' compensation claim are established in statute providing limited flexibility in maintaining system data. This bill:

Requires the collection of workers' compensation data through rule instead of statute.

Removes specific data elements and reporting requirements in statute.

Increase of Minimum Automobile Liability Insurance Coverage—S.B. 502

By Senator Averitt—House Sponsor: Representative Smithee

The current required minimum amount of automobile liability insurance coverage for bodily injury to or death of one person in one accident is \$20,000, for bodily injury to or death of two or more persons in one accident is \$40,000, and for damage to or destruction of property of others in one accident is \$15,000. These state-required coverage minimums do not cover instances of severe injury or property loss, and oftentimes the injured individual has little recourse in covering medical expenses beyond those covered by insurance. In addition, the minimum liability limits have not been increased since 1983. This bill:

Sets, effective April 1, 2008, the minimum liability insurance limits for automobile insurance coverage at:

- \$25,000 for bodily injury to or death of one person in one accident;
- \$50,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- \$25,000 for damage to or destruction of property of others in one accident.

Sets, effective January 1, 2011, the minimum liability insurance limits for automobile insurance coverage at:

- \$30,000 for bodily injury to or death of one person in one accident;
- \$60,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- \$25,000 for damage to or destruction of property of others in one accident.

Insurance Information Website—S.B. 611

By Senator Lucio—House Sponsor: Representative Martinez

Currently, Section 2251.008, Insurance Code, requires the commissioner of insurance to issue quarterly reports regarding residential property insurance and personal automobile insurance to the governor, lieutenant governor, and the speaker of the house of representatives, but there is no requirement that the reports contain the most recent information regarding the insurance market and that the report be provided to the entire legislature. Furthermore, there are currently no state laws indicating what type of material the Texas Department of Insurance (TDI) is required to include on its website. This bill:

Provides consumers increased access to information regarding residential property insurance and personal automobile insurance in one centralized location on the Internet.

Requires the commissioner to report to the legislature and the public every quarter the latest information available from TDI so that policymakers have a complete and accurate picture of the insurance market. Information includes insurer's profits and losses; average loss ratio; and whether the insurer submitted a rate filing during the quarter covered in the report.

Insurance Policies and Surcharges—S.B. 978

By Senator Watson—House Sponsor: Representative Eiland

Current law allows insurers to assess a premium surcharge at the time of renewal if the insured has filed one or more claims in the preceding three-year period. This limit is not consistent with other parts of the Insurance Code and may constitute a hardship to homeowners. This bill:

Authorizes an insurer to assess a premium surcharge at the time an insurance policy is renewed if the insured has filed two or more claims in the preceding three policy years.

Provides that the change made by this Act applies to a policy that is delivered, issued, or renewed on or after January 1, 2008.

Insurance Company Conversions—S.B. 1056

By Senators Wentworth and Van de Putte—House Sponsor: Representative Smithee

The 75th Legislature amended the Insurance Code to allow a non-life mutual insurance company to convert to a stock insurance company or to a mutual holding company. The 79th Legislature authorized mutual life insurance companies to convert to a stock insurance company or to a mutual holding company. Such conversions occur through the original mutual insurance company becoming a stock insurance company that is wholly owned by the mutual holding company, allowing it to issue stock and attract additional capital. Texas statutes permit conversion to capital stock companies by Lloyds companies, statewide mutual association companies, local mutual aid, and burial associations. Among the weaknesses in the system are the exclusion of certain conversions and the allowance of potential conflicts of interest. This bill:

Authorizes a reciprocal or interinsurance exchange to convert to a stock insurance company and form a mutual holding company to hold, directly or indirectly, shares of the resulting company or intermediate holding company.

Authorizes the reciprocal or interinsurance exchange to exercise only the rights and privileges of stock insurance company, except as provided by Chapter 829 (Conversion of Reciprocal or Interinsurance Exchange to Stock Company Through Creation of Mutual Holding Company), and provides that the exchange is subject to the requirements imposed on stock insurance companies organized under the Insurance Code and also the laws of this state relating to the regulation or supervision of insurance companies.

Provides that a mutual holding company is considered an insurer subject to certain insurance regulations.

Provides that the commissioner of insurance has jurisdiction over a mutual holding company organized under Chapter 829, Insurance Code, to ensure that member interests are protected.

Includes provisions relating to the mutual holding company structure, plan adoption and approval, and the rights of members.

Texas Health Insurance Risk Pool—S.B. 1254*By Senator Averitt—House Sponsor: Representative Taylor*

Texans who cannot obtain health insurance through a private provider are able to obtain insurance through the Texas Health Insurance Risk Pool (pool). The pool also provides insurance to those individuals entitled to guaranteed insurance access under federal law. This bill:

Defines specific individuals entitled to guaranteed access to health insurance.

Authorizes the pool's board of directors to extend a pool administrator's term of service from three years, as contractually required, to six years, in order to conform with the bid requirements of the Employees Retirement System.

Changes the manner in which the interest rate for delinquent assessments is calculated.

Makes changes to Chapter 1506 (Texas Health Insurance Risk Pool), Insurance Code, so that the chapter conforms with other applicable state and federal laws.

Composition of Health Group Cooperatives—S.B. 1255*By Senator Averitt—House Sponsor: Representative Taylor*

In 2003, the 78th Legislature, Regular Session, created health group cooperatives. During the implementation and rules adoption process, the Texas Department of Insurance (TDI) expressed concern that allowing both large and small employers within a single cooperative could be difficult to administer. The 79th Legislature prohibited small and large employers from participating in the same health cooperative. Since that time, TDI has resolved its administrative concerns and now supports removing the prohibition. This bill:

Authorizes the membership of a cooperative to be restricted to small and large employers within a single industry grouping as defined by the most recent edition of the United States Census Bureau's North American Industry Classification System.

Sets forth membership requirements for a cooperative.

Provides that a cooperative composed of only small employers, only large employers, or both small and large employers, is considered a single employer under the Insurance Code.

Authorizes certain cooperatives composed of only small employers or cooperatives that are composed of both small and large employers to be treated in the same manner as a large employer for the purpose of this chapter.

National Flood Insurance Program—S.B. 1436

By Senators West and Watson—House Sponsor: Representative Creighton

Concerns regarding the state's flood preparedness and level of participation in the National Flood Insurance Program, as well as a concern that the state has not been able to fully engage the Federal Emergency Management Agency (FEMA) regarding the conduct of floodplain mapping and studies based on river basin geography have been raised. This bill:

Transfers responsibility for state administration, coordination, and management of local participation in the National Flood Insurance Program from the Texas Commission on Environmental Quality (TCEQ) to the Texas Water Development Board (TWDB).

Expands the actions that the TWDB may take to provide aid to political subdivisions, the Texas Department of Insurance, and the Federal Emergency Management Agency (FEMA).

Creates a floodplain management account, to be administered by the TWDB and requires the comptroller of public accounts to reallocate to the account, each state fiscal year, the first \$3.05 million of insurance maintenance tax revenue from fire and allied lines sources.

Modifies provisions relating to eligibility for and participation in the federal program to authorize political subdivisions to impose penalties on landowners who violate flood insurance statutes, rules, or orders. (This provision was contingent on the legislature not making a certain appropriation. As the legislature made the necessary appropriation, this provision is void.)

Authorize the board of regents of The Texas A&M University System to create and operate a spatial reference center at Texas A&M University--Corpus Christi to assume various functions relating to achieving accurate land elevation data throughout Texas.

Provides that the bill is contingent upon a \$6.1 million appropriation being made to the TWDB for the FY2008-FY2009 biennium specifically for administering the national flood insurance program.

Billing of Anatomic Pathology Services—S.B. 1832

By Senator Duncan—House Sponsor: Representative Gattis

Current law does not require the disclosure to the patient of the net charges for anatomical pathology lab services. In some instances, the referring physician adds a markup to the anatomical pathology lab fee in order to accrue a hidden profit for the service when billing a patient or third party payor. This bill:

Requires a person, physician, or entity that does not directly supervise or perform anatomic pathology services to disclose in the bill to the patient or the insurer or other third party payor, or in an itemized statement to the patient, the name and address of the physician or laboratory that provided the anatomic pathology services and the net amount paid or to be paid for each anatomic pathology service provided to the patient by the physician or laboratory.

Penalties for Underpaid Insurance Claims—S.B. 1884

By Senator Williams—House Sponsor: Representative Thompson

In 2003, the 78th Legislature enacted S.B. 418, the Texas Prompt Pay Act, which created a new graduated penalty scale for late payments and underpayments of claims. The most severe penalty for a late paid claim is a total of billed charges plus 18 percent interest on the penalty amount. The current formula for underpaid claims results in a penalty that is disproportionate to the underpayment and can result in payments exceeding billed charges in some cases. This bill:

Changes the calculation for underpaid claims whereby the penalty increases as the underpayment amount increases and the maximum penalty for underpayments would be the same as for late payments.

Increases the period of time that providers have to identify and notify health plans of underpayments from the current 180 days to 270 days.

Decreases the amount of time that health plans have to correct an underpayment after notification without being penalized from the current 45 days to 30 days.

Permitting Courts to Use Alternative Locations Following a Disaster—H.B. 2766

By Representative Eiland—Senate Sponsor: Senator Janek

Currently, district and county courts are only authorized to conduct court proceedings at the county seat. In the case of a major disaster, such as a hurricane, a county may not be able to conduct proceedings at that location. This bill:

Authorizes the presiding judge of the administrative judicial region, with the approval of the judge of the affected court, to designate an alternate location in the county at which the affected court may conduct its proceedings if a disaster precludes the county, district, or statutory county court in a first tier coastal county or second tier coastal county, as defined under the Insurance Code, from conducting its proceedings at the county seat.

Authorizes the presiding judge of the statutory probate courts, with the approval of the judge of the affected court, to designate an alternate location in the county at which the court may conduct its proceedings.

Judicial Compensation Commission—H.B. 3199

By Representative Hartnett—Senate Sponsor: Senator Wentworth

Relating to the creation of the Judicial Compensation Commission. Currently, the legislature periodically reviews the issue of proper payment for the services of justices and judges. This bill:

Creates the Judicial Compensation Commission (commission).

Provides that the commission consists of nine members appointed by the governor with the advice and consent of the senate, no more than three of whom may be licensed to practice law in this state.

Sets forth the terms, qualifications, and grounds for removal of members.

Requires the Office of Court Administration (OCA) to provide administrative support for the commission necessary to carry out the commission's powers and duties.

Provides that members may not receive compensation for service on the commission, but must be reimbursed by OCA for all actual and reasonable expenses incurred in the exercise of the members' duties.

Requires the commission, not later than December 1 of each even-numbered year, to make a biennial report to the legislature recommending the proper salaries to be paid by the state for all justices and judges of the supreme court, the court of criminal appeals, the courts of appeals, and the district courts.

Requires the commission, in recommending judicial salaries, to consider:

- the skill and experience required of the particular judgeship at issue;
- the value of compensable service performed by justices and judges, as determined by reference to judicial compensation in other states and the federal government;

- the value of comparable service performed in the private sector, including private judging, arbitration, and mediation;
- the compensation of attorneys in the private sector;
- the cost of living and changes in the cost of living;
- the compensation from the state presently received by other public officials in the state;
- other factors that are normally or traditionally taken into consideration in the determination of judicial compensation; and
- the level of overall compensation adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.

Requires the governor, in appointing initial commission members, to appoint three persons to terms expiring February 1, 2009, three persons to terms expiring February 1, 2011, and three persons to terms expiring February 1, 2013.

Permitting Judges to Complete Term at Mandatory Retirement Age—H.J.R. 36

By Representative McReynolds et al.—Senate Sponsor: Senators Watson and Zaffirini

The Texas Constitution currently requires a judge to leave the bench when the judge turns 75 years of age or an earlier age, not less than 70 years, which the legislature prescribes as retirement age. Under the current constitution, if a judge reaches retirement age during his or her term, he or she must leave the bench. This resolution:

Proposes a constitutional amendment that provides that the office of every justice and judge becomes vacant on the expiration of the term during which the incumbent reaches mandatory retirement age.

Provides that if the justice or judge elected to serve or fill the remainder of a six-year term reaches the age of 75 years during the first four years of the term, the office becomes vacant on December 31 of the fourth year of the term.

Assignment of Judge to Hear Certain Motion Regarding a Probate Judge—S.B. 406

By Senator Wentworth—House Sponsor: Representative Hartnett

Under current law, when a party seeks to have a probate judge recuse himself or herself, and the judge refuses, the recusal hearing is before another probate judge. Because there are only 17 such judges in Texas, the potential pool of judges is small and in some cases the recusal hearing may be held by a fellow judge in that same county. This bill:

Requires a probate judge, before further proceedings in a case in which a motion for the recusal or disqualification of the judge has been filed, to request that the presiding judge of the statutory probate courts assign a judge to hear the motion.

Requires the presiding judge of the statutory probate courts, upon receiving such request, to immediately forward the request to the presiding judge of the administrative judicial district and request that the presiding judge of the administrative judicial district assign a judge to hear the motion for recusal or disqualification.

Requires the presiding judge of the administrative judicial district, on receipt of such request, to immediately set a hearing before himself or herself or a judge designated by the presiding judge, except that the presiding judge may not designate a judge of a statutory probate court in the same county as the statutory probate court served by the judge who is the subject of the motion.

Authorizes the presiding judge of the administrative judicial district or the judge assigned by that judge to hear the motion for recusal to approve a motion for sanctions.

Requires a probate judge who declines recusal after a tertiary recusal motion is filed to comply with applicable rules of procedure for recusal and disqualification, but authorizes the judge to continue to preside over the case, sign orders in the case, and move the case to final disposition as though a tertiary recusal motion had not been filed.

Requires a judge who denies a tertiary recusal motion against another judge to award reasonable and necessary attorney's fees and costs to the party opposing the motion.

Provides that the party making the motion and the party's attorney are jointly and severally liable for the award, which must be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered, unless the order is properly superseded.

Provides that the denial of a tertiary recusal motion is only reviewable on appeal from final judgment.

Provides that if a tertiary recusal motion is finally sustained, the new judge for the case must vacate all orders signed by the sitting judge during the pendency of the tertiary recusal motion.

Increasing the Maximum Jurisdictional Amount for Certain Courts—S.B. 618

By Senator Wentworth—House Sponsor: Representatives Hartnett and Alonzo

Under current law, justice, county, and small claims courts have jurisdiction in civil matters up to \$5,000. A higher jurisdictional limit for these courts could help decrease the backlog in some of the higher level courts. This bill:

Increases the maximum jurisdictional amount in civil matters for the constitutional county courts, justice courts, and small claims courts from \$5,000 to \$10,000.

Provides that a corporation need not be represented by an attorney in justice court.

Office of Court Administration Report on Jury Charges and Sentences—S.B. 705

By Senator Lucio—House Sponsor: Representative Goolsby

The Office of Court Administration (OCA) is required to gather statistical data pertaining to the amount and character of the civil and criminal business conducted by all of the state courts. Currently, there is no statewide reporting of the contents of the jury charge or sentence issued in capital cases. This bill:

Requires OCA to annually collect and publish a report of information regarding cases involving the trial of a capital offense. The report must include the contents of the trial court's charge to the jury and the sentence issued in each case.

Requires the judge or clerk of the court, not later than the 30th day after the date the judgment of conviction or acquittal is entered in a case involving the trial of a capital offense, to submit to OCA a written record of the case containing such information.

Requires OCA, not later than September 1, 2008, to publish its first report of information regarding cases involving the trial of a capital offense, as required by this Act.

Amount of Judgment Appealed or Removed from Justice Court—S.B. 1413

By Senator Hinojosa—House Sponsor: Representative Gonzales

The current minimum amount which a defendant is authorized to appeal from a justice court is \$20. An increase in this minimum may help to expedite trials and to decrease the backlog in some of the higher level courts. This bill:

Increases from \$20 to \$250 the judgment or the amount in controversy for cases that may be appealed from a justice court.

Increases from \$20 to \$250 the judgment or amount in controversy for cases that may be removed from a justice court.

Amount of Judgment Appealed from Small Claims Court—S.B. 1416

By Senator Hinojosa—House Sponsor: Representative Gonzales

The current minimum amount which a defendant is authorized to appeal from a small claim court is \$20. An increase in this minimum may help to expedite trials and to decrease the backlog in some of the higher level courts. This bill:

Increases from \$20 to \$250 the amount in controversy for a final judgment that may be appealed from a small claims court.

Judicial Review of Certain Decisions Regarding Public Assistance Benefits—H.B. 75

By Representative Naishtat et al.—Senate Sponsor: Senators Wentworth and Watson

Currently, almost all decisions made by a state agency or regulatory board in Texas are subject to judicial review. However, adverse decisions regarding Medicaid and other public assistance programs are not subject to state judicial review. Texas is the only state that does not provide state court judicial review of final decisions on any of its public assistance programs. This bill:

Defines "public assistance benefits" as benefits provided under a public assistance program under Chapters 32 (Medical Assistance Program) or 33 (Nutritional Assistance Programs), Human Resources Code.

Requires contested hearings related to a decision regarding public assistance benefits to be recorded electronically.

Prohibits charging the cost of preparing the record and transcript for court review to the applicant for or recipient of the benefits.

Authorizes an applicant for or recipient of public assistance benefits to seek judicial review of a decision related to these benefits, after the applicant or recipient has exhausted all available administrative remedies.

Provides that judicial review of the decision is instituted by filing a petition with a district court in Travis County and that the substantial evidence rule applies to such appeals.

Provides that the appeal takes precedence over all civil cases, except workers' compensation and unemployment compensation cases.

Criminal Penalty for Interfering with Temporary Child Custody Order—H.B. 95

By Representative Martinez—Senate Sponsor: Senator Hinojosa

Under current law, a person commits an offense whenever the person violates the terms of a judgment or order relating to child custody issues. However, some law enforcement officials will not enforce the law against individuals who violate temporary child custody orders. This bill:

Provides that a person commits an offense if the person takes or retains a child under 18 years of age knowing that such action violates the express terms of a temporary child custody order, or agrees, for remuneration or the promise of remuneration, to abduct a child younger under 18 years of age, knowing that the child is under the care and control of a person having custody or physical possession of the child under a temporary child custody order.

Concurrent Guardianship Proceedings in Texas and Foreign Jurisdiction—H.B. 342

By Representative Naishtat—Senate Sponsor: Senator Watson

There is no statutory mechanism under current law for a Texas court to suspend proceedings to determine which court would be the proper forum in a guardianship proceeding involving another state. The proper venue for these proceedings is often unclear due to the differences in requirements, such as residency, between the states. As a result, significant litigation costs may be incurred in determining which state was the proper forum for the guardianship case. This bill:

Authorizes a Texas court in which a guardianship proceeding is filed and in which venue of the proceeding is proper to delay further action in the proceeding if another guardianship proceeding involving a matter at issue in the Texas proceeding is subsequently filed in a court in a foreign jurisdiction, and venue of the proceeding in the foreign court is proper.

Requires the court delaying further action in the proceeding to determine whether venue of the proceeding is more suitable in the Texas court or in the foreign court. In making this determination, the court may consider the interests of justice, the best interests of the ward or proposed ward, and the convenience of the parties.

Requires the court, if the court determines that venue is more suitable in that court, to resume the guardianship proceeding, or that venue is more suitable in the foreign court, to transfer the proceeding to the foreign court, with the consent of the foreign court.

Authorizes a court that delays a proceeding to issue any order necessary to protect the proposed ward or the proposed ward's estate.

Laws Regarding the Estates of Decedents—H.B. 391

By Representative Hartnett—Senate Sponsor: Senator Wentworth

The Real Estate, Probate, and Trust Section of the State Bar of Texas made recommendations for statutory changes in provisions regarding wills and estates. This bill:

Provides that when two or more courts have concurrent venue of a proceeding to declare heirship, the court in which the application is first filed retains jurisdiction of the proceeding.

Adds the probate of a will and the determination of heirship to a provision requiring a court, if it appears to the court at any time before the final decree that the proceeding was commenced in a court which did not have priority of venue over such proceeding, to transfer the proceeding to the proper county.

Authorizes a court, if the court decides that it would be in the best interest of the heirs or beneficiaries of the decedent's will in a proceeding when there is no administration of the estate, to order the proceeding transferred to the proper court in any other county at the conclusion of the proceeding in probate or to declare heirship.

Provides that any court in which there has been filed an application for a determination of heirship has full jurisdiction to determine the venue of the proceeding in a probate or heirship proceeding.

Provides that when no will of such decedent has been admitted to probate in this state and no administration has been granted in this state upon the estate of a decedent, then the court of the county in which venue would be proper for commencement of an administration of the decedent's estate under Section 6 of the Probate Code may determine and declare who are the heirs of such decedent, and their respective shares and interests.

Adds to the list of persons who may disclaim property or interest receivable from a decedent an attorney in fact or agent appointed under a durable power of attorney authorizing disclaimers that is executed by a principal.

Requires a beneficiary of a decedent that is a charitable organization or a governmental agency of the state to file a written memorandum or notice of disclaimer disclaiming a present or future interest not later than the first anniversary of the date the beneficiary receives the notice required by the Probate Code or the expiration of the six-month period following the date the personal representative for the estate files the inventory, appraisal, and list of claims due or owing to the estate, whichever occurs later.

Authorizes a court to declare a marriage void after the decedent's death if:

- a proceeding under Chapter 6 (Suit for Dissolution of Marriage), Family Code, to declare a marriage void based on the lack of mental capacity of one of the parties to the marriage is pending on the date of death of one of those parties, or
- a guardianship proceeding in which a court is requested under Chapter 6 to declare a ward's or proposed ward's marriage void based on the lack of mental capacity of the ward or proposed ward is pending on the date of death of the ward or proposed ward.

Requires the court, in making such determination, to apply the standards for an annulment prescribed by Section 6.108 (Mental Incapacity), Family Code.

Authorizes an interested person to file an application with the court requesting that the court void the marriage of the decedent if there was no proceeding to annul the marriage pending on the date of a decedent's death, the decedent was married, and that marriage commenced not earlier than three years before the decedent's date of death.

- Provides that the notice applicable to a proceeding under Chapter 37 (Declaratory Judgments), Civil Practice and Remedies Code, applies to such proceeding.
- Provides that no application requesting that the court void a decedent's marriage can be filed after the first anniversary of the date of the decedent's death.
- Requires a court to declare the decedent's marriage void if the court finds that on the date the marriage occurred, the decedent did not have the mental capacity to consent to the marriage and understand the nature of the marriage ceremony, if a ceremony occurred.
- Provides that a court may not declare the decedent's marriage void if the court finds that, after the date the marriage occurred, the decedent gained the mental capacity to recognize the marriage relationship and did recognize the marriage relationship.

Provides that if the court declares a decedent's marriage void regarding a proceeding pending at the time of the decedent's death or brought after the decedent's death, the other party to the marriage is not considered the decedent's surviving spouse for purposes of Texas law.

Provides that if, after making a will, the testator's marriage is dissolved, whether by divorce, annulment, or a declaration that the marriage is void, all provisions in the will, including all fiduciary appointments, are to be read as if the former spouse and each relative of the former spouse who is not a relative of the testator failed to survive the testator, unless the will expressly provides otherwise.

Provides that a person whose marriage to the decedent has been dissolved, whether by divorce, annulment, or a declaration that the marriage is void, is not a surviving spouse unless, by virtue of a subsequent marriage, the person is married to the decedent at the time of death and the subsequent marriage is not declared void under this Act.

Strikes provisions regarding nuncupative or oral wills and makes conforming changes.

Strikes references to neglect regarding provisions regarding an executor's failing or neglecting to accept or qualify or to present the will for probate within a set period.

Provides that when the executor is dead or fails to accept and qualify within 20 days after the probate of the will, or fails for a period of 30 days after the death of the testator to present the will for probate and the court finds there was no good cause for not presenting the will for probate during that period, then administration of the estate of such intestate, or administration with the will annexed of the estate of such testator, must be granted if administration appears to be necessary. Such necessity is deemed to exist if the administration is necessary to receive or recover funds or other property due the estate.

Strikes the requirement that an application for emergency intervention to obtain funds needed for a decedent's funeral and burial expenses or application for emergency intervention to gain access to rental accommodations of a decedent contain the applicant's Social Security number.

Requires notice to persons interested in an estate of their right to file an opposition to the sale of property in the estate during the period prescribed by the court and setting out the procedure for a hearing on an application for an order of sale if persons interested in the estate file an opposition to the sale.

Repeals Section 343 (Setting of a Hearing on Application), Texas Probate Code.

Guardianship Proceedings for Incapacitated Adult Children—H.B. 585

By Representative Laubenberg—Senate Sponsor: Senator Deuell

Currently, all legal matters affecting a parent-child relationship involving a disabled child, including after the child becomes an adult, are under the exclusive jurisdiction of the court that has original jurisdiction in the matter. However, the appointment of a guardian for an incapacitated adult is within the jurisdiction of the probate courts, which may complicate matters when a parent applies to be appointed the guardian of a disabled adult child. This bill:

Authorizes a probate court to exercise jurisdiction in a guardianship proceeding for a disabled child after the child becomes an adult.

Grants exclusive jurisdiction to a statutory probate court or other court exercising the jurisdiction of a probate court in a guardianship proceeding involving a disabled adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child.

Sets out the procedure for an application for guardianship by a person who was appointed conservator of a disabled child.

Social Studies in Certain Suits Affecting the Parent-Child Relationship—H.B. 772

By Representative Dutton—Senate Sponsor: Senator Harris

Under current law, a court can order a social study to be done on the circumstances and condition of a child and the home of any person requesting managing conservatorship or possession of the child. This study may be done by a private entity, a person appointed by the court, or the Department of Family and Protective Services (DFPS) if DFPS is a party to the suit. There are no set qualifications for a person who conducts a social study.

Chapter 203, Family Code, contains the provisions regarding the powers and duties of a county domestic relations office. These offices provide a variety of services, such as access and visitation enforcement, but currently do not offer parent coordinating services and alternative dispute resolution services. Such offices are also not authorized to check the criminal background of a person with possession of or access to a child. This bill:

Authorizes a court to order the preparation of a social study into the circumstances and condition of the home of any person requesting access to a child.

Provides that the social study may be made by a domestic relations office.

Provides that social study evaluators must meet certain specified minimum qualifications with certain exceptions.

Authorizes a court, if there is no individual meeting the qualifications in the county served by the court, to appoint an individual determined by the court to be otherwise qualified.

Requires a social study evaluator who has a conflict of interest or who may be biased to decline to conduct a social study for the suit or disclose any issue to the court before accepting the appointment or assignment.

Provides that a social study evaluator who has previously conducted a social study for a suit may conduct all subsequent evaluations in the suit unless the court finds that the evaluator is biased.

Authorizes a court to appoint a DFPS employee to conduct a social study in a suit in which adoption is requested or possession of or access to a child is an issue and in which DFPS is a party or has an interest.

Requires a social study evaluator's actions in conducting a social study to be in conformance with the professional standard of care applicable to the evaluator's licensure and any administrative rules, ethical standards, or guidelines adopted by the state agency that licenses the evaluator.

Authorizes a court, in addition to the requirements prescribed by this Act, to impose requirements or adopt local rules applicable to a social study or a social study evaluator.

Sets forth general provisions applicable to the conduct of a social study and the preparation of a report.

Sets forth the basic elements of a social study.

Requires a social study evaluator to report to DFPS any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or the child's parents or managing conservator.

Exempts from the Act a pre-adoptive study prepared by a licensed child-placing agency or DFPS.

Authorizes a domestic relations office to provide an informal forum for the use of alternative dispute resolution and to provide parenting coordinator services under Chapter 153 (Conservatorship, Possession, and Access), Family Code.

Provides that the administering entity may authorize a domestic relations office to assess a reasonable fee for parenting coordinator services and alternative dispute resolution services.

Authorizes a domestic relations office to obtain certain vehicle and employment records and a criminal background history relating to a person in certain actions regarding a child, including court-ordered possession of a child or a suit to adopt a child.

Exempts an individual who on or before the effective date of this Act completed at least 10 social studies ordered by a court in suits affecting the parent-child relationship from meeting the requirements imposed under this Act.

Sovereign Immunity and Claims by Certain Employees—H.B. 1473

By Representative Turner—Senate Sponsor: Senator Whitmire

Many municipalities and other political subdivisions of this state claim sovereign immunity from suit in regards to certain statutory employment claims. Although this issue has been clarified for other types of contracts, ambiguity still exists regarding employment contracts. This bill:

Provides that the Act applies only to a firefighter or police officer covered by:

- Chapters 141 (Compensation and Expenses of Municipal Officers and Employees), 142 (Assistance, Benefits, and Working Conditions of Municipal Officers and Employees), 143 (Municipal Civil Service for Firefighters and Police Officers), or 180 (Miscellaneous Provisions Affecting Officers and Employees of Municipalities, Counties, and Certain Other Local Governments), Local Government Code;

- a municipal charter provision conferring civil service benefits of a municipality that has not adopted Chapter 143; or
- a municipal ordinance enacted under Chapter 142 or 143.

Authorizes such firefighter or police officer who alleges the employing municipality's denial of monetary benefits associated with the recovery of back pay authorized, or such firefighter who alleges the denial of monetary civil penalties associated with recovery of back pay, to seek judicial review of such denial if there is no applicable grievance, administrative, or contractual appeal procedure available.

Authorizes the suit to be filed directly in district court under the preponderance of the evidence standard of review.

Waives the sovereign and governmental immunity of the employing municipality from suit and liability only to the extent of liability for the monetary benefits or monetary civil penalties described under this Act.

Provides this Act does not grant immunity from suit to a local governmental entity; waive a defense or a limitation on damages, attorney's fees, or costs available to a party to a suit; or modify an agreement under Chapters 142, 143, or 174 (Fire and Police Employee Relations), Local Government Code.

Requires a firefighter or police officer, before seeking judicial review, to initiate and exhaust any applicable grievance or administrative appeal procedures prescribed by state statute or agreement and to exhaust the grievance or administrative appeal procedure.

Provides that judicial review of the decision is under the substantial evidence rule, unless a different standard of review is provided by the provision establishing the grievance or administrative appeal procedure.

Provides that the Act does not apply to an action asserting a right or claim based wholly or partly, or directly or indirectly, on a referendum election held before January 1, 1980, or an ordinance or resolution implementing the referendum.

Provides that Chapter 174 is binding and enforceable against the employing public employer, and waives sovereign or governmental immunity from suit and liability only to the extent necessary to enforce this chapter against that employer.

Venue in Civil Actions Under the Jones Act—H.B. 1602

By Representative Van Arsdale et al.—Senate Sponsor: Senator Fraser

Under current state law, the general venue rule for almost all workers is that lawsuits against corporations for injuries must be brought in the county where the incident causing the alleged injury occurred. However, there is a loophole that allows cases brought under the federal Jones Act to be filed in the county of the plaintiff's residence. This loophole led to a high number of lawsuits filed in Texas against dredging companies. H.B. 1602 is designed to address concerns that projects along the Texas Gulf Coast are at risk due to the expense of such lawsuits. This bill:

Closes the venue loophole.

Requires that lawsuits brought under the Jones Act in Texas courts be brought, under specified circumstances, in the county where the plaintiff resided at the time the cause of action accrued, in the county in which all or a substantial part of the events giving rise to the claim occurred, in the county in which the defendant's principal place of business is located, in Harris County, or in Galveston County.

Liability of Volunteer Health Care Providers—H.B. 2005

By Representatives Woolley and John Davis—Senate Sponsor: Senator Duncan

The Charitable Immunity and Liability Act provides legal immunity from liability for health care volunteers who, in good faith, deliver free health care. While there is a provision of the current law that covers volunteers generally, the Act only specifically covers physicians, physician assistants, nurses, pharmacists, podiatrists, dentists, dental hygienists, and optometrists. H.B. 2005 is designed to address concerns of health care providers who are not listed that the general language for volunteers may not encompass their delivery of free health care services. This bill:

Clarifies that physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants are within the definition of volunteer health care provider for the purposes of the Charitable Immunity and Liability Act.

Notice in the Conveyance of Certain Property Encumbered by a Lien—H.B. 2207

By Representative Gallego et al.—Senate Sponsor: Senator Watson

Some Texans buy their homes without knowing that the home comes with an underlying mortgage or lien. A profiteer will buy houses that are subject to foreclosure and cure the default without informing the lender that the property has been sold. The profiteer then will sell to a buyer who would not qualify for a traditional mortgage because of poor credit or who has little money for a down payment. Such buyers may not know the amount of the underlying mortgage or its terms, and both buyers and mortgage lenders are victimized by these transactions. This bill:

Prohibits a person from conveying an interest in residential real property, or entering into a contract to convey such interest, if the property will be encumbered by a recorded lien at the time of conveyance unless, on or before the seventh day before the earlier of the effective date of the conveyance or the execution of the contract, the person provides the purchaser and each lienholder a separate written disclosure statement in at least 12-point type that contains certain information.

Provides that a violation of this Act does not invalidate a conveyance.

Permits a purchaser, if a contract is entered into without the seller providing the required notice, to terminate the contract for any reason on or before the seventh day after the date the purchaser receives the notice, in addition to other remedies provided by law.

Exempts certain conveyances from the Act, including, a transfer under a court order or foreclosure sale or between spouses resulting from a decree of dissolution of marriage.

Provides that a violation of this Act is not actionable if the person required to give notice reasonably believes, and takes necessary action to ensure, that each lien for which notice was not provided will be released on or before the 30th day after the date on which title to the property is transferred.

Prohibits a deed restriction or other covenant running with the land applicable to the conveyance of residential real property that requires a transferee of residential real property or the transferee's heirs, successors, or assigns to pay a fee in connection with a future transfer of the property to a declarant or other person imposing the deed restriction or covenant on the property or a third party designated by a transferor of the property. Such deed restriction or covenant, or a lien purporting to encumber the land to secure a right under such deed restriction or covenant, is void and unenforceable.

Provides that prohibition does not apply to such deed restriction or covenants that requires a fee associated with the conveyance of property in a subdivision that is payable to a property owners' association that manages or regulates the subdivision or the association's managing agent if the subdivision contains more than one platted lot, an entity organized under Section 501(c)(3), Internal Revenue Code of 1986, or a governmental entity.

Recovery of Medical or Health Care Expenses in Civil Actions—H.B. 3281

By Representative Phil King et al.—Senate Sponsor: Senator Duncan

The 78th Legislature, Regular Session, 2003, enacted legislation that authorizes a claimant in a lawsuit to recover only those medical or health care expenses that the claimant had already paid or incurred. This bill:

Clarifies that this provision does not apply to a claim for future medical or health care expenses and that it only applies to a health care liability claim under Chapter 74 (Medical Liability), Civil Practice and Remedies Code.

Revisions to the Uniform Parentage Act—H.B. 3997

By Representative Puente—Senate Sponsor: Senator Harris

Current law provides for a paternity registry and requires the birth mother to make a diligent effort to locate the alleged father and serve him notice in order to be able to put a child up for adoption. Current requirements in the Family Code regarding the termination of parental rights may delay the placement or adoption of a child. This bill:

Permits the parental rights of an alleged father to be terminated if:

- the child is over one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed, the father has not registered with the paternity registry under Chapter 160 (Uniform Parentage Act), Family Code, and after the exercise of due diligence by the petitioner, his identity and location are unknown or his identity is known but he cannot be located. The termination of the rights of such alleged father rendered on or after January 1, 1998, and before January 1, 2008, does not require personal service of citation or citation by publication on the alleged father; or

- the child is under one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed and the father has not registered with the paternity registry under Chapter 160. The court cannot render an order terminating parental rights unless the court receives evidence of a certificate of the results of a search of the paternity registry from the bureau of vital statistics indicating that no man has registered the intent to claim paternity

Provides that the termination of the rights of an alleged father under this Act rendered on or after January 1, 2008, does not require personal service of citation or citation by publication on the alleged father, and there is no requirement to identify or locate an alleged father who has not registered with the paternity registry under Chapter 160.

Provides that a search of the registry is not required if a parent-child relationship exists between a man and the child, as provided by Section 160.201 (Establishment of Parent-Child Relationship), Family Code, and the man has been served with citation of the proceeding for termination of the parent-child relationship.

Provides that a waiver contained in an affidavit of waiver of interest in the child is irrevocable and makes conforming changes.

Provides that "parent" under Section 161.107 (Missing Parent or Relative), Family Code, does not include a man who does not have a parent-child relationship established under Chapter 160.

Changes references to the Department of Protective and Regulatory Services to the Department of Family and Protective Services (department).

Eliminates provisions requiring or regarding an affidavit of the status of a child.

Provides that when a parent delivers a child to a designated emergency infant care provider in accordance with Subchapter D, Chapter 262 (Emergency Possession of Certain Abandoned Children), Family Code, there is a rebuttable presumption that the parent intends to waive the right to notice of the suit terminating the parent-child relationship.

Changes the requirement that the department perform certain record searches before filing a petition to terminate the parental rights with regard to a child taken into the department's custody under Section 262.303 (Notification of Possession of Abandoned Child) to require that the department perform such searches before a court may render an order terminating such rights.

Repeals Sections 161.105 (Affidavit of Status of Child) and 161.106(g), (h), and (j) (regarding the revocability of a waiver of interest), Family Code.

Continuing State Bar of Texas Annual Fee for Indigent Defense—S.B. 168

By Senator Ellis et al.—House Sponsor: Representative Flores

Current law requires active members of the State Bar of Texas to pay a \$65 fee annually to help cover the cost of providing legal services to indigent citizens who are otherwise unable to afford representation. The statute will expire on September 1, 2007. This bill:

Strikes the September 1, 2007, expiration date.

Affecting the Parent-Child Relationship and Enforcement of Child Support—S.B. 228

By Senator Harris—House Sponsor: Representative Eiland

The Texas Family Code provides for the establishment of paternity and for the establishment and enforcement of child and medical support obligations for a child in suits affecting the child-parent relationship. The Family Code also provides certain administrative processes for the Title IV-D agency (the state agency designated under state law to provide services under Part D of Title IV of the federal Social Security Act), which is administered by the Texas attorney general in compliance with federal mandates as a condition for the state's receipt of federal funds for its child support enforcement and welfare programs.

The Family Code has been repeatedly amended with regard to the establishment and enforcement of child support obligations to reflect new federal mandates, case law, current practice, and the need for clarification of provisions and enhance procedures provided by law. This bill:

Defines "record" under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), Family Code.

Requires notice to the Title IV-D agency if a petition requests the termination of a support right assigned to the Title IV-D agency.

Provides that the petitioner must complete the form to be transmitted by the clerk of the court to the bureau of vital statistics. In a Title IV-D case, the Title IV-D agency may transmit the record and information to the bureau of vital statistics, with a copy to the clerk of the court on request by the clerk. The record and information are not required to be certified if transmitted by the Title IV-D agency under this subsection.

Changes the existing duty of a parent to support his or her child while the child is fully enrolled in a secondary school in a program leading toward a high school diploma from until the end of the school year in which the child graduates to while the child complies with certain attendance requirements.

Adds Section 153.015 (Electronic Communication with Child by Conservator) to the Family Code:

- Defines "electronic communication."
- Authorizes a court to award the conservator of a child reasonable periods of electronic communication with the child to supplement the conservator's periods of possession of the child if the conservator so requests.
- Requires the court to consider, in determining whether to award electronic communication whether electronic communication is in the best interest of the child, whether equipment necessary to facilitate the electronic communication is reasonably available to all parties subject to the order, and any other factor the court considers appropriate.
- Requires a conservator, if the court awards a conservator periods of electronic communication with a child, to take certain actions.
- Bars a court from considering the availability of electronic communication as a factor in determining child support.

- Provides that the availability of electronic communication is not intended as a substitute for physical possession of or access to the child where otherwise appropriate.
- Authorizes a court to award periods of electronic communication in a suit in which the court's order contains provisions related to a finding of family violence only if the award and terms of the award are mutually agreed to by the parties, and the terms of the award are printed in the court's order in boldfaced, capitalized type and include any specific restrictions relating to family violence or supervised visitation, as applicable, required by other law to be included in a possession or access order.

Amends Section 153.3161 (Possession During Military Deployment), Family Code:

- Strikes references to limited possession and provisions that the conservator be deployed outside of the United States.
- Requires a court to permit a conservator deployed under a military deployment to designate a person who may exercise possession of the child on behalf of that conservator during any period that the conservator is deployed.
- Provides that if the conservator elects to designate a person and the court determines that possession is in the best interest of the child, the court must provide in the order that during periods of military deployment the designated person has the right to possession of the child for same periods and in the same manner as the conservator would be entitled to if not deployed.
- Provides that for certain purposes the designated person is considered be the possessory conservator.

Provides that a child support order terminates on the date on which the child begins active service if the child enlists in the armed forces of the United States.

Provides that a child support order for more than one child complies with Section 154.127 (Partial Termination Of Support Obligation), Family Code, if the order contains a provision that specifies the events that have the effect of terminating the obligor's obligation to pay child support for that child, and the reduced total amount that the obligor is required to pay each month after the occurrence of an event described.

Provides that a court retains jurisdiction to render an order for retroactive child support in a suit if a petition requesting retroactive child support is filed not later than the fourth anniversary of the date of the child's 18th birthday.

Authorizes a child support agency of another state to send to the employer certain orders or notice that an employee is required to provide health insurance coverage or medical support.

Authorizes the Title IV-D agency of another state, in an appropriate Title IV-D case, to send to the employer the national medical support notice required under the federal Social Security Act.

Provides that if the parties submit to the court an agreed order for the transfer of continuing, exclusive jurisdiction, the court must sign the order without further pleadings.

Provides that a support order may be modified with regard to the amount of support ordered only as to obligations accruing after the earlier of the date of service of citation, or an appearance in the suit to modify.

Amends Section 156.409 (Change in Physical Possession), Family Code:

- Requires a court, on the motion of a party having physical possession of the child, to modify a child support order to provide that the person having physical possession of the child for at least six months has the right to receive payments of support for the child if the sole or joint managing conservator of the child who has the exclusive right to determine the primary residence of the child has voluntarily relinquished the primary care and possession of the child, been incarcerated or sentenced to be incarcerated for at least 90 days, or relinquished the primary care and possession of the child in a proceeding under Texas law.
- Requires the court, if the court modifies a support order, to order the obligor to pay the party having physical possession of the child any unpaid child support that is not subject to offset or reimbursement and that accrues after the date the sole or joint managing conservator relinquishes possession and control of the child, or is incarcerated.
- Provides that this section does not affect the court's ability to render a temporary order for the payment of child support that is in the best interest of the child.
- Requires an order modifying a support order because of the incarceration of the sole or joint managing conservator to provide that on the conservator's release from incarceration the conservator may file an affidavit with the court stating that the conservator has been released from incarceration, that there has not been a modification of the conservatorship of the child during the incarceration, and that the conservator has resumed physical possession of the child. A copy of the affidavit must be delivered to the obligor and any other appropriate party. On receipt of the affidavit, the court on its own motion must order the obligor to make support payments to the conservator.

Provides that a court retains jurisdiction to render a contempt order for failure to comply with the child support order if the motion for enforcement is filed not later than the second anniversary of the date the child becomes an adult, or on which the child support obligation terminates under the order or by operation of law.

Requires enforcement officials to treat an arrest warrant ordered under Chapter 157 (Enforcement), Family Code, in the same manner as an arrest warrant for a criminal offense and to enter the warrant in the computer records for outstanding warrants maintained by the local police, sheriff, and Department of Public Safety. The warrant must also be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

Sets out the priority for payment of certain Title IV-D service fees from child support collected.

Changes the period for a hearing on the alleged contempt in an enforcement proceeding from not later than the fifth day after the date that the respondent was taken into custody to not later than the seventh day.

Authorizes a court to continue the community supervision under Chapter 157 beyond 10 years until the earlier of the second anniversary of the date on which the community supervision first exceeded 10 years, or the date on which all child support, including arrearages and interest, has been paid.

Establishes certain time periods within which a court must hold a hearing after the date the respondent is arrested for violating community supervision under Chapter 157.

Requires the court, if a court credits the amount of child support arrearages collected from a federal tax refund and, subsequently the amount of that credit is reduced because the refund was adjusted for certain specified reasons, to render a new cumulative judgment to include as arrearages an amount equal to the amount by which the credit was reduced.

Provides that the court that renders an order providing for the payment of child support retains continuing jurisdiction to enforce and adjust the order.

Provides that a child support lien notice must also contain a statement that the lien attaches to all nonexempt real and personal property of the obligor acquired after the date of filing or delivery of the notice.

Provides that the requirement that a child support lien notice provide a Social Security number, if known, does not apply to a lien notice for real property.

Provides that a child support lien attaches to all property owned or acquired on or after the date the lien notice or abstract of judgment is delivered to a party required under law, and is effective until all current support and child support arrearages, including certain Title IV-D service fees, have been paid.

Authorizes a financial institution to deduct certain fees and costs from the obligor's assets before paying the appropriate amount to the claimant.

Authorizes a claimant to recover costs and reasonable attorney's fees incurred in an action against a person who fails to surrender property pursuant to a child support lien.

Adds Section 158.214 (Withholding From Severance Pay) to the Family Code:

- Requires an employer receiving an order or writ of withholding to withhold from any severance pay owed an obligor an amount equal to the amount the employer would have withheld under the order or writ if the severance pay had been paid as the obligor's usual earnings as a current employee.
- Provides that the total amount that may be withheld under this section is subject to the maximum amount allowed to be withheld under Section 158.009 (Maximum Amount Withheld From Earnings).

Adds Section 158.215 (Withholding From Lump-Sum Payments) to the Family Code:

- Provides that this section applies only to an employer who receives an administrative writ of withholding in a Title IV-D case that requires that an obligor's income be withheld for child support arrearages.
- Prohibits an employer from making a lump-sum payment to the obligor in the amount of \$500 or more without first notifying the Title IV-D agency that issued the writ to determine whether all or a portion of the payment should be applied to the child support arrearages.

- Provides that the employer, after notifying the Title IV-D agency, may not make the lump-sum payment before the earlier of the 10th day after the date on which the employer notified the Title IV-D agency, or the date on which the employer receives authorization from the Title IV-D agency to make the payment.
- Authorizes the employer, if the employer receives a timely authorization from the Title IV-D agency, to make the payment only in accordance with the terms of that authorization.

Authorizes an administrative writ of withholding issued by the Title IV-D agency to cover certain service fees.

Redefines "donor" under provisions regarding assisted reproduction to require that the donor provide the eggs or sperm to a licensed physician, and include an unmarried man who, with the intent to be the father of the resulting child, provides sperm to be used for assisted reproduction by an unmarried woman.

Provides that if an unmarried man, with the intent to be the father of a resulting child, provides sperm to a licensed physician and consents to the use of that sperm for assisted reproduction by an unmarried woman, he is the father of a resulting child.

Requires that consent by such unmarried man who provides sperm must be in a record signed by the man and the unmarried woman and kept by a licensed physician.

Requires that the consent by a married woman to assisted reproduction be kept by a licensed physician.

Requires that an order terminating parental rights include a finding that a request for identification of a court of continuing, exclusive jurisdiction has been made, and all parties entitled to notice have been notified.

Authorizes the director of the Title IV-D agency to convene a work group representing public and private entities with an interest in child support enforcement in this state to work with the director in developing strategies to improve child support enforcement in this state.

Strikes provisions requiring such director to establish a county advisory group and setting out who must be included in such group.

Provides that the monthly fee established by the state disbursement unit in each case in which the unit processes support payments is part of the child support obligation if the obligor is responsible for the fee, and may be enforced against the obligor through any method available for the enforcement of child support, including contempt.

Requires the Title IV-D agency, in a Title IV-D case, to pay the fee for issuance of a subpoena.

Provides that an order suspending a license issued by the Title IV-D agency or a court may direct a licensing authority to refuse to renew a license.

Provides that unless otherwise restricted or exempted, all licensing authorities are subject to Chapter 232 (Suspension of License), Family Code, and strikes a list of covered authorities.

Provides that the Texas Department of Transportation (TxDOT) is the appropriate licensing authority for suspension or nonrenewal of a motor vehicle registration under Chapter 232 and that the suspension or nonrenewal of a motor vehicle registration does not encumber the title to the motor vehicle or otherwise affect the transfer of the title to the vehicle, or affect the sale, purchase, or registration of the motor vehicle by a person who holds a general distinguishing number issued under the Transportation Code.

Provides that notice of an action to suspend one or more licenses under Chapter 232 may be sent by mailing a copy of the notice to the respondent, together with a copy of the petition, by first class mail to the last mailing address of the respondent on file with the court and the state case registry if the party has been ordered to provide the court and registry with the party's current mailing address.

Adds Section 232.0135 (Denial of License Renewal) to the Family Code:

- Authorizes a child support agency to provide notice to a licensing authority concerning an obligor who has failed to pay child support for six months or more that requests the authority to refuse to accept an application for renewal of the license of the obligor.
- Requires a licensing authority that receives such information to refuse to accept an application for renewal of the license of the obligor until the authority is notified by the child support agency that the obligor has met certain conditions.
- Requires the child support agency to send a copy of the notice to the obligor by first class mail and inform the obligor of the steps the obligor must take to permit the authority to accept the obligor's application for license renewal.
- Authorizes the obligor receiving notice to request a review by the child support agency to resolve any issue in dispute regarding the identity of the obligor or the existence or amount of child support arrearages and sets out the procedures for such review.
- Provides that if an obligor enters into a repayment agreement with the child support, the agency may incorporate the agreement in an order to be filed with and confirmed by the court in the manner provided for agreed orders under law.
- Provides that "licensing authority" does not include the State Securities Board.

Authorizes a licensing authority to charge a fee to an individual who is the subject of an action of a child support agency to deny renewal of license in an amount sufficient to recover the administrative costs incurred by the authority and requires such fees to be deposited to the credit of the state highway fund.

Provides that a child support order issued by a tribunal of another state and filed with an agreed review order as an exhibit to the agreed review order is treated as a confirmed order without the necessity of registration.

Requires the state case registry, unless prohibited by a court, on request and to the extent permitted by federal law, provide certain information to certain specified parties.

Imposes a civil penalty, in addition to any other remedy provided by law, on an employer who knowingly violates a procedure for reporting employee information.

Prohibits the penalty from exceeding \$25 for each occurrence in which an employer fails to report an employee, or \$500 for each occurrence in which such conduct is the result of a conspiracy between the employer and an employee to not supply a required report or to submit a false or incomplete report.

Provides that a lien under Chapter 501 (Certificate of Title Act), Transportation Code, includes a child support lien under Chapter 157, Family Code.

Repeals the following provisions of the Family Code: Section 231.006(a-1), regarding eligibility of a child support obligor to receive student financial assistance; Section 231.011 (Interagency Work Group); Section 231.103(d), regarding an annual service fee in a Title IV-D case; Section 231.310 (Interagency Work Group); Sections 234.008(c), (d), and (e), regarding the deposit, distribution, and issuance of payments; and Chapter 235 (Sharing Information in State Case Registry).

Provides that in the event another Act of the 80th Legislature, Regular Session, 2007, includes a provision adopting Section 153.015, Family Code, relating to electronic communications between a parent and a child, and that provision is not identical to Section 153.015, Family Code, as provided in this Act, this Act will prevail.

Criminal History Record Information for Certain Guardianship Services—S.B. 291

By Senator Nelson—House Sponsor: Representative Naishtat

Currently, the Department of Aging and Disability Services (DADS) provides each county with a list of those who are employed by DADS to provide guardianship services in that particular county. County clerks are currently required to obtain criminal history record information for guardians or potential guardians. This bill:

Requires DADS, not later than February 1 of each year, to submit to the Guardianship Certification Board (GCB) a statement containing the name, address, and telephone number of each department employee who is or will be providing guardianship services to a ward or proposed ward on behalf of DADS, and the name of the county or counties in which each such employee is providing or is authorized to provide those services.

Requires the clerk of the county having venue over the proceeding for the appointment of a guardian to obtain criminal history record information that is maintained by the Department of Public Safety (DPS) or the Federal Bureau of Investigation (FBI) relating to any person proposed to serve as a guardian, including a proposed temporary guardian and a proposed successor guardian, other than the ward's or proposed ward's family member or an attorney.

Requires DADS to obtain such criminal history record information relating to each individual who is or will be providing guardianship services to a ward of or referred by DADS, including DADS employees and volunteers and applicants selected for an employment or volunteer position, and an employee or volunteer of, or an applicant selected for an employment or volunteer position, with a business entity or other person that contracts with DADS to provide guardianship services to a ward referred by DADS.

Requires the criminal history record information regarding applicants for employment to be obtained before an offer of employment, and the information regarding applicant volunteers be obtained before the person's contact with a ward of or referred by DADS.

Requires such information regarding employees or volunteers providing guardianship services be obtained annually.

Requires DADS to provide such information to the clerk of the county having venue over the guardianship proceeding at the request of the court and GCB, at GCB's request.

Authorizes a person, not later than the 10th day before the date of the hearing to appoint a guardian, to may submit to the clerk a copy of the person's criminal history record information required under this Act that the person obtains from DPS or FBI not earlier than the 30th day before the date of the hearing.

Provides that the criminal history record information by GCB is for the exclusive use of the court or GCB and is privileged and confidential. The information may not be released or otherwise except on court order or consent of the person being investigated.

Authorizes the county clerk or GCB to destroy the criminal history record information after the information is used for the purposes authorized.

Expands limits on how a court may use such information to include determining whether to appoint any other person proposed to serve as a guardian, including a proposed temporary guardian and a proposed successor guardian, other than the ward's or proposed ward's family member or an attorney.

Authorizes GCB to use criminal history record information for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by GCB.

Provides that the Act does not prohibit DADS from obtaining and using criminal history record information as provided by other law.

Require the clerk of the county having venue over a proceeding for the appointment of a guardian under Chapter XIII (Guardianship), Texas Probate Code, to obtain from the criminal history record information for each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf, or any other person proposed to serve as a guardian under Chapter XIII, including a proposed temporary guardian and a proposed successor guardian, other than the ward's or proposed ward's family member or an attorney.

Requires the court exercising probate jurisdiction use the information only in determining whether to appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the DADS, or appoint any other person proposed to serve as a guardian under Chapter XIII, including a proposed temporary guardian and a proposed successor guardian, other than the ward's or proposed ward's family member or an attorney.

Makes it a Class A misdemeanor offense for a person to release or disclose any information received without the authorization.

Authorizes the county clerk to charge a \$10 fee to recover the costs of obtaining criminal history information records.

Duration of Judgment Liens—S.B. 300

By Senator Ellis—House Sponsor: Representative Paxton

Currently a judgment must be revived every 10 years through the issuance of a writ of execution that renews the judgment or the judgment becomes dormant. The renewal process is time-consuming and costly. This bill:

Provides that certain judgments in favor of the state or a state agency do not become dormant.

Provides that a properly filed abstract of certain judgments continues to constitute a lien until the earlier of the 20th anniversary of the date the abstract is recorded and indexed or the date the judgment is satisfied or the lien released.

Authorizes certain judgment liens to be renewed for one additional 20-year period by filing a renewed abstract of judgment before the expiration date of the original 20-year period.

Consent to and Annulment of Certain Marriages—S.B. 432

By Senator Harris—House Sponsor: Representative Phillips

Language relating to consent to and the annulment of a marriage needs to be clarified. This bill:

Replaces the term "designated managing conservator or guardian" with "court-ordered right to consent to marriage" in Section 2.102 (Parental Consent for Underage Applicant), Family Code.

Removes the reference to "licensed and informal" marriage as it regards to the annulment of a marriage of a person 16 years of age or older but less than 18, who married without parental consent or a court order.

Repeals Section 6.102 (Annulment of Marriage of Person Under Age 18), Family Code, under which a court may grant an annulment of a licensed or informal marriage of a person 16 years of age or older but under 18 years of age that occurred without parental consent or without a court order.

Provides that the marriage of a person younger than 16 years of age is void, unless a court order granting permission to marry has been obtained.

Affidavit Releasing a Judgment Lien on Homestead Property—S.B. 512

By Senator Harris—House Sponsor: Representative Solomons

The Texas Constitution protects a person's homestead from being foreclosed on by a judgment lien. However, it can sometimes be difficult to identify whether certain land is a person's homestead and whether a judgment lien may properly attach against that property. This bill:

Authorizes a judgment debtor to file an affidavit in the real property records of the county in which the judgment debtor's homestead is located.

Provides that an affidavit filed by the judgment debtor in compliance with this Act serves as a release of record of a judgment lien against a homestead.

Provides that a bona fide purchaser or a mortgagee for value or a successor or assign of a bona fide purchaser or mortgagee for value may rely conclusively on an affidavit filed under this Act if, included with the affidavit, is evidence that the judgment debtor sent a letter and a copy of the affidavit, without attachments and before execution of the affidavit, notifying the judgment creditor of the affidavit and the judgment debtor's intent to file the affidavit, and that the letter and the affidavit were sent by registered or certified mail, return receipt requested, 30 or more days before the affidavit was filed to certain persons.

Provides that an affidavit filed by the judgment debtor under this Act does not serve as release of record of a judgment lien with respect to a purchaser or mortgagee of real property that acquires the purchaser's or mortgagee's interest from the judgment debtor after the judgment creditor files a contradicting affidavit in the real property records of the county in which the real property is located asserting that the affidavit filed by the judgment debtor untrue, or another reason exists as to why the judgment lien attaches to the judgment debtor's property.

Sets out the form and contents of the affidavit to be filed by the judgment debtor.

Concurrent Jurisdiction of the Attorney General Over Certain Cases—S.B. 563

By Senators Ogden and Hinojosa—House Sponsor: Representative Madden

Current law does not provide for the attorney general to seek concurrent jurisdiction over certain matters involving state property or abuse of office in the event that a local prosecutor chooses not to pursue, or is prevented from pursuing, such a case. This bill:

Authorizes the attorney general to seek concurrent jurisdiction with the consent of the local prosecutor in certain cases involving the use, unlawful appropriation, or misapplication of state property, including state funds; offenses an element of which occurs on state property; or cases arising under Chapter 39, Penal Code (which pertains to abuse of office).

Increases the penalty for the offense of improper sexual activity with a person in custody under Section 39.04(a)(2), Penal Code, if the offense is committed against a juvenile offender detained in or committed to a correctional facility the operation of which is financed primarily with state funds.

Providing Notice to Certain Beneficiaries of a Will—S.B. 593

By Senator Wentworth—House Sponsor: Representative Harnett

Under current law, only the beneficiaries of wills being probated more than four years after the death of the testator currently receive notice of the will. Beneficiaries of wills where an independent executor is appointed may not learn of the will or their rights until it is too late for them to take steps to protect their interests. This bill:

Requires the personal representative of the decedent's estate, including an independent executor or independent, not later than the 60th day after the date the decedent's will is admitted to probate, to give notice that complies with this Act to each beneficiary named in the will whose identity and address are known to the personal representative or, through reasonable diligence, can be ascertained.

Requires the personal representative, if the personal representative later becomes aware of the identity and address of a beneficiary who was not given notice on or before the 60th day, to give the notice as soon as possible after becoming aware of that information.

Sets out how the personal representative must give notice to certain specified beneficiaries, such as a beneficiary that is a trust or has a court-appointed guardian or conservator.

Provides that the personal representative is not required to give the notice required by this Act to a beneficiary who made an appearance in the proceeding with respect to the decedent's estate before the will was admitted to probate, or received a copy of the will that was admitted to probate and waived the right to receive the notice in an instrument filed with the court that acknowledges the receipt of the copy of the will and is signed by the beneficiary.

Sets out what must be included in the notice required under this Act, and requires the notice to be sent by registered or certified mail, return receipt requested.

Requires the personal representative, not later than the 90th day after the date of an order admitting a will to probate, to file with the clerk of the court in which the decedent's estate is pending a sworn affidavit of the personal representative, or a certificate signed by the personal representative's attorney, stating certain information.

Provides that the affidavit or certificate required under this Act may be included with any pleading or other document filed with the clerk of the court if the pleading or other document is filed not later than the date the affidavit or certificate is required to be filed under this Act.

Amends Section 6.02 of H.B., 80th Legislature, Regular Session, 2007, as effective September 1, 2007, to provide that the changes in law made by Article 6 (Written Wills Not Produced) apply only to the estate of a decedent who dies on or after the effective date of that article.

Child Support Obligation of Deceased Child Support Obligor—S.B. 617

By Senator Wentworth—House Sponsor: Representative Dutton

Current law terminates the child support order immediately upon the death of the obligor. The obligor's estate is liable for arrearages and associated interest, but not the prospective support obligation. This bill:

Provides that if the child support obligor dies before the child support obligation terminates, the remaining unpaid balance of the child support obligation becomes payable on the date the obligor dies.

Requires the court of continuing jurisdiction to determine the amount of the unpaid child support obligation for each child of the deceased obligor.

Requires the court, in determining the amount of the unpaid child support obligation, to consider all relevant factors, including certain factors.

Requires the court, after considering all relevant factors and making certain determinations, to render an order terminating the child support obligation or to render a judgment in favor of the obligee, for the benefit of the child, in the amount of the unpaid child support obligation determined by the court.

Grants the obligee a claim, on behalf of the child, against the deceased obligor's estate for the unpaid child support obligation and authorizes the obligee to present the claim in the manner provided by the Texas Probate Code.

Requires the obligee, if money paid to the obligee for the benefit of the child exceeds the amount of the unpaid child support obligation remaining at the time of the obligor's death, to hold the excess amount as constructive trustee for the benefit of the deceased obligor's estate until the obligee delivers the excess amount to the legal representative of the deceased obligor's estate.

Authorizes a court to order a child support obligor to obtain and maintain a life insurance policy, including a decreasing term life insurance policy, that will establish an insurance-funded trust or an annuity payable to the obligee for the benefit of the child to satisfy the support obligation under the child support order in the event of the obligor's death.

Requires the court, in determining the nature and extent of such policy, to consider all relevant factors.

Authorizes the court to require the child support obligor to provide proof satisfactory to the court verifying compliance with the order to obtain and maintain a life insurance policy.

Provides that claims for unpaid child support obligations are classified as Class 4 (the class of a claim against an estate determines the priority of those claims against the estate; there are eight classes).

Provides that a child support order terminates on the date on which the child begins active service if the child enlists in the United States armed forces.

Authority of Judges in Asbestos-Related and Silica-Related Injury Cases—S.B. 749

By Senator Janek—House Sponsor: Representative Hartnett et al.

Legislation passed by the 79th Legislature, Regular Session, 2005, established multidistrict litigation (MDL) pretrial courts to assist in expediting action involving asbestos-related or silica-related injuries. However, many actions involving plaintiffs diagnosed with malignant asbestos-related cancer or malignant silica-related cancer continue to stall in the Texas court system, and some injured plaintiffs succumb to their illness before they appear in court. This bill:

Makes the presiding judge a party in interest for the limited purpose of requesting a writ of mandamus from appellate courts to enforce priority in setting hearings and trials for asbestos-related or silica-related cases in which the exposed person is living and has been diagnosed with malignant mesothelioma, malignant silica-related or asbestos-related cancer, or acute silicosis.

Authorizes additional compensation and staffing for presiding judges who take on the additional workload.

Genetic Testing in Proceedings to Declare Heirship—S.B. 1624

By Senator Watson—House Sponsor: Representative Gonzales

Disputed parentage, without genetic testing, relies completely on the veracity of witnesses. Currently, probate court judges use the provisions of the Uniform Parentage Act (UPA) or Chapter 160 (Uniform Parentage Act or UPA), Family Code, regarding genetic testing but there are no set guidelines to assist probate court judges in using those provisions. In order for probate lawyers to take advantage of UPA provisions, a UPA proceeding and heirship proceeding must be joined. Probate lawyers and judges are not always comfortable using the Family Code. Conversely, family court lawyers and judges rarely venture into the probate courts.

It is necessary to set out statutory guidelines for the use of genetic testing by probate lawyers and probate courts to resolve heirship issues and also to clarify that the probate courts have the option and authority to order genetic testing as provided under Chapter 160, Family Code. This would allow claims of parentage to be determined quickly, efficiently, and economically. This bill:

Authorizes a court in a proceeding to declare heirship to order one or more specified individuals to submit to genetic testing as provided for in Chapter 160 and requires the court to do so on the request of a party to the proceeding.

Authorizes a court to enforce such order by contempt.

Requires that the cost of genetic testing section must be advanced by a party to the proceeding who requests the testing, as agreed by the parties and approved by the court, or as ordered by the court.

Requires the court to order additional genetic testing if a party to the proceeding contests the results of the genetic testing, requests that additional testing be conducted, and pays for the additional testing in advance.

Authorizes a court, if a sample of an individual's genetic material that could identify another individual as the decedent's heir is not available for purposes of conducting genetic testing, on a finding of good cause and that the need for genetic testing outweighs the legitimate interests of the individual to be tested, to order certain persons to submit a sample of genetic material for the testing under circumstances the court considers just.

Authorizes a court, on a showing of good cause, to order genetic testing of a deceased individual under this Act including, if necessary, the removal of the remains of the deceased individual as provided by Section 711.004 (Removal Of Remains), Health and Safety Code.

Makes it a Class A misdemeanor if an individual intentionally releases an identifiable sample of the genetic material of another individual that was provided for purposes of genetic testing ordered under this Act, the release is for a purpose not related to the proceeding to declare heirship, and the release was not ordered by the court or done in accordance with written permission obtained from the individual who provided the sample.

Provides that a report of the results of genetic testing ordered under this Act must comply with the requirements for a report prescribed by Section 160.504 (Report of Genetic Testing), Family Code, and is

admissible in a proceeding to declare heirship under this Act as evidence of the truth of the facts asserted in the report.

Provides that a man is rebuttably identified as the father of a child if the genetic testing complies with this Act and the Family Code and the results disclose that the man has at least a 99 percent probability of paternity, using a prior probability of 0.5, as calculated by using the combined paternity index obtained in the testing, and a combined paternity index of at least 100 to 1.

Provides that a man identified as the father of a child may rebut the genetic testing results only by producing other genetic testing satisfying the requirements of this Act and the Family Code that exclude the man as a genetic father of the child, or identifies another man as the possible father of the child.

Authorizes a party to the proceeding who contests the results of genetic testing to call one or more genetic testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court.

Sets out the use of genetic testing in a proceeding to declare heirship of a decedent with respect to certain individuals.

Requires the court, in such proceeding, unless the results of genetic testing of another individual who is an heir of the decedent are admitted as rebuttal evidence, to find that the individual is an heir of the decedent if the results of genetic testing ordered under this Act identify a tested individual who is an heir of the decedent as the ancestor of the individual.

Requires the court, if the results of genetic testing exclude a tested individual who is an heir of the decedent as the ancestor of the individual, to find that the individual is not an heir of the decedent, unless the results of genetic testing of another individual who is an heir of the decedent are admitted as rebuttal evidence.

Prohibits the court, if the results of genetic testing do not identify or exclude a tested individual as the ancestor of the individual the court may not dismiss the proceeding to declare heirship, and the results of the genetic testing and other relevant evidence are admissible in the proceeding.

Authorizes a court, on the request of an individual determined by the results of genetic testing to be the heir of a decedent, and for good cause shown, to order the name of the individual to be changed and to order the bureau of vital statistics to issue an amended birth record for the individual.

Provides that a proceeding under this Act involving genetic testing is open to the public as in other civil cases, and papers and records in the proceeding are available for public inspection.

County Assistance Districts—H.B. 1720

By Representative McReynolds—Senate Sponsor: Senator Ogden

Currently, there are many counties around the state that are limited in the amount of revenue that can be raised due to other local entities within the county that have reached the two percent cap on combined sales and use tax. To address this issue, the 76th Legislature, Regular Session, 1999, passed legislation authorizing the commissioners court of a county to draw boundaries that include only areas not already at the two percent cap and to call an election creating a county assistance district within those boundaries. Voters in a district may then decide whether to raise the sales and use tax in the areas included in the district. However, due to the restrictions on eligible counties imposed in statute, no such districts are currently being used in Texas. This bill:

Repeals the statute that provides certain criteria for counties that are authorized to use a county assistance district.

Provides for cities to opt out of being included in the district before the election to create the district is called.

Provides that if more than one election to authorize a sales and use tax is held on the same day in the area of a proposed district or an area proposed to be added to a district, and if the resulting approval by the voters would cause the imposition of a local sales and use tax in any area to exceed two percent, only the district sales and use tax will be imposed.

Harris County Improvement District No. 6—H.B. 4091

By Representatives Coleman and Cohen—Senate Sponsor: Senator Ellis

Some believe that expanding Harris County Improvement District No. 6 in order to preserve the artistic and cultural character of the district, improve safety and security in the community, beautify the community in order to maintain and increase property values, provide investment opportunities, and enhance the quality of life for residents, business owners, and customers is necessary. This bill:

Expands Harris County Improvement District No. 6 to include both the east and west portions of Montrose into one management district.

Buffalo Bayou Management District—H.B. 4113

By Representatives Cohen and Coleman—Senate Sponsor: Senator Ellis

The Buffalo Bayou Management District was created by the 78th Legislature. This bill:

Amends the boundaries of the district.

Provides that the district is governed by a board of nine, rather than 31, voting directors and nonvoting directors.

Provides that voting directors serve staggered terms of four years, with the terms of four or five directors, rather than 15 or 16 directors, expiring June 1 of each odd-numbered year.

Provides that Section 375.221 (Competitive Bidding on Certain Public Works Contracts), Local Government Code, applies to the district only for a contract that has a value greater than \$25,000, rather than \$15,000.

Greater Southeast Management District—H.B. 4123

By Representatives Miles and Coleman—Senate Sponsor: Senator Ellis

The 77th Legislature created the Greater Southeast Management District due to residents' concerns about public safety and economic decline in the area. The district is authorized to impose an ad valorem tax and issue bonds to provide certain improvements and services. This bill:

Extends the territory of the Greater Southeast Management District.

Multi-Jurisdictional Library Districts—S.B. 940

By Senator Wentworth—House Sponsor: Representative Straus

Legislation passed by the 79th Legislature expanded the means by which local communities could create library districts. Municipalities and/or contiguous counties were authorized to create multi-jurisdictional library districts funded by local sales and use taxes and/or ad valorem taxes. This bill:

Clarifies how library districts may be created, which areas can join the district, how elections to impose a tax will be held, and the terms of dissolution of a library district.

Fiscal Impact of Proposed Charter Amendments—S.B. 1086

By Senator Carona—House Sponsor: Representative Hartnett

Current law provides that the governing body of a municipality may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The law further requires that the voters receive notice in connection with such an election, which must include a copy of the proposed amendment. However, there is no requirement that the voters be informed of the cost of the proposed amendment to the municipality. This bill:

Requires that the notice of election include an estimate of the anticipated fiscal impact of the proposed amendment to the municipality.

Provides that this requirement does not waive governmental immunity for any purpose.

Prohibits a person from seeking injunctive relief or any other judicial remedy to enforce the estimate of the anticipated fiscal impact on the municipality.

Removal of Special District Board Members—S.B. 1207

By Senator Hegar—House Sponsor: Representative Wayne Smith

There are many laws governing special districts. Unlike the statutes governing county and municipal officers, those statutes related to special district board members are largely silent on the issue of officeholder removal. This bill:

Creates a process by which special district board members can be removed from office.

Volunteer Fire Departments and Emergency Services Districts—S.B. 1440

By Senator Hegar—House Sponsor: Representative Hughes

Recruitment and retention of individuals for volunteer fire departments and emergency services districts may pose a public safety issue in rural areas of the state. This bill:

Requires the Office of Rural Community Affairs (ORCA) to work with interested persons to assist volunteer fire departments by providing information and identifying practices and techniques that have proven successful in other departments.

Authorizes ORCA to provide rural homeowners with information relating to the benefits of volunteer fire departments, including a reduction in homeowner insurance risk ratings, lower homeowner insurance rates, and better fire protection.

Emergency Services District Sales and Use Taxes—S.B. 1502

By Senator Zaffirini—House Sponsor: Representatives Bolton and Hill

An emergency services district (ESD) is a political subdivision established by local voters for the purpose of raising money through taxes for emergency rescue, fire, and ambulance services. Current statute authorizes the board of an ESD to increase its tax rate as high as allowed by the Texas Constitution. S.B. 1502 is designed to address the concerns of several members of the Bexar County Commissioners Court, who believe that the existing ESD tax rate increase process lacks transparency. This bill:

Authorizes an ESD to adopt, change the rate of, or abolish its sales and use tax at an election if the board of emergency services commissioners takes certain actions, including making a public presentation to the commissioners court of each county in the ESD regarding any proposed tax rate increase.

Hospital District Maximum Tax Rates and Employment—S.B. 1972

By Senator Fraser—House Sponsor: Representative Wayne Smith

The Texas Constitution currently authorizes hospital districts to impose an ad valorem tax rate up to 75 cents on \$100 valuation of all taxable property in the district. When a district is to be created, the residents of the proposed district vote on whether to create the district and, in the same election, set the limit for the maximum property tax rate.

Prior to 2003, districts had no authority to increase a tax rate that was initially set below the constitutional limit. In 2003, the legislature authorized a district to hold an election to increase the tax rate up to the constitutional limit in order to provide additional flexibility in meeting the growing health care demands of the area served. However, this subchapter is set to expire on September 1, 2008. This bill:

Eliminates the current sunset date, so that hospital districts may call an election to raise the maximum tax rate at any time.

Clarifies the language to be used in the ballot to vote on a measure to increase the maximum tax rate.

Authorizes the board of directors of a hospital district to employ physicians or other health care providers as the board considers necessary for the efficient operation of the district.

Provides that the board of directors of a hospital district is not authorized to supervise or control the practice of medicine, as prohibited by the Occupations Code.

Compensation of Chief Appraisers—H.B. 35

By Representative Solomons et al.—Senate Sponsor: Senator Seliger

Current law does not specifically prohibit certain incentives for chief appraisers to increase property tax appraisals. This bill:

Prohibits the compensation of a chief appraiser from being linked, directly or indirectly, to an increase in the total market, appraised, or taxable value of property in the appraisal district.

Regulation of Fireworks and Fireworks Displays—H.B. 539

By Representative Wayne Smith et al.—Senate Sponsor: Senator West

There has been confusion regarding the statutory authority of counties to restrict the sale and use of fireworks, as well as other issues relating to fireworks and firework displays. This bill:

Adds certain types of pop rockets and wire sparklers to the list of non-permissible fireworks.

Provides a period beginning May 1 and ending at midnight on May 5, during which a retail fireworks permit holder is authorized to sell fireworks to the public if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border, and if the commissioners court of the county has approved the sale of fireworks during the period.

Prohibits the selling or offering for sale of fireworks to children under 16, rather than 12, years of age.

Prohibits the employment of certain minors to manufacture, distribute, sell, or purchase fireworks.

Authorizes the commissioners court of a county by order to prohibit or restrict the sale or use of restricted fireworks in the unincorporated area of the county in which drought conditions are determined to exist on average.

Authorizes a county that issues an order restricting or prohibiting the sale or use of fireworks to designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of restricted fireworks is not prohibited.

Development Agreements—H.B. 1472

By Representative Miller et al.—Senate Sponsor: Senator Wentworth

Municipalities have no alternative to annexation when they wish to use agricultural or wildlife management use land owned by agricultural producers. This bill:

Prohibits a municipality from annexing certain lands unless the municipality offers to make a development agreement with the landowner that would guarantee the continuation of the area's extraterritorial status and authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture, wildlife management, or timber, and the landowner declines to make such an agreement.

Abatement of Public Nuisances—H.B. 1551

By Representative Hochberg et al.—Senate Sponsor: Senator West

Current law allows a bond to be posted that permits a property to remain open or a business to continue operating after the location has been cited as a public nuisance by law enforcement and after court action has been taken against the owners of such property. This bill:

Eliminates the ability of a defendant to continue maintaining a public nuisance after the defendant has been sanctioned by the courts.

Provides jurisdictions further means by which to abate the occurrence of illegal activities at certain locations, including multi-family residential sites, hotels, motels, and other businesses where such illegal activities may occur.

Urban Land Bank Demonstration Programs—H.B. 1742

By Representative Giddings—Senate Sponsor: Senator West

The original land bank legislation adopted during the 78th Legislature, Regular Session, 2003, required greater focus on low-income home ownership and limited to unimproved land those foreclosures eligible for land bank acquisition. According to some stakeholders, current law does not provide the City of Dallas the latitude and immunity from liability and tax treatment necessary to operate a land bank. This bill:

Makes several changes to facilitate operation of an urban land bank and to accomplish the goal of providing a mixed-income strategy in the development of a land bank's target area.

Prohibits the Texas Commission on Environmental Quality (TCEQ) from naming an urban land bank as a responsible party for an enforcement action or from requiring the land bank to reimburse remediation costs for a site if TCEQ has conducted an investigation of a site owned or operated by the land bank and has made certain determinations regarding contaminants and determines that the land bank could not have reasonably known about the contaminants at the time the land bank purchased the site.

Provides that an urban land bank or an officer or employee of the land bank is not a responsible party for solid waste released or threatened to be released from a facility or at a site if the land bank acquired ownership or control of the facility or site through a tax delinquency and the land bank, officer, or employee did not cause or contribute to the release or threatened release of solid waste at the facility or site.

Design-Build Process for Local Civil Works Projects—H.B. 1886

By Representative Callegari—Senate Sponsor: Senator West

The design-build process is available to local governments in building construction, but other public works projects are required to be contracted through a competitive bidding process. This bill:

Creates a design-build process for civil works projects.

Allows certain local governmental entities to use the design-build process on a phased basis.

Expands the use of competitive sealed proposals and construction manager-at-risk civil works projects.

Requires governmental entities to designate or select architects or engineers for job order contracting projects that require certain engineering or architectural services.

Prohibits the use of interlocal contracts between governmental entities and purchasing cooperatives to purchase engineering or architectural services.

Local Government Transportation Corporations—H.B. 2090

By Representatives Hill and Robby Cook—Senate Sponsor: Senator Carona

Under current law, cities and counties are authorized to form local government transportation corporations to accomplish any governmental purpose of the local government. However, municipal and county hospital districts do not have such authority. Some stakeholders believe that providing this authority to hospital districts may aid them in remaining competitive with other health care providers. This bill:

Includes hospital districts and authorities in the list of entities eligible to form a local government transportation corporation to accomplish any governmental purpose of the local government.

Expansion of Governmental Entities into Extraterritorial Jurisdictions—H.B. 2091

By Representative Hill—Senate Sponsor: Senator Wentworth

Current law requires that before a special district is created to provide water, sewer, roadway, or drainage in the extraterritorial jurisdiction (ETJ) of a municipality, the municipality's consent is required to avoid duplication of utility services, roads, or provision of other services if they will be provided by the municipality. However, the law does not address districts that already exist outside of a municipality's ETJ but wish to expand into the ETJ. This bill:

Clarifies that the expansion of territory by an existing district, if such expansion is inside the ETJ of a municipality, must follow the same procedures as if the political subdivision were being created.

Eligibility of Counties for Federal Programs—H.B. 2095

By Representative Guillen—Senate Sponsor: Senator Zaffirini

Many federal programs are designated specifically for cities and certain programs, such as a mass transit program administered by the Texas Department of Transportation, are reserved for municipalities or counties with an incorporated municipality. This bill:

Provides that a county that has the power to enact ordinances under Section 81.033 (Power of Commissioners Court in County With No Incorporated Territory), Local Government Code, is eligible as if it were a municipality for the purpose of participating in any federal or state program that provides grants, loans, or other assistance to municipalities.

Authority of Municipalities to Regulate Limousines—H.B. 2338

By Representative Bailey—Senate Sponsor: Senator Gallegos

Current statute authorizes municipalities to regulate taxicab transportation services. The City of Houston regulates limousines by ordinance that includes licensing, permitting fees, inspection, insurance, driver requirements, and fares. Limousine operators have questioned the City of Houston's authority to regulate their businesses. This bill:

Authorizes municipalities with a population of more than 1.9 million to license, control, and regulate limousine transportation services.

Lease of Property by Political Subdivisions—H.B. 2618

By Representative Guillen—Senate Sponsor: Senator Zaffirini

Under current statute, counties are not authorized to lease property to other governmental entities for the purposes of joint ventures without completing a competitive bidding process. Other non-governmental entities or persons often bid on county property, frustrating the attempt of the county and the governmental entity to further a joint activity. While a commissioners court is authorized to reject all bids, some stakeholders believe that the required competitive bidding process creates undue hardship and unnecessary expense. This bill:

Authorizes political subdivisions to lease directly to a governmental entity without being required to comply with competitive bidding procedures.

Civil Service for Firefighters and Police Officers in Certain Municipalities—H.B. 3352

By Representative Woolley—Senate Sponsor: Senator Whitmire

As of 1997, Subchapter J (Local Control of Police Officer Employment Matters in Municipalities With Population of 1.5 Million or More), Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code, enables the Houston Police Department to enter into a meet and confer contract agreements with the City of Houston. To that end, the first contract was negotiated between these parties in 1998. Since 1998, a number of changes have been made by agreement at the local governmental entity level to acts that are controlled by Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code. This bill:

Provides that Section 143.025 (Entrance Examinations), Local Government Code, does not apply to a police department located in a municipality with a population of 1.5 million or more.

Substitutes "independent third party hearing examiners" for the term "arbitrators" in Section 143.057 (Hearing Examiners), Local Government Code, regarding the appeal by a police officer or firefighter of a disciplinary action or promotional bypass.

Requires that a fire fighter or police officer be given at least 15 days notice of a rescheduled hearing date under 143.1015 (Commission Appeal Procedure; Subpoena Request), Local Government Code.

Provides that a municipal employee who is subpoenaed to appear as a fact witness in any appeal of a disciplinary decision is entitled to applicable pay for the time the employee is required to be present at the hearing.

Requires the hearing examiner be an independent third party hearing examiner under Section 143.1016 (Hearing Examiners), Local Government Code.

Provides that various provisions of Section 143.1016 do not apply if the parties have an agreement pursuant to Subchapter J (Local Control of Police Officer Employment Matters in Municipalities With Population of 1.5 Million or More), Local Government Code.

Requires the Fire Fighters' and Police Officers' Civil Service Commission to provide for open, competitive, and free entrance examinations to provide eligibility lists for beginning peace officer positions in the police department.

Provides that the examinations are open to each person who makes a proper application, has been admitted to or is enrolled in a police officer training academy as an academy trainee, and meets the requirements prescribed by law.

Limits the administration of the entrance examination to examinees who are admitted to a police officer training academy but have not yet graduated from the academy.

Requires that an eligibility list for a beginning peace officer position in the police department be created only as a result of the examination.

Requires that the examination must be based on the examinee's general knowledge and aptitude and inquire into the examinee's general education and mental ability.

Provides that a person may not be appointed to the police department except as a result of the examination.

Bars an examinee from taking an examination unless at least one other examinee taking the examination is present.

Requires that the entrance examination for beginning peace officer positions in the police department must be held at one or more locations in the municipality in which the police department is located and may be held at additional locations outside the municipality, and be administered on the same day and at the same time at each location at which it is given if the examination is held at multiple locations.

Provides that to create one eligibility list, each member of a police officer training academy class must take the examination at the same time and examinees must take the same examination and be examined in the presence of other examinees.

Requires that an additional five points be added to the examination grade of an examinee who served in the United States armed forces, received an honorable discharge from that service, and made a passing grade on the examination.

Sets out how the grade for the examination must be computed and provides that the minimum passing grade on the examination is 70 percent. An examinee must pass the examination to be placed on an eligibility list.

Provides that a person is eligible for a beginning position in a police department if the person has been employed full-time for at least five years as a peace officer licensed by the Commission on Law Enforcement Officer Standards and Education, or an acceptable licensing entity in another state that has law enforcement officer licensing requirements substantially equivalent to those of Chapter 1701 (Law Enforcement Officers), Occupations Code.

Removes from the definition of "police employee group" a requirement that participants pay dues via automatic payroll deduction.

Requires a public employer that has recognized a police employee group as the sole and exclusive bargaining agent under Section 143.354 (Recognition of Police Employee Group), Local Government Code, to deduct police employee group dues via automatic payroll deduction for members of that employee group. Automatic payroll deduction for members of other police employee groups may be authorized by agreement between the chief executive officer of the public employer and the recognized bargaining agent.

County Authority to Address Improper Discarding of Refuse—H.B. 3581

By Representative Charlie Howard—Senate Sponsor: Senator Wentworth

Chapter 343 (Abatement of Public Nuisances), Health and Safety Code, governs the abatement of public nuisances in the unincorporated areas of Texas counties and gives counties the authority to abate nuisances in such areas. This bill:

Expands the definition of a public nuisance to include the discarding of refuse on property that is not authorized for that activity.

Authorizes a county or district court by injunction to abate or otherwise remedy a violation of a public nuisance in the unincorporated area of the county and award abatement costs to certain persons.

Authorizes a county, if it adopts certain abatement procedures, to abate a nuisance by removal, remediation, storage, transportation, disposal, or other means of waste management authorized under Chapter 361 (Solid Waste Disposal Act), Health and Safety Code.

Provides that management, remediation, storage, transportation, disposal costs, damages, and other expenses incurred by the county in abating the nuisance can be assessed by the county.

Authority of Political Subdivisions to Change General Election Dates—H.B. 3619

By Representatives Raymond and Guillen—Senate Sponsor: Senator Zaffirini

Current law prohibits the governing body of a political subdivision other than a county from changing the date on which it holds its general elections to another authorized uniform election date after December 31, 2005. Some stakeholders wish to provide for such authority. This bill:

Authorizes the governing body of a political subdivision other than a county, not later than December 31, 2008, to change the date on which it holds its general elections to another authorized uniform election date.

Swimming Pools Considered Public Nuisances—S.B. 680

By Senator Williams—House Sponsor: Representative Murphy

Under Chapter 343, Health and Safety Code, unsecured pools on abandoned and unoccupied property are considered a public nuisance. In counties of over 1.1 million inhabitants, unsecured pools on any property in a neighborhood, whether abandoned or not, are also considered a nuisance. The law requires that the pool must be protected by a fence at least four feet in height with a latch that cannot be opened by a child, or have a cover entirely over the pool that cannot be removed by a child. Such nuisances are generally investigated by county health departments. However, upon discovering a violation, their options beyond the costly action of demolition and removal are limited. Moreover, no action may be taken before the completion of a hearing process. This bill:

Adds a requirement that the fence be locked and the pool covered.

Allows counties to immediately secure an abandoned pool by installing a locked fence and a cover over the pool prior to the hearing process.

Allows counties to abate the nuisance posed by abandoned pools by installing a locked fence and cover or draining and filling the pool.

County Accounting Procedures—S.B. 1106

By Senator Watson—House Sponsor: Representative Farabee

The Texas Association of County Auditors has identified four statutes that it says have inadvertently created conflict, confusion, or redundancy in the financial processes of county government. This bill:

Clarifies how financial documents are to be expunged.

Pushes the annual audit deadline back 30 days.

Removes a redundancy in the timing of jail commissary audits.

Authorizes a county to withhold payments to persons indebted to the county for taxes or other reasons.

Prohibition of Open Containers in Certain Areas of Certain Municipalities—S.B. 1238

By Senator Ellis—House Sponsor: Representative Veasey

Current statute prohibits the sale of alcohol within 300 feet of a church, public or private school, or public hospital; however expansion of the prohibitions to rural areas and to other institutions appears to be warranted. This bill:

Authorizes a county commissioners court to enact regulations applicable in parts of the county outside an incorporated city or town, and the governing board of an incorporated city or town to enact regulations applicable in that municipality, that prohibit the possession of an open container or the consumption of an alcoholic beverage on a public street, alley, or sidewalk within 1,000 feet of the property line of a homeless shelter or substance abuse treatment center that is not located in a central business district.

Provides that if such regulations are enacted, the commissioners court or governing board may enact regulations allowing the suspension of the prohibition for special temporary events.

Fees Charged for Public Health Services—S.B. 1380

By Senator Shapleigh—House Sponsor: Representative Naishtat

Currently, certain facilities are charged a higher fee for health inspections when they are located within the city limits of El Paso. An identical business located outside the city limits is charged significantly less. The City of El Paso may charge higher fees for public health services than does the county. This bill:

Authorizes a uniform fee for a public health service throughout the jurisdiction of a public health district regardless of which governmental entity member of the district charges the fee.

Authorizes the fee to be set at an amount up to the highest amount charged by any governmental entity member of the district.

Municipal Uses for Other Events Trust Fund (OETF)—S.B. 1424

By Senator Brimer et al.—House Sponsor: Representative Todd Smith et al.

Under current law, only municipalities with a population of at least 850,000 are able to access funds from the Other Events Trust Fund (OETF). OETF was created to provide cities and counties with money to attract special events, such as the Super Bowl, the Pan American Games, the Olympics, All-Star Games, the Final Four Tournament, and others. The new stadium for the Dallas Cowboys is currently being constructed in the City of Arlington and will be completed by 2009. At the time the legislation was proposed, this region was in the process of submitting a bid to host the 2011 Super Bowl and before the legislation was passed the region was awarded the Super Bowl for the year of 2011. In order for every entity in this region to have the ability to access money from the fund, the current population requirement for accessing the fund needs to be removed. This bill:

Strikes the 850,000 population requirement for a municipality to be considered an endorsing municipality in order to receive funds from OETF.

Requires the comptroller of public accounts (comptroller) to determine the incremental increases in certain taxes directly attributable to the preparation for and presentation of a specified game and related events six months before the date of a game upon request of an endorsing municipality, local organizing committee, or endorsing county.

Requires the comptroller to provide an estimate six months before the date of a specified game upon request of an endorsing municipality, local organizing committee, or endorsing county of the total amount of tax revenue that would be deposited in OETF.

City of Addison Alcohol Regulation—S.B. 1735

By Senator Shapiro—House Sponsor: Representative Jackson

Currently, a local option election for the sale of alcoholic beverages can be called and held in either a county, a justice precinct, or a municipality. In 1976, the Town of Addison held a local option election at which the voters approved the sale of alcohol for off-premise and on-premise consumption. In 1982, the town conducted a charter amendment election, at which the voters approved an amendment to the charter which limits the sale of alcoholic beverages for off-premise consumption to a particular area of Addison. This statute remains in place today, so alcohol for off-premise consumption can be sold only in the area designated in the town charter. This bill:

Clarifies that a home-rule charter continues to control within the limits of the municipality, if a local option election is held in a county or in a justice precinct with a population of less than 15,000 that is wholly located in a certain county or adjacent to a certain county.

Municipal Competitive Bidding and Historically Underutilized Businesses—S.B. 1765

By Senator Watson—House Sponsor: Representative Martinez Fischer

Currently, a city is required to competitively bid all purchases of goods or services over \$25,000, and contact at least two historically underutilized businesses (HUBs) for all contracts between \$3,000 and \$25,000. This bill:

Increases to \$50,000 the purchase price at which a city is required to contact at least two HUBs.

Includes an exemption for an expenditure for advertising, other than legal notices.

Cruelty to Livestock Animals and Nonlivestock Animals—H.B. 2328

By Representative Woolley et al.—Senate Sponsor: Senator Whitmire

Under Section 42.09 (Cruelty to Animals), Penal Code, certain acts of violence toward animals have escaped prosecution. This bill:

Changes the heading to Section 42.09 to "Cruelty To Livestock Animals" and makes conforming changes.

Provides that the following offenses are enhanced as a state jail felony if the person has previously been convicted two times under Section 42.092, or one time under Section 42.09 and one time under Section 42.092:

- fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;
- abandons unreasonably a livestock animal in the person's custody;
- transports or confines a livestock animal in a cruel and unusual manner; or
- seriously overworks a livestock animal.

Provides that the following offenses are enhanced to a third degree felony if the person has previously been convicted two times under Section 42.092, two times under Section 42.09, or one time under 42.09 and one time under Section 42.092, and the person:

- tortures a livestock animal;
- administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
- causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;
- uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack; or
- trips a horse.

Strikes the following offenses from Section 42.09:

- killing or seriously injuring a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent; and
- injuring an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent.

Removes the defense to prosecution under Section 42.09 that the animal was discovered on the person's property in the act of or immediately after injuring or killing the person's goats, sheep, cattle, horses, swine, or poultry and that the person killed or injured the animal at the time of this discovery, or the person had a reasonable fear of bodily injury to the person or to another by a dangerous wild animal as defined by the Health and Safety Code.

Provides exceptions from Section 42.09 for conduct occurring solely for the purpose of or in support of wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law.

Adds Section 42.092 (Cruelty to Nonlivestock Animals) to the Penal Code.

Makes it a Class A misdemeanor for a person to intentionally, knowingly, or recklessly fail unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody; abandon unreasonably an animal in the person's custody; transport or confine an animal in a cruel manner; without the owner's effective consent, cause bodily injury to an animal; or seriously overwork an animal. Provides that such offense is a state jail felony if the person has previously been convicted two times under Section 42.092, two times under Section 42.09, or one time each under Section 42.092 and Section 42.09.

Makes it a state jail felony for a person to intentionally, knowingly, or recklessly torture an animal or in a cruel manner kill or cause serious bodily injury to an animal; without the owner's effective consent, kill, administer poison to, or cause serious bodily injury to an animal; cause one animal to fight with another animal, if either animal is not a dog; or use a live animal as a lure in dog race training or in dog coursing on a racetrack. Provides that such offense is a third degree felony if the person has previously been convicted two times under Section 42.092, two times under Section 42.09, or one time each under Section 42.092 and Section 42.09.

Provides that it is a defense to prosecution under this Section 42.092 that the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by the Health and Safety Code, or the actor was engaged in bona fide experimentation for scientific research.

Provides that it is a defense to prosecution for killing or causing serious bodily injury or injury to an animal that the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.

Provides that certain exceptions to the application of Section 42.092 for conduct that is a generally accepted and otherwise lawful a form of conduct occurring solely for the purpose of or in support of fishing, hunting, or trapping, or wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law, or animal husbandry or agriculture practice involving livestock animals.

Provides that Section 42.09 and Section 42.092 do not create a civil cause of action for damages or enforcement.

Adds reference to Section 42.092 to Section 54.0407 (Cruelty to Animals; Counseling Required), Family Code; Section 821.023 (Hearing; Order of Disposition or Return of Animal), Health and Safety Code; Section 801.3585 (Liability for Reporting Animal Cruelty; Immunity), Occupations Code; and Section 1702.283 (Cruelty to Animals), Occupations Code

The Texas Organic Agricultural Industry Advisory Board—H.B. 2345

By Representatives Anderson and Aycock—Senate Sponsor: Senator Watson

Currently, the Texas Department of Agriculture (TDA) has a National Organic Standards accredited program to certify organic products but has no program or activity that specifically monitors, promotes, or expands the organic industry in Texas. This bill:

Creates a Texas Organic Agricultural Industry Advisory Board at TDA.

Exotic Livestock—H.B. 3300

By Representative Phillips—Senate Sponsor: Senator Estes

The exclusion of llamas and alpacas within the current definition of livestock in the Texas Agriculture Code has made it difficult for some llama and alpaca owners to obtain farm or ranch liability insurance and not all Texas counties have an allowance determination for agricultural valuations for llamas and alpacas. This bill:

Adds llamas, alpacas, and exotic livestock to the existing definition of livestock in the Texas Agriculture Code.

Standardizes the classification of llamas and alpacas in all counties without having any impact on their agricultural valuation for tax purposes.

Inspector of Hides and Animals—H.J.R. 69

By Representative Heflin—Senate Sponsor: Senator Seliger

The office of inspector of hides and animals (office) was established in 1871 and filled by appointment by the governor for a four-year term. The office was to aid in the prevention of cattle theft by a thorough inspection of all hides and animals shipped out of the county for sale. The office became elective and the term was shortened to two years in 1876 and few counties continued the office in the 1990s. This bill:

Proposes a constitutional amendment to abolish the constitutional authority for the office of inspector of hides and animals.

Disaster Contingency Fund and Agricultural Producers—S.B. 1339

By Senator Estes—House Sponsor: Representative Chisum

Currently, there are no state funds available to assist agricultural producers who have been negatively affected by drought and wildfires and agricultural producers have had to rely on the federal government to help fund a response to such disasters. This bill:

Allows money in the disaster contingency fund to be made available to a state or local agency for the purpose of providing assistance to agricultural producers who have suffered loss caused by severe drought or wildfires.

Animal Control Officers—S.B. 1562

By Senator Hinojosa—House Sponsor: Representative Phil King

Animal control officers are responsible for protecting the public from disease or injury caused by animals. Currently, no mandatory training is required for animal control officers in Texas. This bill:

Requires an animal control officer of a county or municipality to complete a basic animal control course by a certain date.

Requires the Department of State Health Services (DSHS) to prescribe the standards and curriculum for basic and continuing education animal control courses.

Authorizes DSHS and any authorized animal control course sponsor to charge reasonable fees to cover the cost of arranging and conducting an animal control course.

Leak Detection for Air Contaminants—H.B. 1526*By Representative Wayne Smith—Senate Sponsor: Senator Seliger*

Currently, regulated entities are required to go through a systematic leak detection and repair program established by the Texas Commission on Environmental Quality (TCEQ) in order to detect leaks or emissions of air contaminants from certain components. Current law does not address alternative leak detection technologies which offer technological advancement in the detection of leaks and emissions from previously unrecognized sources. This bill:

Requires TCEQ to establish a program encouraging the voluntary use of supplemental leak detection technologies.

Enhancement of Air Quality—S.B. 12*By Senator Averitt et al.—House Sponsor: Representative Bonnen et al.*

The Dallas-Fort Worth and Houston-Galveston-Brazoria areas of the state do not currently meet air quality standards for ozone, and the largest contributor to the formation of ozone in these two regions are mobile resources, such as automobiles and diesel engines found in the construction equipment. Federal law precludes state regulation of mobile emissions but the state has developed the Texas Emissions Reduction Program (TERP) and the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), aimed at reducing mobile emissions. This bill:

Increases the scope of TERP and LIRAP to reduce emissions from mobile sources.

Increases the number of individuals eligible for grants under LIRAP.

Increases the amount of the grant for purchase of a new vehicle.

Provides updating of building energy codes.

Establishes new energy efficiency requirements for appliances sold in Texas.

Requires state agencies to purchase equipment and appliances for state use, if available and cost effective, that meet or exceed the federal Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy.

Provides efficiency standards for school districts, institutions of higher education, state agencies, and governmental entities in counties.

Specifies when the Texas Commission on Environmental Quality can limit idling by vehicles.

Requires the Public Utility Commission to establish a demonstration project for solar electric systems for new residential subdivisions, new or established affordable housing, and not more than three small businesses.

Clean Air Interstate Rule—S.B. 1672

By Senator Averitt—House Sponsor: Representative Bonnen

Federal law requires Texas to participate in the Environmental Protection Agency (EPA)-administered interstate cap and trade program through the incorporation of the federal Clean Air Interstate Rule (CAIR). Current law also provides specific direction for the methodology to be used in allocating the nitrogen oxide (NOx) trading budget provided to Texas, identifies an amount of CAIR NOx allowances to be set aside for new sources, and specifies that reductions associated with CAIR are required only from new and existing electric generating units. This bill:

Updates state law to match the federal timeline and changes the reference to the federal rules.

Authorizes the Texas Commission on Environmental Quality (TCEQ) to require emissions reductions only for electric generating units.

Changes the timeline for making allocation of emissions in the state statutes to reflect federal law.

Requires TCEQ to make permanent allocations using the EPA's allocation method.

Preconstruction Permit Review and Renewal—S.B. 1673

By Senator Averitt—House Sponsor: Representative Bonnen

Under current law, a preconstruction permit for an air emission source issued on or after December 1, 1991, is subject to review and renewal every 10 years. For cause, the Texas Commission on Environmental Quality (TCEQ) may establish permit terms between five and 10 years. This bill:

Allows TCEQ to undertake a complete permit renewal if a preconstruction permit comes up for a major amendment within the last three years of the permit.

Nitrogen Oxide Emissions Reduction—S.B. 2000

By Senator Eltife—House Sponsor: Representative Bonnen

The United States Environmental Protection Agency (EPA) announced new national air quality standards for ground-level ozone in 1997. In 2002, Northeast Texas Air Care (NTAC) entered into an early action compact agreement with EPA and the Texas Commission on Environmental Quality (TCEQ) to avoid nonattainment under the new eight-hour ozone standard. In 2004, NTAC received an EPA grant for a pilot program to demonstrate retrofit technologies to abate nitrogen oxide emissions from natural gas compressor engines. This bill:

Creates an incentive program for nitrogen oxide emissions reductions from rich-burn compressor engines throughout this state by installing nonselective catalytic reduction systems.

Provides for partial reimbursement of the capital costs of installing such systems.

Laser Sighting Devices and Legally Blind Hunters—H.B. 308

By Representative Kuempel—Senate Sponsor: Senator Estes

Current law does not prohibit a person, including a person who is handicapped, from hunting as long as the person has acquired a hunting license from the state and completed a hunter safety course. Persons who are visually impaired are authorized to hunt game animals with the aid of a person who is not visually impaired, but current law prohibits hunting with the aid of an artificial light, including laser sight devices. This bill:

Authorizes a person who is legally blind to use a laser sighting device while hunting during regular hunting hours and when assisted by a person who is not legally blind.

Requires the legally blind hunter to carry proof of being legally blind.

Oil and Gas Exploration Permitting Notice—H.B. 630

By Representative Phil King et al.—Senate Sponsor: Senator Estes

Current law contains no provision to address the issuance of notice of oil and gas operations to landowners and landowners are sometimes unaware that an oil and gas exploration and production company has a permit to use the landowner's land. This bill:

Requires an oil and gas exploration and production company to give written notice to a landowner within 15 days of receiving a drilling permit.

Requires notice to be provided to the first name on tax appraisal rolls.

Authorizes the landowner and driller to contract around the provision.

Clarifies that this law does nothing to change the dominance of the mineral estate.

Provides that this requirement applies only to the drilling of a new oil or gas well or the reentry of a plugged or abandoned oil or gas well.

Kickapoo Traditional Tribe and Deer Hunting—H.B. 971

By Representative Tracy King—Senate Sponsor: Senator Uresti

The Kickapoo Traditional Tribe of Texas, one of three federally recognized Native American tribes in Texas, embraces deer as a sacred creature and the tribe incorporates the Texas antlerless white-tailed deer into the tribe's religious ceremonies.

Current law does not provide any exception to the prohibition against hunting, catching, or possessing a game bird or animal, unless permitted by a proclamation issued by the Texas Parks and Wildlife Commission (TPWC). This bill:

Authorizes documented members of the Kickapoo Traditional Tribe of Texas to hunt antlerless white-tailed deer year round in order to conduct religious ceremonies.

Generating Renewable Energy—H.B. 1090

By Representative Swinford et al.—Senate Sponsor: Senator Jackson

Biomass is organic matter that can be processed into energy through power generation or liquid fuels. Sources of biomass include agricultural residues, debris, and crops, wood, plants, animal waste, and organic components of municipal and industrial wastes. This bill:

Requires the Texas Department of Agriculture (TDA), with the assistance of the Texas Commission on Environmental Quality (TCEQ) and the Public Utility Commission (PUC), to establish an Agricultural Biomass and Landfill Diversion Incentive Program to provide grants to farmers, loggers, and diverters who provide agricultural biomass.

Texas Commission on Environmental Quality Electronic Reporting—H.B. 1254

By Representative Bonnen—Senator Sponsor: Senator Averitt

The Texas Commission on Environmental Quality (TCEQ) electronic permitting system allows applicants to file a permit application, pay associated fees, and print a permit authorization. TCEQ can also file several high-level required reports electronically. This bill:

Authorizes TCEQ to adjust fees to encourage electronic reporting and the use of TCEQ's electronic document receiving system.

Deer Breeding Industry—H.B. 1308

By Representatives Hilderbran and Kuempel—Senate Sponsor: Senators Brimer and Zaffirini

The rules and laws concerning the deer breeding industry do not account for current demands and practices. This bill:

Amends the Parks and Wildlife Code related to permit requirements for the possession, sale, and transfer of breeder deer.

Fire Department Listing With the Texas Forest Service—H.B. 1915

By Representatives Swinford and Christian—Senate Sponsor: Senator Duncan

Because there is no central registry for fire departments, it is impossible to know at the regional level what equipment and personnel are available to respond to regional disasters or other homeland security issues. Without adequate information on the departments, it is difficult to encourage firefighter certification and compliance with safety standards. This bill:

Establishes a fire department listing to be maintained by the Texas Forest Service that includes a complete list of fire departments and firefighting resources within the state.

Gathering and Transport of Natural Gas—H.B. 1920

By Representatives Keffer and Susan King—Senate Sponsor: Senator Ogden

Some Texas natural gas producers have been faced with contracts from natural gas gatherers, pipelines, and processors anticipating between five and 20 percent natural gas line loss. These deductions are often unexplained and unsubstantiated. This bill:

Creates a process by which natural gas producers may obtain information from someone who gathers or transports gas to determine what causes the loss of the natural gas while it is in the custody of the gatherer.

Underground Petroleum Storage Tanks—H.B. 1956

By Representative Hancock—Senate Sponsor: Senator Brimer

A large number of owners and operators of underground petroleum storage tanks have terminated their financial assurance and insurance coverage, which forces the state to assume responsibility for the leaks not addressed by the owners and operators. This bill:

Authorizes the Texas Commission on Environmental Quality (TCEQ) to order an owner or operator of an underground storage tank that fails to maintain acceptable evidence of financial responsibility to place the tank out of service.

Requires an insurance company or other entity that provides insurance coverage or another form of financial assurance to an owner or operator to notify TCEQ if the insurance coverage or other financial assurance is canceled or not renewed.

Liquefied Natural Gas Pipelines—H.B. 2174

By Representative Bonnen—Senate Sponsor: Senator Janek

Currently, natural gas pipelines are classified as either gas utilities or non-utility gatherers but the liquefied natural gas (LNG) marine terminal and pipeline do not engage in any commercial transactions which need to be regulated as utility transactions. This bill:

Clarifies that the intrastate pipeline and storage facilities for LNG utilities must be built to all state and federal safety requirements.

Creates a specific category of non-gas utility pipelines which is limited to pipelines that are used solely to serve LNG marine terminals.

Specifies that the power of eminent domain is not conferred to a pipeline or underground storage facility excluded as a gas utility.

Fuel Ethanol and Biodiesel Production Incentive Program—H.B. 2417

By Representative Swinford—Senate Sponsor: Senator Averitt

The 78th Legislature, Regular Session, 2003, created the fuel ethanol and biodiesel incentive program. This program is currently under the jurisdiction of the Economic Development and Tourism Office, which cannot award grants or inspect production sites. This bill:

Transfers the fuel ethanol and biodiesel production incentive program to the Texas Department of Agriculture.

Solid Waste and Recycling Facilities—H.B. 2541

By Representatives Leibowitz and Corte—Senate Sponsor: Senator Uresti

In December, 2006, a fire broke out at a mulch recycling facility in Helotes, Texas, causing air pollution and endangering the Edwards Aquifer. This bill:

Requires the Texas Commission on Environmental Quality to adopt rules regarding the size, content, and fire safety of recycling facilities.

Provides stricter requirements for facilities located over sole source aquifers.

Authorizes the solid waste fee revenue to be used to combat fires or emergencies at recycling or solid waste facilities.

Electric Generation Capacity Study—H.B. 2713

By Representative Bonnen et al.—Senate Sponsor: Senator Averitt

Texas does not currently have a long-term energy plan to address the rapidly growing population and increasing demand for energy in the state. This bill:

Creates the Interim Special Committee on Electric Energy Generation Capacity and Environmental Impact to study the state's demand for electric generation capacity, the development of a long-term energy plan, and the effects on the environment of electric generating facilities.

Computer Equipment Recycling—H.B. 2714

By Representative Bonnen et al.—Senate Sponsor: Senator Watson

Electronic waste, or e-waste, is the fastest growing municipal waste stream in the United States and most electronic equipment contains toxic substances that require proper disposal or recycling. This bill:

Provides for e-waste recycling in a manner that seeks to combine the principals of manufacturer responsibility, consumer convenience, accountability, transparency, education, and enforcement into a simple, efficient information technology collection and recovery system.

Protection of Coastal Land and Resources—H.B. 2819

By Representative Ritter—Senate Sponsor: Senator Jackson

Currently, the School Land Board (SLB) and the commissioner of the General Land Office (GLO) are authorized to manage the state-owned coastal and submerged lands dedicated to the Permanent School Fund. The SLB and GLO may authorize the use of these state lands for a variety of private and commercial purposes, including conservation and ecological projects; public and private piers, docks, channels, and wharves; oil and gas exploration and production; pipeline and roadway rights of way; commercial development; and sustainable energy development.

The Coastal Public Lands Management Act of 1973 consolidated the coastal management authority and related powers, duties, and responsibilities of the SLB and the GLO commissioner. Since that time, the necessary processes and procedures have evolved as the public's need and desire to conduct activities on these lands has developed. This bill:

Authorizes the SLB to evaluate applications to use coastal public lands and issue the appropriate authorization for uses that are determined to be in the best interest of the state.

Updates and clarifies provisions in the Natural Resources Code relating to the management and protection of coastal public land and other coastal resources.

Protection and Preservation of Caves—H.B. 3502

By Representative Hilderbran et al.—Senate Sponsor: Senator Wentworth

Currently, a person who alters or excavates a cave without a permit is subject to a Class B misdemeanor charge and vandalism of a cave is punishable as a Class A misdemeanor. This bill:

Strengthens the penalty for defacing or in any way vandalizing caves in Texas.

Advanced Clean Energy and Environmentally Protective Projects—H.B. 3732

By Representative Hardcastle et al.—Senate Sponsor: Senators Averitt and West

Additional reliable and environmentally clean energy sources will be needed as the population and economy of Texas continue to grow. This bill:

Creates the Advanced Clean Energy Project Grant and Loan Program to be administered by the State Energy Conservation Office (SECO).

Creates the Advanced Clean Energy Project (ACEP) account within the General Revenue Fund to consist of general obligation bonds issued by the Texas Public Finance Authority.

Authorizes SECO to award up to \$20 million in grants from the ACEP account each fiscal biennium and up to \$10 million to make or guarantee loans.

Authorizes SECO to award to the managing entity of an advanced clean energy project a grant not to exceed 50 percent of the total amount invested in the project by private industry sources.

Requires the Texas Commission on Environmental Quality to adopt rules establishing a nonexclusive list of facilities, devices, or methods for the control of air, water, or land pollution, which must include certain facilities, devices, and methods.

Provides various forms of tax relief, abatement, exemptions, and property appraisal limitations for advanced clean energy projects.

Regulation of Uranium Exploration—H.B. 3837

By Representative Gonzalez Toureilles et al.—Senate Sponsor: Senator Hegar

In situ recovery (ISR), rather than surface mining, is the predominant method used in the uranium industry in Texas. Several agencies regulate the ISR process and restoration and reclamation. This bill:

Clarifies the exploration permitting process under the exclusive jurisdiction of the Railroad Commission of Texas (railroad commission).

Mandates that the railroad commission notify local elected officials and groundwater conservation districts upon receiving an application for an exploration permit.

Requires a permit holder to share information with groundwater conservation districts within 90 days of receiving information.

Authorizes the railroad commission to collect an application fee to recover the costs of administering the permit application process.

Economic Contribution of Deer Breeding Industry—S.B. 573

By Senator Brimer et al.—House Sponsor: Representative Hilderbran

Currently, regulations found in Chapter 43 (Special Licenses and Permits), Parks and Wildlife Code, along with Parks and Wildlife Department rules, govern the deer breeding industry in Texas. This bill:

Creates a select interim committee to study the deer breeding industry and its economic contribution, especially its impact on rural areas.

Requests that barriers to and opportunities for the industry's growth be identified.

Public Land Management—S.B. 654

By Senator Seliger—House Sponsor: Representative Pickett

The legislature has authorized the School Land Board and the commissioner of the General Land Office (commissioner) to manage the state-owned real property and real property interests dedicated to the

Permanent School Fund (PSF). The Natural Resources Code authorizes the commissioner to lease PSF lands for any purpose the commissioner determines is in the best interest of the state, under terms and conditions set by the commissioner. Other provisions limit the commissioner's ability to negotiate and set terms and conditions. This bill:

Enables the commissioner to determine the terms and conditions of leases and easements that authorize the use of public lands for private purposes.

Protection and Preservation of Caves—S.B. 1524

By Senator Wentworth—House Sponsor: Representative Hilderbran

Currently, a person who alters or excavates a cave without a permit is subject to a Class B misdemeanor charge and vandalism of a cave is punishable as a Class A misdemeanor. This bill:

Strengthens the penalty for defacing or in any way vandalizing caves in Texas.

The Texas State Railroad and the Texas State Railroad Authority—S.B. 1659

By Senator Nichols—House Sponsor: Representative Byron Cook

The Texas State Railroad (railroad), which dates back to the 1800s, is a steam powered tourist excursion train operated by the Texas Parks and Wildlife Department (TPWD). This bill:

Creates the Texas State Railroad Authority (authority) and directs TPWD to transfer the train and its assets to the authority.

Creates a local public-private partnership to ensure that the railroad continues to be a focal point for tourism and economic development in East Texas.

Mining Permit Violations—S.B. 1667

By Senator Averitt—House Sponsor: Representative Corte

Current law, established in the 1970s, sets the maximum penalty fee for a violation of a mining permit at \$5,000. This bill:

Increases the maximum penalty from \$5,000 to \$10,000 for a violation of coal mining and reclamation operations or underground mining operations permit.

Texas Parks and Wildlife Department Authority and Revenue—S.B. 1668

By Senator Averitt—House Sponsor: Representative Hilderbran

Currently, in order to qualify for federal grants under the Dingell-Johnson Act or the Federal Aid in Sport Fish Restoration Act, a state has to statutorily restrict the use of recreational fishing license revenue to

operational expenses of the state fish and wildlife agency. In order to track compliance, it is necessary to account for federally restricted revenue separately from revenue that is not federally restricted. Under current law, combination hunting and fishing licenses are authorized to be issued by the Texas Parks and Wildlife Department (TPWD) and are required to be sold for less than the combined cost of the licenses when sold separately. Furthermore, the federal government has initiated a plan to sell the federal duck stamp electronically and action needs to be taken by the state to institute this plan. This bill:

Deletes the existing requirement for the revenue from the individual bait shrimp license to be deposited into the Shrimp License Buyback Account to allow TPWD to track federally restricted revenue.

Provides the Texas Parks and Wildlife Commission with the explicit ability to establish revenue allocation methodology for combination hunting and fishing licenses.

Authorizes TPWD to issue the Federal Duck Stamp through the TPWD point-of-sale system.

Management of State Water Resources—H.B. 3

By Representatives Puente and Hilderbran—Senate Sponsor: Senator Averitt

The Texas Water Code requires the Texas Commission on Environmental Quality (TCEQ) to consider and provide for the freshwater inflows necessary to maintain the viability of the state's bay and estuary systems in TCEQ's regular granting of permits for the use of state waters. Current law does not address environmental flows and does not provide for an expedited amendment process or give preference to projects with a conservation plan when awarding state aid. This bill:

Creates the Environmental Flows Advisory Group, supported by an Environmental Flows Science Advisory Committee, to oversee regional development of environmental flow standard recommendations for consideration by the Texas Commission on Environmental Quality (TCEQ).

Requires TCEQ to adopt recommendations in the form of environmental flow standards.

Changes the requirements for the administration and operation of the Edwards Aquifer Authority, including changing the calculation used for determining withdrawal limits from the Edwards Aquifer and the requirements related to the number of acre-feet of groundwater rights to be retired.

Water Conservation—H.B. 4

By Representative Puente—Senate Sponsor: Senator Averitt

A rapidly increasing population, urbanization, and climate changes in Texas have increased the demand for water in the state and threatened existing water resources. Water conservation is an important tool for the state's water management but conservation measures have not always been embraced by all stakeholders. It is the public policy of the state to provide for the conservation and development of the state's natural resources, including voluntary stewardship of public and private lands to benefit waters of the state. Public outreach programs designed to raise awareness among citizens and municipalities about the value of conservation measures are resulting in the adoption of proactive programs to increase efficient water use. This bill:

Establishes a Water Conservation Advisory Council (WCAC) composed of 23 members appointed by the Texas Water Development Board (TWDB), representing specified entities.

Requires WCAC to provide expertise in water conservation, including monitoring trends and new technologies in water conservation implementation; developing and implementing a state water management resource library; and monitoring the implementation of water conservation strategies by water users included in regional water plans.

Requires WCAC, with assistance from TWDB, to submit a report to the legislature and governor in even-numbered years on progress made in state water conservation strategies by water users included in regional water plans.

Requires WCAC to conduct a study and submit a written report evaluating the desirability of certified water conservation training facilities and programs to provide assistance to retail public utilities in developing water conservation plans.

Requires TWDB to develop and implement a statewide water conservation public awareness program to educate residents of the state about water conservation and to review water conservation plans and annual reports submitted by water utilities.

Requires that on-site reclaimed system technologies, including rainwater harvesting, condensation collection, and cooling tower blow down systems be incorporated into the design and construction of certain new state buildings.

Allows a home-rule municipality to adopt and enforce ordinances requiring water conservation in the municipality and by customers of the municipality's municipally owned water and sewer utility in the extraterritorial jurisdiction of the municipality.

Requires the Texas Commission on Environmental Quality to adopt and enforce rules regulating the design, installation, and operation of irrigation systems and the duties of licensed irrigators.

Expands the manufacturing sales tax exemption for water-related items to include tangible personal property specifically used to process, reuse, and recycle wastewater that will be used in fracturing (fracking) work performed at oil and gas wells.

Authority of Fresh Water Supply Districts—H.B. 713

By Representative Callegari—Senate Sponsor: Senator Seliger

Currently, fresh water supply districts do not have the authority to convey facilities to another authorized water district or a nonprofit water supply corporation in order to construct, operate, and promote regional water supply and sewer utility service to the fresh water supply district. This bill:

Provides statutory authority for fresh water supply districts to enter into a contract to convey their facilities to another authorized water district or water supply corporation in order to facilitate regional utility services and provide affordable utility services.

Regulation of Irrigation Systems and Irrigators—H.B. 1656

By Representative Puente—Senate Sponsor: Senator Averitt

Most irrigation systems are installed without any local permitting or inspection requirements, leaving consumers unprotected from systems that are poorly designed or that use excessive amounts of water. This bill:

Requires certain municipalities to require an installer of an irrigation system to hold a license and obtain a permit before installing an irrigation system, based on certain minimum standards and specifications.

Authorizes water districts to adopt and enforce rules requiring an installer of an irrigation system to hold a license and obtain a permit before installing an irrigation system.

Rules and Protection of the Edwards Aquifer—H.B. 3098

By Representative Puente—Senate Sponsor: Senator Averitt

The Edwards Aquifer Protection Program has a statutory fee cap for water pollution abatement plans, sewage collection systems plans, underground storage tank plans, and aboveground storage tank plans of \$5,000, which has not been adjusted since 1997. This bill:

Provides that fees can be charged for processing plans or amendments to Edwards Aquifer Protection Program plans that are subject to review and approval.

Broadens the use of the existing fees charged for reviewing Edwards Aquifer Protection Program plans.

Expands the types of plan reviews for which fees can be charged.

Increases the fee caps.

Clarifies that fees that are charged for reviewing plans or amendments to plans under the Edwards Aquifer Protection Program may be used to fund current program support activities and for new activities that will aid in assessing the effectiveness of the program in protecting water quality in the Edwards Aquifer.

Provides for specific fee authority for contributing zone plans.

Increases all fee caps to account for inflation.

Increases the fee caps for large/multiphase development projects to reflect complexity and resulting additional workload that these types of plans require.

Approval of the Region L Water Plan—H.B. 3776

By Representative Puente—Senate Sponsor: Senator Wentworth

The South Central Regional Water Planning Group (Region L) failed to adopt its 2006 Regional Water Plan by the statutory deadline and submit that plan to the Texas Water Development Board (TWDB) for approval and inclusion in the 2007 State Water Plan. This bill:

Allows the water plan adopted by Region L to be submitted to TWDB.

Development, Management, and Preservation of Water Resources—S.B. 3

By Senator Averitt—House Sponsor: Representative Puente

The water planning process established by the 75th Legislature, Regular Session, 1997, required 16 regional water planning groups (RWPGs) to submit local water plans to the Texas Water Development Board (TWDB) every five years. TWDB is required to prepare, develop, formulate, and adopt a comprehensive state water plan that incorporates the regional water plans approved by TWDB. The first state water plan was adopted by TWDB in 2001 and the first five-year revision incorporated the RWPGs

into the 2006 state water plan, entitled *Water for Texas 2007*. This plan revealed potential water shortages, underscoring the need for implementation of the water supply projects identified in the plan.

The two most frequently cited barriers to implementation of the state water plan are financing for water infrastructure projects and statutory impediments to movement of surface water around the state.

Conjunctive management is the combined use of groundwater and surface water in a manner that optimizes the benefits of each natural resource. This strategy seeks to diversify water supply resources in order to decrease reliance on a single, potentially strained source.

In the following categories, this bill:

Environmental Flows

Establishes a new regulatory approach to provide surface water to meet environmental flow needs.

Creates the Environmental Flows Advisory Group supported by an Environmental Flows Science Advisory Committee, to oversee regional development of environmental flow standard recommendations for consideration by the Texas Commission on Environmental Quality (TCEQ).

Provides that state water that is set aside by TCEQ to meet the needs for freshwater inflows to affected bays and estuaries and instream uses may be made available temporarily for other essential beneficial uses if an emergency exists.

Clarifies the duties, authority, compensation, and expenses for a watermaster.

Water Conservation and Planning and Other Water-Related Provisions

Provides that it is the state's public policy to provide for conservation and development of the state's natural resources, including voluntary stewardship of public and private lands to benefit waters of the state.

Establishes a Water Conservation Advisory Council (WCAC) composed of 23 members appointed by the Texas Water Development Board (TWDB), representing specified entities.

Requires WCAC to provide expertise in water conservation, including monitoring trends and new technologies in water conservation implementation; developing and implementing a state water management resource library; and monitoring the implementation of water conservation strategies by water users included in regional water plans.

Requires WCAC, with assistance from TWDB, to submit a report to the legislature and governor in even-numbered years on progress made in state water conservation strategies by water users included in regional water plans.

Requires WCAC to conduct a study and submit a written report evaluating the desirability of certified water conservation training facilities and programs to provide assistance to retail public utilities in developing water conservation plans.

Requires a retail public utility that provides potable water service to 3,300 or more to submit a water conservation plan to TWDB based on specific targets and goals.

Allows a retail public utility that provides water to contract with a retail public utility that provides sewer service to bill and collect the sewer service provider's fees and payments.

Provides that if a municipality extends its extraterritorial jurisdiction to include an area certified to a retail public utility, the utility may continue and extend service in its area of public convenience and necessity.

Requires TWDB to give priority to applications for funds for water supply projects that have demonstrated or will achieve significant water conservation savings.

Requires the executive administrator to operate as part of the Texas Natural Resources Information System (TNRIS) a strategic mapping program to acquire, store, and distribute digital, geospatial information.

Provides that the strategic mapping account may be appropriated to TWDB only to develop, administer, and implement the strategic mapping program, provide grants to political subdivisions, and to administer, implement, and operate other programs of TNRIS.

Establishes application procedures for financial assistance for digital, geospatial information projects for political subdivisions.

Allows a regional water planning group to amend the regional water plan after the plan has been approved by TWDB.

Authorizes all political subdivisions to take all necessary and reasonable actions that are not less stringent than the requirements and criteria of the National Flood Insurance Program.

Requires TWDB to develop and implement a statewide water conservation awareness program to educate residents of the state about water conservation and to review water conservation plans and annual reports submitted by water utilities.

Authorizes a water conservation district or water supply corporation to allow others to operate transmission lines and pipelines on rights-of-way and easements for certain energy-related purposes.

Authorizes a municipal water supplier (supplier) that serves a water conservation or reclamation district (district) located in a county that borders the Gulf of Mexico and the United Mexican States to petition to convert the proportionate irrigation water right to the Rio Grande from irrigation use to municipal use for the use and benefit of the supplier.

Authorizes a supplier to contract to purchase the proportionate water rights.

Requires the Rio Grande Regional Water Authority to calculate annually the current market value and sets forth the procedure for the calculation.

Requires a district to maintain an accounting of money received from the sale of water rights and to designate at least 75 percent for capital improvements in the district.

Requires the Texas Higher Education Coordinating Board to encourage institutions of higher education to develop curriculum and instruction regarding on-site reclaimed system technologies.

Authorizes The University of Texas System board of regents to establish the Sustainable Water Supply Research Center as part of The University of Texas at Arlington.

Provides standards for rainwater harvesting systems.

Authorizes a home-rule municipality to adopt and enforce ordinances requiring water conservation.

Establishes the duties of water service providers to areas served by sewer service of certain political subdivisions, including the provision of relevant customer information.

Exempts private institutions of higher education from fees charged for programs for the control of excess water or storm water.

Requires TCEQ to adopt and enforce standards for irrigation systems.

Directs TWDB in coordination with the Far West Texas Regional Water Planning Group to conduct a study on the impacts and review current analyses of climate change on surface water supplies from the Rio Grande and in other states and to submit a report on these impacts.

Reservoirs

Provides that the acquisition of a fee title, easement, improvement or development of a property in a reservoir site may not be considered a significant impairment or any basis for preventing construction of a reservoir.

Allows for the continued use and leasing provisions for agricultural purposes of a real property on a site designated as unique for the construction of a reservoir until use must be terminated to allow for the physical construction of the reservoir.

Requires a person proposing to construct a reservoir to mitigate future adverse environmental effects to property located outside of the reservoir site to maintain the property through an easement.

Unique Reservoir Designation

Provides that a site is considered to be a site having unique value for the construction of a reservoir if that site is recommended for designation in the 2007 State Water Plan adopted by TWDB.

Provides restrictions on eligibility to hold water rights, liability for construction, operation, and maintenance costs for the proposed Marvin Nichols and Lake Fastrill reservoirs.

Creates the Study Commission on Region C Water Supply.

Joint Interim Committee

Creates a joint interim oversight committee to review financing of water infrastructure projects and funding for water programs administered by state agencies.

Water Development Board

Allows a political subdivision to temporarily continue to receive financial assistance if the political subdivision requests the funding and certain conditions are met, as determined by TWDB.

Billing Rate Classes

Allows an underground water conservation or regional district to establish different charges, fees, rentals, or deposits among classes of customers that are based on any factor the district considers appropriate.

Lake Somerville Study

Requires the Brazos River Authority and the Lower Colorado River Authority to conduct a joint baseline study of the role of Lake Somerville in the economic development of the surrounding vicinity and to submit a full report to the 81st Legislature.

Local Districts

Creates the Agua Special Utility District, the True Ranch Municipal Utility District No. 1, and Tablerock Groundwater Conservation District.

Edwards Aquifer Authority

Changes the requirements for the administration and operation of the Edwards Aquifer Authority, including changing the calculation used for determining withdrawal limits from the Edwards Aquifer and the requirements related to the number of acre-feet of groundwater rights to be retired.

Clarifies territorial boundaries of the Culberson County Groundwater Conservation District.

Fire Control and the Edwards Aquifer Authority—S.B. 585

By Senator Van de Putte—House Sponsor: Representative Leibowitz

The Edwards Aquifer Authority (EAA) is responsible for managing and protecting the Edwards Aquifer, which provides water to over 1.5 million Texans. This bill:

Requires the EAA board of directors to adopt rules pertaining to fire control in the Edwards Aquifer recharge zone.

Requires the board to consult with fire departments and fire marshals to adopt a plan to fight fires while protecting the aquifer.

Use of Intellectual Property by the Texas Water Development Board—S.B. 616

By Senator Duncan—House Sponsor: Representative Puente

With the exception of the Texas Water Development Board (TWDB), state agencies and institutions of higher education have the power to obtain intellectual property rights. TWDB, which is celebrating its 50th anniversary in 2007, undertakes scientific research, geospatial data collection and dissemination, marketing of financial assistance programs, and public education and outreach efforts on water conservation that may benefit from an intellectual property right. This bill:

Authorizes TWDB to acquire intellectual property rights, such as the right to trademark, copyright, or patent.

Reporting Requirements for Water Wells—S.B. 714

By Senator Fraser et al.—House Sponsor: Representative Puente

Current law exempts water wells drilled for the purpose of gas drilling or exploration from the permitting requirements of groundwater conservation districts (district). The 79th Legislature, 2005, established a process for districts to work together in setting the desired conditions for local aquifers and some districts are concerned that this exemption impedes the district's ability to plan for future water needs because the volume of water being pumped from the district by the exempted wells is not reported. This bill:

Authorizes the district to require that records be kept and reports be made of the drilling, equipping, and completing of water wells and of the production and use of groundwater.

Authorizes a district to adopt rules for such purposes that require an owner or operator of a registered or permitted water well to report groundwater withdrawals using reasonable and appropriate reporting methods and frequency.

Groundwater Production During Drought—S.B. 747

By Senator Watson—House Sponsor: Representative Bolton

Conjunctive use of water resources preserves groundwater and surface water availability in times of drought by using both sources during non-drought times and switching to surface water during drought. The Barton Springs-Edwards Aquifer Conservation District (district) currently issues only conditional production permits allowing for production depending on groundwater availability during times of drought. The district's authorized production fees are capped at 17 cents per thousand gallons of water. This bill:

Increases production fees on all conditional permits and materially amended permits at their next renewal date to not more than the greater of 38 cents per thousand gallons or the raw surface water cost of other wholesale suppliers serving customers in the district.

Grandfathers existing historic permittees with no material amendments.

Addresses restrictions on groundwater production during periods of drought and extreme drought.

Standards for Construction of Evaporation Pits—S.B. 1037

By Senators Duncan and Seliger—House Sponsor: Representative Darby

Brine evaporation pit operations pump water from brine wells into evaporation ponds and use the highly mineralized pond contents to make products like antifreeze or compounds to melt ice from sidewalks and roads. Under current law, waste management companies are subject to strict construction rules and required to have bonds and plans in place to properly close and mitigate any surface damage resulting from their operations. This bill:

Requires the Texas Commission on Environmental Quality to adopt rules requiring standards for the construction of evaporation pits.

Requires bonding and other safeguards to ensure that public waters are protected from the pollution threat of evaporation pits.

Illegal Water Well Drilling or Operating—S.B. 1383

By Senator Seliger—House Sponsor: Representative Smithee

Current law authorizes a private cause of action for a citizen when a neighboring landowner illegally drills a water well or operates a water well in a groundwater conservation district (district) in an unlawful manner. This bill:

Requires an aggrieved party, before filing a suit against the owner of the well or wells being used without a permit on adjacent land, to file a written complaint with the district having jurisdiction over the wells.

Requires a district to investigate the claim and to determine whether a district rule was violated.

Authorizes the aggrieved party to sue the owner of the well or wells for damages.

Impact of Climate Change on Surface Water Supplies—S.B. 1762

By Senator Shapleigh—House Sponsor: Representative Guillen

According to the 2007 Intergovernmental Panel on Climate Change report, the first six months of 2006 were the warmest period on record for the United States, and five states, including Texas, experienced record warm temperatures. The 2007 Texas State Water Plan does not address climate change. This bill:

Requires the Texas Water Development Board (TWDB), in coordination with the Far West Texas Water Planning Group, to conduct a study on the impact of climate change on surface water.

Requires TWDB to submit a written report regarding its findings to the legislature.

Reporting Alcohol and Tobacco Sales by Wholesalers and Distributors—H.B. 11

By Representative Byron Cook et al.—Senate Sponsor: Senator Ellife

Concerns have been raised over fraud among convenience store operators in the area of sales tax reporting, where operators purport to collect taxes but do not remit the money to the state. The efforts of the comptroller of public accounts (comptroller) to audit and collect unpaid sales taxes from those and other retail outlets are often constrained by the time-intensive, case-by-case practice of gathering information from wholesalers, performed under existing audit authority. This bill:

Authorizes the comptroller to require wholesalers and distributors to report data regarding sales to retailers of beer, wine, and malt liquor and to report data regarding sales to retailers of cigarettes, cigars, and tobacco products.

Provides confidentiality to the business owners reporting such data.

Authorizes the comptroller to suspend or cancel one or more permits held by wholesalers and distributors failing to file a report. Provides penalties for failure to comply with reporting procedures.

Regulation of Third Party Administrators—H.B. 472

By Representative Solomons—Senate Sponsor: Senator Van de Putte

Third party administrators are entities to which insurance companies delegate authority for claim adjusting, processing, and bill payment. Some of these administrators create, adopt, or lease networks, treatment guidelines, and formularies for their respective client insurance companies. Most of these administrators are currently regulated by the Texas Department of Insurance (TDI) under the Texas Third Party Administrator Act. However, workers' compensation administrators are exempted from such regulation. This bill:

Provides that workers' compensation third party administrators are subject to regulation by the Texas Third Party Administrator Act.

Increases the auditing and reporting requirements of all third party administrators to TDI.

Revising the Engineering Practice Act—H.B. 899

By Representative Wayne Smith—Senate Sponsor: Senator Deuell

In March 1937, a faulty gas connection caused a school explosion in New London, Texas, that killed an estimated 298 people. Public pressure called for legislation to register engineers since it was believed that poor engineering had been at least partly to blame for the accident. The Texas State Board of Registration for Professional Engineers, now entitled Texas Board of Professional Engineers (board), was created by S.B. 74, 45th Legislature, Regular Session, in 1937. This law, named the Texas Engineering Practice Act (TEPA), prohibited any person from practicing or offering to practice as an engineer unless licensed by the board.

TEPA has been amended several times since its inception, causing conflicts within it as well as with board status as a self-directed, semi-independent agency. This bill:

Removes conflicting statutory language.

Adds a member to the board.

Exempts an engineer 65 years of age or older from a fee increase for the issuance and renewal of an engineering license.

Provides that a license holder is not required to use a seal for a project for which the person is not required to hold a license under an exemption prescribed by law.

Repeals provisions relating to the board secretary's duties and salary.

Removes a provision that prohibited a member of the board from receiving reimbursement for travel expenses.

Requires the board to annually elect a treasurer.

Removes provisions that prohibited a board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint from participating in the discussion of a matter at a board meeting related to the complaint.

Exemption for Plumbers from Electrician Regulations—H.B. 1029

By Representative Goolsby—Senate Sponsor: Senator Carona

The Texas Electrical Safety and Licensing Act (TESLA) prohibited plumbers from installing plumbing-related appliances due to the electrical work needed for the appliances. This often impacted installations of dishwashers, washers, refrigerators, and other household appliances. Homeowners were forced to hire both an electrician and a plumber to install such appliances, placing an undue financial burden on the homeowner. This bill:

Exempts plumbers from TESLA in order to perform certain plumbing work.

Requires any work conducted by plumbers to meet the requirements of existing electrical circuits.

Additional Authority for the Texas Residential Construction Commission—H.B. 1038

By Representatives Ritter and McClendon—Senate Sponsor: Senators Fraser and Shapleigh

During the 78th Legislature, Regular Session, 2003, H.B. 730 created the Texas Residential Construction Commission (TRCC). That legislation adopted performance standards and statutory warranties for residential construction, and established a state-sponsored inspection and dispute resolution process designed to assist consumers in resolving construction disputes with homebuilders. Additionally, the

legislation required, for the first time in history, the registration of homebuilders and remodelers with the state. This bill:

Provides TRCC additional disciplinary powers, including the ability to discipline builders who do not register with TRCC, or who repeatedly fail to make an offer to repair or do not reasonably perform on an accepted offer to repair a building defect based on a third-party's recommendations or an appeal of the third-party inspector's recommendation.

Provides TRCC the power to issue cease and desist orders against those violating the TRCC Act and prescribes a penalty of up to \$100,000 for violations involving the misappropriation of funds or engaging in statutory or common law fraud.

Expands the authority of TRCC in order to ensure that the state-sponsored inspection and dispute resolution process is working correctly to resolve disputes between the homebuilder and the homebuyer.

Provides required continuing education courses for builders registered with TRCC.

Liability in Liquefied Petroleum Gas-Related Activities—H.B. 1170

By Representatives Flynn and Farabee—Senate Sponsor: Senator Deuell

Propane is generally safe for most consumers to use, but can be hazardous if not handled appropriately. Under current law, consumers are not required to use a licensed propane technician to modify, install, or repair a liquefied petroleum gas (LPG) system or affiliated appliance. This bill:

Requires a person holding a license to install or repair an LPG system who sells, installs, or repairs an LPG system, piping or other equipment that is part of a system, or an appliance that is connected or attached to a system, to provide a consumer safety notification to a purchaser or owner of those products.

Provides additional liability protections to licensed installers and servicepersons acting in accordance with applicable law.

Authorizing Alcohol Permits for Certain Vessels—H.B. 1248

By Representative Taylor—Senate Sponsor: Senator Jackson

Under current law, the Texas Alcohol Beverage Commission (TABC) does not allow passenger vessels of a certain size that are eligible for a beer and wine permit to obtain a mixed beverage permit. The passenger vessel industry argued that this restriction limited the ability to create additional business opportunities. This bill:

Enables mixed beverage permits to be issued for a regularly scheduled excursion boat that is licensed by the United States Coast Guard to carry passengers on the navigable waters of the state if certain conditions are met.

Clarifies that a mixed beverage permit is inoperative in a dry area.

Wine and Beer Permit Fees—H.B. 1667

By Representative Geren—Senate Sponsor: Senator Brimer

The 79th Legislature, Regular Session, 2005, enacted S.B. 1850, making a number of changes relating to the regulation of wine and beer permit holders in populous counties and was aimed at preventing certain abuses by those permit holders. Wine and beer permit holders who also hold a food and beverage certificate, namely restaurants, were exempted from every provision of the bill except for one. Due to a drafting error, holders of food and beverage certificates were not exempted from a fee increase for a wine and beer retailer's permit. This bill:

Amends the Alcoholic Beverage Code to exempt food and beverage certificate holders from the increased fees for a wine and beer retailer's permit or a retailer's on-premise license placed on counties with a population of 1.4 million or more.

Increases the state fee for a retail dealer's on-premise license from \$150 to \$250.

Provides that the annual state fee for a renewal of a retail dealer's on-premise license issued to a fraternal organization or a veterans organization is \$150.

Registered Financial Services Company Agents—H.B. 1716

By Representative Solomons—Senate Sponsor: Senator Van de Putte

The banking system is a dual system of federal and state regulation, with federal regulation preempting state regulation in the event of conflict. National mortgage service companies are regulated by the federal government while their loan officers are licensed by the Texas Department of Savings and Mortgage Lending as mortgage brokers or loan officers. Currently, an employee of a bank is exempt from licensure as a loan officer. These national mortgage service companies' representatives are prohibited from soliciting, processing, negotiating, or placing a mortgage loan with a person other than the registered financial service company for which they work. This bill:

Establishes registration requirements for a registered financial services company (company) and authorizes such a company to perform the services of a licensed mortgage broker through individuals who are exclusive agents of the company.

Specifies that the company is subject to the same license revocation and suspension requirements and administrative and judicial review procedures as a mortgage broker.

Prohibits a person from being an exclusive agent without the prior consent of the savings and loan commissioner if the individual has a history of certain criminal actions or has had a professional license revoked or suspended in this state or any other jurisdiction.

Requires the company, prior to permitting an exclusive agent to perform mortgage loan services, to submit to the commissioner information necessary for a criminal background check of that person, the cost of which may be assessed to the company.

Sets forth the eligibility requirements for individuals seeking to become mortgage brokers under provisions of this bill.

Exempts from the requirement to obtain a license exclusive independent contractors who work for a company.

Theft Prevention for Plastic Bulk Merchandise Containers—H.B. 1871

By Representative Giddings—Senate Sponsor: Senator Fraser

Currently, there are no laws regulating the resale of plastic bulk merchandise containers to a person or business that recycles, shreds, or destroys these types of containers. Because of the lack of regulation, such containers are left open to theft, at a significant cost to companies that use them in the transport of their products. This bill:

Requires a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers to obtain from the seller proof of ownership for the containers and a record of identifying information of the seller and provides that a person who violates this provision is liable to the state for a civil penalty of \$10,000 for each violation.

Prohibits a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers from using an artifice to avoid application of the provisions of this bill and provides that a person who violates this provision is liable to the state for a civil penalty of \$30,000 for each violation.

Authorizes the attorney general or appropriate prosecuting attorney to sue to collect civil penalties.

Revision of the Dual Banking System—H.B. 2007

By Representative Solomons—Senate Sponsor: Senator Fraser

The "dual banking system" refers to the parallel state and federal structures for the chartering, supervision, and regulation of depository institutions. It encompasses the powers, activities, and competitiveness of banks as well as the powers, policies, and institutional structure of the bank regulatory agencies at the state and federal levels.

Texas uses a bank's level of capital and certified surplus as the basis for calculating investment and lending limits. This figure represents the institution's capital surplus amount, which is an amount the bank board is willing to certify from earnings as being available for lending. The certified portion of surplus would not be available for distribution to shareholders as dividends. The federal government and most states use a standard of unimpaired capital and surplus to determine investment and lending limits. This bill:

Creates a financial literacy program to educate state residents about financial matters and encourage participation in the conventional finance system.

Authorizes the banking commissioner to establish rules for examining state banks.

Removes provisions that set out specific examination requirements and permitted the banking commissioner to defer such an examination in some circumstances.

Makes changes to the amount and type of capital and surplus a state bank may expend on certain investments and loans.

Authorizes a state bank to pledge its assets to secure a deposit of another state, a federally recognized Indian tribe, or certain other entities.

Authorizes a state bank that meets specified criteria to hold nonworking mineral or royalty interests and authorizes the banking commissioner to order the divestiture of such interests that are considered detrimental to the bank.

Authorizes the banking commissioner to authorize the establishment of temporary bank branches or offices in an emergency and to coordinate with other state or federal agencies or affiliated organizations to restore banking services after such an event.

Modifying the Duties of the Texas Board of Architectural Examiners—H.B. 2060

By Representative Geren—Senate Sponsor: Senator Estes

The Texas Board of Architectural Examiners (board) was created in 1937 to regulate architects and later was required to regulate landscape architects and interior designers. The board's three key functions are licensing qualified applicants, ensuring compliance with board rules and statutes, and providing information to licensees and the public. The board underwent sunset review in 2003. This bill:

Requires the board to administer or provide for the administration of an annual examination for a certificate of registration as a landscape architect.

Repeals provisions that required the board's executive director or a designee to inform board employees about the state employee incentive program and authorized the board to recommend rehabilitation codes and provisions to municipalities.

Extends from one year to two years the period within which an architect, landscape architect, or interior designer whose certificate of registration has expired may apply for a renewal of the certificate.

Authorizes a business entity under certain circumstances to engage in the practice of landscape architecture without holding a certificate of registration.

Authorizes an architect whose certificate of registration is on emeritus status to engage in certain architectural practices that were previously prohibited.

Requires the board to establish procedures by which a landscape architect or interior designer may place a certificate of registration on emeritus status and sets out eligibility standards, fees, authorized practices, and other requirements relating to that status.

Cosmetology and Barber Regulation Modifications—H.B. 2106

By Representative Chisum—Senate Sponsor: Senator Whitmire

The 79th Legislature abolished the Texas Cosmetology Commission and the State Board of Barber Examiners as independent agencies. The bill created the Advisory Board on Cosmetology and the Advisory Board on Barbering under the Texas Department of Licensing and Regulation (TDLR). These boards advise TDLR on policy issues. The Texas Commission of Licensing and Regulation (TCLR) serves as the rulemaking authority for rules pertaining to barbering and cosmetology, while TDLR administers the statutes and rules pertaining to these professions.

There is a need for statutory clean-up changes, to streamline the processes for practicing and learning barbering and cosmetology as well as owning and operating barbershops and salons, and to help ensure that the public is protected when visiting barbershops and cosmetology salons throughout the state. This bill:

Authorizes the executive director of TDLR under certain circumstances to issue an emergency order to suspend or revoke a license or permit issued to a barber, cosmetologist, or practitioner of a related occupation, or to cease the operation of an unsafe regulated facility at which barbering, cosmetology, or a related occupation is practiced, if the executive director determines that immediate action is needed to protect the public health and safety.

Provides that a hearing be made available by the State Office of Administrative Hearings after such an order is issued and allows TCLR to prescribe procedures for the issuance and appeal of such an order.

Authorizes the executive director to issue a cease and desist order, after notice and opportunity for a hearing, to prevent a violation of a law or rule relating to these occupations.

Creates a hair weaving specialty certificate of registration.

Authorizes a dual barber shop and beauty shop license.

Regulating Out-of-State Certified Public Accountants—H.B. 2144

By Representative Flores—Senate Sponsor: Senator Williams

Currently, a certified public accountant (CPA) not certified by the Texas State Board of Public Accountancy is not allowed to practice in Texas. With the increased mobility of the business community and increased usage of electronic commerce, public users of accounting and auditing services frequently require their CPAs and CPA firms to provide services in more than one state. This bill:

Requires a CPA firm to be licensed in Texas in order for it to provide audit services to any entity with its home office in Texas.

Authorizes CPAs and CPA firms licensed in other states to practice in Texas.

Authorizes the Texas State Board of Public Accountancy (board) to discipline CPA licensees and CPA firm licensees from other states who practice in Texas.

Revokes the practice privilege if the CPA or CPA firm fails to maintain an active license in the licensee's home state.

Texas Alcoholic Beverage Commission Permit or License Regulation—H.B. 2348

By Representative Thompson—Senate Sponsor: Senator Ellis

Current law prohibits a person within the fourth degree of consanguinity or affinity of a permit holder or licensee whose Texas Alcoholic Beverage Commission (TABC) license was canceled from applying for a license or permit in connection with an establishment at the same location as the establishment whose license or permit was canceled for a period of two years from the date of cancellation. This provision may not be adequate to prevent family members from restoring a business license in a location with a history of violations. This bill:

Increases by an additional year, from two years to three years from the date of cancellation, the period in which a person may not apply for a license or permit in connection with the establishment at the same location.

Texas Alcoholic Beverage Commission and Suspension Orders—H.B. 2350

By Representative Thompson—Senate Sponsor: Senators Patrick and West

Presently suspension orders can be avoided by Texas Alcoholic Beverage Commission (TABC) licensees who simply surrender the license or let it expire prior to the suspension order being issued. This has the effect of allowing violators of the law to escape the full intent of the suspension order. This bill:

Prohibits TABC from issuing an alcoholic beverage license or permit to sell alcohol at any location for a period of three years if the applicant's prior application for such a permit or license expired or was voluntarily surrendered for cause.

Authorizes the cause to be defined as allegation of prostitution, involvement in a shooting, stabbing or other violent act, or an offense involving drugs.

Regulation of Injection Well Use—H.B. 2654

By Representative Puente—Senate Sponsor: Senator Duncan

Desalination projects and the United States Environmental Protection Agency's (EPA) new drinking water standards have created a need to address the management of concentrate resulting from the desalination of saline and brackish water sources and the management of residuals from the treatment of drinking water in order to meet the EPA drinking water standards. The use of injection wells under the Underground Injection Control Program is an option for addressing this issue. This bill:

Authorizes the Texas Commission on Environmental Quality (TCEQ) to create a general permit for the injection of nonhazardous desalination brine or drinking water treatment residuals.

Authorizes the Railroad Commission of Texas to authorize the injection of nonhazardous desalination brine or drinking water treatment residuals for enhanced recovery of oil and gas without first obtaining a permit from TCEQ.

Regulating State Banks and Trust Companies—H.B. 2754

By Representative Anchia et al.—Senate Sponsor: Senator Fraser

Current law requires banks and trust companies to file applications for prior regulatory approval for a variety of activities. There is a need to address the efficiency and the effectiveness of the corporate application and filing process at the Texas Department of Banking with respect to state banks and trust companies. This bill:

Streamlines the corporate application and filing process by revising certain notice, hearing, and filing requirements and by clarifying the application of confidentiality to contents of pending applications, as follows:

Revises cash subscription requirements applicable to proposed state bank and trust company charters.

Revises procedures for protests of state bank or trust company charter applications.

Creates new exceptions to regulatory application and approval for a change in capital for state banks and trust companies.

Eliminates certain notice publication requirements applicable to certain state bank and trust company mergers.

Clarifies confidentiality of information in an application for change of control of a state bank or trust company.

Eliminates the requirement to file duplicate copies of certain dissolution documents of state banks or trust companies.

Modernizes the law regarding required approvals of certain voluntary asset purchases or sales to require regulatory approval only if warranted by transaction size and risk.

Revisions Relating to Mortgage Brokers and Loan Officers—H.B. 2783

By Representatives Solomons and Anchia—Senate Sponsor: Senator Seliger

The Department of Savings and Mortgage Lending (department) licenses and regulates mortgage brokers and loan officers. This bill is the result of department recommendations regarding a revision of the mortgage broker and loan officer statutes. This bill:

Sets forth the procedures, qualifications, and requirements regarding a provisional loan officer license.

Prohibits a corporation, limited liability company, or limited partnership from acting as a mortgage broker without a mortgage broker license

Specifies that certain licensing requirements apply only to an individual mortgage broker.

Modifies the eligibility and continuing education requirements for a mortgage loan officer license.

Increases the application fee for a mortgage loan officer license from \$175 to \$275.

Provides for a provisional loan officer license if specific conditions are met.

Authorizes the savings and mortgage lending commissioner to take certain disciplinary actions against the holder of a mortgage broker or loan officer license and to adopt rules establishing standards and fees for continuing education courses, providers, and instructors relating to mortgage lending.

Licensing and Regulation of Certain Private Security Services—H.B. 2833

By Representative Driver—Senate Sponsor: Senator Seliger

The Private Security Act contains several drafting errors from previous amendments, and many references to entities that are no longer in existence since the administration of the Act was transferred to the Department of Public Safety in 2004. Additionally, the qualifications for licensing and registration under the Act have not been amended in many years. Earlier this year, a newspaper reported that 10,000 persons licensed by the Private Security Bureau lost their licenses for past convictions, including misdemeanors that had been committed 10 or 20 years earlier. This bill:

Provides that Chapter 53 (Consequence of Criminal Conviction), Occupations Code, does not apply to Chapter 1702 (Private Security) or to any licensing, regulatory, or disciplinary determinations made under Chapter 1702.

Provides for the confidentiality of records maintained by the Department of Public Safety (DPS) under Chapter 1702 regarding certain identifying information of an applicant or a license holder, registrant, or security officer commission holder.

Provides that the person must hold a license as a security services contractor to act as locksmith company or private security consultant company.

Provides that a person acts as an investigations company for the purposes of Chapter 1702 if the person obtains or furnishes information through the review and analysis of, and the investigation into the content of, computer-based data not available to the public.

Revises provisions regarding the criminal background of applicants by providing that an applicant for a license, certificate of registration, or security officer commission or the applicant's manager must not:

- have been convicted in any jurisdiction of two or more felony offenses unless full pardons have been granted for all convictions for reasons relating to wrongful convictions;

- have been convicted in any jurisdiction of certain offenses; be charged at the time of application with the commission of a Class A misdemeanor or felony offense, under an information or indictment; have been adjudicated in the 10 years preceding the date of application, of having engaged in delinquent conduct violating a penal law of the grade of felony;
- have been dishonorably discharged from the United States armed services, discharged from the United States armed services under other conditions determined by the board to be prohibitive, or dismissed from the United States armed services if a commissioned officer in the United States armed services; or
- be required to register in this or any other state as a sex offender, unless the applicant is approved by the board under Section 1702.3615 (Revocation or Refusal for Certain Offenses), Occupations Code.

Provides that an applicant is ineligible for a license, certificate of registration, or commission if the applicant has charges pending for or has been convicted in any jurisdiction of a Class B misdemeanor for an offense determined by the board to be disqualifying if the fifth anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction.

Sets forth offense categories under the laws of this state, another state, or the United States.

Provides that a private investigator who is working under the direct supervision of a licensed attorney satisfies the requirement that a license holder disclose information to a law enforcement officer or a district attorney relating to a criminal offense by disclosing the information to the supervising attorney.

Provides that an individual is not eligible for a security officer commission if the individual meets certain criteria.

Provides that person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person meets certain criteria related to a psychiatric disorder or condition.

Provides that a person who has previously been diagnosed as suffering from a psychiatric disorder or condition is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person provides DPS with a certificate from a licensed physician whose primary practice is in the field of psychiatry stating that the psychiatric disorder or condition is in remission and is not reasonably likely to develop at a future time.

Provides that registration under Chapter 1702 does not preclude an individual from performing additional duties or services authorized by the individual's employer that are not regulated by this chapter.

Requires an applicant for registration as a security salesperson to meet the general qualifications required under Chapter 1702 for a license applicant.

Requires an applicant for a license, certificate of registration, or commission, on receipt of notice that a check of the applicant's criminal record has uncovered an unresolved and potentially disqualifying arrest that occurred before the 10th anniversary of the date the application is filed, to provide a letter of reference from the county sheriff, prosecuting attorney, or judge of the county in which the applicant was arrested

stating that a record of a disposition related to the arrest does not exist, and to the best of the county sheriff's, prosecuting attorney's, or judge's knowledge the applicant is free of any disqualifying convictions. If the applicant fails to provide either the letter of reference or documentary proof of the final disposition of the arrest, the application is considered incomplete and the applicant may not be issued the license, commission, or certificate of registration.

Provides that certain confidential information contained in alarm systems records maintained by a governmental body may be disclosed only to the alarm company to which the confidential records relate.

Provides that Chapter 1702 applies to an individual who meets a certain description, including wearing any type of badge commonly associated with security personnel or law enforcement or a patch or apparel containing the word "security" or a substantially similar word that is intended to or is likely to create the impression that the individual is performing security services.

Clarifies that exemptions from Chapter 1702 for a person engaged in certain services applies only to a person while the person is performing services directly related to and dependent on the provision of the exempted service that does not otherwise require licensing under this chapter.

Provides that the exemptions do not apply to activities or services that are independent of the service or profession that is the basis for the exemption.

Authorizes DPS, rather than the Texas Commission on Private Security, subject to the Texas Private Security Board's (board) final order, to take certain disciplinary action for violations of Chapter 1702 and other specified conduct, including denial of an application.

Authorizes an applicant to appeal directly to the board the denial of a license, registration, or security officer commission application if the sole basis of the denial is the applicant's status as a registered sex offender and the applicant's status as a sex offender is not based on a criminal conviction that would make the applicant ineligible under Section 1702.113 (General Qualifications for License) or 1702.163 (Qualifications for Security Officer Commission), Occupations Code.

Authorizes the board to approve the application if the board determines the circumstances surrounding the applicant's registration as a sex offender warrant approval based on factors previously established by rule.

Authorizes DPS, on receiving written notice from a law enforcement agency that a person has been charged with or convicted of an offense that would make the person ineligible for a license, certificate of registration, or security officer commission under Section 1702.113 or 1702.163 to take certain disciplinary action, in the event of a conviction, summarily revoking the person's license, certificate of registration, or security officer commission.

Provides that a conviction for the offense giving rise to a summary suspension is automatic grounds for immediate summary revocation.

Provides that the results of the preliminary hearing may be appealed by requesting, in writing, a hearing before an administrative law judge of the State Office of Administrative Hearings and sets out the procedures for such hearing.

Provides that a person who contracts with or employs a person who is required to hold a license, certificate of registration, or security officer commission under Chapter 1702 knowing that the person does not hold such license, certificate, or commission or who otherwise, at the time of contract or employment, is in violation of Chapter 1702 may be assessed a civil penalty to be paid to the state in an amount not to exceed \$10,000 for each violation.

Provides that a bond is not required for an injunction action instituted under Chapter 1702.

Authorizes an attorney for DPS, the attorney general's office, or any criminal prosecutor in this state to institute a civil suit in a Travis County district court or in a district court in the county in which the violation occurred for injunctive relief or for assessment and recovery of the civil penalty.

Authorizes DPS, in addition to any other disciplinary action taken by DPS, and subject to the board's final order in a hearing, to impose an administrative penalty on a person licensed, commissioned, or registered under Chapter 1702 who violates this chapter or a rule or order adopted under this chapter.

Increases the maximum amount of the administrative penalty for each separate violation from \$200 to \$500.

Authorizes DPS to initiate suspension proceedings against a person who, before the 21st day after the day the person receives notice of a violation and penalty, either accepts the penalty but fails to pay, or fails to respond to the notice.

Provides that if a person does not file a petition in the appropriate civil court for judicial review of the board's order not later than the 30th day after the date of the order, the board's order regarding denial or disciplinary action is final.

Provides that an individual's eligibility under Chapter 1702 is not affected by any relationship or lack of relationship between the nature of the criminal charges or conviction and the regulated occupation.

Repeals Sections 1702.2225 (Locksmith Company Registration Required), 1702.407 (Options Following Decision: Pay or Appeal), 1702.408 (Stay of Enforcement of Penalty), 1702.409 (Collection of Penalty), 1702.410 (Decision by Court), 1702.411 (Remittance of Penalty and Interest), and 1702.412 (Release of Bond), Occupations Code.

Requires the board to adopt the rules and procedures necessary to implement this Act not later than December 1, 2007.

Provides that to the extent of any conflict, this Act prevails over another Act of the 80th Legislature, Regular Session, 2007, relating to nonsubstantive additions to and corrections in enacted codes.

Ship Channel Security Districts—H.B. 3011

By Representative Wayne Smith et al.—Senate Sponsor: Senators Jackson and Gallegos

The Port-wide Strategic Security Council (PSSC) is a public-private venture that was created to address security concerns for the Houston Ship Channel. Harris County sponsored the PSSC's United States

Department of Homeland Security grants for projects to increase maritime domain awareness and reduce risk of a terrorist attack. The PSSC recognized that a mechanism is needed to allow the county, port facilities, and others to equitably pay for the local share of the grants and the operation and maintenance of new security projects. This bill:

Creates a ship channel security district that is a public-private partnership to help improve security within a ship channel area by assisting with the operation and maintenance of a security infrastructure.

Environmental Regulation of Dry Cleaning Facilities—H.B. 3220

By Representative Elkins—Senate Sponsor: Senator Jackson

Conflicts often arise between property owners and dry cleaning facility owners who lease the property over the cost of remediating hazardous wastes resulting from expended chemicals used by dry cleaning facilities. In the event of such conflict, each side hires experts to determine the extent and cost of the clean-up. This bill:

Provides for uniform environmental regulation and remediation of dry cleaning facilities.

Powers and Duties of the Railroad Commission of Texas—H.B. 3273

By Representative Crownover—Senate Sponsor: Senator Averitt

There has been some concern about the need for additional transparency in the natural gas pipeline industry; a need to prevent discrimination; and a need to improve the informal complaint process at the Railroad Commission of Texas (railroad commission). This bill:

Prohibits retaliation and discrimination between a natural gas pipeline operator and a well operator.

Requires participation in an informal complaint proceeding.

Authorizes the railroad commission to establish market based or cost-of-service rates in a formal complaint proceeding.

Petroleum Storage Tank Remediation—H.B. 3554

By Representative Isett—Senate Sponsor: Senator Duncan

The fee supporting the petroleum storage tank remediation program is scheduled to expire at the end of the 2007 fiscal year; however, obligations to the fund continue. This bill:

Extends the expiration date of the petroleum storage tank state-lead program in its current form with one-third of the current fees.

TexasOnline Business Application Portal—S.B. 711

By Senator Shapleigh—House Sponsor: Representative Solomons

Currently, any person establishing a business in Texas must fill out numerous, and often redundant, permit applications. This bill:

Requires that TexasOnline include a consolidated business application portal through which businesses may apply and pay for required permits.

Requires the Department of Information Resources, Texas Economic Development and Tourism Office, and any affected state agency to determine which permits are to be made available through the portal.

Engineering or Architectural Errors or Omissions—S.B. 924

By Senator Brimer—House Sponsor: Representative Solomons

Currently, no regulations govern the manner in which state agencies should address errors and omissions made by an engineer or architect. This bill:

Establishes guidelines for the adoption of state agency procedures for recovering any costs incurred by an agency during a construction project that result from the errors or omissions of an engineer or architect.

Secondhand Sales of Metal and Metal Recycling Entities—S.B. 1154

By Senator Carona—House Sponsor: Representative Phillips

Recently, theft of metals such as copper, bronze, and brass has increased. As copper prices increase, that metal has particularly been subject to theft. Theft of metals such as copper often results in damage to property and equipment, thus increasing the costs associated with stolen metals. The penalty for theft and criminal mischief in Texas varies based on the value of the property stolen and equipment or property damaged, and can escalate to second and third degree felonies. Currently, dealers who purchase secondhand metals and recycling entities are required to meet certain guidelines that are intended to inhibit the sale of stolen metals, and the punishment for the sale of a stolen metal is a Class B misdemeanor. This bill:

Requires the Texas Department of Public Safety (DPS) to create a statewide electronic reporting system to track the sale of regulated metal. Sets forth confidentiality requirements to which information in the reporting system must adhere.

Requires persons engaged in metal recycling to receive a certificate of registration from DPS. Sets forth guidelines for the issuance of a certificate of registration.

Requires that a person selling metal to a metal recycling entity provide a personal identification document, information regarding the vehicle used to transport the metal, and evidence that the person legally owns the metal or a signed statement to that effect.

Authorizes the metal recycling entity to photocopy the person's personal identification document and photograph the seller's face and/or vehicle sets forth certain circumstances under which this information is not required and requires a metal recycling entity to maintain certain records for three years.

Provides that a metal recycling entity is only authorized to dispose of, process, sell, or remove from the premise regulated metal if the entity has been in possession of the item for more than 72 hours excluding weekends and holidays and the entity purchased the regulated metal from certain businesses that sell regulated metal in the ordinary course of commerce.

Sets forth certain guidelines surrounding the sale of metal or a regulated material on which a peace officer has placed a hold.

Provides that it is a Class A, rather than Class B, misdemeanor to knowingly provide a false personal identification document or make a false statement in connection with the sale of certain metals or regulated materials and provides that a person who commits a repeat offense is subject to a state jail felony.

Provides that it is a Class A misdemeanor to knowingly purchase or sell stolen regulated material and a state jail felony to commit a repeat offense.

Sets forth circumstances under which DPS is authorized to deny, suspend, or revoke a certificate of registration.

Sets forth circumstances under which DPS is authorized to investigate the purchase or sale of regulated metals.

Provides that a person who steals, sells, purchases, or solicits the purchase of regulated metals is liable for a civil penalty of \$1,000 for each violation and sets forth guidelines for the issuance of a civil penalty.

Alcohol License and Permit Extension—S.B. 1217

By Senator Gallegos—House Sponsor: Representative Hamilton

Under current law, the Texas Alcoholic Beverage Commission (TABC) is prohibited from authorizing a license or permit period of greater than one year. The annual licensing of businesses proved overly burdensome for businesses that were in statutory compliance. This bill:

Increases the term of an alcoholic beverage permit or license from one year to two years after its issue date, with certain exceptions.

Requires TABC to double the fee and surcharge for a two-year permit or license and to assess surcharges on all applicants for an original or renewal alcoholic beverage certificate, permit, or license at the time of application rather than assess an annual surcharge on certificate, permit, and license holders.

Authorizes TABC to require a one-year term for the permit or license of an individual holder with a violation history.

Authorizes TABC to issue a permit or license that expires less than two years after the issue date to maintain a reasonable annual distribution of renewal application review work and fees.

Requires TABC to prorate the fee so the holder pays only for the number of months during which the permit or license is valid.

Appliance Installation Conducted by Licensed Appliance Installer—S.B. 1222

By Senator Carona—House Sponsor: Representative Goolsby

The Texas Electric Safety and Licensing Act (TESLA) requires an individual to be licensed in order to perform certain electrical work. There are numerous exceptions that allow other professionals to perform simple electrical work in the course of their normal duties; however, no exception is made for electrical activities performed in the course of appliance installation. As a result, homeowners must hire two separate technicians to install appliances. This bill:

Creates a license for appliance installation and requires that appliance installation be conducted by a licensed appliance installer.

Creates an exception to TESLA for licensed appliance installers for any electric work related to appliance installation done by such installers.

Modifications to Delivery of Alcohol Regulations—S.B. 1229

By Senator Gallegos—House Sponsor: Representative Bailey

Under current law, package stores and wine only package stores that hold local cartage permits are permitted to make deliveries of their products to customers within the city limits of the stores' permitted premises or within two miles thereof. The Alcoholic Beverage Code allows these package stores to also ship their products to customers anywhere in the state through the use of carrier permittees. The Texas statute was unclear regarding whether a carrier permittee should be permitted to deliver alcoholic beverages for a package store or a wine only package store outside of the county in which the store is located. This bill:

Expands the territory within which the holder of a package store permit or wine only package store permit may deliver alcoholic beverages, including allowing such a permit holder to deliver alcoholic beverages to the holder of a carrier's permit for transportation to a person within or outside the state who has placed a bona fide order and meets certain other criteria.

Responsibilities Concerning Radioactive Substances—S.B. 1604

By Senator Duncan—House Sponsor: Representative Bonnen

Currently, the Texas Department of State Health Services (DSHS) regulates the recovery of uranium and disposal of byproduct material as well as the commercial storage and processing of radioactive waste. The Texas Commission on Environmental Quality (TCEQ) regulates the disposal of radioactive substances except for byproduct material and oil and gas naturally occurring radioactive material waste. This bill:

Requires TCEQ to regulate and license the disposal of radioactive substances; the processing or storage of low-level radioactive waste or naturally occurring radioactive material waste, except oil and gas; the recovery or processing of source material; the processing of by-product material; and sites for the disposal of low-level radioactive waste.

Requires a holder of a license authorizing the disposal of a radioactive substance to remit each quarter an amount equal to 10 percent of the license holder's gross receipts received from disposal operations.

Allows TCEQ to audit a license holder's financial records and waste manifest information to ensure that the fees imposed are accurately paid.

Allows TCEQ to issue injection well permits for uranium mining.

Transfers from DSHS to TCEQ all rights, powers, duties, obligations, functions, activities, and all related appropriations related to oversight of radioactive substances.

Electronically Readable Information on a Driver's License—S.B. 1828

By Senator Whitmire—House Sponsor: Representative Hamilton

Currently, a positive defense to prosecution for both criminal and administrative proceedings relating to the sale of alcoholic beverages to a minor is that an electronic scan device indicated that a driver's license is valid. This bill:

Includes in the list of affirmative defenses to prosecution that a transaction scan device identified the license or certificate of the purchaser as valid and that the person is over 21 and the defendant accessed the information and relied on the results in good faith, and if the defendant is the owner of a store, that the defendant did not directly or indirectly encourage the employee to violate the law.

Power Management Systems for State Agencies—H.B. 66

By Representative Liebowitz et al.—Senate Sponsor: Senator Watson

Software has been developed that can reduce the energy used to run computers; resulting in a cost savings. This bill:

Requires the Department of Information Resources (DIR) to choose power management software (software) by competitive bid to reduce the energy used to operate computer and personal computer networks in state agencies.

Requires state agencies that would benefit from the software to acquire the software selected by DIR.

Sets forth conditions under which an institution of higher education should acquire the software.

Alternate Project Delivery Processes and Competitive Bidding—H.B. 447

By Representatives Callegari and Macias—Senate Sponsor: Senator Jackson

Currently, language governing alternative delivery methods for construction projects is located throughout various statutes. Cities, counties, school districts, and other entities are also presently allowed to use several alternatives to traditional low-bid delivery methods for certain construction projects such as construction manager-agents competitive sealed proposals for construction services, construction manager-at risk, design-build, and job order contracting; although the authorization to use alternative project delivery is limited to vertical or architectural construction. This bill:

Sets forth certain methods by which all school district contracts for the purchase of goods and services, except for certain contracts for the purchase of produce or vehicle fuel, are required.

Requires that the method that provides the best value for the district be used.

Sets forth procedures for a school district to follow in selecting a vendor through competitive sealed proposals.

Sets forth guidelines regarding certain actions for defective design, construction, renovation, or improvement of an instructional facility that are brought by a school district.

Prohibits an interlocal contract from being used to purchase engineering or architectural services unless the services are in connection with the design or construction of certain facilities.

Provides that a governmental entity, quasi-governmental entity, or public junior college—except for the Texas Department of Transportation, state highway projects, and regional tollway authorities—authorized by state law to make a public work contract may use competitive bidding, competitive sealed proposal, construction manager-agent, construction manager-at-risk, design-build, and job order contracts.

Sets forth criteria that a governmental entity is authorized to consider when awarding a public work contract and guidelines surrounding the use of these alternative methods.

Sets forth certain improvements that are excepted from competitive bidding requirements or restrictions.

Grants Made by the Texas Commission on the Arts—H.B. 1023

By Representative Berman—Senate Sponsor: Senator Watson

Current statutes do not reflect all of the rules and practices of the Texas Commission on the Arts (commission) or the mini-grant process instituted by the commission to increase efficiency. This bill:

Requires the commission to submit a grant application for a grant of \$500 or more to a panel of commission consultants for recommendations.

Requires the commission to approve a grant of \$500 or more and authorizes the commission to delegate its authority to approve grants of less than \$500 to the executive director and review any grant authorized by the executive director at the commission's next regular meeting.

Appeal of Decisions Made by the Texas Ethics Commission—H.B. 1290

By Representatives Macias and Allen—Senate Sponsor: Senator Fraser

Current law authorizes a person to file a petition to appeal a final decision made by the Texas Ethics Commission. A concern has arisen that the statute may be interpreted to authorize any person to file a petition to appeal, regardless of involvement in the complaint. This bill:

Authorizes only the respondent or the respondent's agent to file a petition to appeal a final decision of the Texas Ethics Commission.

Texas Ethics Commission Personal Financial Statement Forms—H.B. 1652

By Representative Macias—Senate Sponsor: Senator Fraser

Current law requires the Texas Ethics Commission (TEC) to mail two copies of the personal financial statement (PFS) form to each individual subject to such reporting requirements. Approximately five years ago, TEC discontinued including copies of the PFS forms with the notice concerning the necessity to file such a form, due to budgetary constraints. Instead, filers are referred to the TEC website to obtain a copy of the PFS form and instructions. However, TEC continues to mail the form and instructions upon request. This bill:

Removes the requirement that TEC mail paper forms to registrants.

Requires TEC to mail a notice concerning the necessity to file a personal financial statement.

Authorizes TEC to charge a fee to cover the costs of mailing paper forms if such forms are requested.

Planning, Reporting, and Review of the State's Information Resources—H.B. 1788

By Representative Pitts—Senate Sponsor: Senator Hegar

Currently, state agencies maintain separate information technology planning and reporting requirements, separate strategic plans are required for information resources and all other operations, and separate reports are required regarding the status of TexasOnline, the use of the Internet in training, and access to information resources by disabled individuals. This bill:

Requires the Department of Information Resources (DIR), in coordination with the Legislative Budget Board, the Texas Building and Procurement Commission, and the comptroller of public accounts, to prepare a report assessing the current automated information systems of state agencies and sets forth certain information to be included in the report.

Requires DIR to prepare instructions for use by state agencies in preparing a strategic plan and sets forth certain requirements of the instructions.

Requires each state agency to complete a review of the operational aspects of the agency's information resources deployment following DIR instructions and sets forth certain information the review must include.

Requires DIR to require an agency to develop a corrective action plan that specifies the manner in which deficiencies will be corrected if DIR determines that an agency's deployment decision is not in compliance with the state strategic plan.

Requires DIR to specify hardware configurations for state commodity items in instructions for the preparation of planned procurement schedules and requires each state agency to use these hardware configurations.

Information Resources Projects—H.B. 1789

By Representative Pitts—Senate Sponsor: Senator Hegar

The Texas Project Delivery Framework (framework) was enacted during the 79th Regular Session and provides guidance for the delivery of major information technology (IT) projects. Current law requires the Electronic Government Program Management Office to operate within the Department of Information Resources (DIR). The framework requires each agency to follow consistent steps in the development and implementation of a major information resources project. This bill:

Defines and requires the use of IT project management practices.

Requires state agencies to use IT project management practices that are consistent with DIR guidelines.

Clarifies the role of the Quality Assurance Team.

Deletes the Electronic Government Program Management Office as a required entity within DIR.

Executive Director of the Teacher Retirement System of Texas—H.B. 2190*By Representative Truitt—Senate Sponsor: Senator Duncan*

Under current law, the only people eligible to serve as the executive director of the Teacher Retirement System of Texas (TRS) are those who have been citizens of the state for the three years immediately preceding the appointment. This bill:

Expands the eligibility requirements to encompass qualified applicants who are citizens of the United States, allowing the State of Texas to conduct a nationwide search for a replacement for the executive director of TRS.

State and Political Subdivision Financial Accounting and Reporting—H.B. 2365*By Representative Truitt et al.—Senate Sponsor: Senator Duncan*

In 2004, the Governmental Accounting Standards Board (GASB) issued Statement No. 45 (GASB 45), creating accounting standards for a governmental entity's "other post-employment benefits" (OPEB). GASB 45 requires governments that have not contracted for or obligated future tax dollars for these benefits to report future benefit costs as if they were obligated. Furthermore, GASB 45 requires any funding reserved to address recognized OPEB liabilities to be placed in an irrevocable trust that cannot be redistributed to address other governmental needs, even if the original OPEB estimates turn out to be too large.

Some stakeholders believe that the liability measurement required under this standard does not provide a reasonably accurate measurement, creating a potential for false or misleading financial statements. However, if governmental entities in Texas choose to comply with Texas law regarding how they create and fund debt without following GASB 45, other accounting standards need to be established to ensure compliance with the remainder of the generally accepted accounting principles. This bill:

Establishes an alternative, statutorily-based, and comprehensive basis of accounting for Texas governments.

Requires a state system to fully disclose to its members that the system is not obligated to provide benefits beyond existing statutory, constitutional, or other legal requirements.

Requires a state system to inform its members about the extent of the system's commitments regarding other post-employment benefits.

Sale of Seized Gambling Equipment—H.B. 2462*By Representative Van Arsdale—Senate Sponsor: Senator Brimer*

Local law enforcement entities have often found that seized gambling equipment has reappeared in their communities after it has been auctioned off locally, creating a problem that some local governments have found expensive and difficult to manage. This bill:

Requires the Texas Building and Procurement Commission (TBPC) to sell gambling equipment that has been transferred from commissioners courts to TBPC.

Sets forth the persons to whom the equipment is authorized to be sold.

Requires at least 50 percent of the net proceeds to be allocated to the commissioners court and the remainder to be allocated to the state's general revenue fund.

Requires the commissioners court to remit money received from TBPC from the sale of gambling equipment, less administrative expenses incurred by the county in connection with the transfer and sale of the equipment, to the local law enforcement agency that originally seized the equipment.

Texas Racing Commission—H.B. 2701

By Representative Flores—Senate Sponsor: Senator Lucio

The Texas Racing Commission (TRC) regulates all aspects of the pari-mutuel racing industry, including strict oversight of wagering and the conduct of live and simulcast racing. This bill:

Clarifies regulatory definitions, revises the agency's method of finance, and provides a one-year expiration date on all pari-mutuel tickets.

Removes out-of-date provisions and gives TRC some additional flexibility to conduct pre-race or post-race testing of horses and greyhounds.

Clarifies the agency's fee collection authority by establishing that the agency is required, by rule, to recover costs through fees for the regulation, oversight, and licensing of racetracks, including both live and simulcast racing.

Eliminates two of the agency's current revenue sources, which have decreased in recent years: uncashed tickets and 50 percent of the greyhound breakage.

Authorizes TRC to collect fees to cover the costs of doing criminal background checks on individuals requesting approval for a transfer of ownership of a racetrack license.

Changes the prohibition on a racetrack from employing former TRC members and some former agency employees from a two-year restriction to a one-year restriction.

Enterprise Resource Planning—H.B. 3106

By Representative Isett—Senate Sponsor: Senator Hegar

Currently, all state agencies are required to report their expenditures through the Uniform Statewide Accounting System (USAS). While most state agencies utilize the USAS as their primary accounting system, some agencies have chosen to use agency-specific systems that require individual development and production. This has increased the cost of maintenance and made statewide analysis and coordination difficult. The comptroller of public accounts (comptroller) currently has the authority to establish reporting

requirements and the replacement of certain systems; however, because of current trends toward vendor consolidation of enterprise resource planning software providing the comptroller clearer standard-setting authority may prove useful. This bill:

Requires the comptroller to ensure that USAS includes enterprise resource planning. Authorizes the comptroller to require state agencies to modify or replace individual enterprise resource planning systems so that they are compatible with USAS and adopt standards for the implementation and modification of state agency enterprise resource planning systems.

Requires the comptroller to establish and coordinate the enterprise resource planning advisory council (council). Sets forth the composition and required duties of the council.

Divestment from Certain Companies Operating in Sudan—S.B. 247

By Senator Ellis et al.—House Sponsor: Representative Van Arsdale et al.

Current law does not place any restriction on the ability of public retirement systems in the State of Texas to invest in companies that are beneficial to the Sudanese government and are indirectly facilitating the genocide occurring in Sudan. This bill:

Sets forth certain legislative findings relating to the genocide occurring in Sudan.

Requires certain public retirement systems in the state of Texas to engage and possibly divest from certain businesses (scrutinized companies) associated with the Sudanese government.

Mandates engagement with scrutinized companies before any divestment action is taken.

Provides that certain investments are authorized for continuation by the public retirement systems of Texas and provides an opt-out if a pension fund can objectively demonstrate that divestment has had a negative impact on its portfolio.

Requires the comptroller of public accounts to prepare and maintain a list of scrutinized businesses.

Requires each state governmental entity to provide a report to certain persons relating to the entity's actions with regards to investments in scrutinized companies.

Planning and Management of State Telecommunications Services—S.B. 757

By Senator Hegar—House Sponsor: Representative Callegari

The Telecommunications Planning and Oversight Council (council) currently manages the state's telecommunications system while the authority to grant a waiver to use a telecommunications system other than the state's is governed by the Department of Information Resources (DIR) board of directors. This bill:

Requires DIR to establish plans and policies for the system of telecommunications services which it manages and operates.

Requires the state strategic plan to provide information about best practices to assist state agencies in adopting methods for design, deployment, and management of telecommunications services.

Payment of Damages For Soil and Water Conservation District Directors—S.B. 1613

By Senators Duncan and Fraser—House Sponsor: Representative Hilderbran

The 217 individual local soil and water conservation districts in Texas are political subdivisions of state government that are responsible for comprehensive natural resource conservation and protection. Each district has five board members (directors) by agricultural producers and property owners. The state has prohibited these districts from levying any tax and provides a limited amount of funding for them to carry out their duties or to hire an attorney, in the event that a director or district is sued. The prospect of being sued has led several directors to consider resigning their positions. This bill:

Clarifies that soil and water conservation districts are included under Chapter 102 (Tort Claims Payments by Local Governments), Civil Practice and Remedies Code.

Fees for Copies of Records and Research of State Preservation Board—S.B. 1732

By Senator Brimer—House Sponsor: Representative Goolsby

The State Preservation Board (board) is responsible for preserving, maintaining, and restoring the State Capitol and the General Land Office Building and their contents and grounds. The board has an extensive collection of photos, videos, and archival records relating to these historic properties for which the agency owns the copyright. Public interest in these photos and records is significant, and in order to efficiently and cost-effectively fulfill public demand for copies of these items, the board developed a policy to allow the public to purchase copyright-protected images from its collection. In February 2007, the board was informed by the Cost Rules Administrator in the Open Records Division of the Office of the Attorney General that persons requesting copyright-protected images can only be charged the nominal fee allowed by the Texas Public Information Act. This bill:

Authorizes the board to set and collect a fee for providing a copy, for personal or educational use, of state archival records and other historical resources protected by copyright and owned by the board, including photographs, video recordings, and other documentation related to the history of the buildings and grounds under board control.

Authorizes the board to set its fees in amounts necessary to cover the cost of creating the image or document and the cost of reproducing and dispersing the image or document requested.

Requires the board to deposit money received under this section to the credit of a separate account in the Capitol fund.

Excepts fees for copies of state archival records and other historical resources protected by copyright and owned by the board from the fee schedule and other provisions related to costs and charges under Chapter 552 (Public Information), Government Code.

Penalty Exemptions for Political Committee Reporting Requirements—H.B. 89

By Representatives Branch and England—Senate Sponsor: Senator Harris

Current law subjects general-purpose political committees to civil penalties for a late report of political contributions and expenditures. Concerns have arisen that this law may completely eliminate funding for smaller general-purpose committees. This bill:

Exempts a general-purpose political committee from civil penalties required to be paid for a late report if the committee did not accept political contributions totaling \$3,000 or more, accept political contributions from a single person totaling \$1,000 or more, or make or authorize political expenditures totaling \$3,000 or more during the reporting period covered by the report that is subject to the violation or during the two reporting periods preceding the period subject to a violation.

Notification of Voting Rights of Formerly Incarcerated Adults—H.B. 770

By Representatives Dutton and Guillen—Senate Sponsor: Senator Lucio

Formerly incarcerated adults are authorized to register to vote in Texas after they have completed their sentence or the terms of probation or parole but many fail to do so. This bill:

Requires the Texas Department of Criminal Justice to provide written notification to discharged prisoners regarding potential voting eligibility and to provide those persons with a voter registration application.

Independent School District Election of Trustees—H.B. 945

By Representatives Herrero and Ortiz—Senate Sponsor: Senator Hinojosa

Current law requires independent school districts to hold their elections on either the May or November uniform election dates. Legislation passed during the 79th Legislature, Regular Session, 2005, required elections for independent school district trustees to be held in conjunction with either a municipality in which the independent school district is located or with the general election for state and county officers.

The Election Code allows the City of Corpus Christi to hold an election for municipal officers on any Saturday in April in odd-numbered years. Therefore, school districts within Corpus Christi are unable to hold their elections with the municipality because the city election is not held on a uniform election date. In other words, as a result of these requirements, independent school districts within the municipality of Corpus Christi are limited to only one possible election date in November. This bill:

Authorizes certain independent school districts in Corpus Christi to hold their elections in conjunction with a joint election with the city.

Provides the option for the election for trustees of certain independent school districts to be held on the same date as the election for the members of the governing body of a hospital district.

Use of Wireless Communication Devices Near Voting Stations—H.B. 1921

By Representative Keffer—Senate Sponsor: Senator Eltife

Current law prohibits poll watchers from using anything that has mechanical or electronic capability for recording images or sound. However, the use of wireless communication devices, such as cell phones, near a voting station is not prohibited. This bill:

Prohibits the use of wireless communication devices as well as any devices with mechanical or electronic means of recording images and sounds within 100 feet of a voting station.

Authorizes the presiding election judge to require violators to either turn off such devices or to leave the polling place.

Possession of Another Person's Official Ballot or Carrier Envelope—H.B. 1987

By Representative Berman—Senate Sponsor: Senator Duncan

Current law provides that a person commits a criminal offense if he or she knowingly possesses another person's official vote-by-mail ballot or another person's official vote-by-mail carrier envelope. However, unless the person possesses the ballot or carrier envelope with the intent to defraud the voter or the appropriate election authority, a person who possesses the ballot or carrier envelope of another may be able to avoid conviction if he or she can establish at least one of the specific affirmative defenses to prosecution. This bill:

Provides that conduct that is currently covered by certain affirmative defenses to prosecution regarding a person committing a criminal offense by knowingly possessing another person's official vote-by-mail ballot or another person's official vote-by-mail carrier envelope would no longer be subject to criminal prosecution.

Restrictions on Corporate Political Contributions and Expenditures—H.B. 2492

By Representatives Berman and Bohac—Senate Sponsor: Senator Williams

Businesses that previously organized under the Texas Business Corporation Act or the Texas Non-Profit Corporation Act are now organized under the Texas Business Organizations Code, which was adopted in 2003 and took effect in 2006. The Election Code, which contains certain corporate restrictions, has not yet been updated to reflect this reorganization. This bill:

Amends Section 253.091 (Corporations Covered), Election Code, to include on the list of corporations subject to restrictions under that section certain types of corporations organized under the Texas Business Organizations Code.

Provisional Voting by Citizens Who Apply for An Early Mail Ballot—H.B. 2823

By Representatives Bohac and Aycock—Senate Sponsor: Senator Patrick

Under current law, a voter who has applied for an early mail ballot is prohibited from casting a ballot on election day unless the voter first cancels the application. To do this, the voter is required to sign an affidavit in person at the early voting clerk's main office. This bill:

Authorizes voters who did not vote early by mail to cast provisional ballots and to cancel their mail ballot applications in person at the polling place.

Pilot Program for Countywide Voting Locations—H.B. 3105

By Representative Anchia—Senate Sponsor: Senator Duncan

The 79th Legislature, Regular Session, 2005, created a pilot program for countywide voting. The use of countywide polling places in lieu of county election precincts allows voters to vote at any of the polling places in a county. A county must file an application with the secretary of state and meet certain eligibility requirements to participate. However, the pilot program expired on January 2, 2007. This bill:

Re-establishes the countywide polling place program. Countywide polling places may be used for each general election for state and county officers, each countywide election held on the uniform election date in May, and each election of a political subdivision located in the county that is held jointly with an election described above.

Establishes June 1, 2009, as the end date of the pilot program.

Requires the secretary of state to file a report with the legislature and authorizes the report to include the secretary of state's recommendations on the future use of countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.

Prohibition of Electioneering Outside Polling Places—H.B. 3143

By Representative Flynn—Senate Sponsor: Senator Patrick

Current law prohibits a person from electioneering for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the polling place is located during a period of early or regular voting. Concerns have been raised that some election judges are enforcing electioneering laws beyond the distance of 100 feet. This bill:

Prohibits election judges and special peace officers from prohibiting electioneering activities beyond the 100-foot marker at a polling place.

Reporting of Political Contributions and Expenditures—S.B. 64

By Senator Zaffirini—House Sponsor: Representative Strama

Under current law, political candidates and their campaign committees are required to file campaign reports with the Texas Ethics Commission during the last nine days of an election if they receive individual contributions of more than \$1,000, and group contributions of more than \$15,000. This requirement, however, does not extend to general-purpose political action committees. This bill:

Requires a general-purpose committee to file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the day before the election if it accepts political contributions from a person that in aggregate exceed \$5,000 during that reporting period, or makes direct campaign expenditures supporting or opposing either a single candidate that in aggregate exceed \$1,000 or group of candidates that in aggregate exceed \$15,000 during that reporting period.

Requires that each report include the amount of the contributions specified, the full name and address of the person making the contributions, and the dates of the contributions.

Electronic Mail Ballot Pilot Program—S.B. 90

By Senators Van de Putte and Uresti—House Sponsor: Representatives Corte and Naishtat

S.B. 90 is designed to address reports of a high rate of disenfranchisement among military and overseas voters resulting from the time necessary to mail and return absentee ballots. This bill:

Establishes a pilot program to evaluate the use of electronic mail to provide a ballot to certain military personnel who are voting from overseas.

Requires the secretary of state, no later than February 15, 2009, to file a report on the program with the legislature.

Deadline for Application for Absentee Ballots—S.B. 361

By Senator Janek—House Sponsor: Representative John Davis

Current law requires a person applying to receive a federal absentee ballot to submit a federal postcard to the early voting clerk on or before the 30th day before Election Day. S.B. 361 is designed to increase the likelihood that active members of the Armed Forces and the Merchant Marine, who are often informed of their upcoming assignments with relatively short notice, will meet the submission deadline and have the opportunity to cast an absentee vote for Texas state elections. This bill:

Extends the submission deadline to the 20th day before Election Day for an active member of the Armed Forces of the United States, an active member of the Merchant Marine of the United States, or the spouses or dependants of such members.

Recognition Day in Honor of Election Volunteers—S.B. 393

By Senator Patrick—House Sponsor: Representative Callegari

There is currently no designated day to recognize persons who donate their time and resources to support the election process in Texas. This bill:

Designates the second Tuesday in January of each year as Volunteers for Democracy Day in honor of precinct chairs and other election volunteers and requires that the day be regularly observed by appropriate ceremonies.

Appointment of a Joint Elections Administration—S.B. 493

By Senator Duncan—House Sponsor: Representative Chisum

The Election Code authorizes the creation of a position of county elections administrator in order to consolidate the duties of voter registrar and the election duties of the county clerk. However, current law does not authorize the extension of the administrator's duties beyond one county. This bill:

Authorizes counties and political subdivisions to establish a joint elections commission and to appoint a joint elections administrator to administer all election duties for the member counties and political subdivisions.

Provides for the eligibility for and appointment to the position, salary, transfer of duties to, and other general duties of the administrator.

Provides for the entry into and exit from the use of the administrator position by political subdivisions, as well as the abolishment of the position by the participating entities.

Voter Registration Certificates—S.B. 932

By Senator Jackson—House Sponsor: Representative Bonnen

Under current law, the Texas Voter Registration System, as governed by the secretary of state, allows for only five optional spaces on the current voter registration certificate. However, in many counties, voters are able to vote in more than five jurisdictional districts. This bill:

Requires the jurisdictional districts or distinguishing numbers for certain territorial units in which the voter resides, as determined by the voting registrar, to be included on a voter registration certificate.

Selection of Early Voting Election Officers—S.B. 1434

By Senator Estes—House Sponsor: Representative Flynn

Early voting has grown since its inception to encompass almost half of the turnout in general elections. Some stakeholders believe that as a result of this growth, the selection of election judges for early voting precincts may be better suited by methods of selection used on Election Day. This bill:

Requires the county clerk to select election officers for the main early voting polling place and any branch polling place from a list submitted by the county chair of each political party, in a manner providing equal representation to the extent possible for each political party holding a primary election in the county.

Requires the county chair of each political party to submit in writing to the county clerk, before July of each year, a list of names of persons eligible for selection as an officer, in order of preference, for each early voting polling place.

Authorizes the county chair to supplement the list until the 30th day before early voting begins in case an appointed officer becomes unable to serve.

Requires the county clerk to appoint the first eligible person from the list submitted by the party with the highest number of votes in the county as the presiding officer, and the first person from the party with the second highest number of votes as the alternate presiding officer of that polling place.

Requires the county clerk to appoint additional officers for each polling place in a manner providing equal representation to the extent possible for each political party and authorizes the county clerk to reject the list if the persons on said list are ineligible.

Authorizes the county clerk, after making a reasonable effort to consult with the party chair of the appropriate party or parties, to select officers for each early voting polling place in which a list is not submitted in a manner that attempts to ensure equal representation to the extent possible for the parties.

Competitive Bidding for State Agency Purchases—H.B. 119

By Representative Fred Brown—Senate Sponsor: Senator Ogden

Currently, a state agency is not required to employ competitive bidding for purchases that do not exceed \$2,000 or more if prescribed by commission rule. Catalog purchases or leases exceeding \$2,000 are required to be based upon an evaluation of at least three catalog offers when feasible. This bill:

Requires a state agency to use competitive bidding when making a purchase that exceeds \$5,000 and made under a written contract.

Requires that a catalog purchase that exceeds \$5,000 or is made under a written contract be based on an evaluation of a minimum of three catalog offers when possible.

Firefighter Police Officer Home Loan Program—H.B. 280

By Representative Madden et al.—Senate Sponsor: Senator Gallegos

The Firefighter Police Officer Home Loan Program is administered by the Texas State Affordable Housing Corporation (corporation). The corporation provides low-rate and 30-year fixed-rate mortgage loans and provides five percent down payment assistance for first-time homebuyers employed as police officers and firefighters in Texas. Revisions of the enacting legislation in previous legislative sessions extended the program to police officers, firefighters, corrections officers, county jailers, and public security officers. This bill:

Adds juvenile correctional officers employed by the Texas Youth Commission to the definition of "corrections officer," providing for their participation in the home loan program.

Use of State Property by a Production Company—H.B. 374

By Representatives Pickett and Swinford—Senate Sponsor: Senator Zaffirini

The Texas Film Commission has found that Texas is currently losing money and jobs generated by television and film production because other states are providing creative incentives for production. Furthermore, in Texas state government agencies and entities inflate production rates on state property because no standard guidelines regulate these rates, and in some instances state agencies are prohibiting production shots on state property entirely. Creating a framework to help film and production companies coordinate the ability to use Texas resources for production could result in the return of money and jobs to Texas. This bill:

Requires a state agency to allow a production company to use state buildings or grounds for certain productions.

Requires the Music, Film, Television, and Multimedia Office (office) to review every proposal for the use of state buildings or grounds by a production company and sets forth circumstances under which the office is authorized to approve the proposal.

Requires the office to supervise the use of state buildings and grounds by a production company and set a fee for use of the state buildings or grounds.

Sets forth guidelines surrounding reimbursement costs provided to a state agency by a production company.

Ethical Conduct of State Officers and Employees—H.B. 590

By Representative Delisi—Senate Sponsor: Senator Zaffirini

Current law regarding ethical standards for state agencies states that state officers and employees should not engage in certain activities, but does not mandate ethical behavior. This bill:

Provides for the termination of a state employee who violates certain ethics standards.

Provides for civil or criminal penalties for state officers or employees who engage in certain ethical misconduct.

Requires each state agency to adopt a written ethics policy for the agency's employees consistent with prescribed ethics standards, to be distributed to each new employee and officer.

Requires the office of the attorney general, in coordination with the Texas Ethics Commission (TEC), to develop and distribute a model policy that state agencies may use.

Establishes procedures through which a prosecuting attorney is required to notify TEC of certain criminal ethics violations.

Requires TEC, on the request of the prosecuting attorney, to assist the prosecuting attorney in investigating certain criminal ethics violations.

Home Loans for Emergency Medical Personnel—H.B. 618

By Representatives Bonnen and O'Day—Senate Sponsor: Senator Jackson

The 78th Legislature created the firefighter and law enforcement or security officer home loan program (program). This program currently does not provide loans to emergency medical services personnel. This bill:

Provides that emergency medical services personnel are eligible for home loans under the program and renames the program as the firefighter, law enforcement or security officer, and emergency medical services personnel home loan program.

Default Investment Products Under a Deferred Compensation Plan—H.B. 957

By Representative Orr—Senate Sponsor: Senator Ellis

State employees may currently access a deferred compensation option or 401(k). This bill:

Provides that an employee of a state agency participating in a 401(k) plan (plan) participates in the plan unless the employee opts out of the plan.

Provides that an employee participating in a plan makes a contribution of one percent of the compensation earned by the employee to a certain default investment product by automatic payroll deduction.

Authorizes an employee participating in a plan to elect to end participation in the plan, contribute to a different investment product, or contribute a different amount to the plan at any time.

Requires a state agency participating in a plan to inform new hires of their automatic enrollment in the plan and their right to opt out of enrollment within existing resources.

Pledge of Allegiance to the Texas State Flag—H.B. 1034

By Representative Riddle et al.—Senate Sponsor: Senator Patrick

H.B. 1034 includes the phrase "one state under God" within the pledge of allegiance to the state flag so that it reads as follows: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

Star of Texas Awards—H.B. 1164

By Representative Gallego—Senate Sponsor: Senator Watson

Following the attacks of September 11, 2001, the 78th Texas Legislature established the Star of Texas Award to honor the sacrifices made by peace officers, firefighters, and emergency first-responders who are seriously injured or killed in the line of duty. This bill:

Requires the Star of Texas Award to be awarded to federal law enforcement officers or special agents who are seriously injured while performing duties in this state to assist state or local law enforcement agencies.

Requires the officer's next of kin to be awarded the Star of Texas if an officer is killed while performing duties as a law enforcement officer.

Texas Lottery Commission Procurements—H.B. 1179

By Representative Flores—Senate Sponsor: Senator Nelson

When the Texas Lottery Commission (commission) was created, the legislature exempted the commission from certain procurement practices in order to expedite the start-up process for the commission and to begin generating funds for the state. Some stakeholders feel that since the commission has been in existence for several years, there may no longer be a need for the commission to continue the current contracting practice.

Moreover, the commission, under its rulemaking authority, adopted comprehensive procurement procedures modeled in part on Texas Building and Procurement Commission (TBPC) rules and practices. However, the procurement procedures of the commission are required to be read together with TBPC

requirements, leading to a situation in which TBPC may be subject to two sets of procurement statutes or rules with different and inconsistent results. This bill:

Repeals certain sections of current statute relating to the commission's procurement practices.

Provides that the general law governing purchasing and contracts by state agencies applies to the commission.

Provides the commission a period of transition from current practice to TBPC oversight.

Indemnification of Phlebotomists—H.B. 1194

By Representatives England and Madden—Senate Sponsor: Senator Harris

State law requires an offender incarcerated in a facility operated by the Texas Department of Criminal Justice (TDCJ) to provide a specimen, collected by medical staff, to be included in the DNA database administered by the Department of Public Safety. TDCJ contracts with phlebotomists to collect such samples from offenders who will not comply with the requirement to the point that force is necessary to obtain the sample. However, the law does not indemnify phlebotomists from civil damages if an offender files suit. This bill:

Indemnifies phlebotomists who collect DNA samples for TDCJ.

Texas Municipal Retirement System—H.B. 1244

By Representative Kuempel—Senate Sponsor: Senator Williams

In 1947, the legislature created the Texas Municipal Retirement System (system) to provide retirement, disability, and death benefits to officers and employees of municipalities participating in the system. Each participating municipality chooses from a range of possible benefits and is responsible for funding those benefits separately from the benefits payable to other system members. This bill:

Provides new matching ratios for municipalities to choose from and authorizes municipalities to make additional contributions to the system above the calculated rate, on a voluntary basis.

Authorizes the board of trustees of the system to set amortization periods for funding pension liabilities up to 25 years and to make distributions to qualified health insurance providers for retired public safety officers under the federal Pension Protection Act.

Firefighters' Relief and Retirement Fund—H.B. 1390

By Representative Turner—Senate Sponsor: Senator Jackson

Currently, there is no option for retired firefighters to participate in a program that allows them to place a portion of their retirement back into the firefighter's relief and retirement fund. This bill:

Allows retirees to take advantage of a federal tax provision and pro-rate on a monthly basis, a benefit for participants in the Deferred Retirement Option Plan (DROP) that is currently only provided after a full year of DROP participation.

Changes the way in which the annual supplement benefit is distributed to the benefit of lower-income retirees.

Establishes a Post-Retirement Option Plan (PROP), an option currently in use in other local and state pension funds, which allows retirees who do not need their full monthly distribution each month to direct the fund to withhold part of that money until needed or required to be distributed pursuant to the Internal Revenue Code.

Authorizes the board of trustees of the fund to receive the death certificate or pending death certificate upon the reported death of a member, in order to expedite the issuance of death benefits to survivors.

Landowner's Bill of Rights—H.B. 1495

By Representative Callegari et al.—Senate Sponsor: Senator Nichols

Current law requires limited disclosure regarding a property owner's rights during a condemnation proceeding. Although Chapter 21 (Eminent Domain), Property Code, requires certain notices and disclosure to property owners, current law does not require that these property owners be informed of their statutory and constitutional rights. This bill:

Requires the attorney general to prepare a written statement that includes a bill of rights for a property owner whose real property may be acquired by a governmental or private entity through the use of the entity's eminent domain authority.

Requires that the statement be written in plain language designed to be easily understood by the average property owner and be made available on the attorney general's Internet website.

Requires a governmental or private entity with eminent domain authority to send a landowner's bill of rights statement by first-class mail to a property owner before that entity begins negotiating with the property owner to acquire real property.

Texas County and District Retirement System—H.B. 1587

By Representative Kuempel—Senate Sponsor: Senator Brimer

The Texas County and District Retirement System (retirement system) is a voluntary, statewide retirement system that administers service retirement, disability retirement, and death benefits for employees and officers of counties and other political subdivisions, excluding cities and school districts. Each participating subdivision separately funds its benefits, with both employers and employees making contributions to the retirement system. The retirement system does not receive state funding. This bill:

Makes improvements to the administrative and operational side of the retirement system and codifies current processes.

Addresses benefit design, employer participation and termination, disability retirement, and investment of assets.

Clarifies the authority of the board of trustees of the retirement system.

Simplifies the process for prior service credit.

Requires no action on the part of employers and does not anticipate that employers or members of the retirement system will be significantly affected by these changes.

Settlement of Boundary Disputes—H.B. 1787

By Representative Hartnett—Senate Sponsor: Senator Watson

A recent Texas Supreme Court decision prohibited title disputes from being resolved under the Uniform Declaratory Judgements Act, leaving the Trespass to Try Title as the only method by which a title dispute can be resolved. This bill:

Authorizes a boundary dispute to be settled through the use of a declaratory judgment.

Eminent Domain—H.B. 2006

By Representative Woolley et al.—Senate Sponsor: Senator Janek

The Texas Constitution limits the use of the power of eminent domain by requiring adequate compensation for the land on which eminent domain is used. The exercise of this power, while considered a necessary tool of government by some stakeholders, has been criticized by others as having been used excessively and improperly. This bill:

Provides that a property owner whose property is acquired through the use of eminent domain under Chapter 21, Property Code, for the purpose of creating an easement through that owner's property may construct streets or roads at any locations above the easement that the property owner chooses.

Provides that the portion of a road constructed under this provision that is over the easement may not exceed 40 feet in width.

Requires a governmental entity, before it initiates a condemnation proceeding by filing a petition under Section 21.012 (Condemnation Petition), Property Code, to authorize the initiation of the condemnation proceedings at a public meeting by a record vote.

Requires a separate record vote to be taken for each unit of property if more than one member of the governing body objects to adopting a single ordinance, resolution, or order by a record vote for all units of property for which condemnation proceedings are to be initiated.

Authorizes a governmental body that seeks multiple tracts or units of property to construct facilities connecting one location to another in a project for certain public uses to adopt a single ordinance,

resolution, or order by a record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity.

Provides that such an ordinance, resolution, or order is not required to identify specific properties that the governmental entity will acquire, but is required to identify the general area to be covered by the project or the general route that will be used for the project in a way that provides reasonable notice to property owners in and around the area or along the route that the owners' property may be subject to condemnation proceedings during the planning or construction of the project.

Requires an entity with eminent domain authority that wants to acquire real property for a public use to make a bona fide offer to acquire the property from the property owner voluntarily.

Requires a governmental entity to disclose in writing to the property owner, at the time of acquisition of the owner's property through eminent domain, that the repurchase price is the price paid to the owner by said entity at the time of acquisition, rather than the fair market value of the property at the time the public use was canceled.

Requires an entity that is not subject to Chapter 552 (Public Information), Government Code, and is authorized by law to acquire private property through the use of eminent domain to produce certain information, if such information is requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding and is related to the taking of the person's private property by the entity through the use of eminent domain.

Sets forth certain evidence which the special commissioners are required to admit as the basis for assessing actual damages to a property owner from a condemnation.

Requires the special commissioners, if a portion of a tract or parcel of real property is condemned for the use, construction, operation, or maintenance of the state highway system or of a county toll project described by Chapter 284 (Causeways, Bridges, Tunnels, Turnpikes, Ferries, and Highways in Certain Counties), Transportation Code, that is eligible for designation as part of the state highway system, to consider any diminished access to the highway and to or from the remaining property to the extent that it affects the present market value of the real property, including any factors considered when determining actual fair market value of property for ad valorem tax purposes.

Requires, rather than authorizes, a department, agency, instrumentality, or political subdivision of the state to provide a relocation advisory service for certain entities.

Requires, rather than authorizes, the state or a political subdivision of the state to pay for certain expenses for the displacement of an entity from its property after acquisition by eminent domain.

Requires a court hearing a suit regarding eminent domain, if the court determines that a condemning entity did not make a bona fide offer to acquire the property from the property owner voluntarily, to abate the suit and order the condemnor to make a bona fide offer.

Requires the court, under certain circumstances, to order the condemnor to pay certain costs and attorney's fees.

Entitles a person from whom property interest is acquired, or that person's heirs, successors, or assigns, to repurchase the property if the public use is canceled before the 10th anniversary of the date of acquisition or the governmental entity fails to begin the operation or construction of the project for which the property was acquired before the 10th anniversary of that date.

Provides additional procedures for a condemnation proceeding initiated by a common carrier.

Authorizes a water and sewer utility that is operating in accordance with its certificate of convenience and necessity to acquire by condemnation only easements or lesser property interests reasonably necessary to comply with federal and state regulations relating to sanitation.

Prohibits a water and sewer utility from exercising the power of eminent domain to condemn land to acquire rights to underground water or for water or water rights, or from exercising eminent domain in certain municipalities.

Requires the comptroller of public accounts to identify all public and private entities with eminent domain authority and to make certain recommendations and observations to the legislature and the governor regarding that authority.

Enforcement of the Antiquities Code—H.B. 2056

By Representative Homer—Senate Sponsor: Senator Whitmire

During the sunset review of the Texas Historical Commission, it was discovered that the commission has never taken any type of enforcement action under the Antiquities Code. Under current law, a violation of the Antiquities Code is a criminal offense which has to be prosecuted by the local or county district attorney. A conflict of interest may arise from such prosecution if the county government has itself violated the Antiquities Code. This bill:

Authorizes the Texas Historical Commission to use the Texas attorney general to pursue civil penalties for a violation of the Antiquities Code of Texas.

Filing of Electronic Reports with the Texas Ethics Commission—H.B. 2195

By Representative McCall—Senate Sponsor: Senator Harris

Current law requires reports filed with the Texas Ethics Commission (TEC) to be filed by 5:00 p.m. on the last day permitted. Some stakeholders have stated that TEC staff are unlikely to read such reports by the following morning since the close of business for TEC is at 5:00 p.m., and that an extension of the deadline time would aid those entities that are required to submit reports. This bill:

Changes the deadline for submitting electronic reports from 5:00 p.m. to midnight on the last day permitted for filing the report.

Progressive Bingo—H.B. 2265

By Representative Haggerty—Senate Sponsor: Senator Averitt

Current law limits the amount that can be awarded during each bingo occasion to \$2,500 for regular bingo, with no more than \$750 permitted to be awarded per bingo game. Additionally, a bingo game is required to be completed during the session in which it is started and the prize for a bingo game is required to be awarded during the session in which the bingo game begins. Some charities believe that a progressive format would increase bingo participation by allowing the award of a larger prize. This bill:

Authorizes a charity to continue a bingo game across more than one bingo occasion in order to create a larger, growing amount until the jackpot is won, not to exceed \$2,500.

Authorizes a person to offer or award on a single bingo occasion prizes for progressive bingo games with an aggregate value of more than \$2,500.

Provides that a jackpot prize or consolation prize offered or awarded in a progressive bingo game during a bingo occasion is not included in the aggregated value of prizes awarded at a single bingo occasion for purposes of determining the \$2,500 limit on prizes.

Authorizes only one progressive bingo game to be conducted per occasion and only one consolation prize, not to exceed \$250, to be awarded per occasion.

Suspension or Removal of a Deputy Sheriff—H.B. 2283

By Representative Chavez—Senate Sponsor: Senator Watson

Current law provides for a sheriff's civil service system for certain counties, which provides a property right to jobs in the commission that are covered by the law. Consequently, deputy sheriffs under this system can only be fired for cause. This conflicts with Section 85.003 (Deputies), Local Government Code, which requires the commissions of deputy sheriffs to be reissued when a new sheriff is elected and provides that those deputies serve at the pleasure of the elected sheriff. This bill:

Authorizes the sheriff to revoke the appointment of a deputy on the deputy's indictment for a felony.

Authorizes the suspension or removal of a deputy who is included in the coverage of a civil service system only for violation of a civil service rule adopted under that system.

Texas Emergency Services Retirement System—H.B. 2400

By Representative Keffer—Senate Sponsor: Senator Averitt

The Texas Emergency Services Retirement System is a voluntary, statewide retirement system that administers, through the office of the firefighters' pension commissioner, service retirement, disability retirement, and death benefits for volunteers and auxiliary personnel of emergency services departments, including volunteer fire departments and emergency medical services personnel. This bill:

Provides that the state board of trustees, firefighters' pension commissioner, and employees of the Texas Emergency Services Retirement System are not liable for any action taken or omission made or suffered by them in good faith in performance of any duty or prerogative in connection with the administration of the pension system.

Requires an action in state court by or against the pension system to be brought in Travis County.

Authorizes a participating department to impose a probationary period, not to exceed six months, for a volunteer or auxiliary employee and provides that the participating department is not required to pay contributions for the person during the probationary period.

Entitles a member to disability retirement benefits from the pension system only if a local board of trustees determines that the member became disabled during the performance of emergency service duties and is unable to return to work at the member's regular occupation, or, if the member is a student, is unable to return to the member's scholastic studies.

Authorizes the local board, after notice and a hearing, to adopt an order to terminate payments if a disability rating report indicates a significant improvement in, rather than change of, condition.

Provides that payments of a continuing disability retirement annuity to a retiree certified by the medical board as permanently disabled cease if the retiree returns to work at the retiree's regular employment or performs emergency service duties.

Provides that a continuing disability retirement annuity terminates on the fifth anniversary of the date payment of the annuity begins, except in the event that the retiree becomes recertified by the medical board as being permanently disabled.

Changes the share of death benefit annuity to which the spouse and dependents of a member who has died as a result of performing emergency service duties are entitled.

Provides for other member nonservice and vested member death benefits.

Registration and Reporting Requirements for Lobbyists—H.B. 2489

By Representatives Berman and Bohac—Senate Sponsor: Senator Duncan

Current law requires that a lobbyist, unless he or she reports an exact amount of compensation, report such compensation in certain ranges. The highest range of compensation is \$200,000 or more. This bill:

Provides additional ranges of compensation over \$200,000 in \$50,000 increments, up to \$500,000.

Requires any compensation over \$500,000 to be reported in an exact amount.

Self-Corrected Documents Filed With the Texas Ethics Commission—H.B. 2589

By Representatives McCall and Madden—Senate Sponsor: Senator Harris

Current law states that any Texas Ethics Commission (TEC) statement, registration, or report turned in after the deadline is considered late. Therefore, a person can still be fined if the person, in good faith, chooses to correct an error or omission in such a document. This bill:

Clarifies that a correction to certain TEC statements, registrations, and reports is not considered late if the error was made in good faith and the report is corrected within 14 days of discovering the error.

Requires the person to sign an affidavit stating that the error was made in good faith.

Audits of Public Retirement System Actuarial Analyses—H.B. 2664

By Representative Truitt—Senate Sponsor: Senator Duncan

Under current law, each public retirement system conducts its own independent actuarial analysis. Actuarial assessments of those funds can and have varied considerably from one assessment to the next and from one actuary to the next. In seeking to reduce actuarial variability and increase pensioner confidence, this bill:

Requires certain actuarial statements of public retirement systems to be audited once every five years by an independent actuary.

Joint Lobbying Expenditures—H.B. 2735

By Representative Berman—Senate Sponsor: Senator Harris

Current law states that a lobbyist is responsible for reporting the entire amount of an expenditure that the lobbyist splits with another lobbyist. Concerns have arisen that this may lead to misleading reports. This bill:

Provides that if a registered lobbyist or a representative of the registrant joins with another person to make certain expenditures, the amount of such expenditures made by or on behalf of the registrant includes only the amount of the portion of the joint expenditure contributed by the registrant and the amount of any portion of the joint expenditure that is made on behalf of the registrant by a person who is not a registrant, if such expenditure is not reported elsewhere.

Authorizes the total value of certain joint expenditures to exceed \$500 if each portion of the expenditure is made by a registrant and does not exceed \$500.

Filing of Personal Financial Statements by State Officers—H.B. 2839

By Representative Susan King—Senate Sponsor: Senator Fraser

In 2003, the 78th Legislature changed the number of days a person appointed to certain state offices is given to submit a personal financial statement from 30 days after the appointment to 14 days after the appointment. This filing requirement applies to anyone appointed to serve as a salaried appointed officer, an appointed officer of a major state agency, or a person appointed to fill a vacancy in an elective office. H.B. 2839 is designed to address concerns that the shorter 14-day time frame to collect and report financial information has caused a hardship to newly appointed persons. This bill:

Extends the number of days that newly appointed officers have to file their personal financial statements from 14 days to 30 days.

Service Retirement Annuity of Judicial Retirement System Members—H.B. 2882

By Representative Hughes et al.—Senate Sponsor: Senator Wentworth

Under current judicial retirement plans, the service retirement annuity of a member who elects to make contributions after 20 years of service or after reaching the Rule of 70 with 12 years on an appellate court is based on 60 percent of the state salary received by the member, plus two percent for each subsequent year of service. This amount is capped at a maximum of 80 percent of the state salary. This bill:

Increases the accrual rate for extra years of service from two percent to 2.3 percent.

Authorizes members to earn a maximum annuity of 90 percent, rather than 80 percent, of the state salary.

State Information Technology Contracting and Procurement Practices—H.B. 2918

By Representative Isett—Senate Sponsor: Senator Deuell

Currently, the Department of Information Resources (DIR) is responsible for procuring commodities and services relating to information technology while the Texas Building and Procurement Commission (TBPC) is responsible for the procurement of other commodities for the state. Aspects of TBPC procurement activities overlap and impact the ability of DIR to obtain the best value in purchases of information technology commodities and services. This bill:

Authorizes a state governmental entity that is not a state agency to use a procurement contract that DIR entered into for the purchase of commodity items or that allows the contract to be used by another state agency, political subdivision of this state, a governmental entity of another state, or certain assistance organizations without being subject to a rule, statute, or contract provision that would otherwise require the state governmental to sign an interagency agreement or disclose the items purchased or their value.

Prohibits TBPC from listing a multiple award contract on a multiple award contract schedule if the goods or services provided by that contract are commodity items and authorizes DIR to develop a schedule of multiple award contracts for commodity items using certain criteria.

Requires TBPC, other state agencies, or a local government to purchase an automated information system using certain purchasing methods.

Requires a state agency that does not have the express statutory authority to employ an alternative best value purchasing method to negotiate with catalog information systems vendors to obtain a favorable price for commodity items or designated by TBPC to obtain the best value for the state.

Use of Political Contributions for Rental and Purchase of Real Property—H.B. 3066

By Representatives Truitt and Menendez—Senate Sponsor: Senator Patrick

Since 1996, the Texas Ethics Commission has approved the use of campaign funds for state legislators to pay rent for Austin lodging if the rented property is separate property owned by the legislator's spouse. This bill:

Prohibits a candidate, officeholder, or a specific-purpose committee for supporting, opposing, or assisting the candidate from using political contributions to pay for the rental or purchase of real property from a person related within the second degree by consanguinity or affinity to the candidate or officeholder, or from a business in which the candidate, officeholder, or related person has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer.

Membership and Service Credit in ERS for Certain Employees—H.B. 3609

By Representative Talton—Senate Sponsor: Senator Ellis

Currently, when a state employee comes back to work after having retired, the employee's new hours do not count toward retirement benefits and the employee is prohibited from re-enrolling in the retirement program. This bill:

Authorizes an individual who retired from the employee class with 14 or more years of service credit and who was rehired by a house of the legislature, but not with a member's office, to rejoin the employee class of the retirement system, contingent upon the person paying employee contributions.

Authorizes certain members of the Employees Retirement System of Texas who are appointed or elected officers of the senate and house of representatives of the 80th Legislature to transfer their service credit to the elected class.

State Law and the Authority of International Agreements—H.B. 3647

By Representative Kolkhorst—Senate Sponsor: Senator Lucio

It is currently unclear whether an international agreement or treaty has any authority to control state government or change existing state laws. It is also unclear whether the federal government has authority to direct the Texas Legislature or a state court to change or harmonize existing state laws or judicial decisions to reflect a ruling by the International Court of Justice or World Court. This bill:

Requires the Office of the Attorney General to study whether the power of the federal government to enter into a treaty or agreement with a foreign nation or international organization can overrule the sovereignty otherwise granted to this state when it joined the United States.

Legislative Record Votes—H.J.R. 19

By Representative Branch et al.—Senate Sponsor: Senator Carona

Texas has made significant strides toward open and transparent state government. This resolution:

Proposes a constitutional amendment to require each house of the legislature to take a record vote on final passage of a bill other than certain local bills, of a resolution proposing or ratifying a constitutional amendment, or of any other nonceremonial resolution, and to publish that record vote on the Internet.

Repurchase of Property Acquired Through Eminent Domain—H.J.R. 30

By Representative Jackson et al.—Senate Sponsor: Senator Janek

H.J.R. 30 is designed to allow the repurchase of real property that was acquired by a governmental entity through the use of eminent domain. This resolution:

Proposes a constitutional amendment that would authorize a governmental entity to sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition. Such authority would be granted if the public use for which the property was acquired through eminent domain is canceled, no actual progress is made toward the public use during a prescribed period of time, or the property is unnecessary for the public use.

Sale of State-Owned Mineral Rights—S.B. 214

By Senator Fraser—House Sponsor: Representative Hilderbran

Currently, the Natural Resources Code authorizes the commissioner of the General Land Office (GLO) to make a report to the governor recommending real estate transactions or other actions involving any real property included in the most recent evaluation report and identified as not used or substantially underused. There is no statute that provides the means of selling mineral rights that are not used or are substantially underused. This bill:

Authorizes the GLO to sell certain mineral rights owned by the state.

Education Benefits for Children of Certain Public Employees—S.B. 457

By Senator Watson—House Sponsor: Representative Menendez

Currently, a surviving child who was claimed as a dependent on the federal income tax return of a public service or law enforcement employee who was killed in the line of duty is entitled to receive education benefits. This bill:

Authorizes education benefits for a child of a public service or law enforcement employee killed in the line of duty regardless of whether the employee is the custodial or noncustodial parent.

Uniform Financial Reports—S.B. 470

By Senator Brimer—House Sponsor: Representative Keffer

Currently, state agencies report financial information through the Uniform Statewide Accounting System (USAS). However, agency data is not standardized for more detailed reporting because internal financial systems vary throughout state agencies. This bill:

Authorizes the comptroller of public accounts (comptroller) to design a new data collection system that will allow all agency financial data to be collected and reported in a uniform structure and requires state agencies to report expenditures in the manner set forth by the comptroller.

Provides the comptroller rulemaking authority to implement the system.

Subrogation Interests of Political Subdivisions—S.B. 561

By Senator Carona—House Sponsor: Representative Smithee

Current law requires a political subdivision to be subrogated to its employees' right of recovery for personal injuries caused by a third party. However, the decision in *Texas Association of School Boards v. Ward* maintains that a political subdivision is prohibited from being reimbursed until an injured employee is made whole from injuries. As a result, political subdivisions are not being fully compensated for funds that were used to pay for an employee's medical costs incurred due to a third party's negligence. This bill:

Entitles a payor of employee benefits, whether a political subdivision, group of political subdivisions, pool, or carrier providing reinsurance to one of those entities, to the lesser of one-third of the injured employee's recovery or the total cost of benefits paid by the payor, with an exception.

Provides that when a payor of employee benefits is not represented by its own attorney and when an agreement on fees has not been reached, the payor is required to pay to the injured employee's attorney an amount not greater than one-third of the payor's recovery.

State Contracts with Certain Contractors—S.B. 608

By Senator Ellis—House Sponsor: Representative Callegari

Numerous persons have been found guilty of engaging in fraudulent activities relating to incidents resulting from the aftermath of hurricanes Katrina and Rita. This bill:

Prohibits a state agency from accepting bids or awarding contracts to persons or businesses previously involved in contract violations or assessed penalties in relation to federal contracts awarded for restoration efforts with regard to Hurricane Katrina, Hurricane Rita, or any other natural disaster occurring after September 24, 2005.

Provides that ineligibility for contracts with state agencies lasts for five years after the violation of federal law or penalty assessment.

Authorizes the state to immediately terminate a contract if it is determined that the vendor is currently ineligible under this statute.

Small Contractor Participation Assistance Program—S.B. 704

By Senator Lucio et al.—House Sponsor: Representative Lucio III

Under current law, the Texas Building and Procurement Commission (TBPC) is required to maintain a small contractor participation assistance program to ensure that small contractors are able to compete for public works projects. Since the program was established, however, it has not been fully implemented. This bill:

Provides that the program applies in relation to a public works project that will involve a contract or aggregated multiple contracts with an estimated cost of more than \$1 million, rather than to a contract for a public works project that has an estimated cost of more than \$20 million.

Requires the program to develop a method, with the guidance of the Department of Insurance, to assist contractors in preparing bond application packages and obtaining bonds required to participate in public works projects.

Requires the technical assistance plan adopted by TBPC to include information on and assistance in small contractor safety training to ensure compliance with federal jobsite safety standards.

Financing Tools for Certain Obligations for Public Improvements—S.B. 968

By Senator West—House Sponsor: Representative Chisum

Currently, cities are subject to risks when certain sophisticated financial tools are used in the attempt to reduce borrowing costs for debt issuances for city improvements. This bill:

Authorizes state agency and local government issuers of debt obligations to employ modern interest rate management products in order to reduce borrowing costs, manage interest rate management products, and manage interest rate risks.

Requires cities to observe prudent financial practices in authorizing and monitoring interest rate management agreements.

Establishing a Silver Alert for Missing Senior Citizens—S.B. 1315

By Senators Uresti and Van de Putte—House Sponsor: Representative Pickett et al.

The Amber Alert Program requires Texas law enforcement agencies to alert the media following a confirmed child abduction. Senior citizens with Alzheimer's disease or other mentally debilitating diseases often wander away from their residences. An alert system similar to the Amber Alert Program could help to locate these persons. This bill:

Requires the Texas Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in this state, to develop and implement a statewide silver alert to be activated on behalf of a missing senior citizen.

Makes the DPS director the statewide coordinator of the alert.

Requires the DPS director to adopt rules and issue directives as necessary to ensure proper implementation of the alert.

Requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert.

Requires TxDOT to cooperate with DPS and assist in developing and implementing the alert, and establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Authorizes a local law enforcement agency to notify DPS if the agency receives notice of a missing senior citizen, determines that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety, and verifies that at the time the senior citizen is reported missing that:

- the person reported missing is 65 years of age or older;
- the senior citizen's location is unknown;
- the senior citizen's domicile is in Texas; and
- the senior citizen has an impaired mental condition.

Requires a local law enforcement agency to require the family or legal guardian of the missing senior citizen to provide documentation regarding the senior citizen's impaired mental condition, and determine, as soon as practicable, whether the senior citizen's disappearance poses a credible threat to the person's health and safety.

Requires DPS, when a local law enforcement agency notifies DPS of a missing senior citizen, to confirm the accuracy of the information and, if confirmed, immediately issue an alert in accordance with DPS rules.

Requires DPS to send the alert to designated media outlets in Texas.

Requires the alert to include all appropriate information that is provided by the local law enforcement agency and that may lead to the safe recovery of the missing senior citizen, and a statement instructing any person with information related to the missing senior citizen to contact a local law enforcement agency.

Requires the director to terminate the alert with respect to a particular missing senior citizen not later than the earlier of the date on which the missing senior citizen is located or the situation is otherwise resolved, or the notification period ends, as determined by DPS rule.

Requires a local law enforcement agency that locates a missing senior citizen who is the subject of an alert to notify DPS as soon as possible.

Investment Authority of the Teacher Retirement System of Texas—S.B. 1447

By Senator Duncan—House Sponsor: Representative Gattis

The Teacher Retirement System (TRS) provides retirement, disability retirement, and death benefits for public school and certain higher education employees in Texas. The existing TRS investment portfolio is largely a reflection of the U.S. and international stock markets. This bill:

Authorizes the TRS board of trustees to buy and sell certain investments and other instruments commonly used by pension funds only in order to efficiently manage and reduce the risk of the overall investment portfolio.

Allows the board of trustees to delegate investment authority and contract with private professional investment managers for investment and management of not more than 30 percent of the fund.

Authorizes the board of trustees to expressly delegate responsibilities for investment operations to the executive director or the staff of the retirement system.

Allows the board of trustees to receive certain information on private investment funds in closed session.

Limits investments in hedge funds to not more than five percent of the value of the total investment portfolio of the retirement system.

Offers of Assistance by the Attorney General to Prosecuting Attorneys—S.B. 2037

By Senator Ogden—House Sponsor: Representative Gattis

Current law requires the attorney general to wait for a request from a prosecuting attorney before the attorney general may assist that prosecuting attorney in a criminal case or in performing any duty imposed by law on the prosecuting attorney. This bill:

Authorizes the attorney general to offer assistance to a prosecuting attorney regarding the prosecution of any criminal case or in performing any duty imposed by law on the prosecuting attorney.

Confidentiality of Information of Community Corrections Officers—H.B. 455

By Representative Rodriguez—Senate Sponsor: Senator Whitmire

Certain personal information of adult community supervision officers and probation officers is accessible to the public, placing such officers at risk. The Texas Public Information Act already exempts from disclosure information relating to the home addresses, home telephone numbers, or Social Security numbers of certain specified persons or information that reveals whether such persons have family members. The Tax Code bars the disclosure of information in property tax appraisal records for certain specified persons. This bill:

Expands provisions protecting certain personal information to include an officer or employee of a community supervision and corrections department.

Access to Health Benefit Plan Enrollee Information—H.B. 522

By Representative Woolley et al.—Senate Sponsor: Senator Duncan

Health plans maintain and provide information regarding enrollee eligibility information. However, there are no statutory requirements that a health plan update this information in a timely manner. This bill:

Requires the commissioner of insurance to appoint certain persons to a technical advisory committee on electronic data exchange.

Requires the technical advisory committee to establish standards by which health plans and providers will expand their use of up-to-date electronic data systems to accurately determine the eligibility and coverage levels of enrollees.

Requires an identification card pilot program to commence not later than May 1, 2008.

Information Sharing Between State Agencies—H.B. 921

By Representative Delisi—Senate Sponsor: Senator Ellis

The limited interaction and data sharing that currently exists between certain state agencies has made it difficult to efficiently provide continuity of care for clients of state health and social services who move between programs. This bill:

Establishes an interagency information sharing program (program) in which state agencies providing social, mental health, substance abuse, or health services are required to participate and sets forth guidelines and requirements for the program.

Provides that the initial focus of the program should be to create continuity of care for inmates of Texas Youth Commission facilities.

Disclosure of Concealed Handgun License Holders—H.B. 991

By Representative Rose et al.—Senate Sponsor: Senator Deuell

Under current law, the Department of Public Safety (DPS) must disclose whether an individual holds a concealed handgun license to any person submitting a written request and paying a required fee. This bill:

Removes the requirement that DPS disclose to any person, other than state and local law enforcement agencies, whether an individual holds a concealed handgun license.

Excepting Certain Crime Victim Information From Disclosure—H.B. 1042

By Representatives Peña and Leibowitz—Senate Sponsor: Senator Hegar

Under the Texas Public Information Act (PIA), a crime victim must elect to have the victim's identifying information made confidential, and there is no provision for a crime victim's claimant to make such an election. In cases in which an individual is making a claim for crime victim compensation on the behalf of a victim, such as when the victim is a minor, the identity of the claimant can be used to identify the victim. This bill:

Provides that the following information held by the crime victim's compensation division of the attorney general's office is confidential: the name, Social Security number, address, or telephone number of a crime victim or claimant, or any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

Strikes a provision in current law requiring the crime victim to elect to bar public access to certain information under PIA.

Use of Electronically Readable Personal Identification—H.B. 1060

By Representative Parker et al.—Senate Sponsor: Senator Harris

Duplicate patient records and other complications can lead to the failure to identify past treatments and other information contained in a person's medical history, including known allergic reactions to certain treatments. Advanced technology has brought more efficient and effective ways for the healthcare industry to supply medical service, but the healthcare industry is currently prohibited from utilizing advancements in technology to collect data contained on a patient's form of personal identification. This bill:

Allows hospitals to access important information from an individual's driver's license or personal identification card for the purpose of faster and more accurate identification of the patient.

Clarifies that a hospital is authorized to transfer the information gathered from a person's license or identification card to business associates to maintain the database.

Prohibits the business associate or anyone the business associate subcontracts from using the information or transferring the information for any purpose other than the database.

Confidentiality of Information on Employees in Prosecutors' Offices—H.B. 1141

By Representative Donna Howard—Senate Sponsor: Senator Wentworth

Due to their roles in the criminal justice system, employees in prosecutors' offices and their families are at risk of retaliation and harassment from criminal defendants. Current law allows such employees to request that their identifying information be kept confidential. However, the statute does not address information contained in appraisal records. This bill:

Authorizes current or former peace officers and current or former employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters to make the address information contained in appraisal records confidential upon request.

Disclosure of Certain Relationships With Local Government Officers—H.B. 1491

By Representative Woolley—Senate Sponsor: Senator Williams

Chapter 176, Local Government Code, was enacted by the 79th Legislature to provide access to information concerning business relationships between local government officials and vendors that contract with local governmental entities. Attorney general opinion GA-0446 further clarified the manner in which this information is disclosed. This bill:

Requires a local government officer to file a conflicts disclosure statement under certain circumstances with respect to a person who enters or seeks to enter into a contract with a local governmental entity or is the agent of such a person in the person's business with a local governmental entity.

Requires the local governmental entity to identify each employee it makes subject to the filing requirements under Sections 176.003 and 176.004, Local Government Code, and to provide a list of the identified employees on request to any person.

Modifies vendor disclosure requirements.

Provides that a local governmental entity is not required to ensure that a vendor files a conflict of interest questionnaire.

Provides that the validity of a contract between a vendor described by Section 176.002, Local Government Code, and a local governmental entity is not affected solely because the vendor fails to comply with disclosure requirements related to filing a conflict of interest questionnaire.

Solicitation of Injury Victims—H.B. 1519

By Representatives Todd Smith and Peña—Senate Sponsor: Senator Carona

Concerns have arisen that certain chiropractors and telemarketing firms are using information contained in motor vehicle accident reports to solicit parties to an accident. This bill:

Prohibits the solicitation of an accident or disaster victim by a chiropractor, physician, surgeon, private investigator, or person licensed, certified, or registered by a health care regulatory agency of the state for 31 days after the accident or disaster occurred.

Provides that a violation of this prohibition constitutes a Class A misdemeanor.

Disclosure of Social Security Numbers—H.B. 2061

By Representative Keffer et al.—Senate Sponsor: Senator Williams

An opinion issued on February 21, 2007, by the Texas attorney general requires county and district clerks to redact Social Security numbers (SSNs) from documents filed in their offices that are available to the public via the Internet. The opinion further provides that releasing such documents may subject the clerk to criminal liabilities under state law. This bill:

Provides that a county or district clerk is not liable for the disclosure of an SSN contained in a document filed with the county or district clerk.

Requires, upon written request of an individual or the individual's representative, the redaction, from documents specified by the individual, of all but the last four numbers of an SSN unless another law requires the full SSN to be maintained on the document.

Requires clerks to accept documents for filing even if they contain SSNs and does not require the clerk to confirm that a document preparer actually redacted an SSN from a document.

Public Disclosure of Certain Ad Valorem Tax Appraisal Information—H.B. 2188

By Representative Paxton et al.—Senate Sponsor: Senator Williams

Many private multiple listing services provide information, on a voluntary basis, to appraisal districts regarding the sale of real property. Appraisal districts often use this information in their valuation of real property. The Texas attorney general recently issued an opinion indicating that information provided by a multiple listing service to an appraisal district through a confidentiality agreement is nonetheless subject to open records laws. As such, many of these services have discontinued providing sales information to appraisal districts. This bill:

Exempts real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or the chief appraiser of an appraisal district from disclosure under open records laws.

Authorizes property owners or their agents, on request, to obtain from the chief appraiser certain information relevant to a protest hearing.

Authorizes a property owner, school district, appraisal district, or agent of the owner or district, on request, to obtain from the comptroller of public accounts any information, including confidential information, obtained by the comptroller in connection with the protested finding of the comptroller in order to assist the property owner, school district, or appraisal district in a filed protest.

Charges for Public Information Requests—H.B. 2564

By Representative Hancock—Senate Sponsor: Senator Wentworth

Current law provides that a governmental body is authorized to charge a fee for the production or copying of public information upon request. However, a person or persons may make more than one request per year for the production of public information. In addition, many types of requests require a substantial amount of employee time to comply with the request. This bill:

Authorizes a governmental body to establish a reasonable time limit on the amount of time that personnel are required to spend producing information in compliance with a request for public information.

Provides that an established time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

Provides a process through which the governmental body may charge a fee if the time limit required for information production is exceeded.

Provides an exception if the requestor of public information is a representative of a radio or television station that holds a license issued by the Federal Communications Commission, a qualified newspaper, a publicly funded legal services organization that is exempt from federal income taxation, or is an elected official of the United States, the state, or a political subdivision of the state.

Meetings of the Governing Boards of Junior College Districts—H.B. 3827

By Representative Morrison—Senate Sponsor: Senator Zaffirini

Under current law, governing boards for Texas institutions of higher education, as well as the board for lease of university lands, are authorized to meet by telephone conference call. However, governing boards of junior college districts do not have the same authority. This bill:

Authorizes the governing board of a junior college district to meet by telephone conference call.

Address Confidentiality Program—S.B. 74

By Senator Lucio et al.—House Sponsor: Representatives Guillen and Gonzales

Currently, there is no address confidentiality program for victims of family violence in Texas. Without such a program, many victims of family violence do not obtain a driver's license or register to vote, for fear of making their address open to the public. This bill:

Establishes an address confidentiality program administered through the Office of the Attorney General.

Exemption From Public Disclosure of Minor's Personal Information—S.B. 123

By Senators Deuell and Van de Putte—House Sponsor: Representative Latham

Cities often collect and maintain personal information on all participants in youth recreational activities for the purposes of emergency situations and to ensure the release of a child to the appropriate caregiver. Currently, this personal information of persons younger than 18 years of age, including name, age, home address, photograph, telephone number, Social Security number, and names of parents or guardians, is subject to the Open Records Act and is considered public information. This bill:

Provides an exception to the Open Records Act to protect the personal information of persons under 18 years of age.

Reporting of Cash Gifts by Public Officials—S.B. 129

By Senator West et al.—House Sponsor: Representative Naishtat et al.

Currently, public officials must only report the receipt of a gift valued over \$250, but are not required to disclose the actual value of the gift. Moreover, current law requires lobbyists to disclose the manner in which the gift was made, e.g., check or money order, but does not require disclosure of the actual amount. This bill:

Requires the disclosure of the actual value of gifts of cash or cash equivalents received by lawmakers.

Identification Information and Youth Programs—S.B. 955

By Senator Whitmire—House Sponsor: Representative Turner

Currently, the Transportation Code prohibits an individual or entity from obtaining the electronically readable information encoded on a driver's license or identification certificate, except for certain exemptions. Individuals working for a public school or a nonprofit organization engaged in a youth program are not exempted. This bill:

Exempts an individual working for a public school or a nonprofit organization engaged in a youth program from the prohibition of obtaining electronically readable information from a driver's license or identification certificate.

Meetings of Governmental Bodies Under the Open Meetings Act—S.B. 1306

By Senator Wentworth—House Sponsor: Representative Goolsby

Under the Open Meetings Act, a "meeting" is defined, in part, as a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which the governmental body takes formal action. However, this definition currently excludes a gathering of a quorum of a governmental body at a social function unrelated to the public business that is conducted by the body, or the attendance by a quorum of a governmental body at a regional, state, or national

convention or workshop, if formal action is not taken and any discussion of public business is incidental to the social function, convention, or workshop. This bill:

Includes in the list of gatherings that do not fall within the definition of "meeting" the attendance of a quorum of a governmental body at a ceremonial event or press conference, if formal action is not taken and any discussion of public business is incidental to the ceremonial event or press conference.

Notice of Governmental Meetings in Emergency Situations—S.B. 1499

By Senator Zaffirini—House Sponsor: Representative Cortez

During the aftermath of Hurricane Rita, some communities were prevented from holding hearings to make decisions about the relocation of evacuees from the greater Houston area due to open meetings requirements regarding advance notice of public hearings. This bill:

Authorizes a governmental body that is expected to receive a large number of persons from the area of a declared disaster to post public meetings at least two hours prior to the meeting's scheduled time.

Requires notice of such a meeting or an addendum to an agenda to be given to members of the news media at least one hour prior to the meeting.

Regional Mobility Authority Open Meetings Requirements—S.B. 1548

By Senator Hinojosa—House Sponsor: Representative Martinez

Currently, regional mobility authorities are not required post information about meetings on the Internet. This bill:

Requires a regional mobility authority to post its meeting times, places, and agendas on its Internet website.

Texas Historical Commission and Parks and Wildlife Department—H.B. 12

By Representative Hilderbran et al.—Senate Sponsor: Senator Estes

The Texas Historical Commission (THC), established in 1953 as the Texas State Historical Survey Committee, is the state agency for historic preservation. The Texas Parks and Wildlife Department (TPWD) is responsible for managing and conserving the natural and cultural resources of Texas and to provide hunting, fishing, and outdoor recreation opportunities. TPWD seeks to balance outdoor recreation with conservation to achieve greater self-sufficiency. This bill:

Establishes eligibility and training requirements for THC members.

Authorizes THC to establish reasonable fees and to use volunteer services.

Requires THC to adopt criteria for determining the eligibility of real property donated to THC for inclusion in the historic sites system.

Requires THC to adopt rules governing the relationship between THC and an affiliated nonprofit organization.

Provides for the development of statewide themes for the program related to THC's preservation goals and establishes a limit for the number of markers THC awards annually.

Requires THC to establish guidelines for and review of an application for a historical marker, monument, or medallion.

Requires THC to maintain a system to promptly and efficiently act on complaints filed with THC.

Authorizes the use of gifts and grants to the Texas preservation fund account to be used only for the type of project specified.

Requires THC to implement a policy requiring THC to use appropriate technological solutions to improve THC's ability to perform its functions and to allow the public to interact with THC on the Internet.

Sets forth certain historic sites and parks under THC's jurisdiction that were formerly under the jurisdiction of TPWD.

Provides for the historic site account as a separate account in the general revenue fund.

Authorizes THC to seek and accept grants and donations.

Requires each law enforcement agency (agency) to adopt physical fitness standards that a law enforcement officer is required to meet to continue employment as an officer with the agency.

Exempts TPWD employees located in field-based operations from management-to-staff ratio requirements.

Authorizes an employee of the state parks division of TPWD to accept a gratuity under certain conditions.

Requires TPWD to establish an equipment review system and the Texas Parks and Wildlife Commission (TPWC) to establish a maintenance provider review system.

Authorizes TPWD to implement a program to control or eradicate nuisance aquatic vegetation from public water in Texas.

Sets forth certain requirements relating to the safety and operation of a party boat.

Requires TPWC to establish the requirements and procedures for the issuance and renewal of a party boat operator license and to collect a reasonable fee.

Establishes mandatory alcohol and drug testing in certain situations and enforcement inspections criteria.

Exempts a person who is not an employee of TWPD who is participating in a program or event conducted for research or species propagation from bag limits and other restrictions.

Authorizes TPWD to harvest and sell, or sell in place, any timber, hay, livestock, or other product grown on state park land that TWPD finds to be in excess of natural resource management objectives.

Requires TPWD to adopt criteria for determining the eligibility of real property that is donated to TPWD for inclusion in the state parks system.

Requires TPWD to set and enforce speed limits on a road in a state park, wildlife management area, or other site under TPWD jurisdiction.

Authorizes TPWD to waive park entrance fees for those over 70 years of age and to promote visits and enhance revenue with products and concessions in the park.

Authorizes and establishes criteria for TPWD to use the labor of an inmate confined in a state, county, or local correctional facility.

Requires annual evaluations of and modifications to the facility reservation systems and fees.

Establishes criteria for account revenue source and revenue dedication regarding local parks for smaller counties and municipalities and other political subdivisions.

Establishes criteria for a large county and municipality recreation and parks account and assistance and state matching grants.

Requires TPWC to establish permits and criteria that allow permit holders to possess or transport in this state a live nonindigenous venomous snake or certain constrictors.

Prohibits any person without a fishing license from fishing in the public water of this state, or unloading in this state fish or other aquatic life taken for sporting purposes from water managed by the Gulf of Mexico Fishery Management Council.

Prohibits a person from hunting a wild animal or bird when the person is on a public road or right-of-way.

Establishes criteria for the collection and deposit of taxes imposed on the sale, storage, or use of sporting goods.

Requires TPWD to comply with the recommendations of the State Auditor's Office.

Establishes criteria for the transfer of each historic site and certain obligations, liabilities, funds, equipment, property, files, and records from TPWD to THC.

Requires the House Committee on Culture, Recreation, and Tourism to conduct a study to determine whether the state should permit the possession of nonindigenous venomous snakes and constrictors.

Creates and sets forth the composition of an eight-member joint legislative task force on the use of the sales tax on sporting goods.

Requires TPWD to conduct a study of ways to improve the efficiency and ease of use of TPWD's hunting and fishing license systems.

Texas Veterinary Medical Diagnostic Laboratory—H.B. 2024

By Representative Kolkhorst—Senate Sponsor: Senator Estes

The Texas Veterinary Medical Diagnostic Laboratory (laboratory) performs diagnostic testing to identify conditions and diseases affecting animal health in order to assist state and federal regulatory agencies avert potential epidemics. This bill:

Deletes provisions relating to the laboratory not being part of the Texas A&M System and a required evaluation of the laboratory by the Sunset Advisory Commission.

Prohibits certain persons from serving on the laboratory's board, as the executive director, or as an employee.

Requires the laboratory's executive director to create alternative dispute resolution procedures.

Requires the laboratory to provide testing, monitoring, and assistance with functions relating to diseases affecting animals and designates the laboratory as the state plan coordinator for the National Poultry Improvement Plan.

Prepaid Higher Education Tuition Board—H.B. 2173

By Representatives Byron Cook et al.—Senate Sponsor: Senator Brimer

The Prepaid Higher Education Tuition Board (board) is responsible for managing the Texas Guaranteed Tuition Plan and Tomorrow's College Investment Plan, both of which help Texas families to save for college. This bill:

Includes standard sunset language regarding matters such as board membership, use of technology, and dispute resolution.

Requires the board to pay to certain institutions of higher education tuition and required fees and to pay to the purchaser of a contract, under certain conditions, all or part of any amount paid under the contract that exceeds the tuition and required fees of the institution if the beneficiary of certain prepaid tuition contracts entered into after December 31, 2003, enrolls in an institution of higher education.

Requires the board to establish criteria and procedures for reopening new enrollment in the prepaid higher education tuition program (program) under certain conditions.

Requires the board to adopt a form for an application for enrollment in the program and sets forth certain information to be included in the form.

Authorizes the board to require a maturity period between the time a purchaser enters into a prepaid tuition contract and the time the board must act on its contractual obligation to pay any tuition or fees to allow time for program investments to mature.

Requires the board to conduct a study to determine the feasibility of an agreement under which an institution offers tuition discounts or other benefits to beneficiaries of prepaid tuition contracts who enroll in the institution.

Board of Nurse Examiners—H.B. 2426

By Representatives Truitt et al.—Senate Sponsor: Senator Deuell

The Board of Nurse Examiners is responsible for licensing qualified nurses, authorizing the advanced practices of nurses, overseeing nursing education programs, and enforcing rules and laws relating to nursing. This bill:

Renames the Board of Nurse Examiners the Texas Board of Nursing (board) and continues the board until 2017.

Requires that a diploma program of study in Texas that leads to an initial license as a registered nurse on or after December 31, 2014, entitles a student to receive a degree on the student's successful completion of a degree program at a Texas Higher Education Coordinating Board (THECB)-accredited institution of higher education.

Requires the board to select one or more recognized national nursing accrediting agencies that meet certain standards to accredit schools of nursing and educational programs.

Requires the board to deny or withdraw approval from a school of nursing or educational program that fails to meet or maintain certain accreditation.

Prohibits the board from requiring accreditation of the governing institution of a school of nursing.

Requires the board to accept the requirements established by THECB for accrediting the governing institution of a school of nursing.

Requires the governing institution of a professional nursing school, not including a diploma program, to be accredited by an agency recognized by or holding a certificate of authority from THECB.

Sets forth certain conditions under which a school of nursing or educational program is considered approved by the board and exempt from board rules that require ongoing approval.

Authorizes the board to review a school of nursing or educational program that fails to meet or maintain an acceptable pass rate on applicable licensing examinations and to assist the school or program in efforts to comply with the board's standards.

Authorizes a school or program from which approval was withdrawn to reapply for approval.

Authorizes the board to recognize and accept a school of nursing or educational program operated in another state and approved by a state board of nursing of another state.

Requires the board, with THECB and the Texas Workforce Commission, to establish certain guidelines for the initial approval of schools of nursing or educational programs and sets forth requirements for a school of nursing or educational program that is approved.

Requires the board, with THECB and the Texas Health Care Policy Council, to implement, monitor, and evaluate a plan for the creation of innovative nursing education models that promote increased enrollment in Texas's nursing programs.

Authorizes the board to appoint advisory committees to perform advisory functions assigned by the board and sets forth certain requirements of the advisory committees.

Adds the requirement that each applicant for a registered or vocational nurse license must pass a jurisprudence examination meeting certain conditions and approved by the board.

Requires that each examination be prepared by a national testing service or the board and sets forth requirements of the board regarding policies and guidelines pertaining to the examination.

Authorizes the board by rule to establish certain guidelines for required targeted continuing education and to develop guidelines for a peer assistance program.

Requires the board by rule to adopt a schedule of the disciplinary sanctions and sets forth requirements and information the board must consider in determining appropriate disciplinary action.

Authorizes the board to order a license holder to pay a refund to a consumer as provided in certain agreements instead of or in addition to imposing an administrative penalty.

Authorizes the board to take certain actions if it appears that a person not licensed under this chapter is violating a rule or law relating to the practice of professional or vocational nursing and the activity represents a threat to public health and safety.

Enacts and enters into the NCSBN Advanced Practice Registered Nurse Compact (compact) and sets forth the language of the compact.

Establishes the Texas hospital-based nursing education partnership grant program (program) and requires the board to make grants in a certain manner to hospital-based nursing education partnerships to assist in meeting the state's needs for registered nurses through certain instruction, programs, and use of expertise and facilities.

Requires each hospital-based nursing education partnership that receives a program grant to submit certain information to the board.

Includes sunset language regarding matters such as commission membership, use of technology, and dispute resolution.

Teacher Retirement System of Texas—H.B. 2427

By Representative Truitt et al.—Senate Sponsor: Senator Whitmire

The Teacher Retirement System of Texas (TRS) oversees the retirement plans of Texas public school employees and state institutions of higher education as well as administering assets to generate retirement benefits for future TRS members. Although TRS is not subject to abolishment under the Sunset Act, the Sunset Advisory Commission reviewed TRS and recommended several changes. This bill:

Provides that the purpose of a disability retirement annuity is to lessen the financial hardship faced by a disabled member and requires the board of trustees to adopt rules adhering to certain criteria for the reduction or suspension of such annuity under certain conditions .

Requires the TRS board of trustees (board of trustees) to adopt policies adhering to certain conditions regarding retirement benefits counseling and making such counseling for individual members available in conjunction with informational or educational programs provided to groups regarding retirement planning as possible.

Requires a qualified investment product offered to certain employees to be an eligible qualified investment registered with the retirement system and sets forth a procedure by which a company may register a product.

Requires the retirement system to establish and maintain a list of qualified investment products that are registered and sets forth certain information to be included in the list.

Sets forth certain actions the retirement system is required to take regarding the list.

Authorizes the board of trustees to deny, suspend , or revoke the certification or recertification of a company if the company violates certain rules and statutes or the product is not an eligible qualified investment.

Texas Structural Pest Control Board—H.B. 2458

By Representative Byron Cook et al.—Senate Sponsor: Senator Brimer

The Texas Structural Pest Control Board (board) has the responsibility of licensing commercial and non-commercial pest control professionals and enforcing legal standards regulating pest control professionals

set by the state and federal government. The board was recently reviewed by the Sunset Advisory Commission (SAC) as required by state law. This bill:

Abolishes the board but provides for the board's continued existence until March 1, 2008, for the purpose of transferring obligations, property, personnel, rights, powers, and duties to the Texas Department of Agriculture (TDA).

Establishes the Structural Pest Control Service (service) in TDA and sets forth the responsibilities for the service.

Establishes the structural pest control advisory committee (committee) and sets forth the responsibilities of the committee.

Requires TDA to establish categories of pesticides that a school district is allowed to apply and sets forth certain actions to be taken regarding these pesticides.

Sets forth requirements, procedures, and certain policies to which TDA and the commissioner should adhere when a complaint is filed.

Requires TDA to provide a consumer and industry telephone hotline for direct access to the Structural Pest Control Service.

Requires TDA to administer a mandatory continuing education program for all license holders and requires each license holder to comply with the continuing education requirements as established by TDA.

Requires TDA to produce a written policy governing licensing examinations.

Requires the commissioner of agriculture (commissioner) to temporarily suspend a person's license under certain circumstances and sets forth certain conditions upon which a license may be suspended without notice or hearing.

Requires the State Office of Administrative Hearings to hold a preliminary hearing adhering to certain guidelines to determine if there is probable cause that the license holder poses a continuing and imminent threat to the public welfare.

Authorizes the commissioner to issue a cease and desist order under certain circumstances.

Authorizes TDA to issue and enforce a stop use order if TDA believes a licensee is using or is in possession of certain pesticides.

Texas Commission on the Arts—H.B. 2460

By Representative Flynn et al.—Senate Sponsor: Senator Deuell

The Texas Commission on the Arts (TCA) provides grants to certain entities, promotes arts and cultural events, and raises funds to support TCA programs. This bill:

Continues TCA until September 1, 2013.

Includes standard sunset language regarding matters such as commission membership, use of technology, and dispute resolution.

Requires TCA to adopt rules that meet certain guidelines pertaining to the review, approval, and oversight of special initiative grants.

Requires TCA to adopt rules that meet certain guidelines pertaining to the acceptance of private gifts, grants, and donations to ensure the gift, grant, or donation is used in a manner that supports the commission's primary functions.

Office of Rural Community Affairs—H.B. 2542
By Representative Kolkhorst et al.—Senate Sponsor: Senator Estes

The Office of Rural Community Affairs (ORCA) has the purpose of helping rural communities enhance their quality of life and supporting their ongoing contributions to Texas. ORCA is the state's lead agency for administering the federally funded rural Community Development Block Grant program (program), and for administering health programs to assist rural communities. This bill:

Continues ORCA until September 1, 2013.

Requires ORCA to:

- assist rural communities in the key areas of economic development, community development, rural health, and rural housing;
- serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;
- identify and prioritize policy issues and concerns affecting rural communities in the state in consultation with certain leaders, officials, and experts;
- make recommendations to the legislature to address the concerns affecting certain rural communities;
- regularly cross-train office employees with employees of the Department of Agriculture (TDA) regarding the programs administered and services provided by the officer and TDA to rural communities;
- obtain information on the availability of housing in rural communities throughout the state for all income levels and include the information and ORCA's assessment of the information into its report to the legislature; and
- review and evaluate the administration of the allocation of federal funds in Texas under the community development block grant nonentitlement program in consultation with TDA and based on the results of the evaluation streamline the programs administration and requirements.

Includes sunset language regarding matters such as commission membership, use of technology, and dispute resolution.

Texas Animal Health Commission—H.B. 2543

By Representative Kolkhorst—Senate Sponsor: Senator Ellis

The Texas Animal Health Commission (commission) is responsible for protecting Texas livestock, exotic livestock, domestic fowl, and exotic fowl from diseases; advancing the global marketability of Texas livestock commodities; promoting animal health and productivity; protecting humans from animal diseases and conditions; and preparing for and responding to emergencies involving animals. This bill:

Requires the commission, or executive director upon delegation of authority by the commission, to determine the most effective method for disposing of diseased carcasses and to by rule prescribe the method(s) by which a person may dispose of a diseased carcass.

Requires commission meetings to be held in a location providing access to the public and requires the commission to post audio archives of its meetings on its Internet website.

Prohibits the commission from infringing upon or superseding the authority of any other state agency in efforts at disease control.

Limits the commission's authority to control or eradicate an animal species that is an agent of transmission and is not subject to the jurisdiction of the commission to confirmed or suspected diseases that pose a serious threat to certain livestock or fowl.

Authorizes the commission to take certain actions relating to feral swine and feral swine holding facilities.

Authorizes the commission to assist with local emergency planning relating to disaster events that may affect livestock, exotic livestock, domestic fowl, or exotic fowl.

Authorizes the commission or the executive director to quarantine livestock, exotic livestock, domestic fowl, or exotic fowl in the state for the purposes of restricting the movement of animals potentially infected with disease.

Requires the commission, in conjunction with other entities, to conduct a study examining Texas's capacity to perform disease testing during an animal disease outbreak or emergency. Sets forth requirements of the study.

Includes sunset language regarding matters such as commission membership, use of technology, and dispute resolution.

Management of Historic Buildings in Capitol Complex—H.B. 2621

By Representative Isett—Senate Sponsor: Senator Eltife

Currently, the Texas Building and Procurement Commission (TBPC) is responsible for the facility management of certain Texas Historical Commission (commission) buildings within the Capitol Complex. This bill:

Requires the commission to preserve, maintain, and restore Luther Hall, the Elrose Building, and the Christianson-Leberman Building.

Requires the commission to provide facilities management services to the Governor's Mansion and transfers all powers, duties, records, contracts, and appropriations of TBPC relating to the Governor's Mansion and its grounds to the State Preservation Board.

Veterans Land Board—H.B. 3140

By Representative Flynn et al.—Senate Sponsor: Senator Shapleigh

The Veterans Land Board (board) has three primary functions: to provide veterans with below-market interest rate land and housing loans; to provide long-term care nursing homes for veterans; and to operate veterans cemeteries. This bill:

Continues the board until September 1, 2019.

Requires the board to create a memorandum of understanding with the Texas Veterans Commission (commission) to coordinate certain outreach activities, operate a consolidated communications center, and create web services and a brochure informing veterans of the benefits and services for which they are eligible.

Requires the board and commission to plan and coordinate veterans benefits seminars.

Includes standard sunset language pertaining to matters such as board membership, use of technology, and dispute resolution.

Powers and Duties of the Sunset Advisory Commission—H.B. 3249

By Representative Truitt et al.—Senate Sponsor: Senator Brimer

State agencies undergo periodic review by the Sunset Advisory Commission (SAC), which is guided by the Texas Sunset Act. This bill:

Clarifies the powers and duties of the Sunset Commission.

Authorizes the lieutenant governor and the speaker of the house of representatives to appoint himself or herself as one of the legislative appointees, and makes an individual ineligible for appointment as a public member under certain circumstances.

Modifies the criteria for review and sets forth the required content of SAC recommendations, including the estimated fiscal impact of its recommendations and recommended appropriation levels for certain state agency programs.

Makes changes to the next three sunset review cycles.

Removes application of the Sunset Act to the Texas Military Facilities Commission.

Texas Veterans Commission—H.B. 3426

By Representative Flynn et al.—Senate Sponsor: Senator Shapleigh

The Texas Veterans Commission (TVC) was established in 1927 to provide benefit information and assistance to Texas veterans. Since then, the Veterans Employment Services and the duties of the State Approving Agency for the Veterans Education Program have been transferred from the Texas Workforce Commission to TVC. This bill:

Continues the agency for six additional years and provides guidance to assist TVC's efforts to meet the demands of returning deployed veterans.

Texas Building and Procurement Commission—H.B. 3560

By Representative Swinford—Senate Sponsor: Senator Janek

The Texas Building and Procurement Commission (TBPC) is responsible for the charge and control, maintenance and repair, and lease of state buildings, grounds, and property, and overseeing state procurement activities. Currently, the comptroller of public accounts (comptroller) also maintains a variety of duties relating to state procurements. This bill:

Transfers the powers and duties of the former General Services Commission (GSC) relating to telecommunications services for state government to the Department of Information Resources (DIR) and changes references in law to GSC relating to the provision of telecommunications services to a reference to DIR.

Renames TBPC as the Texas Facilities Commission (commission) and sets forth the powers and duties to be retained by the commission.

Transfers all other powers and duties of TBPC to the comptroller. Sets forth the manner of the transfer.

Provides that certain transactions, processes, and the performance of functions are subject to audit by the state auditor.

Requires a local government or a nonprofit organization that certifies historically underutilized businesses or conducts a certification program to make available certain information through an online searchable database.

Requires the comptroller to conduct a public hearing before adopting certain rules relating to transportation provided by a school district or the purchasing and contracting authority of certain local government entities.

Requires the comptroller and commission to adopt a memorandum of understanding that identifies and allocates between the comptroller and commission certain powers, duties, property, employees, appropriations, and other items transferred from TBPC.

Requires the commission and all state agencies making purchases of goods, including agricultural products, to give first preference to goods produced or offered by a Texas bidder that is owned by a service-disabled veteran who is a Texas resident.

Authorizes the commission and state agencies making purchases of food for consumption in a public cafeteria to give preference to contractors who provide foods of higher nutritional value and that do not contain trans fatty acids.

Requires the Sunset Advisory Commission to study the functions of the commission and sets forth certain information the study must consider.

Texas Alcoholic Beverage Commission—S.B. 904

By Senator Brimer—House Sponsor: Representative Truitt

The Texas Alcoholic Beverage Commission (TABC) licenses alcoholic beverage manufacturers, wholesalers, and retailers in Texas; enforces administrative and criminal laws regarding alcoholic beverages; collects taxes on alcoholic beverages; and conducts educational programs addressing issues associated with alcohol. This bill:

Continues the board until September 1, 2019.

Sets forth certain activities TABC is required to engage in relating to public safety.

Requires TABC to develop a risk-based approach to carrying out enforcement activities and requires TABC to create a schedule of sanctions for a violation of this code.

Requires TABC to create a formal decision-making process for the regulation of marketing practices of the alcoholic beverage industry.

Requires TABC to require premises licensed for the sale of alcohol to display a sign on restroom doors warning of the potential dangers of consuming alcohol during pregnancy.

Requires a permittee wishing to ship or sell distilled spirits or wine in state to register the distilled spirits or wine with TABC.

Includes standard sunset language regarding matters such as board membership, use of technology, and dispute resolution.

State Office of Risk Management—S.B. 908

By Senator Brimer—House Sponsor: Representative McClendon

The State Office of Risk Management (SORM) was created to reduce risk in order to protect state employees and assets. This bill:

Continues SORM until September 1, 2019.

Requires SORM and the Texas Buildings and Procurement Commission to adopt a memorandum of understanding regarding the sharing of information and designating a point of contact between the two agencies.

Requires SORM to provide state agencies with return-to-work coordination services as necessary and sets forth guidelines to be followed when implementing these services.

Sets forth information SORM is required to track regarding lost work and return-to-work outcomes for employees who have been injured.

Requires SORM to distribute indemnity benefit payments through electronic means and provides that information in a persons compensation claim file is confidential.

Includes standard sunset language regarding matters such as board membership, use of technology, and dispute resolution.

Texas Board of Criminal Justice, Texas Department of Criminal Justice, Correctional Managed Health Care Committee, and Board of Pardons and Paroles—S.B. 909

By Senator Whitmire—House Sponsor: Representative Madden et al.

The Texas Department of Criminal Justice (TDCJ) was established to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist crime victims. The Correctional Managed Health Care Committee (committee) was created to develop a health care system for TDCJ inmates. The Board of Pardons and Paroles (board) is responsible for determining which prisoners should be released on parole or discretionary mandatory supervision, the conditions of parole and mandatory supervision, the revocation of parole and mandatory supervision, and recommending the resolution of clemency matters to the governor. This bill:

Authorizes a judge to release a defendant convicted of a state jail felony and whose sentence is executed to a medically suitable placement if the judge determines that the defendant does not constitute a threat to public safety and the Texas Correctional Office on Offenders with Medical or Mental Impairments completes certain actions.

Establishes the Criminal Justice Legislative Oversight Committee (oversight committee) and sets forth guidelines regarding the membership, powers and duties, meetings, and authority to contract staff of the oversight committee.

Requires TDCJ to:

- conduct a feasibility study of relocating the Central Prison Unit and the adjoining prison housing units;
- adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse of inmates in TDCJ's custody;

- establish standards for the reporting and collection of data on the sexual abuse of inmates, establish a procedure for inmates and employees to report incidents of sexual abuse, and prominently display a notice regarding the zero-tolerance policy;
- establish a screening program and education concerning fetal alcohol exposure during pregnancy for certain female inmates;
- ensure that certain information is available to any inmate confined in a facility operated by or under contract with TDCJ;
- monitor the quality of care delivered by health care providers to inmates;
- study the operation and maintenance of different types of electronic monitoring equipment; and
- study the number of inmates confined in facilities operated by or under contract with TDCJ who pose no significant risk of recidivism or danger to society due to certain factors, alternatives to confining these inmates, and the possibility of conducting certain prisoner exchanges.

Requires the board to maintain a system to promptly and efficiently act on complaints, and submit a report to certain legislative officials regarding the board's application of certain parole guidelines.

Requires a parole officer to annually identify the releasees under supervision who are eligible for early release from supervision, determine if a recommendation for early release from supervision is appropriate, and forward to the regional parole supervisor any recommendations for early release.

Requires the Council on Sex Offender Treatment to develop or adopt a dynamic risk assessment tool to make certain determinations regarding certain offenders on being released from an institution.

Includes sunset language regarding matters such as board membership, use of technology, and dispute resolution.

Texas State Library and Archives Commission—S.B. 913

By Senator Brimer—House Sponsor: Representative McClendon

The Texas State Library and Archives Commission (commission) provides financial and consulting assistance to libraries and library systems for the promotion of library development and resource sharing; provides direct library services to Texans with disabilities; and coordinates records management and preserves archival documents in an effort to ensure access to Texas documents. This bill:

Continues the commission until September 1, 2019.

Requires the commission and Texas Education Agency to conduct a study relating to the needs of public school libraries in Texas.

Sets forth provisions regarding the distribution of grants by the commission.

Authorizes the commission to take certain actions pertaining to online access to cultural resources.

Includes standard sunset language regarding matters such as board membership, use of technology, and dispute resolution.

The Texas Real Estate Commission—S.B. 914
By Senator Shapleigh—House Sponsor: Representative Truitt et al.

The Texas Real Estate Commission (commission) is responsible for licensing qualified individuals to act as real estate salespersons, brokers, and home inspectors; setting standards for professions relating to real estate; and enforcing the Real Estate License Act. This bill:

Continues the commission until September 1, 2019.

Requires the commission to develop and implement policies that clearly separate the policy making and management responsibilities of the commission's administrator and staff.

Authorizes the commission to appoint advisory committees to perform advisory functions as assigned by the commission.

Requires the commission to promptly and efficiently act on complaints filed with the commission and sets forth certain information that must be included in a file on each complaint.

Requires the commission to give priority to the investigation of certain consumer complaints and sets forth criteria for a risk-based approach for the commission to assign priorities and investigate complaints.

Requires the commission to adopt certain rules and take certain actions relating to an educational program in real estate and real estate inspection.

Authorizes the commission to order a person regulated by the commission to pay a refund to a consumer in a certain manner.

Requires the commission to adopt procedures governing informal disposition of a contested case.

Sets forth guidelines to be applied if a court upholds or reduces the amount of an administrative penalty issued as the result of a violation of certain laws governing real property and housing.

Authorizes the commission to impose an administrative penalty on a person who violates laws regulating residential service companies not to exceed \$5,000 for each violation.

Sets forth guidelines for the commission to temporarily suspend a real estate broker's or salesperson's license; an apprentice inspector's, real estate inspector's, or professional inspector's license; a residential service contractor's license; or a registration for a timeshare plan.

Includes sunset language regarding matters such as commission membership, use of technology, and dispute resolution.

Abolishment of the Texas Military Facilities Commission—S.B. 1724

By Senator Ogden—House Sponsor: Representative Noriega

The Texas Military Facilities Commission (TMFC) was created to maintain the National Guard armories. Because a majority of those armories have closed or are being replaced, there is no longer a need for TMFC. This bill:

Abolishes TMFC and transfers its functions to the Texas Adjutant General's Department.

Proportional Property Tax Relief for the Elderly and Disabled—H.B. 5

By Representative Berman et al.—Senate Sponsor: Senator Deuell

H.B. 5 is the enabling legislation for S.J.R. 13. This bill:

Provides a proportional school property tax reduction for elderly and disabled homestead owners. The cost to the state is approximately \$276 million in general revenue-related funds for the 2008-2009 biennium.

Annual 10 Percent Cap on Homestead Appraisal Values—H.B. 438

by Representatives Hochberg et al.—Senate Sponsor: Senator Hegar et al.

H.B. 438 is the enabling legislation for H.J.R. 40. The Legislative Budget Board estimates that implementing the provisions of H.B. 438 will have a negative impact on general revenue-related funds of approximately \$15 million for the 2008-2009 biennium. This bill:

Limits the appraised value of a residence homestead in any tax year to the lesser of: the most recent appraised value of the property or the sum of the appraised value in the preceding tax year, plus 10 percent, plus the market value of any new improvements.

Permits appraisal districts to increase the appraised value of a residence homestead in a non-reappraisal year, subject to the above limits.

Appraisals in Multiple Appraisal Districts—H.B. 1010

By Representative Donna Howard et al.—Senate Sponsor: Senator Janek

Current law allows two appraisal districts to appraise a single property if the property is within the jurisdiction of at least one of the taxing entities from each appraisal district. Property owners are required to submit paperwork to both districts. If different values are assigned by multiple appraisers from overlapping jurisdictions, an appeals process can be used to resolve the discrepancy. This bill:

Requires the chief appraisers who are responsible for appraising the real property that is located partially inside the boundaries of more than one appraisal district to coordinate their appraisals of each portion of the property to the greatest extent practicable to ensure that the property is appraised at its market value.

Exempting Certain Vehicles From Ad Valorem Taxation—H.B. 1022

By Representative Hilderbran et al.—Senate Sponsor: Senator Williams et al.

The 79th Legislature, Regular Session, 2005, enacted H.B. 809, which specifies that a person is not required to report for tax appraisal a personal motor vehicle that is also used for the production of income by its owner. Despite that change, many political subdivisions continued to tax such motor vehicles and in November 2006, an attorney general's opinion, GA-0484, upheld the practice of those political subdivisions. This bill:

Exempts from ad valorem taxation one motor vehicle (specifically, a passenger car or light truck) owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner, excepting a motor vehicle used to transport passengers for hire.

Applies beginning with the tax year that begins on January 1, 2007, and authorizes the legislature to apply the exemption to that entire tax year, contingent on the approval of the H.J.R. 54.

Property Tax Refund Deadline—H.B. 1210

By Representative Jackson—Senate Sponsor: Senator Harris

Under current law, there is no provision to allow a property tax refund to be granted if a taxpayer applies for the refund after the customary three-year application deadline has elapsed. This bill:

Authorizes the applicable governing body of the taxing unit to extend a property tax refund application deadline for a single period not to exceed two years on a showing of good cause by the taxpayer.

Appeals of Certain Ad Valorem Tax Determinations—H.B. 1680

By Representative Swinford—Senate Sponsor: Senator Seliger

Throughout the state, there have been instances in which various taxing entities such as school districts, counties, and hospital districts, among others, have had to deal with a shortage of funds and other hardships when a major taxpayer refuses to pay on the current appraised value while an appeal or court case is in progress. This bill:

Requires that a property owner whose taxable appraised value is one of the top five valued properties on the appraisal roll certified by the assessor for any taxing entity pay certain property taxes due on the property under the order from which an appeal is taken.

Collection of Property Taxes From Liquidated Businesses—H.B. 1910

By Representative Elkins—Senate Sponsor: Senator Watson

Under current law, if the personal property of a business is liquidated in the process of the cessation of the business, an outstanding tax lien becomes unenforceable and the collection of the tax may be problematic. This bill:

Provides that if a collector discovers that property on which a tax has been or will be imposed is about to be sold in a liquidation sale in connection with the cessation of a business, such property is subject to seizure for the payment of the tax before it becomes delinquent.

Declaratory Relief on Liability for Sales and Use Taxes of Other States—H.B. 2010

by Representative Rose—Senate Sponsor: Senator Watson

States may gain jurisdiction over an out-of-state business for the purpose of levying a tax if a court finds that the business has a nexus in that state. If no nexus exists to create long-arm jurisdiction for the state, it is considered to be unduly burdening interstate commerce in violation of Section 8, Article I of the United States Constitution. Currently, Texas businesses targeted by tax collectors in other states must travel to these states to contest their nexus status before a court. This bill:

Provides a Texas district court with original jurisdiction for proceedings seeking a declaratory judgment involving: a business organized under Texas laws, or otherwise qualified to do business in Texas, or a business owned by a Texas resident seeking declaratory relief; or a responding party that was an official of another state asserting a claim that the party seeking declaratory relief was required to collect sales and use taxes for that state based on conduct of the business that occurred in whole or in part within the state.

Entitles a business covered by these provisions to declaratory relief on whether the collection of another state's sales and use taxes constitutes an undue burden on interstate commerce under Section 8, Article I of the U.S. Constitution.

**Elections to Freeze Taxes on Certain Property—H.B. 2087**

By Representative Hill—Senate Sponsor: Senator Wentworth

The Tax Code permits a municipality, county, or junior college district to call an election, by petition of the voters or by the governing body, to freeze the taxes due on certain property owned by senior citizens and the disabled. There is currently no limit on the number of elections that may be called. This bill:

Provides that in a general-law municipality, county, or junior college district in which two petition-initiated tax freeze elections have taken place during a three-year period, and where the result of both of those elections was to reject the adoption of the freeze, a subsequent election is prohibited from taking place until at least three years have passed since the most recent failure to adopt the freeze took place.

Provides that this provision does not prevent the governing body from directly establishing a tax freeze or from calling an election for the tax freeze.

Property Tax Lender License Act—H.B. 2138

By Representative Paxton—Senate Sponsor: Senator Wentworth

Currently, no statute specifically addresses licensing or regulation of property tax lenders and there is ambiguity over whether property tax lenders should be licensed and if so, under whose authority. This bill:

Creates the Property Tax Lender License Act.

Requires a person to hold a license issued under this Act to engage in the business of making, transacting, or negotiating property tax loans, or contract for, charge, or receive, directly or indirectly, in connection with a property tax loan subject to this chapter, a charge, including interest, compensation, consideration, or

another expense, authorized under this Act that in the aggregate exceeds the charges authorized under other law.

Prohibits a person from using any device, subterfuge, or pretense to evade the application of this section.

Provides that the Act does not apply to:

- a bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association or its employees;
- a state or federal credit union, or a subsidiary, affiliate, or credit union service organization of a state or federal credit union or its employees; or
- an individual who makes a property tax loan from the individual's own funds to a spouse, former spouse, or persons in the lineal line of consanguinity of the individual lending the money, or makes five or fewer property tax loans in any consecutive 12-month period from the individual's own funds.

Provides that a property tax lender licensed under this Act is not required to be licensed under any other provision of the Finance Code.

Provides that the Act:

- does not prohibit a property tax lender from receiving compensation from a party other than the property tax loan applicant for the sale, transfer, assignment, or release of rights on the closing of a property tax loan transaction;
- may not be construed to prevent affiliated or controlled business arrangements or loan origination services by or between a property tax lender and other professionals;
- does not affect the application of Section 32.06 (Transfer of Tax Lien) or 32.065 (Contract for Foreclosure of Tax Lien), Tax Code.

Sets out applicable enforcement provisions in the Tax Code that apply to a violation of this Act.

Authorizes the Finance Commission of Texas to adopt rules to ensure compliance with this Act and Sections 32.06 and 32.065.

Authorizes the consumer credit commissioner (commissioner) to issue more than one license to a property tax lender in compliance with this Act for each license.

Requires person who is required to be licensed under the Act to hold a separate license for each office at which property tax loans are made, negotiated, serviced, held, or collected under this chapter. A license is not required for a place of business devoted to accounting or other recordkeeping at which property tax loans are not made, negotiated, serviced, held, or collected under this Act.

Provides that a property tax lender is not limited to making property tax loans to residents of the community where the office for which the license or other authority is granted.

Authorizes a property tax lender to make, negotiate, arrange, and collect property tax loans by mail from a licensed office.

Requires a transferee of a tax lien to include with the sworn document filed with the collector of a taxing unit under Section 32.06, certain information.

Sets out the application requirements for a license under this Act.

Requires an applicant, on the filing of one or more license applications, to pay to the commissioner an investigation fee not to exceed \$200, and a license fee in an amount determined as provided by Section 14.107 (Fees), Finance Code, for the license's year of issuance.

Requires an applicant, if the commissioner so requires, to file with the application a bond that meets certain conditions.

Requires the commissioner, on the filing of an application and, if required, a bond, and on payment of the required fees, to conduct an investigation to determine whether to issue the license.

Requires the commissioner to approve the application and issue to the applicant a license under this Act if the commissioner finds that the financial responsibility, experience, character, and general fitness of the applicant are sufficient to command the confidence of the public and warrant the belief that the business will be operated lawfully and fairly, within the purposes of this Act, and the applicant has net assets of at least \$25,000 available for the operation of the business.

Requires the commissioner to notify the applicant if the eligibility requirements of this Act are not met.

Authorizes an applicant to request a hearing on the application not later than the 30th day after the date of such notification and entitles the applicant to a hearing not later than the 60th day after the date of the request.

Requires the commissioner to approve or deny the application not later than the 60th day after the date of the filing of a completed application with payment of the required fees, or if a hearing is held, after the date of the completion of the hearing on the application.

Authorizes the commissioner and the applicant to agree to a later date in writing.

Requires the commissioner, if the commissioner denies the application, to retain the investigation fee and return the license fee to the applicant.

Requires the license to state the name of the license holder and the address of the office from which the business is to be conducted.

Requires a license holder to:

- display a license at the place of business provided on the license. A license holder may not conduct business under this chapter under a name or at a place of business in this state other than the name or office stated on the license;

- maintain for each office for which a license is held net assets of at least \$25,000 that are used or readily available for use in conducting the business of that office; and
- to pay, not later than December 1, to the commissioner for each license held an annual fee for the year beginning the next January 1, in an amount determined as provided by Section 14.107.

Provides that if the annual fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on the later of that day or December 31 of the last year for which an annual fee was paid.

Authorizes the commissioner, after notice and a hearing, to suspend or revoke a license if the commissioner finds that:

- the license holder failed to pay a fee or another charge imposed by the commissioner under this Act;
- the license holder, knowingly or without the exercise of due care, violated this Act, Section 32.06, Section 32.065, or a rule adopted or an order issued under this Act or those section; or
- a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application.

Provides that a license holder who violates this Act is subject to revocation of the holder's license and, if the license holder is a corporation, forfeiture of its charter.

Requires the attorney general, when notified of a violation of this Act and revocation of a license for a corporation, to file suit in a district court in Travis County for forfeiture of the license holder's charter.

Requires the decision of the commissioner on the suspension or revocation of a license and the evidence considered by the commissioner in making the decision to be filed in the public records of the commissioner.

Authorizes the commissioner to reinstate a suspended license or issue a new license on application to a person whose license has been revoked if at the time of the reinstatement or issuance no fact or condition exists that clearly would have justified the commissioner's denial of an original application for the license.

Provides that a license holder may surrender a license by delivering to the commissioner the license and a written notice of the license's surrender.

Provides that the suspension, revocation, or surrender of a license does not affect the obligation of a contract between the license holder and a debtor entered into before the revocation, suspension, or surrender. Provides that the surrender of a license does not affect the license holder's civil or criminal liability for an act committed before surrender.

Requires a license holder to give written notice to the commissioner before the 30th day preceding the date the license holder moves an office from the location provided on the license and requires the commissioner to amend a license holder's license accordingly.

Provides that a license may be transferred or assigned only with the approval of the commissioner.

Requires a license holder to file each year with the commissioner a report containing relevant information concerning its transactions under this Act, and requires the report to be under oath and in the form prescribed by the commissioner, and provides that the report is confidential.

Requires the commissioner to annually prepare and publish a consolidated analysis and recapitulation of the reports.

Use of Third Party Appraisals in Appraisal Review Board Hearings—H.B. 3024

By Representative Frost—Senate Sponsor: Senator Eltife

Currently, Texas property taxpayers may present an independent third party appraisal as evidence in an appraisal review board (ARB) hearing. However, state law does not specify the credence that a certified independent appraisal should be accorded in such hearings. This bill:

Provides that when a property owner submits in an ARB hearing a properly conducted, recently completed appraisal of property value performed by a certified appraiser, the appraisal district has the burden of establishing the value of the property by clear and convincing evidence presented at the hearing. If the appraisal district fails to meet that standard, the protest is required to be determined in favor of the property owner.

Creates a Class B misdemeanor for a person who has a contingency interest in the outcome of a protest hearing to purposely mislead the ARB with a written appraisal submitted in the manner authorized under this bill.

Appointment of Taxpayer Liaison Officers—H.B. 3038

By Representative Rose—Senate Sponsor: Senator Watson

Current law requires counties with a population of 125,000 or more to appoint a taxpayer liaison officer to ensure public access to and information on the appraisal process and protest procedures. This bill:

Provides that the chief appraiser or any other person who performs appraisal services for the appraisal district for compensation is not eligible to be the taxpayer liaison officer for the appraisal district.

Street Maintenance Tax—H.B. 3084

By Representative Phillips—Senate Sponsor: Senator Deuell

Cities estimate that the cost of preventive street maintenance is 20 to 35 times less expensive than total reconstruction. Chapter 327 (Municipal Sales and Use Tax for Street Maintenance), Tax Code, permits a municipality to adopt a sales and use tax for street maintenance that expires every four years unless reauthorized by election. This bill:

Provides that a street maintenance tax adopted after September 1, 2007, does not automatically expire after four years.

Establishes a procedure to abolish the street maintenance tax by election.

Ad Valorem Taxation Exemption for Low-Income Housing—H.B. 3191

By Representative Hill—Senate Sponsor: Senators West and Zaffirini

The 78th Legislature rolled back a 100 percent property tax exemption and a long-term exemption once granted to nonprofit developers of multi-family housing in order to address abuses among nonprofit developers of multi-family properties.

Currently, nonprofit developers pay at least 50 percent of the taxes assessed on real estate acquisitions for construction and rehabilitation programs that provide affordable single-family homeownership. These property taxes must be passed on to low-income homebuyers either in closing costs or as a price increase on the home. This bill:

Provides that a 100 percent exemption applies to property owned by an organization for the purpose of constructing or rehabilitating a housing project on the property and selling single-family dwellings to individuals or families whose income is below a certain amount.

Additional Property Taxes Raised by Municipalities and Counties—H.B. 3195

By Representative Hill—Senate Sponsor: Senator Williams

Under current truth-in-taxation law, there is no budgetary mechanism to identify when total property taxes in a city or county will go up from one year to the next. The effective tax rate calculation, while useful for isolating tax increases on existing homes and businesses, does not account for increased levies due to new property added since the previous year. This bill:

Requires a city council or county commissioners court to identify on the cover page of a proposed budget that the proposed budget anticipates raising more total property taxes than the previous year's budget, including the dollar amount and percentage of increase and the amount of tax revenue to be raised from new property added to the tax roll.

Requires a separate ratification vote to adopt a budget that raises more total property taxes than in the previous year.

Adjusting the Annual Property Value Study Due to Successful Protests—H.B. 3492

by Representative Otto et al.—Senate Sponsor: Senator Janek

The office of the comptroller (comptroller) performs an annual property value study that estimates the taxable wealth of each school district in Texas. The Texas Education Agency (TEA) uses the study results to allocate state aid to local school districts. The annual property value study also evaluates the level and uniformity of appraisals by the state's county appraisal districts (CADs).

Under Section 41.43, Tax Code, property owners are entitled to protest the CAD-determined appraisal value of their property before an appraisal review board. The appraisal review board is authorized to reduce any taxpayer's property value to the median level of appraisal of a reasonable number of similar properties. Such adjustments may reduce the accuracy of the comptroller's annual property value study. This bill:

Requires the comptroller to ensure that different levels of appraisal resulting from protests under Section 41.43, Tax Code, are appropriately adjusted in the comptroller's annual property value study.

Revisions to the Revised Franchise Tax—H.B. 3928

By Representative Keffer et al.—Senate Sponsor: Senator Ogden

H.B. 3, 79th Legislature, 3rd Called Session, established the "revised franchise tax." It established a new mechanism for calculating the franchise tax and revised the base of entities subject to the tax. The revised franchise tax will take effect January 1, 2008.

Under H.B. 3, the tax is based on a business's taxable margin. This is calculated by first determining a taxable entity's total revenue. From this amount, the entity may deduct either its cost of goods sold or total compensation—up to \$300,000 per employee indexed to inflation—plus benefits. If the entity's margin after making its deduction is more than 70 percent of its total revenue, the business is taxed on only 70 percent of its total revenue; otherwise, it is taxed on its margin. Revenue from business done outside the state is not required to be apportioned to Texas. Certain allowable exemptions may also be subtracted to determine the entity's taxable margin.

Once the entity's taxable margin is determined, a rate of one percent is applied to the margin for an entity that is not engaged in retail or wholesale trade. For a taxable entity that is engaged primarily in retail or wholesale trade, a rate of one-half of one percent is applied to the entity's taxable margin.

The base of taxable entities subject to the revised franchise tax includes businesses in Texas that enjoy state liability protection, including corporations and limited liability partnerships. The tax excludes sole proprietorships, general partnerships that are directly owned by individual persons, certain unincorporated passive entities, and non-profit organizations. Businesses with no more than \$300,000 in total revenue, indexed to inflation, are exempt, as are businesses that owe less than \$1,000 under the tax. This bill:

Modifies the calculation of tax for taxable entities with total revenue between \$300,000 and \$900,000 by applying a sliding discount scale ranging from 80 percent for taxable entities with total revenue less than \$400,000 to 20 percent for taxable entities with total revenue greater than \$700,000 but less than \$900,000.

Provides an optional alternative method for calculating tax for businesses with total revenue of \$10 million or less. (A qualified taxable entity could calculate the tax by multiplying apportioned total revenue by 0.575 percent. A taxable entity electing this calculation would be eligible for the discounts for taxable entities with total revenue less than \$900,000 but could not use tax credits or other adjustments.)

Provides an additional compensation deduction for a small employer, as defined in the Insurance Code, for initiating health care coverage for employees during the first and second year of provided coverage. (For the first year, the extra deduction is 50 percent of the employer's cost, and 25 percent for the second year.) Shifts forward by one year to 2010 the initial date to begin inflation-indexing the receipt levels for discount amounts and the compensation limit amount. (The index will be updated in even-numbered years.)

Requires taxable partnerships to include gross rental income instead of net rental income in determining total revenue.

Provides that the gross proceeds from the sale of a loan or security treated as inventory of the seller for federal income tax purposes would be considered gross receipts for apportionment.

Requires a taxable entity that is a combined group to report Texas receipts for entities in the group that do not have nexus in Texas and the amount of those receipts subject to taxation in another state due to throwback provisions.

Amends the temporary credit provisions of the tax to base the credit on business loss carryforwards that existed before January 1, 2008, and specifies that the maximum amount of credit available to a taxable entity is 4.5 percent of the annual available business loss carryforwards.

Reduces the amount of control required for inclusion of a related entity in a combined group from 80 percent to "more than 50 percent."

Expands the definition of "client company" to include a client of a temporary employment service.

Provides that capital gains from the sale of real property are included in the income that is subject to the 90 percent test for a passive entity.

Creates the Business Tax Advisory Committee and sets forth the composition and duties of the committee.

Provides that the provisions regarding the advisory committee expire January 31, 2013.

Takes effect January 1, 2008, except for Section 36, which clarifies the reporting responsibility of a newly taxable entity. This provision takes effect immediately.

Annual 10 Percent Cap on Homestead Appraisal Values—H.J.R. 40

By Representative Hochberg et al.—Senate Sponsor: Senator Hegar

The 75th Legislature limited the appraised value of a residence homestead in any tax year to the lesser of: the most recent appraised value of the property or the sum of the last appraised value, plus 10 percent per year since the last appraisal, plus the market value of any new improvements. Homeowners may have mistakenly believed this prevented the taxable value of their homestead from increasing more than 10 percent in any given year, plus the value of any new improvements. However, because some appraisal districts only appraise properties once every three years, it is possible for the appraisal value of a homestead to increase by as much as thirty percent in a given year, because the limitation passed by the 75th Legislature permits an increase of 10 percent per year since the last appraisal. This resolution:

Proposes a constitutional amendment to authorize the legislature to limit the appraised value of a residence homestead to the lesser of: the most recent appraised value of the property or 110 percent (or a greater percentage) of the appraised value of the residence homestead in the preceding tax year.

Exempting Certain Vehicles From Ad Valorem Taxation—H.J.R. 54

By Representative Hilderbran et al.—Senate Sponsor: Senator Williams et al.

H.J.R. 54 is the constitutional amendment related to H.B. 1022. This resolution:

Proposes a constitutional amendment authorizing the legislature to exempt from ad valorem taxation one motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner.

Municipal Sales Tax Data—S.B. 190

By Senator Brimer—House Sponsor: Representative Patrick

S.B. 190 is designed to provide assistance to cities with respect to their economic development efforts and the preparation of their annual budgets, as well as a way to reconcile problems associated with sales tax reporting errors without the need for vendor-specific sales tax data. This bill:

Removes a population bracket contained in Section 321.3022, Tax Code, to require that the comptroller of public accounts release upon request certain sales tax data to municipalities.

Qualifications for Certain Ad Valorem Property Tax Exemptions—S.B. 426

By Senator West—House Sponsor: Representative Hill

In 2003, the legislature tightened eligibility requirements for property tax exemptions available to certain charitable organizations involved in the construction and rehabilitation of affordable multi-family housing. Organizations were allowed to keep an exemption for which the organization was already qualified, but the statute that passed in 2003 did not preserve this exemption for properties that might change ownership due to foreclosure. This bill:

Provides that a property tax exemption granted under Section 11.182 (Community Housing Development Organizations Improving Property for Low-Income and Moderate-Income Housing Property Previously Exempt), Tax Code, does not expire upon a change in ownership when the property has been sold at a foreclosure sale and the purchasing organization shows the chief appraiser proof of its qualification for the exemption within 30 days of the sale.

TexasOnline Point-of-sales Transactions—S.B. 687

By Senator Shapleigh—House Sponsor: Representative Solomons

Current law allows the use of TexasOnline for point-of-sale transactions. This bill:

Clarifies that person-to-person transactions, automated processes that facilitate person-to-person transactions, and personal transactions conducted at a computer station using an automated process are accepted through TexasOnline.

Authorizes TexasOnline to be used to track credit card and cash payments.

Requires the Department of Information Resources to adopt rules to ensure consistency between TexasOnline and individual agency websites.

Waiver of Penalty and Interest on Delinquent Tax Payments—S.B. 948

By Senator Hegar—House Sponsor: Representative Van Arsdale

In 2005, hurricanes Katrina and Rita devastated the Gulf Coast region, forcing not only individuals to evacuate, but businesses as well. Due to these evacuations, many taxing units were penalized for failure to make their allocated payment of the appraisal district's budget. This bill:

Authorizes the board of directors of an appraisal district to waive a taxing unit's penalty and interest on a delinquent payment, provided that good cause is established. This bill also authorizes an appraisal district to refund a payment of penalty and interest that was made by a taxing unit before the effective date of the Act if the board of directors of the appraisal district waives the penalty and interest.

Estimates of Taxable Value of Property in Appraisal Districts—S.B. 1405

By Senator Wentworth—House Sponsor: Representative Keffer

S.B. 1405 is designed to address the fiscal planning needs of cities and counties. This bill:

Requires the chief appraiser of a district to prepare for each county and municipality participating in the appraisal district, in addition to each school district, an estimate of the taxable value of the property in their respective taxing units, unless a county or municipality notifies the chief appraiser that it elects not to receive the estimate.

Property Tax Lien Transfers—S.B. 1520

By Senator Wentworth—House Sponsor: Representative Paxton

Texas law permits property tax lien transfers, in which an owner of real property consents to the payment of the real property taxes by a third party, to whom the taxing unit then transfers its preexisting lien on the property. The 79th Legislature, Regular Session, 2005, enacted H.B. 2491 to revise the law governing those transfers by limiting transfers on some current year taxes, detailing the required elements of a contract to repay a tax lien, and clarifying ambiguities in the statute regarding the definition in certain terms. However, S.B. 1587 was simultaneously enacted, which also provided for certain notification procedures to first lien mortgage holders in the event a transferred tax lien was foreclosed. Statutory change may be necessary to clarify the differences between these two enacted bills and to strengthen notification requirements and consumer protections. This bill:

Requires that the sworn statement authorizing another person to pay real property taxes that is filed with the collector for the taxing unit (collector) state that notice has been given to the property owner that if the owner is age 65 or disabled, the owner may be eligible for a tax deferral under Section 33.06 (Deferred Collection of Taxes on Residence Homestead of Elderly or Disabled Person), Tax Code.

Provides that a tax lien may be transferred to the person who pays the taxes on behalf of the property owner under the authorization for taxes that are delinquent at the time of payment or taxes that are not delinquent at the time of payment if the property is not subject to a recorded mortgage lien or a tax lien transfer authorized by the property owner has been executed and recorded for one or more prior years on the same property and the property owner has executed an authorization consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent.

Requires the collector, if the property owner has executed an authorization under consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes that are delinquent, to certify in one document the transfer of the liens for all the taxes.

Requires the Finance Commission of Texas (commission) to prescribe the form and content of an appropriate disclosure statement to be provided to a property owner before the execution of a tax lien transfer, and to adopt rules relating to the reasonableness of closing costs, fees, and other charges permitted under this Act.

Provides that the collector certify payment of taxes and any penalties and interest on the subject property and collection costs in a certified document, rather than a sworn statement.

Requires the collector to identify in a discrete field in the applicable property owner's account the date of the transfer of a tax lien transferred under this section.

Requires a transferee, when a tax lien is released, to file a release with the county clerk of each county in which the property encumbered by the lien is located for recordation by the clerk and to send a copy to the collector.

Requires the transferee, not later than the 10th business day after the date the certified statement is received by the transferee, to send by certified mail a copy of the sworn document authorizing the transfer to any mortgage servicer and to each holder of a recorded first lien encumbering the property.

Provides that a transferee of a tax lien and any successor in interest is entitled to foreclose the lien in the manner specified in Section 51.002 (Sale of Real Property Under Contract Lien), Property Code, and Section 32.065 (Contract for Foreclosure of Tax Lien), Tax Code, after the transferee or a successor obtains a court order for foreclosure under Rule 736, Texas Rules of Civil Procedure, except as otherwise provided.

Sets forth the procedure and required content of the application for foreclosure if the transferee seeks to foreclose a tax lien on the property under this provision.

Requires a transferee to record a tax lien transferred with the statement attesting to the transfer of the tax lien in the deed records of each county in which the property encumbered by the lien is located.

Provides that the right of rescission described by the federal Truth in Lending regulations applies to a tax lien transfer.

Requires the holder of a loan secured by a transferred tax lien that is delinquent for 90 consecutive days to send a notice of the delinquency by certified mail on or before the 120th day of delinquency or, if the 120th day is not a business day, on the next business day, to any holder of a recorded preexisting lien on the property.

Authorizes the holder or mortgage servicer of a recorded preexisting lien to within six months after the date on which the notice is sent, obtain a release of the transferred tax lien by paying the transferee the amount owed under the contract between the property owner and the transferee.

Authorizes the mortgage servicer or the holder of the first lien to send a notice of the delinquency to the transferee of a tax lien if an obligation secured by a preexisting first lien on the property is delinquent for at least 90 consecutive days and the obligation has been referred to a collection specialist.

Entitles the mortgage servicer or the first lienholder within six months after the date on which that notice is sent, to obtain a release of the transferred tax lien by paying the transferee the amount owed under the contract between the property owner and the transferee.

Requires the commission by rule to prescribe the form and content of these notices.

Provides that the right to obtain a release of the transferred tax lien by paying the amount owed does not affect a right of redemption in a foreclosure.

Requires the transferee of a tax lien to provide the payoff information required by this Act to the greatest extent permitted by federal law.

Requires the payoff statement to meet the requirements of a payoff statement defined by Section 12.017 (Title Insurance Company Affidavit as Release of Lien; Civil Penalty), Property Code.

Authorizes a transferee to charge a reasonable fee for a payoff statement that is requested after an initial payoff statement is provided.

Provides that failure to comply with these notices does not invalidate a tax lien, a contract lien, or a deed of trust.

Strikes a provision requiring the transferee of a tax lien or any successor in interest to notify the holders of all recorded liens on the property before foreclosure in the same manner and within the same time frame as the transferee must notify the owner of the property under Section 51.002.

Permits redemption of foreclosed property from the purchaser's successor, as well as the purchaser at the tax sale, by paying the purchaser or successor the amount set in statute and the amount reasonably spent by the purchaser in connection with the property as costs and the legal judgment rate of return on that amount.

Requires the purchaser or the purchaser's successor to deliver the property deed without warranty to the person redeeming the property.

Provides that Chapter 343 (Home Loans), Finance Code, other than Sections 343.203 (Negative Amortization) and 343.205 (Prepayment Penalties Prohibited), does not apply to a contract for the payment of taxes.

Repeals Section 32.065(g), Tax Code, as added by Chapter 406, Acts of the 79th Legislature, Regular Session, 2005, which requires a contract for the payment of taxes to require that the lienholder notify the holders of all recorded liens on the property before foreclosure.

Proportional Property Tax Relief for the Elderly and Disabled—S.J.R. 13

By Senator Averitt et al.—House Sponsor: Representative Berman et al.

H.B. 1, 79th Legislature, 3rd Called Session, provided state aid to school districts to reduce school property taxes by 11.3 percent in tax year 2006 and one-third in tax year 2007 and beyond. However, because property taxes for some homestead owners were frozen when they turned 65 or became disabled, they did not benefit from the property tax relief. This resolution:

Proposed a constitutional amendment to authorize the legislature to provide a proportional school property tax reduction for these homeowners. The amendment was ratified by the voters on May 12, 2007.

Ad Valorem Tax Exemptions for Disabled Veterans—S.J.R. 29

By Senator Carona et al.—House Sponsor: Representative Flores

Veterans with service-related injuries receive a disability rating ranging from zero to 100. Based on these ratings, the state provides veterans a sliding scale exemption from certain ad valorem property taxes. This resolution:

Proposes a constitutional amendment to authorize the exemption from ad valorem property taxes of the homestead residence of a disabled veteran who receives a rating of "100 percent disabled" or "totally disabled."

Property Tax Freeze for Downtown Revitalization—S.J.R. 44

By Senator Estes—House Sponsor: Representative Hardcastle

The Main Street Revitalization Improvement Program and the Downtown Revitalization Program within the Texas Department of Agriculture offer communities the ability to improve infrastructure to revitalize a downtown area. This resolution:

Proposes a constitutional amendment to allow certain small communities to conduct a vote to freeze property taxes in the downtown area for a period of five years or until the property is sold.

Counterfeit Airbags—H.B. 71

By Representatives Leibowitz and Allen—Senate Sponsor: Senator Wentworth

The cost of installing an airbag into a motor vehicle has led to an increase in the installation of counterfeit airbags. This bill:

Provides that it is an offense to make, sell, or install a counterfeit airbag into a motor vehicle or intentionally alter a motor vehicle airbag so that it does not comply with federal standards.

Increases the penalty for a person found guilty of a repeat offense relating to the installation of counterfeit airbags or if a person suffers bodily injury as the result of an offense involving a counterfeit airbag.

Driver's Licenses for Elderly Persons—H.B. 84

By Representative Branch et al.—Senate Sponsor: Senator Carona

Currently, all driver's licenses issued in Texas are required to be renewed every six years and no requirement exists for elderly persons to retake vision or field tests for license renewal. Concerns have recently been raised surrounding the effects of elderly drivers on public safety and insurance companies report that persons of 80 years and older are considered high risk drivers. Studies have demonstrated that elderly persons are involved in more accidents overall and more fatal accidents than any other age group based on accidents per miles driven. More than half of all states place restrictions on elderly drivers. This bill:

Provides that an original or renewed driver's license, an original or renewed commercial driver's license, or a commercial driver's license learner's permit of a person 85 or older expires on the license holders second birthday after the date of the license application or the second anniversary of the date before renewal.

Prohibits a person older than 79 years of age from renewing a driver's license by mail and reduces the fee for elderly persons renewing a driver's license.

Identification for the Release of a Motor Vehicle From Tow Storage Facilities—H.B. 90

By Representative Branch—Senate Sponsor: Senator Carona

Currently, a vehicle held in a vehicle storage facility is prohibited from being released if the vehicle owner's name and address do not match the name and address on the vehicle title, unless a notarized affidavit of the owner's right to possession or control can be provided. This requirement can present difficulties as a person is not required to change the address on a vehicle title if the person moves. This bill:

Requires a vehicle storage facility owner (owner) to accept a valid driver's license and vehicle title and registration even if the two forms of identification contain differing addresses, and requires the owner to accept proof of financial responsibility for a vehicle as valid identification presented for the purposes of removing a vehicle from a storage facility.

Rail Relocation—H.B. 160

By Representatives Menendez and Straus—Senate Sponsor: Senator Wentworth

Numerous train accidents occur in Texas each year and some of these have resulted in the injury and death of persons who live near train tracks. This bill:

Requires the Texas Department of Transportation to perform a study on the feasibility of relocating tracks on which trains transport hazardous materials so that they are not located in residential areas of cities with a population of more than 1.2 million.

Requires the Texas Commission on Environmental Quality to consider funding rail relocation projects or projects that will improve a rail intersection and thus result in a reduction in congestion which contributes to air pollution and engine idling in nonattainment or near nonattainment areas.

Fees for Specialty License Plates—H.B. 191

By Representative Miller et al.—Senate Sponsor: Senator Carona

Numerous specialty license plates are issued in Texas and a number of these are available for current or former members of the military and military medal recipients. The fees required for issuance or renewal of plates available to persons associated with the military are inconsistent. This bill:

Requires a person applying for a military specialty license plate to pay the vehicle registration fee and the applicable special plate fee.

Creates the exception that persons applying for the Distinguished Flying Cross Medal and Military Specialty Plates for Extraordinary Service specialty license plates are not required to pay a vehicle registration fee.

Provides that, unless stated, there is no additional fee for certain specialty license plates, including specialty license plates for the Texas National Guard and Texas State Guard, army reserves, graduates of the United States Military, Naval, or Air Force Academy, current or former commissioned officers of the armed forces, World War II veterans, Korean War veterans, persons who served in Vietnam, Desert Shield and Desert Storm veterans, persons who served in Operation Iraqi Freedom and Enduring Freedom, and the merchant marines.

Sets forth guidelines for the fee for replacing specialty plates for forestry vehicles, vehicles at least 25 years old, plates issued in the same model year as a vehicle, classic motor vehicles, and certain exhibition vehicles.

Ronald Reagan Memorial Highway—H.B. 210

By Representative Flynn et al.—Senate Sponsor: Senator Deuell

Part of Interstate Highway 20 in Arlington, Texas, is designated as the Ronald Reagan Memorial Highway. This bill:

Designates the portion of Interstate Highway 20 between the Tarrant-Parker county line and the eastern municipal boundary of Grand Prairie and between the Dallas-Kaufman county line and the Texas-Louisiana border as the Ronald Reagan Memorial Highway.

Transfer of Registration and Removal of License Plates for Used Vehicles—H.B. 310

By Representatives Goolsby and Crabb—Senate Sponsor: Senator Carona

Currently, a license plate and registration remain on a motor vehicle during every private sale or ownership transfer of a motor vehicle in Texas. It is therefore the buyer's responsibility to transfer required vehicle information and ownership; however, this procedure is not always followed. This bill:

Requires a dealer to remove the license plates and registration of a passenger car or light truck (vehicle) when the vehicle is sold or ownership is transferred to another dealer and authorizes a dealer to remove a vehicle's license plates and registration when a vehicle is sold or ownership transferred to a non-dealer.

Sets forth circumstances and guidelines under which a person is authorized to use license plates removed from one vehicle on another vehicle titled under the person's name.

Authorizes a vehicle purchaser or transferee to purchase a single-trip permit to operate a motor vehicle for certain purposes.

Authorizes TxDOT to enter into, but not implement, a system design contract to determine the usefulness and applicability of an electronic registration and titling system.

Foreign Commercial Motor Vehicles—H.B. 313

By Representative Pickett—Senate Sponsor: Senator Carona

Currently, foreign commercial vehicles are exempted from Texas registration requirements if they operate within a border commercial zone and are registered in another state. As a result, some commercial carriers purchase commercial vehicles that are operated in Texas border commercial zones from other states, thus avoiding Texas registration fees. This bill:

Removes an exemption providing that foreign commercial motor vehicles registered in another state are not required to be registered in Texas.

Provides that a foreign commercial motor vehicle that principally transports cargo over the border or through a border commercial zone must be registered in Texas or, if not registered in Texas, classified under certain exemptions.

Illegal Off-Premise Signs—H.B. 412

By Representatives Eissler and Strama—Senate Sponsor: Senator Carona

The Texas Department of Transportation is currently responsible for the regulation of outdoor off-premise advertising visible from the roadway. While a permit is required to be obtained before the construction of

such a sign, often times a person does not attain the necessary permit. Presently, laws allowing for the enforcement of permit requirements have not proven adequate and some persons maintain that the illegal construction of these signs has diminished their quality of life, caused visual pollution, and has negatively impacted regional economic development efforts. This bill:

Provides that it is a violation to allow certain outdoor advertising to be erected or maintained on property along certain rights-of-way.

Provides that it is an offense to erect an off-premise sign without obtaining a permit, to allow an off-premise sign to be erected on a person's property, or to knowingly allow a sign that violates certain legal provisions regulating the construction of off-premise signs to be located on a person's property.

Authorizes the attorney general or a district or county attorney to sue to collect a penalty.

Provides that removal of an unauthorized sign within 45 days of receiving a citation is a defense to prosecution.

Sets forth certain information to be included in written notice of a violation.

Sets forth penalties for violation of this chapter.

Billboards—H.B. 413

By Representative Eissler et al.—Senate Sponsor: Senator Carona

Currently, certain signs may not be constructed on public rights-of-way unless approved by the government. This bill:

Authorizes the attorney general, a district or county attorney, or a municipal attorney to sue to collect a civil penalty from a person who has placed a sign in a state highway right-of-way without authorization.

Removes certain defenses to prosecution and provides certain exceptions.

Authorizes certain persons to discard signs without providing notice.

Provides that certain courts have concurrent jurisdiction for cases arising in a municipality's extraterritorial jurisdiction and involving an ordinance created by a municipality.

Reporting Requirements for Certain Deaths From Motor Vehicle Accidents—H.B. 423

By Representative Corte—Senate Sponsor: Senator Carona

Texas's record of reporting the alcohol results of fatally injured drivers is one of the worst in the country. This may be attributable to the lack of procedures within Texas coordinating the reporting of alcohol results regarding fatally injured drivers. This bill:

Requires a justice of the peace or medical examiner acting as a coroner in counties without a medical examiners office and not part of a medical examiner's district to report to the Texas Department of Transportation the death of a person resulting from a motor vehicle accident in which alcohol was involved.

Sets forth guidelines for the report.

Use of Vehicle Information by a Toll Project Entity—H.B. 570

By Representative Leibowitz—Senate Sponsor: Senator Carona

Currently, there is no statute prohibiting the use of vehicle license plate or registration information collected by a toll project entity from being used for purposes of commercial solicitation. This bill:

Prohibits a toll project entity from using information from a license plate or motor vehicle registration for purposes not related to toll collection and law enforcement.

Requires any agreement a toll project entity enters into with an out-of-state toll project entity to include a provision prohibiting the use of information from a license plate or motor vehicle registration supplied by the toll project entity in Texas for purposes other than toll collection or law enforcement.

Driver Safety Courses—H.B. 586

By Representative Gonzalez Toureilles—Senate Sponsor: Senator Uresti

Currently, some persons charged with traffic offenses may take a driver safety course rather than fulfill the requirements of other penalties. During 2005 the speed limit in some rural areas was increased, resulting in driver safety courses being utilized by persons caught driving of speeds up to 104 miles per hour, despite the hazard traveling at such speed poses. This bill:

Prohibits a defendant who is found guilty of driving at a speed higher than 95 miles per hour and issued a speeding ticket from taking a driver safety class to dismiss the ticket.

Adds the spouse or a dependent child of an active member of the military to the list of persons who are authorized to take a driver safety course for certain moving violations.

Penalties for the Sale of Certain Used Trucks—H.B. 733

By Representative Krusee—Senate Sponsor: Senator Carona

Currently, the statutes are unclear as to whether a manufacturer is authorized to sell a heavy used truck in Texas. This bill:

Authorizes certain manufacturer distributors to sell heavy used trucks and sets forth restrictions regarding the circumstances in which a manufacturer distributor may sell certain vehicles.

Automatic Suspension of Driver's License—H.B. 1049

By Representative Phillips—Senate Sponsor: Senator Wentworth

Currently the driver's license of a person convicted of offenses such as criminally negligent homicide, driving while intoxicated, and intoxicated manslaughter are automatically suspended. This bill:

Includes manslaughter involving the use of a motor vehicle in the list of offenses that, upon final conviction of the offense, result in the automatic suspension of the person's driver's license.

Warning Signs for Red Light Cameras—H.B. 1052

By Representative Callegari—Senate Sponsor: Senator Carona

Currently there are no statutory provisions governing the use of red light cameras in Texas. This bill:

Requires that cities using red light cameras post signs regarding the use of such cameras on roadways leading to intersections where the cameras are present and sets forth guidelines for the signs.

Provides that a civil or administrative penalty may not be issued by a municipality that does not post signs.

Traffic Accentuated Electric Traffic-Control Devices—H.B. 1279

By Representative Deshotel—Senate Sponsor: Senator Watson

All traffic accentuated electric traffic-control devices (devices) can be calibrated to detect motorcycles but often times these devices have not been set to detect motorcycles, resulting in long waits at red lights for motorcycles. This bill:

Requires that devices that consist of a traffic-control signal for which the intervals vary based on the demands of vehicular traffic as registered by a detector and installed and operating at an intersection be configured to detect the presence of a motorcycle.

Prohibition of Signs on Certain Roads—H.B. 1521

By Representative Kolkhorst—Senate Sponsor: Senator Hegar

Currently, certain cities restrict or prohibit the construction of billboards visible from certain public highways; however, these restrictions do not apply to most rural and unincorporated areas. Austin County does not presently have the legal authority to prevent the construction of billboards that are adjacent to and visible from certain highways within its limits. This bill:

Includes certain highways located in Austin County in the list of roads on which a person is prohibited from constructing an off-premise sign that is adjacent to and visible from the road.

Removes the segment of U.S. Highway 281 located within the city limits of Three Rivers from the roads on which the construction of an off-premise sign that is adjacent to or visible from the road is prohibited.

Commercial Vehicle Parking on Certain Streets—H.B. 1522

By Representative Harless—Senate Sponsor: Senator Williams

Currently, a county or municipality is authorized to restrict overnight parking of commercial vehicles in residential subdivisions if requested by a homeowner, but not streets adjacent to residential subdivisions. However, overnight parking of commercial vehicles has continued to disturb residents, obstruct driving lanes, and inhibit access to neighborhood parks, schools, and places of worship. This bill:

Prohibits a person from parking a commercial motor vehicle or leaving the vehicle parked on a street that is maintained by a county or municipality between 10 p.m. and 6 a.m. if the street is located within a residential subdivision or is adjacent to a residential subdivision and within 1,000 feet of the property line of a residence, school, place of worship, or park.

Authorizes a person to park a commercial motor vehicle or leave the vehicle parked on a street for which certain signs are posted for the time necessary to complete certain tasks.

Provides an exception for a utility-owned vehicle parked at the residence of a utility employee who is on call 24 hours a day or a vehicle owned by a commercial establishment that is parked adjacent to the street of the location of the commercial establishment.

Offenses and Penalties for Illegally Operating a Motor Vehicle or Vessel—H.B. 1623

By Representative Phillips—Senate Sponsor: Senator Carona

Currently, it is unclear whether a justice of the peace is statutorily authorized to dismiss certain violations relating to the operation of a motor vehicle or vessel that are often unintentional and easily remedied. Furthermore, court dockets are increasingly becoming congested. There are also currently no statutory provisions governing the use of red light cameras in Texas, despite the installation of photographic traffic signal enforcement systems by certain municipalities. This bill:

Sets forth circumstances under which a court is allowed to dismiss certain charges relating to:

- the operation of a motor vehicle without a license plate or registration or an expired license plate;
- the operation of a motor vehicle with an incorrect, fictitious, or altered license plate;
- failure to carry or show a valid driver's license;
- failure to provide notice of a change of name or address to the Department of Public Safety;
- the imposition of certain endorsements or restrictions;
- driving with an invalid license;
- the operation of a motor vehicle that is known to be unsafe, incompliant with certain vehicle equipment standards, or equipped with certain prohibited items; and
- the operation of a vessel with an expired certification of number.

Prohibits a civil or administrative penalty imposed as the result of an ordinance enacted by a local authority to enforce compliance with the instructions of a traffic-control signal from exceeding \$75 and a late penalty from exceeding \$25.

Defines photographic traffic enforcement system and sets forth guidelines regarding the use and distribution of revenue generated by a photographic traffic signal enforcement system.

Creates the regional trauma account (account) as a dedicated account in the general revenue fund of the state treasury and authorizes money in the account to be appropriated only to the Health and Human Services Commission to fund uncompensated care of designated trauma facilities and county and regional emergency medical services located in certain areas.

Sets forth guidelines for the distribution of money in the regional trauma account.

Information Displayed on Disabled Parking Placards—H.B. 1781

By Representatives Harless and Naishtat—Senate Sponsor: Senator Ellis

Disabled parking placards (placard) are used to identify vehicles that may lawfully park in a designated handicap parking space. Currently, only the first four digits of a driver's license number followed by an applicant's initials are required to be placed on the placard. This limited information makes it difficult for law enforcement officers to determine the validity of a placard and recently misuse and alteration of these placards has become problematic. Identifying the county that issued a placard could help to ameliorate this problem. This bill:

Requires a county-assessor to record the county number assigned by the comptroller to the county issuing the placard, the first four digits of the applicant's driver's license number, and the applicant's initials on any disabled parking placard issued.

Penalty for Driving on Certain Rights-of-Way—H.B. 1798

By Representative Martinez Fischer—Senate Sponsor: Senator Uresti

Several metropolitan transit authorities in Texas are currently considering creating a special bus rapid transit system (system). One element of this system is that mass transit vehicles will be allowed to travel on certain dedicated roadways or restricted pieces of existing roadways. For the system to be effective it is necessary to first create certain designated rights-of-way so that vehicles operating as part of the system may avoid traffic slowdowns. This bill:

Provides that a person may be assessed a Class C misdemeanor for using the designated right of way of a bus rapid transit system operated by a metropolitan transit authority. Sets forth exceptions in which the use of the designated right of way is authorized.

Punishment for Failure to Stop Following a Motor Vehicle Accident—H.B. 1840

By Representative Bonnen et al.—Senate Sponsor: Senator Hegar

Currently, the penalty for leaving the scene of an accident resulting in injury or death is less than that for intoxication manslaughter, which creates an unintended incentive for an intoxicated person to flee the scene of an accident. This bill:

Provides that a person involved in an accident who fails to stop at the scene of an accident, immediately return to the scene of the accident if applicable, or remain at the scene of an accident until certain requirements are fulfilled may be punished by a penalty of five years confinement in the Texas Department of Criminal Justice, one year confinement in a county jail, and/or a maximum fine of \$5,000.

Land Located in a Transportation Corridor—H.B. 1857

By Representative Murphy—Senate Sponsor: Senator Carona

Currently, some cities and densely populated counties have the authority to designate transportation corridors within their jurisdictions for future development, but many do not. Some persons unknowingly buy or build homes and businesses in areas which have been designated as the location of a future corridor and are later forced to relocate. In other instances, persons may purchase property when the location of a future transportation project becomes public; which can cause inflation of property values and increase the cost of land acquisition for a project. This bill:

Authorizes the Texas Department of Transportation and a county to reach an agreement identifying future transportation corridors and requires that the agreement be published in the Texas Register and a local newspaper.

Authorizes a county commissioners court to refuse to approve a plat for recordation under certain circumstances.

Requires a purchase contract or lease between a subdivider and purchaser or lessee of land to include a statement noting that the land is within an area designated for a future transportation project identified in the environmental decision document.

Comprehensive Development Agreements—H.B. 1892

By Representative Wayne Smith et al.—Senate Sponsor: Senator Williams

Currently, certain transportation entities are allowed to enter into comprehensive development agreements (CDAs) that conform to certain guidelines with private businesses. This bill:

Authorizes CDA terms for a maximum of 40, rather than 50, years and provides that CDAs are authorized for terms of 10-year increments.

Requires the CDA to include the terms under which the Texas Department of Transportation (TxDOT) may purchase from the private entity an interest in the CDA and related property.

Sets forth certain projects for which CDA terms of 50 years are authorized.

Authorizes, rather than requires, TxDOT, regional mobility authorities (RMAs), and regional transportation authorities (RTAs) to pay a stipend to certain private entities whose bid for a project is not accepted.

Creates a moratorium prohibiting a CDA from allowing a private entity to operate a toll project or collect toll revenues and sets forth certain projects that are excluded from the moratorium.

Prohibits TxDOT from entering into a CDA for a project excluded from the CDA moratorium unless the county commissioners court for the county in which a CDA project is primarily located passes a resolution acknowledging that the CDA may include penalties for the construction of certain future transportation projects and agreeing that TxDOT should execute the CDA.

Creates a legislative study committee (committee) to conduct hearings and examine the policy implications of allowing a private entity to operate and collect toll project revenues and sets forth guidelines governing the composition and activities of the committee.

Authorizes TxDOT and RMAs to enter into CDAs until August 31, 2009, rather than August 31, 2011, and sets forth certain projects which for which entry into a CDA is authorized until August 31, 2011.

Requires TxDOT to take certain actions to increase public access to information surrounding the creation of the Trans-Texas Corridor (TTC) as well as communicate with certain governmental and legislative offices regarding the development of TTC.

Requires, rather than authorizes, the Texas Transportation Commission or TxDOT to apply revenues resulting from a CDA in the TxDOT district the project is located in and based on the percentage of toll revenues generated by users from each TxDOT district.

Provides certain counties and RMAs primacy in operating toll projects within their jurisdiction.

Provides counties, RMAs, and RTAs the first option to finance, construct, or operate a toll project located within their jurisdiction before the commission or TxDOT may enter into a CDA for the project.

Sets forth certain timelines for which counties, RMAs, and RTAs may decide to participate in a transportation project and must take certain actions upon agreeing to participate in the project.

Authorizes a county commissioners court or a local government corporation to determine the manner in which surplus revenue will be used in relation to a transportation project that is not a CDA project.

Authorizes certain counties and RTAs to use state highway right-of-ways and access the state highway system.

Authorizes certain counties and RTAs to enter into CDAs and sets forth certain guidelines with which these CDAs must comply.

Prohibits RTA directors from accepting certain benefits from certain persons.

Provides all TxDOT powers relating to a project connected with TTC to RTAs.

Prohibits the enactment of a CDA unless the attorney general has first reviewed the proposed CDA and determined it is legal.

Sets forth certain information that must be provided to the Legislative Budget Board and state auditor prior to a CDA being entered into.

Requires CDAs to include a formula for termination payments.

Prohibits CDAs from including provisions prohibiting the construction of competing transportation projects.

Authorizes CDAs to include provisions for reimbursement if the construction of certain transportation projects result in a loss of revenue for a CDA project.

Provides that a CDA that includes a provision for reimbursement must also include a provision for which the private entity will reimburse the transportation entity if certain transportation projects result in increased revenue for the CDA project.

Requires certain information to be published, and sets forth guidelines for the publication of this information, prior to entering a CDA.

Requires a public hearing to be held before a transportation entity enters a CDA.

Payments to Contractors for Highway Projects—H.B. 2075

By Representative Krusee—Senate Sponsor: Senator Nichols

Currently, the Texas Department of Transportation (TxDOT) is required to retain certain contract amounts to ensure that all bills relating to a highway project are paid and that TxDOT recovers excess payments. Performance and payment bonds have made the retainage policy unnecessary and the federal government has previously required that retainage on federally funded projects be eliminated. This bill:

Allows TxDOT to refrain from retainage on projects funded wholly by the state and clarifies that TxDOT may keep up to five percent of retainage, rather than any amount of the contract price.

Motor Carrier Overweight or Oversize Vehicle Permits and Registration—H.B. 2093

By Representative Hill—Senate Sponsor: Senator Carona

Current overweight permit fees were set in 1991 and revenue from these fees is appropriated to the county and general revenue fund, varying by permit. Presently, three-fourths by value and two-thirds by tonnage of manufactured goods and raw materials transported in Texas travel by truck. As overweight truck traffic continues to increase roadways are increasingly being damaged and the state does not have the financial capacity to maintain these roads. Furthermore, enforcement and permitting relating to motor vehicle size and weight becomes more difficult and costly. This bill:

Sets forth legislative findings relating to the amount of freight traveling through Texas and the demand for oversize and overweight permits in the state.

Provides that the purposes of this Act are to increase the fees charged for permits, address enforcement efforts of motor vehicle size and weight laws, and increase state revenue generated by permit fees.

Prohibits the overall gross weight of a single motor vehicle used to transport seed cotton or equipment from exceeding 64,000, rather than 59,400, pounds.

Increases and amends the table of annual fees required in addition to other fees that are required when applying for a permit for excess axle or gross weight.

Sets forth certain amounts of the annual fees that are required to be deposited to the general revenue fund and provides that the remainder is required to be deposited to the credit of the state highway fund.

Increases the permit fee for an application for a permit to move certain heavy equipment.

Sets forth certain amounts of the permit fees that are required to be deposited to the general revenue fund and provides that the remainder is required to be deposited to the credit of the state highway fund.

Increases the amount allowed of required fees for certain permits and applications for certain permits relating to the use of oversize or overweight vehicles.

Requires that a portion of certain fees collected be sent to the comptroller of public accounts for deposit into the general revenue fund and state highway fund.

Authorizes the Texas Department of Transportation (TxDOT) to investigate and impose an administrative penalty or revoke certain oversize or overweight permits if the person or holder of the permit takes certain actions.

Provides that it is an affirmative defense to administrative enforcement that the person or holder of the permit relied on the shipper's certificate of weight.

Authorizes TxDOT to investigate and impose an administrative penalty on a shipper who provides false information on a shipper's certificate of weight that the shipper delivers to a person transporting a shipment.

Prohibits TxDOT from imposing an administrative penalty against a person or the holder of an overweight permit of the weight of the vehicle or combination used to transport agricultural or timber products from the place of production to the place of first marketing or first processing did not exceed the allowable weight by more than three percent.

Sets forth guidelines for an administrative hearings process for an action relating to an administrative penalty or suspension and revocation of registration.

Regulation of Towing and Storage Vehicles—H.B. 2094*By Representative Hill—Senate Sponsor: Senator Carona*

Congested dockets, the required advance posting of hearing, and required notification of parties subject to a hearing make it difficult for hearings relating to the rights of owners and operators of vehicles towed and placed in storage to be held within the required 10 days of a request. Furthermore, justices of the peace are not currently provided clear authority to grant awards to a vehicle owner nor is there presently a process to allow a vehicle owner to collect an award. This bill:

Authorizes the Texas Department of Licensing and Regulation (TDLR) to enter and inspect at any time during business hours certain places of business.

Requires TDLR to inspect a vehicle storage facility that holds a license under this chapter at least once every two years and the bill sets forth certain criteria under which TDLR is required to conduct additional inspections based on a schedule of risk-based inspections.

Prohibits a person from working at a vehicle storage facility unless the person holds a license under this chapter.

Requires a license holder to establish a drug testing policy for employees of the vehicle storage facility.

Requires the Texas Commission of Licensing and Regulation (commission) to adopt a model drug testing policy for use by license holders and sets forth certain guidelines to which the drug testing policy is required adhere.

Sets forth criminal and administrative penalties that may be applied to any person who violates the licensing requirements of towing and vehicle storage facilities or employs an individual who does not hold the appropriate license or who violates a rule or regulation or issued by the executive director of the commission.

Authorizes the executive director of TDLR to issue a cease and desist order to enforce this chapter and authorizes the attorney general or executive director to institute an action for an injunction under certain circumstances.

Requires TDLR to study the fees charged by license and permit holders for nonconsent tows, compliance of license and permit holders with local regulations governing towing fees, and consumer complaints related to fees for nonconsent tows and report to the legislature the findings of the study and any related recommendations.

Creates the Towing and Storage Advisory Board (board) to provide advice and recommendations to TDLR regarding examination content, licensing standards, continuing education requirements, and other relevant technical matters and sets forth guidelines for the membership, terms, compensation, meetings, powers and duties, and rules of the board.

Prohibits a tow truck from being used for consent towing on a public roadway unless an appropriate permit has been issued for the tow truck and sets forth requirements for an incident management towing permit, a private property towing permit, and a consent towing permit.

Prohibits a person who does not hold the appropriate license from performing tow operations or operating a tow company and sets forth requirements for an incident management towing operator's license, a private property towing operator's license, and a consent towing operator's license.

Prohibits a license or permit holder from charging a fee for a nonconsent tow that is greater than the fee listed in the schedule most recently submitted to TDLR.

Operation of All-Terrain Vehicles in Connection With Utility Work—H.B. 2127

By Representative Murphy—Senate Sponsor: Senator Williams

Currently, municipal utility companies are authorized to use all-terrain vehicles on public streets, roads, or highways to inspect utility lines while private utility companies are not. This bill:

Includes utility work by a utility in the list of actions for which the operator of an all-terrain vehicle is authorized to drive on a public street, road, or highway that is not an interstate or limited-access highway.

Mobility Motor Vehicles—H.B. 2216

By Representative Turner—Senate Sponsor: Senator Shapiro

Currently, only a franchise dealer is authorized to advertise, display, or offer for sale any new motor vehicle; however, few of these dealers display or sell motor vehicles designed specifically for disabled persons. Therefore, disabled persons often must shop for vehicles that meet their needs over the Internet or from catalogs which presents difficulties in determining whether the vehicle is appropriate or functional for the individual's needs. This bill:

Creates the independent mobility motor vehicle dealer license (license) to allow mobility dealers to advertise, display, and offer for sale only special vehicles that are modified for disabled drivers.

Requires independent mobility motor vehicle dealers to be trained to equip mobility motor vehicles with special devices needed for disabled persons and to meet certain requirements to retain the license.

Legion of Merit Specialty License Plates—H.B. 2282

By Representative Corte—Senate Sponsor: Senator Wentworth

Currently, there is no specialty license plate for Legion of Merit medal recipients. These medal recipients are considered to have demonstrated exceptionally meritorious conduct in the performance of outstanding service and achievement. This bill:

Requires the Texas Department of Transportation to issue a specialty license plate with the words "Legion of Merit" to persons who have received the Legion of Merit medal.

Low-emissions Vehicles—H.B. 2293

By Representative Noriega et al.—Senate Sponsor: Senator Watson

Currently, 37 state agencies maintain vehicle fleets for maintenance operations, law enforcement activities, and material and staff transportation needs. These fleets require expenditures relating to operation activities, maintenance requirements, and fuel purchases. The purchase of more fuel-efficient vehicles could result in monetary savings for the state and help the environment. This bill:

Requires that 10 percent of new vehicles purchased by certain state agencies be rated by the Environmental Protection Agency as a Tier II, Bin 3 vehicle with a gas greenhouse score of at least eight.

Commuter Rail Districts—H.B. 2510

By Representative "Mando" Martinez et al.—Senate Sponsor: Senator Hinojosa

The Rio Grande Valley is one of the fastest growing regions of the United States and this growth has resulted in an increase in transportation needs and related problems. New modes of transportation are needed to address these issues. This bill:

Authorizes the creation of commuter rail districts along the Texas-Mexico border.

Provides that a board of directors is responsible for the commuter rail district and sets forth provisions relating to the composition and role of the board.

Sets forth the powers and duties of the district and provisions relating to the issuance of bonds by the district. Authorizes the district to impose certain taxes.

Requires certain contracts to be entered into only after competitive bids have been obtained.

Requires a municipality in the district that would like to be served by district commuter rail facilities to pay for the construction of a commuter rail station.

Conduct of Motor Vehicle Sales Outside of a Dealership—H.B. 2559

By Representative Otto—Senate Sponsor: Senator Wentworth

It is currently unclear whether a motor vehicle dealer in Texas is authorized to sell a motor vehicle over the Internet to a person choosing not to visit the dealer's place of visit. This bill:

Creates an exception for the off-site sale of a motor vehicle made through an online advertisement to a person who chooses not to visit the motor vehicle dealership.

Road Improvements in Municipalities and Counties—H.B. 2591

By Representative Bonnen—Senate Sponsor: Senator Jackson

Currently, counties have the authority to improve deteriorating roads and to assess the cost of such improvements to subdivision residents within unincorporated areas of the county. However, municipalities do not have such authority, and thus may be unable to finance the same types of improvements. This bill:

Provides counties the authority to improve deteriorating roads within incorporated areas of the county.

Authorizes a county to only improve a road within a municipality if the governing body of the municipality and the commissioners court agree to such an improvement and indicate whether the improved road will become a county road or a municipal road.

Memorial Sign Program—H.B. 2859

By Representative Betty Brown et al.—Senate Sponsor: Senator Deuell

When a death results from an automobile accident, family members and friends often place homemade memorials at the scene. Concerns have been raised that these memorials may present a safety hazard. This bill:

Authorizes the Texas Transportation Commission to establish a memorial sign program so that family members can have the Texas Department of Transportation (TxDOT) place memorials in locations that do not pose a safety hazard to others.

Provides that TxDOT is not authorized to remove privately funded memorials, provided that such memorials conform to state law and TxDOT rules.

Outdoor Signs—H.B. 2944

By Representative Murphy—Senate Sponsor: Senator Whitmire

Currently the state and political subdivisions have regulatory authority over signs while the Texas Department of Transportation (TxDOT) is responsible for the issuance of permits for off-premise advertising signs. This has resulted in some companies using the permit issued by TxDOT to erect signs without regard to whether a municipal permit is required as well; thus creating signs that violate municipal law. This bill:

Provides that the Texas Transportation Commission is only authorized to issue a permit for outdoor advertising to be located in a municipality with a population of more than 1.9 million if the municipality has not acted to prohibit new outdoor advertising and has issued a permit authorizing the outdoor advertising, as well as meeting certain other guidelines.

Provides that this provision does not apply to the relocation of outdoor advertising to another location if the relocation is a result of the construction or alteration of a highway.

School Bus Safety—H.B. 3190

By Representative Giddings—Senate Sponsor: Senator Carona

According to the Texas Department of Public Safety, at least 1.4 million students rely on school buses for transportation to and from school and school events and the number of buses used to transport students has risen by 18 percent since the early 1990s. Considering the number of children served and the increase in bus service, some believe that statutory changes may be necessary to further ensure bus safety. This bill:

Prohibits persons who have committed offenses such as vehicular manslaughter, driving under the influence, and leaving the scene of an accident from operating a school bus for 10 years after said offense.

Defines "multifunction school activity bus" and prohibits this type of bus from being painted National School Bus Glossy Yellow in order to differentiate between multifunction school activity buses and regular school buses so that schools know which of these buses are safe for certain situations.

Requires school bus operators to wear seat belts if the operator's seat is equipped with such.

Prohibits the operation of a school bus if the number of persons inside the bus exceeds the manufacturer's design capacity for the vehicle or if the door of the bus is open.

Authorizes a school bus operator to prohibit a passenger from standing or sitting on the floor of a bus or anywhere that is not a seat.

Requires a school bus evacuation training program and requires a school district to train all of its students and teaching staff in the process of emergency school bus evacuation at least twice a year.

Sets forth specifications for school bus safety training.

Anticipation Notes—H.B. 3270

By Representative Eiland et al.—Senate Sponsor: Senator Williams

Allowing governmental entities to access emergency funding during times of disaster will help them to cover costs associated with cleanup and payments for employees. This bill:

Authorizes certain governmental entities to access the municipal bond market by using anticipation bonds for terms of 10 years if an executive order or proclamation has been issued by the governor declaring a state of disaster, a local state of disaster has been declared by a governing body, or the governor has proclaimed a state of emergency.

Provides that the revenue generated from anticipation bonds may be used for purposes such as employee salaries, the demolition of dangerous structures or the restoration of historic structures, and purposes necessary for the protection of public health and safety.

Authorizes a governing body to pay for the anticipation note from certain taxes and funds such as those provided by the Federal Emergency Management Agency.

Certain Transportation Studies—H.B. 3275

By Representatives Miller and O'Day—Senate Sponsor: Senator Hegar

Currently, the Texas Transportation Commission (TTC) is not required to prioritize funding to highway projects that enhance federally designated emergency evacuation routes. This bill:

Requires TTC to conduct a study of the feasibility of prioritizing funds to highway projects that enhance federally designated emergency evacuation routes and determine the sources of funds available for these projects.

Requires the Texas Department of Transportation and the Office of the Governor, Economic Development and Tourism Division, to conduct a study involving certain entities and reviewing the Texas Airport Directory (directory), how the directory can be improved to contribute to tourism and economic development, and the potential for including paid advertising to allow for the reduction or elimination of the directory fee.

Contested Cases Involving the Sale or Lease of Motor Vehicles—H.B. 3601

By Representative Swinford—Senate Sponsor: Senator Carona

Currently, cases relating to the regulation of vehicles are conducted by a hearings examiner or the director of the Motor Vehicle Division of the Texas Department of Transportation (TxDOT), while contested cases relating to most other state agencies are conducted through the State Office of Administrative Hearings (SOAH). This bill:

Transfers contested cases relating to the sale or lease of motor vehicles from the TxDOT director or hearings examiner to an administrative law judge at SOAH.

Directors of Regional Mobility Authorities—H.B. 3718

By Representative Krusee—Senate Sponsor: Senator Watson

Directors of regional mobility authorities (RMAs) are currently allowed to serve terms of six years, which is inconsistent with provisions in the Texas Constitution. This bill:

Requires that the terms of RMA directors be limited to two years.

Registration of Vehicles by the Texas Department of Transportation—H.B. 3849

By Representative Hilderbran—Senate Sponsor: Senator Hinojosa

The Texas Department of Transportation (TxDOT) and the Texas Parks and Wildlife Department (TPWD) both issue decals for all-terrain vehicles at the present time. TxDOT's program is voluntary in nature which, along with costs for safety education and training delivery that are not covered by state funding, has created a potentially unsustainable situation. This bill:

Prohibits a person from operating an off-highway vehicle on certain lands without having obtained and properly mounted an off-highway vehicle decal.

Requires TPWD to issue an off-highway vehicle decal upon payment of a required fee.

Provides that it is a Class C Parks and Wildlife Code misdemeanor to operate, ride, or be carried on an off-highway vehicle on public property unless a person is wearing certain safety apparel.

Traffic Regulation on County Roads—H.B. 3955

By Representative Macias—Senate Sponsor: Senator Wentworth

Commissioners courts in counties with a population of 200,000 or more are currently authorized to use an abbreviated and more cost-effective process to issue a traffic regulation while smaller counties are required to publish notice and conduct public hearings before altering or applying traffic regulations. This bill:

Authorizes commissioners courts in counties with a population of 78,000 or more to post a conspicuous sign in an area that would be affected by a traffic regulation change before issuing the traffic regulation or posting a new traffic sign.

Provides that a public hearing is required only if requested by a resident.

Cattle Guards on County Roads—S.B. 66

By Senator Zaffirini—House Sponsor: Representative Miller

Currently, only county commissioners courts in counties with a population of less than 60,000 persons are authorized to allow the construction of a cattle guard on county roads. However, in other areas where grazing livestock are present a lack of cattle guards can endanger the public. This bill:

Authorizes a county commissioners court, rather than a county commissioners court in a county with a population of less than 60,000, to authorize the construction of a cattle guard on a county road.

Supervision of a Vehicle Operator Holding a Permit—S.B. 153

By Senator Wentworth—House Sponsor: Representative Phillips

Presently, a driver with a learner's permit is authorized to operate a vehicle with the presence of a licensed driver of 21 years of age or older. However, there are no provisions prohibiting the accompanying licensed passenger from sleeping while the holder of the learner's permit operates the vehicle. This bill:

Provides that it is an offense if the person who occupies the seat in a vehicle by a holder of an instruction permit sleeps, is intoxicated, or is engaged in an activity preventing the person from observing or responding to the operator's actions while the holder is operating the vehicle.

Provides that it is a defense to prosecution if at the time of the violation another person in addition to the defendant occupied the seat by the operator and meets certain other requirements.

Reports and Information Provided by TxDOT—S.B. 255

By Senator Carona—House Sponsor: Representative Phillips

Currently, Texas law does not include reporting requirements for the Texas Department of Transportation (TxDOT) and TxDOT utilizes project-based, rather than grant-based, planning. Traditionally, TxDOT has published its expenditures in the District and County Statistics Book (DISCO), but it has become difficult to access DISCO. These factors have resulted in a lack of access and availability to specific data relating to TxDOT activities statewide. This bill:

Requires TxDOT to annually publish in appropriate media and on TxDOT's website a statistical comparison of TxDOT districts and certain other information pertaining to areas surrounding certain expenditures, grant programs, and highway construction projects; information from all department contracts; certain information relating to the Texas Mobility Fund and the amount of money received by TxDOT; and a list of each contract TxDOT has with certain persons and firms in a manner that allows the information to be read in a commercially available electronic database.

Reporting of Alcohol and Drug Tests—S.B. 328

By Senator Carona—House Sponsor: Representative Harper-Brown

Currently, an employer who is required to conduct alcohol and drug testing of an employee who holds a commercial driver's license is required to report to the Texas Department of Public Safety (DPS) a valid positive result of an alcohol or drug test, a refusal to provide a specimen, and an adulterated, substituted, or dilute specimen. There has been some confusion about the reporting requirements with regard to dilute specimens. This bill:

Clarifies current law to provide that only a valid positive dilute specimen must be reported to DPS.

Enforcement of Vehicle Weight and Safety Requirements—S.B. 330

By Senator Carona—House Sponsor: Representative Driver

Currently, noncommissioned officers of the Texas Department of Public Safety (DPS) are only authorized to detain and inspect commercial motor vehicles at a fixed-site facility. This bill:

Allows DPS to utilize noncommissioned commercial motor vehicle inspection staff at all inspection sites located throughout Texas, including temporary roadside and weight inspection stations that are periodically set up to ensure commercial vehicle safety.

Responsibility of Employers Relating to Commercial Motor Vehicles—S.B. 332

By Senator Carona—House Sponsor: Representative Driver

Current law does not prohibit intrastate travel for a motor carrier that has been deemed unfit or unsafe for interstate travel by the Federal Motor Carrier Safety Administration. This bill:

Prohibits an employer from knowingly allowing the operation of a commercial motor vehicle that is subject to an out-of-service order affecting a driver or a vehicle for purposes of interstate commerce.

Violation of an Out-of-Service Order—S.B. 333

By Senator Carona—House Sponsor: Representative Driver

Currently, the penalty for the holder of a commercial driver's license (CDL) who operates certain commercial motor vehicles in violation of an out-of-service order is a Class B misdemeanor while the penalty for a person operating a vehicle in violation of an out-of-service order who does not hold a CDL is only a Class C misdemeanor. This bill:

Provides that a person who drives a commercial motor vehicle on a highway in violation of an out-of-service order commits an offense.

Enforcement of Commercial Motor Vehicle Safety Standards—S.B. 545

By Senator Carona—House Sponsor: Representatives Jackson and Krusee

Currently, 26 municipal police departments and two sheriff's offices have the authority to perform commercial safety vehicle inspections. This bill:

Provides that a police officer is eligible to apply for certification to enforce motor vehicle safety standards, in a municipality with a population of 50,000, rather than 100,000; a population of 25,000 and any part of which is located in a county with a population of 500,000, rather than two million; or a population of at least 34,000 that is located in a county that borders two or more states

Route Selection of the Trans-Texas Corridor—S.B. 718

By Senator Ogden—House Sponsor: Representative Gattis

Currently, the Texas Transportation Commission (commission) has the authority to plan, design, construct, and operate the Trans-Texas Corridor (TTC). The commission is presently required to consider current and projected traffic patterns, safety, potential risks from spills, and environmental effects in selecting the route for the TTC. This bill:

Requires the commission to locate the route of the TTC along the Texas Highway Trunk System to the extent possible.

Requires the commission, if it determines that it is not possible to locate the TTC along the Texas Highway Trunk System, to file a written report explaining the reasoning for their determination with each member of the legislature.

Vehicle Accident Reports—S.B. 766

By Senator Ogden—House Sponsor: Representative Gattis

The Crash Records Bureau (bureau) is presently under the management of the Texas Department of Public Safety (DPS) and maintains motor vehicle traffic crash reports. The records and crash data retained by the bureau is available to the public but is primarily accessed by the Texas Department of Transportation (TxDOT) for evaluating the effectiveness of safety programs and obtaining funding for traffic safety. This bill:

Requires TxDOT, rather than DPS, to tabulate and analyze vehicle accident reports, publish statistical information relating to the accident reports, and provide a report derived from the accident reports to the legislature and governor.

Requires a coroner or other officer performing similar functions and the operator of a motor vehicle involved in an accident to report certain information relating to traffic crash reports to TxDOT, rather than DPS.

Transfers all duties, assets, records, appropriations, procedures, and employees of DPS relating to the collection, tabulation, analysis, and maintenance of accident reports and records to TxDOT.

Comprehensive Development Agreements—S.B. 792

By Senator Williams et al.—House Sponsor: Representative Wayne Smith

Concerns have been raised that the Texas Department of Transportation (TxDOT) is attempting to take control of projects overseen by local transportation entities such as the Harris County Toll Road Authority (HCTRA) and the North Texas Tollway Authority (NTTA) and that these entities are not authorized to use all the mechanisms provided to TxDOT to finance and construct transportation projects within their jurisdiction. The public has also raised numerous concerns surrounding the use of comprehensive development agreements (CDAs) in Texas.

The use of CDAs and the construction of the Trans-Texas Corridor has previously been authorized under the Transportation Code; however, as a result of recent developments regarding the construction of transportation projects such as the proposed Trans-Texas Corridor by TxDOT, the current authority granted by legislation authorizing CDAs was reviewed during the 80th Legislature, Regular Session.

S.B. 792 amends current statutes authorizing the use of CDAs by TxDOT, grants additional powers to certain existing transportation entities, and sets forth provisions regulating the use of CDAs. This bill:

Authorizes TxDOT to enter into CDAs in multiples of 10 years and for a maximum of 52, rather than 70, years.

Requires that CDAs include an explicit mechanism for determining the cost to TxDOT for purchasing an interest in the CDA.

Authorizes TxDOT to enter CDAs until August 31, 2009, rather than August 31, 2011.

Provides that TxDOT is authorized to enter CDAs until August 31, 2011, if the project the CDA regards includes a managed lane facility, is located in a nonattainment or near-nonattainment air quality area, or a request for qualifications for the project was entered into prior to May 1, 2007.

Requires that the term of any CDA relating to the Trans-Texas Corridor not exceed 52 years and include a provision regarding the purchase of any interest in the CDA by TxDOT.

Requires that the term of any CDA entered into by a regional mobility authority (RMA) not exceed 52 years and explicitly include a mechanism for the RMA to purchase an interest in the CDA.

Authorizes, rather than requires, TxDOT to pay a stipend to a private entity that unsuccessfully bids for a project.

Prohibits any CDA entered into by a toll project entity on or after May 1, 2007, from allowing the private entity to operate the toll road or collect toll revenues, and sets forth certain exceptions to this prohibition.

Requires the county commissioners court of any county in which certain CDA projects are exempt from the moratorium to pass a resolution acknowledging possible penalties for the construction of competing transportation projects and agreeing that TxDOT should enter the CDA prior to TxDOT finalizing a CDA agreement.

Authorizes payment for any penalties that are accrued as the result of a CDA that a county commissioners court approved through a resolution to be paid solely with funds that would have been allocated for projects in the TxDOT district of that county.

Prohibits a toll project entity from selling a toll project to a private entity.

Creates a legislative study committee to consider the public policy implications of the use of public-private partnerships in transportation projects.

Requires TxDOT to take certain actions to increase transparency and public access in matters relating to the Trans-Texas Corridor and requires TxDOT to keep certain elected officials and government entities updated on plans for the Trans-Texas Corridor.

Requires that revenue received by the Texas Transportation Commission or TxDOT from a CDA be applied to transportation or air quality projects in the region in which the CDA project is located.

Requires TxDOT to distribute funds generated from CDA agreements to TxDOT districts located with the jurisdiction of a metropolitan planning organization (MPO) based on the percentage of toll revenue resulting from each TxDOT district in which the project is located.

Provides that certain counties have the primary responsibility for and first option to finance, construct, and operate certain toll projects.

Sets forth a time frame for which a county has the first option in regards to toll projects and a time frame in which a county that chooses to finance, construct, and operate a toll project must take certain actions.

Requires TxDOT to allow the county to use state highway right-of-way and access the state highway system.

Provides that RTAs, RMAs, and certain counties are the primary entity responsible for the financing, construction, and operation of a toll project in their jurisdiction.

Requires that TxDOT and a local toll project entity mutually agree on terms and conditions for the development, construction, and operation of any toll project the local toll project entity or TxDOT determines should be developed.

Requires that a market valuation of the toll project be conducted and sets forth guidelines for the completion and approval of the market valuation.

Provides that a local toll project entity has the first option to develop, finance, construct, and operate a toll project.

Sets forth a time frame during which RMAs, MPOs, and local toll project entities are authorized to determine whether to exercise the option to develop, finance, construct, and operate a toll project and complete certain actions.

Authorizes TxDOT to assume responsibility for a toll project if the local toll entity does not exercise the first option or take certain actions to initiate the project.

Sets forth a time frame by which TxDOT must complete certain actions regarding the toll project.

Authorizes local toll project entities and TxDOT to issue bonds to pay for costs associated with toll projects and sets forth guidelines for the issuance of bonds.

Requires TxDOT to create an account within the state highway fund to hold payments received by CDAs for certain transportation projects and to hold the money in trust for the benefit of the region in which the project is located.

Authorizes TxDOT to assign responsibility for allocating the money to an MPO in the region.

Provides certain counties the powers of RMAs under Chapter 370 (Regional Mobility Authorities), Transportation Code, and authorizes certain counties to enter CDAs.

Sets forth guidelines for projects for which counties enter into CDAs.

Provides that a county that the Texas Transportation Commission requests to participate in the development of part of the Trans-Texas Corridor has all the powers of TxDOT related to that project.

Authorizes a county to use and access state highway right-of-way.

Authorizes RTAs to enter into CDA contracts that include certain terms regarding project distribution, the classification and setting of toll rates, and certain other provisions.

Requires that any RTA entering a CDA use a competitive procurement process and sets forth guidelines for RTAs to follow in accepting project proposals.

Authorizes an RTA to pay a stipend to an unsuccessful bidder.

Requires that an RTA entering a CDA require the private entity to provide a performance and payment bond or an alternative form of security and sets forth guidelines regarding the payment.

Provides that a turnpike project subject to a CDA is public property and owned by the RTA and authorizes RTAs to enter into agreements providing for certain uses by a private entity.

Requires that CDA projects an RTA enters into be located along a corridor in TxDOT's unified transportation program or in the statewide transportation plan.

Prohibits the term of any CDA an RTA enters into that allows a private entity to collect tolls from exceeding 50 years.

Requires the CDA to include a provision for TxDOT to purchase an interest in the project.

Requires that CDA payments be used by the RTA for turnpike projects or highways and sets forth the method by which fund should be allocated.

Prohibits RTA directors from soliciting, accepting, or agreeing to accept any benefit from certain persons.

Sets forth penalties for an RTA director violating this provision or any person who offers, confers, or agrees to confer any benefit to an RTA director.

Provides that an RTA that the Texas Transportation Commission requests to participate in the development of part of the Trans-Texas Corridor has all powers of TxDOT related to that project.

Voids the TxDOT/NTTA Regional Protocol.

Prohibits any toll project entity from entering into a CDA without first receiving approval from the attorney general.

Requires any toll project entity considering participation in a CDA to submit certain information regarding provisions of the CDA to the Legislative Budget Board.

Requires a toll project entity considering participation in a CDA to provide to the state auditor the traffic and revenue report for the project.

Provides that the financial forecasts and traffic revenue reports for a CDA project are public information on or after the date the CDA is entered into.

Requires a toll project entity to develop a formula for determining payments for the termination of a CDA that grants a private entity the right to operate and collect revenue generated by a toll project.

Prohibits a CDA from limiting or prohibiting the construction, expansion, rehabilitation, operation, or maintenance of a transportation project.

Authorizes a CDA to include a provision for the compensation of a private entity for the loss of toll revenues resulting from a transportation project within four miles of the CDA project and sets forth certain projects that a CDA is prohibited from allowing compensation for the loss of toll revenues.

Requires a CDA to include a provision for a private participant to compensate a toll project entity for any increase in toll revenues resulting from the construction of a transportation project within four miles of the CDA project.

Requires a toll project entity entering into a contract for the construction of a toll project to publish in a certain manner certain information regarding the construction of that toll project and requires that a public hearing be held relating to the information published.

Provides that failure to pay a toll is a misdemeanor punishable by a fine of no more than \$250.

Prohibits the aggregate principal amount of bonds and other public securities issued by the Texas Transportation Commission (commission) from exceeding \$6 billion, rather than \$3 billion.

Authorizes the commission to only issue bonds or other public securities in an aggregate principal amount of \$1.5 billion, rather than \$1 billion, annually.

Requires the commission to issue bonds or other public securities in an aggregate principal amount of \$1.2 billion, rather than \$600 million, to fund projects that reduce accidents or correct or improve hazardous locations on the state highway system of the aggregate principal amount of bonds and other public securities authorized.

Ports-to-Plains Corridor—S.B. 850

By Senator Duncan—House Sponsor: Representative Darby

The Ports-to-Plains Corridor (corridor) is comprised of numerous highways and is expected to create economic development in West Texas and provide an alternative route for freight movement. The corridor has already been designated at the federal level and federal funding has been secured to create signs identifying applicable roads as the "Ports-to-Plains" corridor. However, these signs cannot be posted until the corridor has been designated at the state level. This bill:

Designates certain portions of Interstate Highway 35, U.S. Highway 83, U.S. Highway 277, U.S. Highway 87, State Highway 158, Interstate Highway 20, State Highway 349, U.S. Highway 87, Interstate Highway 27, and U.S. Highway 287 as the Ports-to-Plains Corridor.

Provides that the Texas Department of Transportation (TxDOT) is only required to design, construct, or erect a marker indicating the highway number and the designation as the Ports-to-Plains corridor at the beginning, end, and appropriate intermediate sites along the corridor if a grant or donation to cover the cost of the signs is made to TxDOT.

International Toll Bridges—S.B. 893

By Senator Zaffirini—House Sponsor: Representative Raymond

The Transportation Code authorizes a border city to construct a railroad toll bridge and defines a "toll bridge" as including property used for a road, street, or railroad. The Transportation Code also authorizes a county to construct a toll bridge but excludes the term "railroad." This bill:

Defines "bridge" to include a bridge used by vehicles, pedestrians, or railroads, or a combination of vehicles, pedestrians, or railroads, excluding railroad bridges in a county with a population of more than 675,000.

Authorizes a county to enter into a lease or various types of agreements with a private or governmental entity for the purpose of constructing and maintaining such a bridge.

International Symbol of Access on Certain Specialty License Plates—S.B. 959

By Senator Shapleigh—House Sponsor: Representative Quintanilla

While most specialty license plates allow for the inclusion of the international symbol of access, the current design of the Congressional Medal of Honor plate, the Legion of Valor plate, and the Texas Guard plate does not. Therefore, persons desiring one of these plates who also qualify for a disabled plate must choose between the specialty plate and the ISA plate. A person choosing the specialty plate is required to pay a \$5 fee to obtain a disabled person placard to receive the benefits of an ISA plate. This bill:

Requires the Texas Department of Transportation to include the international symbol of access on certain specialty license plates issued to a person who is eligible for a license plate.

Regional Tollway Authority Board of Directors—S.B. 964

By Senator Shapiro et al.—House Sponsor: Representative Hill

The North Texas Tollway Authority board of directors (board) currently consists of one seat for each of the four county members, two additional rotating seats, and one member appointed by the governor. This bill:

Changes the composition of the board by eliminating the two rotating seats and replacing them with an additional seat for each founding county.

Provides new member counties a second seat on the board three years after opening a significant operating project.

Insure Texas Kids Specialty License Plates—S.B. 1032

By Senator Uresti—House Sponsor: Representative Haggerty

Texas currently leads the nation in the number children without health insurance coverage and despite the fact that a substantial number of these children are eligible for Medicaid or the Children's Health Insurance

Program many are not enrolled. There are also child-only health insurance options available to families that do not qualify for public assistance, but many families are unaware of these options. This bill:

Requires the Texas Department of Transportation (TxDOT) to issue specialty license plates with the words "Insure Texas Kids."

Requires that the fee for the specialty plates, after deduction of TxDOT's administrative costs, be appropriated only to the Health and Human Services Commission to fund outreach efforts for public and private health benefit plans available for children.

Penalties and Photographic Traffic Enforcement Systems—S.B. 1119

By Senator Carona—House Sponsor: Representative Murphy et al.

Certain municipalities have been installing photographic traffic signal enforcement systems (system), also known as red light cameras, based upon an attorney general opinion and without the existence of any regulatory measures regarding red light cameras. This bill:

Authorizes a local authority by ordinance to implement a system and authorizes a penalty to be applied only if a vehicle violates the instructions of that traffic-control signal while facing a steady red signal.

Authorizes a municipality to install and operate a system and sets forth guidelines for compensation if the municipality contracts for the administration and enforcement of the system.

Requires a traffic engineering study of an approach to be conducted prior to the installation of a system and prohibits a local authority that does not complete and comply with guidelines regarding the traffic engineering study from imposing a civil penalty for a violation recorded by a system.

Requires the local authority to install signs indicating the presence of a system before intersections at which a system is in active use and sets forth guidelines for these signs.

Requires a minimum change interval for a steady yellow signal to be established in accordance with the Texas Manual on Uniform Traffic Control Devices at an intersection at which a system is in use.

Prohibits the amount of a civil or administrative penalty for the enforcement of a traffic-control signal from exceeding \$75 and prohibits a late payment penalty from exceeding \$25.

Authorizes a local authority to retain from revenue generated by penalties recorded by the system money necessary to cover certain costs associated with the system.

Requires the local authority to provide 50 percent of the revenue generated to the comptroller of public accounts for deposit into the regional trauma account and requires the excess revenue to be used only to fund traffic safety programs in the local authority.

Sets forth a penalty that may be imposed upon the local authority if the comptroller of public accounts finds through an audit of the local authority that the local authority did not properly abide by these provisions.

Sets forth guidelines surrounding the imposition of a penalty resulting from a system such as the entitlement to a hearing, the assessment of a civil penalty for a violation recorded by a system and issued by a peace officer, and the mailing of and information to be included in a notice of a violation.

Creates the regional trauma account in the general revenue fund and sets forth guidelines surrounding the appropriation and use of funds in the account.

Violations of County Traffic Regulations—S.B. 1127

By Senator Hegar—House Sponsor: Representative Robby Cook

Currently, a person committing certain violations of county traffic regulations may be assessed a penalty of \$50. This bill:

Increases the penalty for disobeying, destroying, defacing, removing, or causing damage to county signs or traffic devices from \$50 to \$200.

Pass Through Financing and Transportation Reinvestment Zones—S.B. 1266

By Senators Brimer and Shapleigh—House Sponsor: Representative Krusee

Currently, local entities are authorized to finance and administer the construction of certain roads for which the state will reimburse the costs, commonly referred to as pass through financing. Concerns surrounding the sustainability of the current pass through financing program has led the Texas Department of Transportation (TxDOT) to limit the program to \$3 billion. This bill:

Authorizes the governing body of a municipality to create a transportation reinvestment zone.

Provides that from the taxes collected in a zone the municipality is required to deposit into the tax increment account an amount equal to the tax increment generated by the municipality.

Requires money from tax increment account to be used to fund certain transportation projects.

Sets forth provisions for calculating the amount of a municipality's tax increment, the capture appraised value of real property taxable by a municipality, and the tax increment base of a municipality.

Authorizes a county commissioners court to designate any area meeting certain requirements as a transportation reinvestment zone.

Authorizes the commissioners court to enter into an agreement with a property owner in the zone to abate a portion of the ad valorem taxes.

Sets forth provisions for calculating the amount of a county's tax increment, the capture appraised value of real property taxable by a county, and the tax increment base of a county.

Authorizes the formation of a road utility district within a transportation reinvestment zone to aid in the development of certain projects. Authorizes the road utility district to impose taxes on property in the district and to assume a county's obligation to fund a project or repay funds owed to TxDOT.

Airport Zoning Regulations—S.B. 1360

By Senator Whitmire—House Sponsor: Representative Thompson

Current law allows for zoning in areas surrounding airports to ensure compatible land uses. The Federal Aviation Administration has expressed concern surrounding the encroachment of residential development near Bush Intercontinental Airport. As plans to expand Bush Intercontinental Airport develop, the federal government is requiring further adoption of land use control measures; however, some of these measures would require a citywide referendum under the Houston City Charter. This bill:

Provides that stipulations that the governing body of a political subdivision is prohibited from taking action regarding an airport zoning regulation prior to receiving the final report of an airport zoning commission and is prohibited from adoption an airport zoning regulation without first holding a publicized hearing do not apply to a procedural requirement utilized by a political subdivision that requires a waiting period before its adoption or requires a referendum regarding a zoning regulation.

Operation of Motor Vehicles and Commercial Motor Vehicles—S.B. 1372

By Senator Carona—House Sponsor: Representative Allen

There is currently no requirement for the Department of Public Safety (DPS) to respond to requests relating to the 10-year history check for a commercial driver's license holder from other states within a certain time limit. Current law provides that suspension of a license takes effect 40 days after the person is considered to have received notice of suspension; however, it does not provide for license disqualification. This bill:

Requires DPS to respond to certain requests for a driving record check received from another state within 30 days of receiving the request.

Provides that a license disqualification takes effect on the 40th day after the person is considered to have received notice of the disqualification, unless a disqualification is currently in effect in which case the disqualification periods run consecutively.

Entitles an applicant who pays the applicable required fee to three attempts of certain examinations required for a commercial driver's license and provides that if the applicant does not qualify after the third examination the applicant must submit a new application accompanied by the required fee.

Requires the Department of Public Safety (DPS) to cancel or deny the issuance of a hazardous materials endorsement of a person's commercial driver's license if DPS received notification from a federal agency authorized to make a final determination of a threat assessment and requires DPS to immediately cancel or deny the issuance of a hazardous materials endorsement of a commercial driver's license on receipt of notification from a federal agency authorized to make an initial determination of a threat assessment.

Authorizes DPS, in the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, to deny renewal of a commercial driver's license issued to a person by DPS for failure to complete certain actions relating to the violation.

Requires DPS to renew a person's commercial driver's license on receipt of notice from another state that the grounds for denial of the renewal of the commercial driver's license have ceased to exist.

Provides that it is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 for an operator to drive on or cross a railroad grade crossing if the vehicle being operated does not have sufficient undercarriage clearance.

Issuance of Bonds—S.B. 1536

By Senator Fraser—House Sponsor: Representative Delisi

Counties are currently authorized to use pass-through financing agreements, which allow for public or private entities to construct state highway projects, and receive payment from the Texas Department of Transportation (TxDOT) following the completion of the project. This bill:

Authorizes municipalities to issue bonds for terms of 40 years for the purpose of taking certain actions relating to the design and construction of a non-toll project, a facility on the state highway system located in the municipality, or as a continuation of the project or facility in an adjacent jurisdiction.

Sets forth certain actions the municipality is authorized to engage in to pay for the bonds.

Collection of Certain Motor Vehicle Sales Taxes—S.B. 1617

By Senator Harris—House Sponsor: Representative Paxton

Currently, motor vehicle dealers are required to obtain a special seller-finance permit to pay a sales tax on payments received under an installment contract. This prevents dealers in Texas from participating in certain deferred sale tax provisions allowed by federal law. This bill:

Provides an exception to certain requirements for unpaid taxes resulting from transactions by dealers that involve the sale of or grant a security interest in a purchaser's account to certain persons.

Requires the comptroller of public accounts to establish a registration system for related finance companies.

Surcharges Assessed Under the Driver Responsibility Program—S.B. 1723

By Senator Ogden—House Sponsor: Representative Krusee

Currently, the Driver Responsibility Program assigns points to Class C misdemeanor moving violations and assesses surcharges on the violations based upon the type and time of the offense. However, the Texas

Department of Public Safety (DPS) has had difficulties collecting many of the surcharges resulting from the Driver Responsibility Program. This bill:

Authorizes DPS to reestablish an installment payment plan if a person fails to make a required installment payment.

Authorizes DPS to contract for the collection of surcharges receivable and related costs and to amend contracts for these services to provide alternative or additional collection methods.

Authorizes DPS to create an amnesty program for certain persons who have been assessed a surcharge, provide incentives including the reduction of a surcharge for persons to comply with the law and efforts toward rehabilitation, and establish an indigency program for persons committing certain offenses that have led to the assessment of a surcharge.

Temporary Cardboard Tags—S.B. 1786

By Senator Carona—House Sponsor: Representative Hill

Currently, temporary cardboard license tags are not traceable to an individual and there is no method of tracing temporary tags, tracking the number of temporary tags printed or used, or monitoring who issues temporary tags and how many are issued to one buyer. This lack of oversight can create difficulties for law enforcement officers, as they are unable to determine whether a motor vehicle operator being stopped is likely to pose a danger. This bill:

Requires the Texas Department of Transportation to create a real-time database that, among other things, maintains information relating to vehicles with temporary cardboard tags (tags), may be used by law enforcement agencies, and allows a dealer to create a vehicle-specific number for each tag, and in which dealers are required to enter certain information.

Requires dealers to present a notice to buyers including certain information relating to a tag.

Sets forth penalties to be applied to violations of this law.

General Obligation Bonds—S.J.R. 64

By Senator Carona—House Sponsor: Representative Krusee

The Texas Constitution does not allow for state debt; however, on multiple occasions the public has approved amendments of this provision to allow for debt in the form of general obligation bonds. Historically, Texas has paid for roads as the roads are constructed, although the public recently approved alterations to this policy by voting to allow transportation officials to borrow money for road construction and authorizing the Texas Department of Transportation (TxDOT) to issue up to \$1 billion in bonds annually. Texas is experiencing rapid population growth and many feel the state is currently unable to adequately address the effect of this growth on both present and future transportation needs. This resolution:

Proposes a constitutional amendment to authorize the legislature to permit TxDOT to issue general obligations bonds of up to \$5 billion.

Provides that the Texas Transportation Commission or its successor will prescribe the form of execution, terms, denominations, interest, and installments of the bonds.

Authorizes the bonds to be used to pay for the cost of highway improvement projects, expenses associated with the issuance of the bonds, and payments owed under a credit agreement.

Provides that an election to approve the constitutional amendment will occur on November 6, 2007.

Retail Public Utility Rates—H.B. 149

By Representative Phillips—Senate Sponsor: Senator Estes

Currently, when a retail water or sewer system becomes nonfunctional, another retail public utility provider can take over the nonfunctional system to provide service to existing customers. The new provider is required to continue to charge the current rates and operate at a loss until the rate adjustment process with the Texas Commission on Environmental Quality (TCEQ) is complete and the new provider may be subject to fines if the nonfunctional system was in noncompliance. This bill:

Requires TCEQ to establish a procedure that allows a retail public utility that takes over the provision of services for a nonfunctional retail public utility service to charge a reasonable rate for the services and to bill the customers for the services at that rate immediately to recover service costs.

Requires TCEQ to provide a reasonable period for the retail public utility that takes over the nonfunctioning system to bring the system into compliance with TCEQ rules.

Prohibits TCEQ from imposing a penalty for any deficiency in the system that is present at the time the utility takes over the nonfunctioning system.

Recovery of Transition Costs by Public Utility Companies—H.B. 624

By Representative Phil King et al.—Senate Sponsor: Senator Fraser

Current law provides that an electric utility is authorized to securitize any stranded costs that it may incur as a result of moving from a regulated market to a competitive environment. Section 39.251, Utilities Code, defines "stranded cost" as the difference between the net book value of generation assets and the market value of those assets. Section 39.252 permits electric utilities to recover their verified net, nonnegotiable stranded costs associated with purchasing and generating electric power. The utility receives a lump sum payment, equaling the amount of the debt sold, from investors. Utility customers pay the principal and interest on the securitized debt over time rather than being assessed the full amount of the stranded costs immediately. This mechanism is designed to lower the carrying cost of the debt, as compared to conventional utility financing methods, by ensuring that the Public Utility Commission (PUC) will assess sufficient charges to the utility's customers to repay the debt.

In addition, previously, as part of the transition to a competitive electricity market, utility companies were permitted to recover some of their past investments made to serve all customers and assess a competitive transition charge (CTC).

There are several other costs associated with a transition that cannot be scrutinized by the utility and are not directly related to generation of power, such as the cost of power lines or substations.

Furthermore, utility companies do not need to receive permission to be sold to or merge with other companies. This bill:

Authorizes, at the electric utility's option, any or all of the amounts recovered under this section (True-up Proceeding) to be securitized under Subchapter G (Securitization), rather than any or all remaining stranded costs.

Requires an electric utility or transmission and distribution utility to report to and obtain PUC approval before closing certain transactions in order to protect retail customers in this state and ensure the appropriateness of the nonbypassable rates of electric utilities and transmission and distribution utilities. Requires PUC to approve a transaction if it finds that the transaction is in the public interest.

Requires transmission and distribution utilities to obtain approval of PUC before any merger or sale is allowed.

Regulation of Nuclear Energy Generation Cost Clean Up—H.B. 1386

By Representative Phil King—Senate Sponsor: Senator Fraser

Currently, there is no state mechanism in place to regulate the decommissioning costs of new nuclear electric generation units in the state. These are costs associated with final site clean up at the end of the operational life of a nuclear plant. The federal Nuclear Regulatory Commission (NRC) requires applicants to demonstrate how they will fund such decommissioning costs in order for the applicant to obtain a license to build and operate a nuclear electric generator. According to the Public Utility Commission (PUC) decommissioning cost estimates for a new nuclear plant exceeds \$1 billion. Plant operators typically establish decommissioning trust funds to pay for the decommissioning costs. However, another option is to prepay the decommissioning costs.

Under Section 39.205, Utilities Code, which governs existing nuclear plants, any remaining costs associated with decommissioning shall be included as a nonbypassable charge to retail customers and remains subject to cost of service regulation by PUC. This bill:

Establishes a power generation company's responsibility to fund the costs associated with funding the decommissioning obligations for the nuclear generating unit or its portion of the decommissioning costs in proportion to the percentage of the nuclear facility the company owns.

Requires a power generation company to establish a nuclear decommissioning trust before the unit receives its fuel load and begins commercial operation and meet NRC requirements regarding the terms and conditions of the trust.

Requires the power generation company to conduct a study of decommissioning costs prior to coming online and at least once every three years during the term of the nuclear generating unit's operating license.

Requires a power generation company and its parent and affiliates to provide financial assurances that funds would be available to satisfy up to 16 years of annual decommissioning funding in the event of default.

Provides that electric customers could be responsible for funding any shortfall if the financial assurances are insufficient to meet the annual funding requirements.

Utility Connections in Certain Counties—H.B. 2096

By Representative Quintanilla et al.—Senate Sponsor: Senator Uresti

Currently, the commissioners court of a county may require that a plat of land receiving utility connection service from a utility company meet certain platting requirements that are unfair to those plat owners whose homes were in existence on or before January 1, 2001. This bill:

Allows a utility in certain counties near an international border to provide service to a single-family residential dwelling on a property if the service was provided on or before January 1, 2001, and was terminated not earlier than five years before the application for service is submitted, unless any portion of that land is improved or if any existing improvements are modified.

Research for Generation of Electricity from Coal—H.B. 2608

By Representative Hughes—Senate Sponsor: Senator Eltife

Applied research related to advanced technology for clean coal projects for the generation of electricity from coal could help establish the technical and economic feasibility of producing low-cost electricity and hydrogen from coal, while substantially reducing air emissions. This bill:

Directs the Texas Higher Education Coordinating Board to use money available from legislative appropriations, including gifts, grants, and donations, to support applied research related to clean coal projects for the generation of electricity from coal at eligible institutions of higher education.

Energy Efficiency of Residential Real Property—H.B. 3070

By Representative Strama et al.—Senate Sponsor: Senator Watson

Currently, there is no mechanism in place for informing potential homebuyers about the energy efficiency of residential real property. This bill:

Requires the State Energy Conservation Office to conduct a study to examine methods for introducing information into the residential real property marketplace regarding the energy efficiency of residential real property.

Energy Conservation Incentive Program—H.B. 3693

By Representative Straus et al.—Senate Sponsor: Senator Fraser

The Utilities Code requires certain activities by electric utilities to achieve energy efficiency and conservation in Texas.

Continued growth in peak demand for electricity in Texas, particularly in the short term, could result in electric generation shortages. Texas' population is growing at nearly two percent per year and the economy is expanding at an even greater rate, nearly four percent annually. This is causing a growth in demand for electricity. The Electric Reliability Council of Texas (ERCOT) reports that peak demand on the

ERCOT system increased by about 2.5 percent per year between 1990 and 2006. The current forecast is for peak demand to increase by 2.3 percent annually from 2007 through 2012. ERCOT has established a reserve margin of electric generation capacity to provide a cushion for peak demand times. However, with continued growth in Texas, it is possible that peak demand could exceed the margin and possibly result in blackouts. This bill:

Proposes energy efficiency mechanisms intended to provide near-term reductions in consumption and demand.

Requires utilities within the ERCOT region to encourage and facilitate involvement of retail electric providers in the delivery of efficiency programs and demand response programs.

Requires newly constructed dwellings that used federal or state assistance with the construction of the dwellings to meet certain efficiency measures, excluding assistance provided for weatherization.

Enables more customer demand management.

Updates building energy codes.

Requires independent school district trustees to establish a goal to reduce a district's annual electric consumption by five percent each state fiscal year for six years beginning September 1, 2007.

Requires state agencies to purchase more efficient equipment and appliances, including the use of energy efficient light bulbs and the use of energy saving devices for vending machines.

Provides for a sales tax exemption on the Saturday preceding the last Monday in May (Memorial Day) and ending at 11:59 p.m. on the last Monday in May for clothes washers; dishwashers; ceiling fans; dehumidifiers; incandescent or fluorescent light bulbs; programmable thermostats; and refrigerators the sales price of which does not exceed \$2,000.

Requires the Public Utility Commission (PUC) to conduct several studies, including a study and recommendations regarding the potential for energy efficiency and a report on the installation of combined heat and power technology.

Requires PUC to provide information to school districts regarding how they may finance installation of solar panels for school district buildings.

Provides for a credit for surplus solar generation by public schools.

Electric Utility Oversight—S.B. 484

By Senator Fraser et al.—House Sponsor: Representative Phil King

The 76th Legislature, Regular Session, 1999, deregulated the generation of electricity and the retail delivery of electricity to provide for an open market. Concerns have been raised regarding the abuse of market power within the electric industry. Currently, there is an Electric Utility Restructuring Legislative Oversight Committee (committee) which is composed of three members of the Texas House of

Representatives and three members of the Texas Senate, to provide oversight of the electric industry. The committee is co-chaired by the chairman of the House Committee on Regulated Industries and a senator appointed by the lieutenant governor. This bill:

Provides that the chair of the House Committee on Regulated Industries and the chair of the Senate Committee on Business and Commerce are the co-chairs of the committee.

Authorizes the committee to study the reliability, economic viability, and environmental impact of new fuels on generation technology.

Utility Relocation—S.B. 1209

By Senator Carona—House Sponsor: Representative Krusee

Utility companies are currently responsible for the financial costs resulting from the relocation of utility facilities on most state transportation projects. The Texas Department of Transportation (TxDOT) and utility companies share the cost of relocation of a utility facility when relocation is required by the development of toll roads or turnpikes through September 1, 2007. This bill:

Authorizes TxDOT to enter into prepayment agreements with utility companies and sets forth certain criteria required of such agreements.

Extends applicability of provisions requiring TxDOT and a utility company to equally share the costs of the relocation of a utility facility from 2007 to 2013 for utility companies that choose not to enter into a prepayment plan.

Contracting for a Clean Coal Project—S.B. 1461

By Senator Seliger—House Sponsor: Representative Byron Cook et al.

FutureGen is a public-private partnership between the United States Department of Energy and the FutureGen Industrial Alliance to build an electric generation facility that is also capable of producing hydrogen and sequestering carbon dioxide. Currently, the governor lacks the authority to contract with an organization such as FutureGen Industrial Alliance on behalf of the State of Texas. This bill:

Allows the governor to contract with an organization that is exempt from federal income taxation for a purpose related to implementing a clean coal power plant project.

Designates land for the disposal of sequestered carbon dioxide.

Requires that the attorney general provide legal representation for a state agency in a legal proceeding that arises from an escape or migration of carbon dioxide captured or sequestered in connection with a clean coal project.

Residential Water Heater Emissions—S.B. 1665

By Senator Averitt—House Sponsor: Representative Bonnen

A study conducted by the Texas Commission on Environmental Quality found that current low emission standards for residential hot water heaters are technically and economically infeasible. This bill:

Repeals current low emission standards for residential water heaters.

Provides more lenient standards until stricter federal standards are adopted.

Waiver of the Concealed Handgun License Fee—H.B. 233

By Representative Ritter et al.—Senate Sponsor: Senator Estes

Currently, active members of the United States Armed Forces are authorized to have the fee for an original, duplicate, modified, or renewed concealed handgun license reduced by 50 percent. This bill:

Extends this reduction to veterans who apply for an original, duplicate, modified, or renewed license after they have been removed from service for more than 365 days.

Waives the fee for current active duty service members and veterans who submit their license applications within 365 days after they receive an honorable discharge.

Exemption of Fees for Members of the Military—H.B. 1260

By Representative "Mando" Martinez et al.—Senate Sponsor: Senator Hinojosa

At times members of the military are given little notice of deployment and have little time to get their personal affairs in order. In addition, there is a delay of the new increased salary a military member receives for his or her deployment. This bill:

Exempts certain military personnel who are being deployed to serve in a hostile fire zone from certain state and local government fees in order to ease the burden created by this short preparation period.

Lists specific fees that are exempted, including fees to obtain copies of birth and marriage certificates and fees for transferring property titles.

Appeal Process for Veteran Employment Preference—H.B. 1275

By Representatives McClendon and Rose—Senate Sponsor: Senator Uresti

Chapter 657, Government Code, allows an employment preference for certain veterans who served during a national emergency or who were discharged with a service disability. However, it does not provide a means of enforcing those preferences by way of appeal. Allowing an aggrieved veteran to appeal a decision of a public entity or public work to which this chapter applies may promote employment opportunities for qualified military veterans. This bill:

Authorizes veterans entitled to employment preferences under Chapter 657, Government Code, who are aggrieved by an employment decision, to appeal such decision by bringing a cause of action against the public entity.

Regulation of Outdoor Lighting for Military Purposes—H.B. 1852

By Representative Corte—Senate Sponsor: Senator Van de Putte

The continued viability of military installations is an ongoing concern for local governments. These installations must meet functional requirements, such as the ability to host night exercises, in order to be

useful to the military. The increased population in rural areas causes ambient light from illuminating roads and public recreational venues, which interferes with military night-time exercises. This bill:

Authorizes a county whose unincorporated areas border an active duty military installation to regulate the usage of outdoor lighting in those areas at the request of the military installation commander.

Veteran Handicap Placard Distribution—H.B. 2105

By Representative Chisum et al.—Senate Sponsor: Senator Williams

Currently, an individual who has one set of license plates issued for a vehicle used by person with a disability may receive one disabled placard for use in other automobiles. Two disabled parking placards are issued if the person does not receive any license plates issued for a vehicle used by persons with disabilities. However, there is no provision for the issuance of disabled placards to persons with license plates issued to certain disabled veterans. This bill:

Entitles certain veterans with a disability to register two motor vehicles for two sets of special license plates and authorizes the veteran to receive two disabled parking placards.

Gold Star Mother License Plate—H.B. 2398

By Representative Delisi et al.—Senate Sponsor: Senator Wentworth

Currently, the Texas Department of Transportation (TxDOT) provides a "Gold Star Mother" specialty license plate honoring the mothers of individuals who die while serving in the United States armed forces. However, this program does not recognize the spouses or immediate family members of those individuals who are equally impacted. This bill:

Requires TxDOT to expand the "Gold Star" program to include "Gold Star Spouse" and "Gold Star Family" license plates for spouses and family members, respectively, of individuals who die while serving in the United States armed forces.

Texas Humanitarian Service Medal—H.B. 2895

By Representative Flynn—Senate Sponsor: Senator Hinojosa

The Texas Humanitarian Service Medal is an existing state award that is awarded to the members of the Texas military forces, which includes the Army and Air National Guard and the State Guard. Currently, only active members of the Texas military forces are eligible to receive the award. By applying Title 32, United States Code, to the criteria of the award, the Texas military forces members who are not technically on active duty but participate satisfactorily in defense support to missions under civil authority, such as reserve component personnel who perform additional duties to support operations or missions, will become eligible for the award. This bill:

Extends the Texas Humanitarian Service Medal to all members of the Texas military forces who have participated in defense support to a mission during or soon after a national disaster or civil unrest in the state.

Texas Superior Services Medal—H.B. 2896

By Representative Flynn—Senate Sponsor: Senator Hinojosa

Currently, there is no state military award to honor members of the Texas military forces who have attained 30 or more years of state service or combined state and federal military service and continuously demonstrated superior performance and service while assigned to key leadership positions. Furthermore, Texas lacks an award for civilians who contribute significant services to state military forces. This bill:

Creates the Texas Superior Service Medal to honor members of the Texas state military forces who have contributed superior service and civilians who have contributed significant service to the state military forces.

Texas Homeland Defense Service Medal—H.B. 2897

By Representative Flynn—Senate Sponsor: Senator Hinojosa

Currently, there is no state military award centered on homeland missions in Texas, such as border missions, which are not recognized federally. This bill:

Creates the Texas Homeland Defense Service Medal to be awarded to a member of the Texas military forces, which include the Army and Air National Guard and the State Guard, who serves on state active duty or active duty under Title 32, United States Code, and participates satisfactorily in defense support to civilian authority missions.

Provides that the bill is effective for the stated missions performed on or after September 11, 2001.

Supplemental Health Coverage Under TRICARE Military Health System—H.B. 3470

By Representative Delisi—Senate Sponsor: Senator Williams

The 79th Legislature, Regular Session, 2005, enacted legislation to help state employees whose prior military service authorized them to access TRICARE health benefits to voluntarily use their TRICARE benefits in lieu of their standard state health care benefits. However, implementation of this program was delayed due to an unanticipated statutory conflict that prevented the Employees Retirement System (ERS) from awarding the contract. This bill:

Reconciles the conflict and authorizes ERS to implement the program.

Fee Exemption for Probating a Deceased Military Member's Estate—H.B. 3787

By Representative Isett et al.—Senate Sponsor: Senator Shapleigh

From the beginning of the United States' involvement in the current military conflict until March 5, 2007, a total of 288 Texans were killed in combat. In addition to the grief the families experience they are faced with the costly process of probating an estate. This bill:

Exempts the estates of soldiers killed in combat zones from filing and administrative fees associated with probating an estate.

Creation of Defense Base Development Authorities—H.B. 3879

By Representative Menendez—Senate Sponsor: Senator Uresti

Currently, Texas law authorizes the creation of defense base development authorities (authority) for the purpose of re-developing military facilities impacted by the federal Base Realignment and Closure process (BRAC). However, statute does not authorize a defense base development authority to create an inland port to be constructed on former military facilities for the purposes of world trade. This bill:

Modifies provisions of the Local Government Code that govern these authorities to clarify their ability to engage in world trade through national and international agreements.

Resolves some minor conflicts in the language of the statute governing the exercise of eminent domain by an authority, and allows participation by authority board members in hearings by telephone.

Parking for Disabled Veterans—S.B. 251

By Senator Harris et al.—House Sponsor: Representative Harper-Brown

Currently, certain disabled parking spaces are for the exclusive use of vehicles displaying a certain type of parking placard. If an individual with a disabled veteran license plate wishes to park in some disabled spaces, he or she must apply for and pay for a separate placard. This bill:

Authorizes vehicles displaying a disabled veteran's license plate to park in any parking spot reserved for disabled persons.

Silver Star Medal License Plates—S.B. 274

By Senators Estes and Brimer—House Sponsor: Representative Escobar

There is currently no special license plate for recipients of the Silver Star Medal (medal). The medal is awarded to persons who distinguish themselves by extraordinary heroism through various actions while serving in any capacity with the U.S. Armed Forces. The medal is the fourth highest military decoration that can be awarded in any branch of the United States Armed Forces and the third highest award given for valor in the face of the enemy. This bill:

Requires the Texas Department of Transportation to issue a specialty license plate with the words "Silver Star Medal" at the bottom of the plate and including the medal emblem.

Prohibiting the Use of a Soldier's Name as an Advertisement—S.B. 277

By Senators Shaprio and Uresti—House Sponsor: Representative Harper-Brown

Currently, an image of a fallen soldier can be used for commercial purposes without the consent of surviving relatives. This bill:

Provides that permission must be granted, from the individual or the individual's surviving relatives, prior to the use of a clearly identifiable picture or a name of a member or former member of the United States armed forces or reserve component of the United States armed forces, or the state military forces, for a commercial purpose.

College Military Refund Policy—S.B. 309

By Senator Van de Putte et al.—House Sponsor: Representative Garcia

Currently, a student can receive a refund from a university or college when called to active military service. However, career and vocational schools are not required to give a refund to a student called to active military service. This places a financial burden on military students attending such institutions and a disincentive for military members interested in attending such institutions. This bill:

Requires career schools and colleges to refund tuition and fees to a student who withdraws from the institution as a result of being called to active military service.

Authorizes the student to choose to take an incomplete and re-enroll at no additional cost within 12 months of finishing military service.

Authorizes a student to receive an appropriate final grade or credit if an instructor determines that the student has completed a substantial portion of the course.

Prohibiting Military Members From Being Terminated—S.B. 311

By Senators Van de Putte and Shapleigh—House Sponsor: Representative Noriega

The Uniformed Services Employment and Reemployment Rights Act (USERRA), protects the jobs of reserve and guard members who are deployed to active duty. Under this law, Texas must ensure the reemployment rights of Texas guard members who work in Texas. However, USERRA does not extend those reemployment rights to persons who serve in the military forces of another state and work in Texas. These military members may be terminated for being called by another state's military force for service. This bill:

Prohibits a private employer from terminating the employment of a permanent employee who is a member of the state military forces of this state or of any other state because the employee is ordered to authorized training or duty by proper authority.

Military Depleted Uranium Testing—S.B. 363

By Senators Van de Putte and Uresti—House Sponsor: Representative Noriega

Currently, soldiers who have served on active duty are entitled to two years of care from the United States Department of Veterans Affairs (VA) from the time the soldier leaves military service, unless the injury was incurred or aggravated while on active duty, such as a disability caused by exposure to depleted uranium. However, soldiers seeking such care encounter difficulty in meeting the burden of proof connecting the disability to their service. Because of the difficulty in proving the link between their illness, depleted uranium exposure, and its combat relatedness, veterans have also encountered difficulty in obtaining appropriate medical care through the VA health care system to treat the effects of exposure to depleted uranium. This bill:

Requires the adjutant general and the Texas Veterans Commission to assist a member of the Texas National Guard in obtaining federal government treatment services, including a screening test if there is reason to believe the member has been exposed to depleted uranium during military service.

Requires the adjutant general to report on the feasibility of adding pre-deployment training concerning potential exposure to depleted uranium.

College Tuition Exemption and Fees for Military Personnel—S.B. 685

By Senators Van de Putte and Shapleigh—House Sponsor: Representatives Noriega and Escobar

Currently the Texas National Guard Tuition Assistance Program (TAP) provides an exemption for members of the Texas military forces from the payment of tuition to an institution of higher education but does not provide exemption from the mandatory fees for attending such institutions. Fees can be a significant expense factor in deciding whether higher education is affordable. This bill:

Exempts mandatory fees, in addition to tuition, for members of the Texas military forces attending institutions of higher education for up to 12 credit hours per semester through TAP.

Military Dependents Graduation Requirement Exemption—S.B. 960

By Senator Shapleigh—House Sponsor: Representative Haggerty

Current law authorizes students who transfer to a state high school from out-of-state schools to use their SAT or ACT scores to place out of the mathematics and language arts portions of the TAKS exit exam. This statute is limited to students who transfer in during the second semester of their senior year of high school.

Military dependents frequently move from different state educational systems with different graduation requirements, which places an additional burden on such students. This bill:

Extends the authorization to use the SAT or ACT to place out of the TAKS mathematics and language arts TAKS exit exam to military dependents in their junior or senior year and requires the Texas Education Agency to establish performance levels that would allow a student to test out of the social studies and science portions of the TAKS exit exams.

Instructional Facilities Allotment for BRAC Military Communities—S.B. 962

By Senator Shapleigh—House Sponsor: Representative Haggerty

Currently, prioritization of instructional facilities allotment (IFA) funding occurs in the event that insufficient funds are appropriated to cover all submitted requests for aid. IFA funding is made available to school districts for the construction of certain facilities and to be used for certain purposes. Districts that submit a qualified request for IFA funding are ranked from poorest to wealthiest and the requests are funded until the limit of funds has been reached. Students of military families from locations outside of Texas will relocate to Texas over the next several years due to base realignment and closure and transfer of active duty service members. BRAC-impacted school districts may need additional IFA funding in order to properly serve the children of military personnel transferring due to BRAC. This bill:

Provides that a district's wealth per student is reduced by 25 percent for purposes of this section if the district demonstrates to the satisfaction of the commissioner of education's that the district must construct, acquire, renovate, or improve one or more instructional facilities to serve the children of military personnel transferred to a military installation in or near the district under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687).

Military Reintegration Referral Service Program—S.B. 1058

By Senator West et al.—House Sponsor: Representative Noriega

Many veterans struggle with traumatic brain injuries and post-traumatic stress disorder and, as a result, have trouble reintegrating into family and work life upon returning from combat. The Traumatic Brain Injury Advisory Council estimates that as many as 25 percent of returning soldiers from the Iraq and Afghanistan conflicts will be returning to Texas and that many of these returning soldiers will be victims of traumatic brain injury. This bill:

Requires the adjutant general's department to develop a referral program to provide referrals to service members for reintegration services.

Requires the Department of State Health Services and the Health and Human Services Commission to develop a directory of services and other resources, tools, and counseling programs available to aid veterans and their immediate families in the reintegration process.

San Antonio Inland Port—S.B. 1237

By Senators Uresti and Van de Putte—House Sponsor: Representatives Menendez and Corte

Due to closure of the Kelly Air Force Base, the City of San Antonio has an opportunity to convert the base into an inland port. However, legislation is needed to authorize the creation of such a port. This bill:

Authorizes a defense base development authority to establish and operate an inland port and related port facilities to engage in world trade and participate in national and international agreements advancing world trade.

Authorizes members of a defense base development authority board or board committee to attend meetings via telephone conference call, video conference call, or by other similar telecommunication device if certain members are physically present at the meeting.

Defense Economic Adjustment Assistance Grant Program—S.B. 1956

By Senator Van de Putte et al.—House Sponsor: Representative Cortez

The Defense Economic Adjustment Assistance Grant Program (DEAAG) was originally established to aid communities negatively affected by military base realignment and closure. Much of the statutory context for DEAAG is obsolete and in need of an update. This update is necessary because of the continued realignment and closure of Texas military institutions. This bill:

Transfers the general powers and duties of the program, including rulemaking authority previously granted to the now-defunct Texas Department of Commerce (TDC) to the Texas Military Preparedness Commission (TMPC).

Revises the criteria that TMPC is required to establish so that it focuses on evaluation-based equity.

Authorizes applications to DEAAG to be evaluated on the positive effect and job gain, in addition to the adverse effect and job loss.

Repeals the provision in current law prohibiting the dispensation of grants from favoring disproportionately one defense community over another.

Prohibition of Compensation for Workers' Comp Claim Referrals—H.B. 34

By Representatives Solomons and Leibowitz—Senate Sponsor: Senator Brimer

Under current law, the Texas Workers' Compensation Act outlines administrative violations for employers, insurance carriers, and health care providers involved in workers' compensation claims. However, the Act does not provide any specific prohibitions against kickbacks for arranging referrals for services by individuals in control of the management of a claim. This bill:

Prohibits paying, allowing, or offering fees, rebates, or other considerations in exchange for the referral of medical or case management services on a claim.

Workers' Compensation System Benefits—H.B. 473

By Representative Solomons—Senate Sponsor: Senator Van de Putte

Prior to 2005, insurance carriers and employers were prohibited by statute from directing employees to specific health care providers for treatment of a workers' compensation injury. However, carriers and employers had utilized discount fee contracts with certain providers, referred to as "voluntary networks." Although the employers and carriers were prohibited from directing an employee to see a particular provider in that network, if the employee chose to receive care from one of those providers, the provider would be paid the contractual fee discount rather than the fee dictated by the professional fee guideline adopted by the Texas Workers' Compensation Commission.

Language in statute has been unclear regarding how voluntary networks should be treated under the law. In response to requests for clarification from insurance carriers regarding the language of legislation enacted in 2005, the Texas Department of Insurance (TDI) issued a bulletin stating that a voluntary network could continue to exist as long as it contracted for a fee discount only; if any management of claims existed, certification of the network was required. According to some stakeholders, however, the original intent of the law was to allow a deviation from the fee guideline to treat an individual injured worker in a non-network situation if the carrier was having difficulty securing necessary medical treatment within the fee guidelines. This bill:

Requires that the benefit review officer presiding at a benefit review conference consider a request for an interlocutory order and give the opposing party an opportunity to respond before issuing such an order.

Authorizes the interlocutory order to address the payment or suspension of accrued benefits, future benefits, or both accrued benefits and future benefits.

Authorizes an insurance carrier to use an informal or voluntary network to obtain a contractual agreement that provides for fees variances from the fee guidelines of the workers' compensation division of TDI (division), subject to certain contractual arrangements.

Requires an informal or voluntary network, or the carrier or the carrier's authorized agent, as appropriate, to notify each health care provider of any person given access to the network's fee arrangements with that health care provider within the time and according to the manner provided by commissioner rule.

Requires an insurance carrier to provide copies of each contract to the division on the request of the division.

Provides that information included in a contract is confidential and is not subject to disclosure under Chapter 552, Government Code.

Authorizes the division to request that copies of each contract under which fees are being paid be submitted to the division for review for medical fee disputes that arise regarding non-network and out-of-network care.

Provides that an insurance carrier may be required to pay fees in accordance with the division's fee guidelines if the contract is not provided in a timely manner to the division on the division's request, does not include a specific fee schedule consistent with this Act and does not clearly state that the contractual fee arrangement is between the health care provider and the named insurance carrier or the named insurance carrier's authorized agent or comply with certain notice requirements.

Authorizes the commissioner of workers' compensation and the commissioner of insurance to adopt rules as necessary.

Requires a network to provide certain information to the division and to report any changes regarding such information within 30 days after the change takes effect.

Requires the network, not later than January 1, 2011, to be certified as a workers' compensation health care network.

Authorizes the continuation of a contractual agreement by an insurance carrier, an authorized agent of the carrier, or a workers' compensation network.

Workers' Compensation Medical Necessity and Fee Dispute Hearings—H.B. 724

By Representative Solomons—Senate Sponsor: Senator Jackson

Under current law, workers' compensation fee dispute hearings take place in state district court in Travis County. H.B. 7, 79th Legislature, Regular Session, 2005, eliminated appeals to the State Office of Administrative Hearings (SOAH) for all types of disputes. This created a problem with respect to medical necessity and fee disputes because there is no longer an administrative hearing process for such disputes, and consequently, there are no administrative records to review if and when such disputes are appealed to court. This bill:

Sends medical necessity disputes with a cost lower than \$3,000 and fee disputes with a cost lower than \$2,000 to a contested case hearing and sends any disputes above these amounts to a SOAH hearing.

Return-to-Work Pilot Program—H.B. 886

By Representative Giddings—Senate Sponsor: Senator Watson

Currently, the return-to-work pilot program grants up to \$2,500 to a small employer who makes workplace modifications for an injured employee to come back to work. Some employers are hesitant to participate in the program if they cannot afford to pay for modifications without a guarantee of repayment. This bill:

Provides the small employer with the option of submitting a plan to the division of workers' compensation at the Texas Department of Insurance in order to obtain preauthorization. As long as the employer adheres to the preauthorized plan, the division guarantees reimbursement of the expenses incurred by the employer for workplace modifications.

Provision of Medical Records to the Office of Injured Employee Counsel—H.B. 888

By Representative Giddings et al.—Senate Sponsor: Senator Watson

The Office of Injured Employee Counsel (OIEC) assists injured employees with their workers' compensation claims. Currently, OIEC does not have the authority to request free copies of an employee's medical records, often making it difficult or expensive to assist the employee regarding the employee's workers' compensation case. This bill:

Requires a health care provider to provide, upon written request of an ombudsman from OIEC, the medical records of the injured employee at no cost to the ombudsman.

Provides that the workers' compensation carrier is liable for the cost and that the fee for the records is reimbursed to the health care provider by the carrier.

Prohibits the carrier from deducting the cost of medical records from any benefit to which the employee is entitled.

Prohibits the provider from withholding records if the fee is not paid.

Grants rulemaking authority to the injured employee public counsel to determine a time frame for the provision of the medical records.

Provides that the failure of the carrier to pay is an administrative violation.

Credentials of Doctors Used by Independent Review Organizations—H.B. 1003

By Representative Giddings—Senate Sponsor: Senator Watson

Currently, independent review organizations that review workers' compensation cases are authorized to use doctors not licensed in Texas. Concerns have arisen that this practice limits the ability of the division of workers' compensation of the Texas Department of Insurance to sanction reviewing doctors for misconduct. This bill:

Requires an independent review organization that uses doctors to perform reviews of health care services in workers' compensation cases to use only doctors licensed to practice in Texas.

Timely Submission of Workers' Compensation Claims—H.B. 1005

By Representative Giddings—Senate Sponsor: Senator Van de Putte

A provider of care for a workers' compensation injury forfeits his or her right to reimbursement if the claim for payment is filed later than the 95th day after the date the health care services were provided. In some cases, a doctor treating a workers' compensation injury will bill the wrong insurance carrier. By the time the mistake has been discovered and the claim re-filed with the correct carrier, the deadline may have passed and the workers' compensation insurance carrier may deny payment. This bill:

Provides that a health care provider of workers' compensation health care services does not forfeit his or her right to reimbursement if the claim for payment is filed in a timely manner, but erroneously filed with the wrong insurer.

Allows extension of the deadline by agreement of the parties or in catastrophic situations.

Credentials of Doctors Who Perform Utilization Reviews—H.B. 1006

By Representative Giddings—Senate Sponsor: Senator Watson

Under current law, a physician who performs a utilization review on a workers' compensation case can be licensed in another state as long as that physician performs the review under the direction of a doctor licensed in Texas. However, a conflicting law requires peer reviews in workers' compensation cases that do not involve medical necessity to be performed by a doctor licensed in Texas. Some stakeholders feel that if in-state doctors are deciding the extent of injury, in-state doctors should be deciding the course of treatment. This bill:

Requires doctors performing utilization review, retrospective review, and peer review to be licensed in Texas.

Credentials of Workers' Compensation Reviewing Physicians—H.B. 2004

By Representative Giddings—Senate Sponsor: Senator Lucio

Current law does not require doctors reviewing workers' compensation cases to have a specialty related to the injury. This bill:

Requires that the physician who reviews a specific workers' compensation case hold a professional certification or licensure in a health care specialty appropriate to the type of health care that the injured employee is receiving.

Extends this requirement to a physician, dentist, or chiropractor conducting a peer review, retrospective review, or required examination, in addition to a designated doctor or physician member of the medical quality review panel.

Workers' Compensation Coverage for Artificial Limbs—S.B. 458

By Senator Watson and Van de Putte—House Sponsor: Representative Giddings

Currently, artificial limbs are not treated by all workers' compensation carriers as a physical structure of the body. Therefore, under some workers' compensation plans, an accident resulting in a broken leg would be treatable, but repair or replacement of a damaged artificial leg due to the same accident would not be covered. This bill:

Ensures that workers' compensation carriers treat orthotic and prosthetic devices in the same manner as natural limbs.

Reimbursement for Overpayment of Workers' Compensation Benefits—S.B. 1169

By Senator Janek—House Sponsor: Representative Elkins

State law requires insurance carriers to pay both income and medical benefits associated with workers' compensation in accordance with the reports of designated doctors. Accordingly, the designated doctor's opinion has a substantial impact on benefits paid by carriers. S.B. 1169 is designed to address a risk that carriers may pay benefits pursuant to a designated doctor's opinion that is eventually determined to be incorrect. This bill:

Requires the subsequent injury fund to reimburse an insurance carrier for an overpayment of benefits based on a designated doctor's opinion, if that opinion is reversed or modified by a final arbitration award or a final order or decision of the commissioner of insurance or a court.

Prosecution of Workers' Compensation Insurance Fraud—S.B. 1627

By Senator Carona—House Sponsor: Representative Martinez

Under current law, the maximum level of offense for an act of workers' compensation fraud is a state jail felony. This does not parallel the provisions of the Penal Code, which follow the standards that apply to insurance fraud or other similar financial crimes and under which punishment is dependant on the value of the claim. This bill:

Amends the Labor Code to authorize a person who commits an offense of fraud under Chapter 418 (Criminal Penalties), Labor Code, to be prosecuted under that chapter or any other applicable state law.

Registration Requirements and Background Checks for Technicians—H.B. 463

By Representative Flores—Senate Sponsor: Senator Carona

Current law requires a person to have three years of experience in the heating, ventilation, air conditioning, and refrigeration (HVACR) industry in order to qualify for an HVACR contractor license. However, there is no mechanism for the Texas Department of Licensing and Regulation (TDLR) to verify the length of time a technician has been engaged in the HVACR industry.

Additionally, concerns have been raised regarding public safety issues and the need for HVACR technicians to be registered and to have background checks. Currently, background checks are not required for HVACR technicians and there is no way to determine the criminal history of such technicians. This bill:

Requires air conditioning technicians to register annually with TDLR.

Provides technicians with identification cards noting their status as registered HVACR technicians.

Requires TDLR to conduct criminal background checks of all technicians who register, at the time of initial registration, and annually as registrations are renewed.

Provides for a temporary registration for HVACR technicians while the TDLR reviews the applicant's application.

Sets forth the requirements to become a certified HVACR technician, including a requirement for the applicant to pass a recognized examination or another examination to be approved for certification.

Unemployment Compensation for Victims of Family Violence—H.B. 550

By Representative Dukes et al.—Senate Sponsor: Senator Zaffirini

Current law requires an active or recently issued protective order documenting that the employee is a victim of family violence or stalking, a police record documenting that the employee is a victim of family violence or stalking, and a physician's statement or other medical documentation of family violence against the employee in order for the employee to receive unemployment compensation. Maintaining an independent source of income is critical for victims of domestic violence or stalking. Requiring three forms of evidence for victims of domestic violence places an additional burden on victims. This bill:

Authorizes employees to use a protective order, a police record, or a physician's statement or other medical documentation as evidence of family violence against the employee for purposes of unemployment benefits, rather than all three forms of documentation.

Provides confidentiality for an employee victimized by family violence who receives unemployment compensation.

Authorizes the release of information regarding such compensation only with consent of the employee or required by current law.

Employment Protection for Volunteer Emergency Service Personnel—H.B. 1205

By Representative Keffer et al.—Senate Sponsor: Senator Eltife

Current law does not provide for employment protections for volunteer firefighters and emergency medical services personnel in situations where the employee is required to miss work because he or she was responding to an emergency. This places a threat on the financial well being of volunteers and has the effect of reducing the pool of citizens who are willing to volunteer. This bill:

Protects emergency responders from being terminated, demoted, or discriminated against due to the employee's absence from or tardiness to work in order to respond to an emergency.

Worksite Wellness Programs—H.B. 1297

By Representative Delisi—Senate Sponsor: Senator Nelson

State employee wellness programs do not currently incorporate components believed to reduce health care costs and discourage unhealthy behaviors such as smoking, overeating, and physical inactivity. This may be a result of a lack of staff, expertise, and funds within state agencies preventing a broad and effective wellness program from being offered. This bill:

Requires the Department of State Health Services (DSHS) to create a model statewide wellness program to educate and disseminate information regarding health and develop strategies and incentives for improving employee health.

Requires DSHS to designate a statewide wellness coordinator to coordinate wellness programs, disseminate information regarding health resources, undertake outreach efforts pertaining to improving health, and study the impact of wellness programs.

Requires a state agency to designate a wellness liaison and authorizes a state agency to implement a wellness program.

Creates the Worksite Wellness Advisory Board (board) and sets forth guidelines regulating the membership, administration, and duties of the board.

Authorizes the creation of state agency wellness councils and sets forth provisions authorizing the councils to undertake certain actions.

Authorizes a state agency to allow time during normal working hours for exercise, allow employees to attend on-sight wellness seminars, and provide additional leave time to employees meeting certain conditions.

Payday Regulations—H.B. 2120

By Representative Deshotel—Senate Sponsor: Senator Williams

The Texas Workforce Commission (TWC) oversees the administration of the Texas payday laws. The Unemployment Compensation Act stipulates that an individual is entitled to unemployment benefits based

upon wages actually received during the individual's base period of employment. Currently, wages owed to an individual are not counted in determining whether an individual qualifies monetarily for unemployment benefits. Wage credits determine whether an individual qualifies monetarily for unemployment benefits.

On October 27, 2006, the United States Department of Labor issued final rules on confidentiality and disclosure of state unemployment compensation information effective. These comprehensive rules set out minimum requirements for confidentiality. States are authorized to adopt more stringent confidentiality provisions than those imposed by the final regulations. This bill:

Provides that wages received by the individual from employment during the individual's base period include wages ordered to be paid to the individual by a final order of TWC that were due to be paid to the individual by an employer during the individual's base period and will be credited to the date or dates on which the payment of those wages was due.

Requires TWC to adopt and enforce rules governing the custody, use, preservation, and disclosure of unemployment compensation information.

Makes an offense relating to revealing an employee records of an employing unit a Class A misdemeanor.

Public Works Wage Rate Specifications—H.B. 2625

By Representative Murphy—Senate Sponsor: Senator Hegar

Current law requires that a wage rate paid to winners of public works contracts granted by political subdivisions of the state be set by one of two methods: a political subdivision may determine the rate by conducting a survey of wages paid to employers employed in similar contracts or the subdivision may use the prevailing Davis-Bacon wage rate provided by the United States Department of Labor (DOL), if it has been set within the last three years. Often the DOL will fail to provide the Davis-Bacon wage rate within the three years required by the state. This forces the political subdivision to conduct its own survey, which is an expensive process, and if the political subdivision receives federal funding it is required to use the federal wage rate. This bill:

Authorizes a political subdivision to use the most current Davis-Bacon wage rate available for its area, regardless of the date the rate was established by the DOL.

Texas Local Workforce Development Boards—H.B. 3074

By Representative Creighton—Senate Sponsor: Senator Uresti

Currently, an entity that contracts with a local workforce development board (board) may use, display, or advertise its business name when providing workforce services for the board. Advertising under different names within a common board area leads to confusion among the public and limits the effectiveness of the services that can be accessed due to consumers' inability to identify the various entities providing services in that area. This bill:

Prohibits a board's contractor from using, displaying, or advertising the contractor's name when providing workforce services for the board.

Economic Development Incentives for Workforce Training Centers—H.B. 4065

By Representative Otto et al.—Senate Sponsor: Senator Watson

Currently, there are economic development initiatives to encourage for-profit businesses to locate and expand in Texas, but no such initiatives exist for nonprofit training centers to expand current operations and to provide greater outreach to applicable communities. This bill:

Authorizes a qualified community workforce training center to apply for a grant which it may use toward costs of capital construction, expansion, or renovation for a permanent structure.

Aligning State Unemployment Compensation Laws to Federal Guidelines—S.B. 1619

By Senator Lucio—House Sponsor: Representative Morrison

The United States Department of Labor recently published final rules on confidentiality and disclosure of state unemployment compensation information. These comprehensive rules set out minimum requirements for confidentiality but allow states to adopt more stringent confidentiality provisions than those imposed by the final regulations. States have up to two years to enact necessary conforming state laws to implement changes required or permitted by these federal regulations in order to receive a federal grant. This bill:

Requires the Texas Workforce Commission to adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of information collected, received, developed, or maintained in the administration of unemployment compensation benefits or the unemployment compensation tax system.

Makes it a Class A misdemeanor to use the information in an unauthorized way that reveals identifying information, or information that foreseeably could be combined with other publicly available information to reveal identifying information, regarding any individual or past or present employer or employing unit.

Makes an offense relating to the disclosure of employee records of an employing unit a Class A misdemeanor.

House Bills

H.B. 1.....	1	H.B. 271.....	239
H.B. 2.....	6	H.B. 273.....	142
H.B. 3.....	313	H.B. 278.....	17
H.B. 4.....	313	H.B. 280.....	353
H.B. 5.....	394	H.B. 308.....	305
H.B. 8.....	81	H.B. 310.....	411
H.B. 11.....	322	H.B. 312.....	17
H.B. 12.....	378	H.B. 313.....	411
H.B. 14.....	6	H.B. 314.....	143
H.B. 15.....	7	H.B. 317.....	120
H.B. 34.....	456	H.B. 320.....	94
H.B. 35.....	290	H.B. 321.....	178
H.B. 44.....	16	H.B. 323.....	143
H.B. 47.....	16	H.B. 342.....	263
H.B. 48.....	91	H.B. 365.....	94
H.B. 52.....	199	H.B. 374.....	353
H.B. 54.....	91	H.B. 391.....	263
H.B. 66.....	340	H.B. 401.....	85
H.B. 71.....	409	H.B. 407.....	179
H.B. 73.....	92	H.B. 412.....	411
H.B. 75.....	262	H.B. 413.....	412
H.B. 76.....	84	H.B. 423.....	412
H.B. 84.....	409	H.B. 425.....	59
H.B. 85.....	92	H.B. 426.....	144
H.B. 86.....	119	H.B. 429.....	18
H.B. 88.....	234	H.B. 431.....	18
H.B. 89.....	347	H.B. 433.....	19
H.B. 90.....	409	H.B. 438.....	394
H.B. 95.....	262	H.B. 447.....	340
H.B. 109.....	172	H.B. 455.....	371
H.B. 119.....	353	H.B. 463.....	461
H.B. 120.....	119	H.B. 472.....	322
H.B. 121.....	141	H.B. 473.....	456
H.B. 125.....	119	H.B. 488.....	20
H.B. 126.....	16	H.B. 495.....	20
H.B. 143.....	93	H.B. 518.....	209
H.B. 149.....	442	H.B. 522.....	371
H.B. 160.....	410	H.B. 530.....	20
H.B. 177.....	239	H.B. 539.....	290
H.B. 188.....	141	H.B. 541.....	22
H.B. 189.....	141	H.B. 544.....	121
H.B. 191.....	410	H.B. 550.....	461
H.B. 198.....	17	H.B. 566.....	144
H.B. 199.....	17	H.B. 570.....	413
H.B. 208.....	142	H.B. 585.....	265
H.B. 210.....	410	H.B. 586.....	413
H.B. 233.....	448	H.B. 589.....	121
H.B. 246.....	178	H.B. 590.....	354

INDEX

H.B. 606.....	145	H.B. 1045.....	172
H.B. 618.....	354	H.B. 1049.....	414
H.B. 624.....	442	H.B. 1052.....	414
H.B. 630.....	305	H.B. 1059.....	173
H.B. 649.....	23	H.B. 1060.....	372
H.B. 662.....	210	H.B. 1066.....	187
H.B. 681.....	23	H.B. 1082.....	188
H.B. 708.....	145	H.B. 1090.....	306
H.B. 709.....	179	H.B. 1092.....	29
H.B. 713.....	314	H.B. 1093.....	29
H.B. 716.....	94	H.B. 1098.....	189
H.B. 724.....	457	H.B. 1111.....	60
H.B. 733.....	413	H.B. 1113.....	61
H.B. 735.....	12	H.B. 1121.....	29
H.B. 738.....	24	H.B. 1129.....	31
H.B. 741.....	122	H.B. 1137.....	146
H.B. 770.....	347	H.B. 1141.....	373
H.B. 772.....	266	H.B. 1157.....	123
H.B. 814.....	24	H.B. 1164.....	355
H.B. 828.....	145	H.B. 1168.....	219
H.B. 868.....	122	H.B. 1170.....	324
H.B. 872.....	25	H.B. 1179.....	355
H.B. 886.....	458	H.B. 1187.....	123
H.B. 887.....	26	H.B. 1188.....	97
H.B. 888.....	458	H.B. 1196.....	14
H.B. 889.....	203	H.B. 1205.....	462
H.B. 899.....	322	H.B. 1210.....	395
H.B. 902.....	122	H.B. 1212.....	31
H.B. 914.....	59	H.B. 1230.....	179
H.B. 916.....	26	H.B. 1244.....	356
H.B. 921.....	371	H.B. 1248.....	324
H.B. 922.....	26	H.B. 1250.....	123
H.B. 944.....	96	H.B. 1254.....	306
H.B. 945.....	347	H.B. 1260.....	448
H.B. 946.....	27	H.B. 1270.....	147
H.B. 948.....	219	H.B. 1275.....	448
H.B. 957.....	354	H.B. 1279.....	414
H.B. 959.....	27	H.B. 1287.....	147
H.B. 971.....	305	H.B. 1290.....	341
H.B. 973.....	146	H.B. 1293.....	98
H.B. 991.....	372	H.B. 1297.....	462
H.B. 1003.....	458	H.B. 1303.....	32
H.B. 1005.....	459	H.B. 1308.....	306
H.B. 1006.....	459	H.B. 1344.....	99
H.B. 1010.....	394	H.B. 1355.....	34
H.B. 1022.....	394	H.B. 1370.....	189
H.B. 1023.....	341	H.B. 1373.....	190
H.B. 1029.....	323	H.B. 1379.....	190
H.B. 1034.....	355	H.B. 1385.....	191
H.B. 1038.....	323	H.B. 1386.....	443
H.B. 1042.....	372	H.B. 1390.....	356

H.B. 1400.....	148	H.B. 1789.....	342
H.B. 1411.....	35	H.B. 1798.....	416
H.B. 1427.....	124	H.B. 1804.....	39
H.B. 1449.....	192	H.B. 1840.....	417
H.B. 1460.....	239	H.B. 1844.....	151
H.B. 1471.....	234	H.B. 1847.....	245
H.B. 1472.....	290	H.B. 1852.....	448
H.B. 1473.....	267	H.B. 1857.....	417
H.B. 1491.....	373	H.B. 1871.....	326
H.B. 1493.....	124	H.B. 1886.....	291
H.B. 1495.....	357	H.B. 1887.....	40
H.B. 1503.....	36	H.B. 1892.....	417
H.B. 1505.....	124	H.B. 1910.....	395
H.B. 1519.....	373	H.B. 1915.....	306
H.B. 1521.....	414	H.B. 1919.....	246
H.B. 1522.....	415	H.B. 1920.....	307
H.B. 1526.....	303	H.B. 1921.....	348
H.B. 1530.....	100	H.B. 1922.....	151
H.B. 1541.....	100	H.B. 1944.....	41
H.B. 1545.....	37	H.B. 1956.....	307
H.B. 1551.....	291	H.B. 1973.....	220
H.B. 1563.....	149	H.B. 1977.....	246
H.B. 1579.....	203	H.B. 1987.....	348
H.B. 1587.....	357	H.B. 1988.....	42
H.B. 1594.....	245	H.B. 2002.....	100
H.B. 1602.....	268	H.B. 2004.....	459
H.B. 1609.....	149	H.B. 2005.....	269
H.B. 1610.....	38	H.B. 2006.....	358
H.B. 1622.....	150	H.B. 2007.....	326
H.B. 1623.....	415	H.B. 2010.....	396
H.B. 1633.....	203	H.B. 2015.....	247
H.B. 1637.....	241	H.B. 2024.....	380
H.B. 1652.....	341	H.B. 2034.....	85
H.B. 1656.....	314	H.B. 2042.....	204
H.B. 1667.....	325	H.B. 2056.....	360
H.B. 1676.....	180	H.B. 2060.....	327
H.B. 1678.....	38	H.B. 2061.....	374
H.B. 1680.....	395	H.B. 2075.....	419
H.B. 1687.....	39	H.B. 2087.....	396
H.B. 1700.....	150	H.B. 2090.....	292
H.B. 1716.....	325	H.B. 2091.....	292
H.B. 1720.....	286	H.B. 2093.....	419
H.B. 1742.....	291	H.B. 2094.....	421
H.B. 1747.....	210	H.B. 2095.....	292
H.B. 1748.....	150	H.B. 2096.....	444
H.B. 1751.....	85	H.B. 2103.....	125
H.B. 1766.....	39	H.B. 2105.....	449
H.B. 1767.....	39	H.B. 2106.....	328
H.B. 1781.....	416	H.B. 2112.....	152
H.B. 1787.....	358	H.B. 2115.....	43
H.B. 1788.....	342	H.B. 2118.....	242

INDEX

H.B. 2120.....	462	H.B. 2458.....	383
H.B. 2127.....	422	H.B. 2460.....	384
H.B. 2132.....	193	H.B. 2462.....	343
H.B. 2138.....	396	H.B. 2467.....	248
H.B. 2144.....	328	H.B. 2471.....	103
H.B. 2151.....	43	H.B. 2489.....	362
H.B. 2168.....	181	H.B. 2492.....	348
H.B. 2173.....	380	H.B. 2503.....	155
H.B. 2174.....	307	H.B. 2504.....	156
H.B. 2176.....	152	H.B. 2510.....	423
H.B. 2188.....	374	H.B. 2524.....	181
H.B. 2190.....	343	H.B. 2532.....	156
H.B. 2195.....	360	H.B. 2540.....	205
H.B. 2198.....	125	H.B. 2541.....	308
H.B. 2207.....	269	H.B. 2542.....	385
H.B. 2210.....	44	H.B. 2543.....	386
H.B. 2216.....	422	H.B. 2546.....	234
H.B. 2235.....	102	H.B. 2548.....	248
H.B. 2237.....	152	H.B. 2549.....	249
H.B. 2251.....	102	H.B. 2559.....	423
H.B. 2252.....	247	H.B. 2563.....	157
H.B. 2256.....	204	H.B. 2564.....	375
H.B. 2265.....	361	H.B. 2580.....	211
H.B. 2282.....	422	H.B. 2589.....	363
H.B. 2283.....	361	H.B. 2591.....	424
H.B. 2285.....	221	H.B. 2608.....	444
H.B. 2291.....	61	H.B. 2611.....	86
H.B. 2293.....	423	H.B. 2618.....	293
H.B. 2300.....	44	H.B. 2621.....	386
H.B. 2328.....	299	H.B. 2622.....	249
H.B. 2338.....	293	H.B. 2625.....	463
H.B. 2345.....	301	H.B. 2639.....	126
H.B. 2348.....	329	H.B. 2646.....	157
H.B. 2350.....	329	H.B. 2654.....	329
H.B. 2353.....	242	H.B. 2660.....	103
H.B. 2365.....	343	H.B. 2664.....	363
H.B. 2371.....	126	H.B. 2683.....	182
H.B. 2383.....	154	H.B. 2685.....	182
H.B. 2389.....	45	H.B. 2694.....	235
H.B. 2391.....	45	H.B. 2701.....	344
H.B. 2393.....	103	H.B. 2702.....	126
H.B. 2398.....	449	H.B. 2703.....	46
H.B. 2399.....	154	H.B. 2713.....	308
H.B. 2400.....	361	H.B. 2714.....	308
H.B. 2402.....	242	H.B. 2723.....	104
H.B. 2411.....	154	H.B. 2727.....	104
H.B. 2417.....	308	H.B. 2735.....	363
H.B. 2426.....	381	H.B. 2754.....	330
H.B. 2427.....	383	H.B. 2761.....	249
H.B. 2439.....	209	H.B. 2762.....	250
H.B. 2455.....	155	H.B. 2766.....	258

H.B. 2783.....	330	H.B. 3259.....	160
H.B. 2814.....	158	H.B. 3270.....	425
H.B. 2819.....	309	H.B. 3273.....	335
H.B. 2823.....	349	H.B. 3275.....	426
H.B. 2827.....	222	H.B. 3281.....	270
H.B. 2833.....	331	H.B. 3291.....	128
H.B. 2839.....	364	H.B. 3300.....	301
H.B. 2859.....	424	H.B. 3309.....	67
H.B. 2864.....	158	H.B. 3352.....	293
H.B. 2882.....	364	H.B. 3382.....	128
H.B. 2884.....	62	H.B. 3426.....	388
H.B. 2895.....	449	H.B. 3443.....	183
H.B. 2896.....	450	H.B. 3446.....	107
H.B. 2897.....	450	H.B. 3457.....	160
H.B. 2918.....	364	H.B. 3470.....	450
H.B. 2935.....	222	H.B. 3473.....	184
H.B. 2944.....	424	H.B. 3485.....	160
H.B. 2978.....	127	H.B. 3492.....	401
H.B. 2990.....	46	H.B. 3502.....	309
H.B. 2994.....	106	H.B. 3554.....	335
H.B. 3008.....	211	H.B. 3560.....	388
H.B. 3011.....	334	H.B. 3564.....	129
H.B. 3024.....	400	H.B. 3575.....	206
H.B. 3038.....	400	H.B. 3581.....	295
H.B. 3064.....	250	H.B. 3594.....	14
H.B. 3066.....	365	H.B. 3601.....	426
H.B. 3070.....	444	H.B. 3609.....	365
H.B. 3074.....	463	H.B. 3618.....	173
H.B. 3084.....	400	H.B. 3619.....	295
H.B. 3092.....	159	H.B. 3647.....	365
H.B. 3093.....	107	H.B. 3678.....	161
H.B. 3098.....	315	H.B. 3692.....	48
H.B. 3101.....	243	H.B. 3693.....	444
H.B. 3105.....	349	H.B. 3718.....	426
H.B. 3106.....	344	H.B. 3732.....	309
H.B. 3107.....	8	H.B. 3735.....	194
H.B. 3114.....	127	H.B. 3736.....	49
H.B. 3123.....	107	H.B. 3776.....	315
H.B. 3140.....	387	H.B. 3787.....	450
H.B. 3143.....	349	H.B. 3826.....	161
H.B. 3154.....	193	H.B. 3827.....	375
H.B. 3171.....	159	H.B. 3837.....	310
H.B. 3184.....	194	H.B. 3849.....	426
H.B. 3190.....	425	H.B. 3851.....	129
H.B. 3191.....	401	H.B. 3876.....	223
H.B. 3195.....	401	H.B. 3879.....	451
H.B. 3199.....	258	H.B. 3900.....	130
H.B. 3200.....	47	H.B. 3928.....	402
H.B. 3220.....	335	H.B. 3955.....	427
H.B. 3226.....	159	H.B. 3997.....	270
H.B. 3249.....	387	H.B. 3694.....	109

INDEX

H.B. 3934.....	131
H.B. 4062.....	174
H.B. 4065.....	464
H.B. 4091.....	286
H.B. 4113.....	286
H.B. 4123.....	287

Senate Bills

S.B. 3.....	315
S.B. 6.....	86
S.B. 7.....	162
S.B. 8.....	163
S.B. 9.....	163
S.B. 10.....	207
S.B. 11.....	235
S.B. 12.....	303
S.B. 22.....	199
S.B. 27.....	199
S.B. 29.....	184
S.B. 36.....	224
S.B. 44.....	50
S.B. 61.....	238
S.B. 64.....	350
S.B. 66.....	427
S.B. 74.....	375
S.B. 75.....	90
S.B. 82.....	164
S.B. 90.....	350
S.B. 91.....	195
S.B. 103.....	68
S.B. 112.....	238
S.B. 123.....	376
S.B. 129.....	376
S.B. 131.....	200
S.B. 135.....	164
S.B. 136.....	164
S.B. 138.....	224
S.B. 140.....	225
S.B. 143.....	212
S.B. 153.....	427
S.B. 155.....	225
S.B. 156.....	226
S.B. 157.....	51
S.B. 158.....	165
S.B. 161.....	131
S.B. 166.....	51
S.B. 168.....	271
S.B. 182.....	52
S.B. 190.....	404
S.B. 191.....	110

S.B. 201.....	132
S.B. 204.....	185
S.B. 214.....	366
S.B. 222.....	111
S.B. 228.....	272
S.B. 230.....	52
S.B. 242.....	8
S.B. 244.....	53
S.B. 247.....	345
S.B. 251.....	451
S.B. 255.....	428
S.B. 274.....	451
S.B. 276.....	132
S.B. 277.....	452
S.B. 285.....	133
S.B. 288.....	226
S.B. 289.....	133
S.B. 291.....	278
S.B. 295.....	238
S.B. 300.....	280
S.B. 303.....	175
S.B. 309.....	452
S.B. 311.....	452
S.B. 322.....	213
S.B. 324.....	111
S.B. 328.....	428
S.B. 330.....	428
S.B. 332.....	428
S.B. 333.....	429
S.B. 342.....	53
S.B. 361.....	350
S.B. 363.....	453
S.B. 370.....	165
S.B. 378.....	54
S.B. 382.....	252
S.B. 389.....	165
S.B. 393.....	351
S.B. 406.....	259
S.B. 415.....	195
S.B. 426.....	404
S.B. 432.....	280
S.B. 450.....	227
S.B. 453.....	55
S.B. 457.....	367
S.B. 458.....	460
S.B. 469.....	133
S.B. 470.....	367
S.B. 471.....	252
S.B. 480.....	133
S.B. 484.....	445
S.B. 493.....	351

S.B. 495	113	S.B. 904	389
S.B. 502	253	S.B. 908	389
S.B. 512	280	S.B. 909	390
S.B. 530	166	S.B. 913	391
S.B. 541	113	S.B. 914	392
S.B. 545	429	S.B. 924	336
S.B. 548	114	S.B. 932	351
S.B. 556	196	S.B. 940	287
S.B. 561	367	S.B. 943	229
S.B. 563	281	S.B. 948	405
S.B. 573	310	S.B. 952	114
S.B. 584	55	S.B. 955	376
S.B. 585	319	S.B. 959	435
S.B. 589	185	S.B. 960	453
S.B. 593	281	S.B. 962	454
S.B. 606	166	S.B. 964	435
S.B. 608	368	S.B. 968	368
S.B. 611	253	S.B. 978	254
S.B. 616	320	S.B. 993	230
S.B. 617	282	S.B. 1007	134
S.B. 618	260	S.B. 1031	167
S.B. 625	196	S.B. 1032	435
S.B. 640	186	S.B. 1037	321
S.B. 649	134	S.B. 1039	167
S.B. 654	310	S.B. 1046	134
S.B. 673	166	S.B. 1050	135
S.B. 680	296	S.B. 1051	135
S.B. 685	453	S.B. 1053	136
S.B. 687	404	S.B. 1056	254
S.B. 704	368	S.B. 1058	454
S.B. 705	261	S.B. 1086	287
S.B. 711	336	S.B. 1097	56
S.B. 714	320	S.B. 1106	296
S.B. 718	429	S.B. 1119	436
S.B. 723	213	S.B. 1127	437
S.B. 744	214	S.B. 1138	136
S.B. 747	320	S.B. 1154	336
S.B. 749	283	S.B. 1169	460
S.B. 757	345	S.B. 1207	288
S.B. 758	215	S.B. 1209	446
S.B. 766	430	S.B. 1215	115
S.B. 781	14	S.B. 1217	337
S.B. 792	430	S.B. 1222	338
S.B. 811	177	S.B. 1229	338
S.B. 813	218	S.B. 1231	136
S.B. 814	229	S.B. 1232	137
S.B. 827	167	S.B. 1233	138
S.B. 839	55	S.B. 1234	138
S.B. 850	434	S.B. 1237	454
S.B. 877	56	S.B. 1238	296
S.B. 893	435	S.B. 1255	255

INDEX

S.B. 1266.....	437
S.B. 1287.....	57
S.B. 1306.....	376
S.B. 1310.....	9
S.B. 1315.....	369
S.B. 1318.....	201
S.B. 1325.....	138
S.B. 1339.....	301
S.B. 1360.....	438
S.B. 1372.....	438
S.B. 1380.....	297
S.B. 1383.....	321
S.B. 1389.....	115
S.B. 1391.....	197
S.B. 1405.....	405
S.B. 1413.....	261
S.B. 1416.....	261
S.B. 1424.....	297
S.B. 1433.....	168
S.B. 1434.....	351
S.B. 1436.....	256
S.B. 1440.....	288
S.B. 1447.....	370
S.B. 1456.....	168
S.B. 1461.....	446
S.B. 1470.....	57
S.B. 1495.....	139
S.B. 1499.....	377
S.B. 1502.....	288
S.B. 1504.....	168
S.B. 1517.....	169
S.B. 1520.....	405
S.B. 1523.....	116
S.B. 1524.....	311
S.B. 1536.....	439
S.B. 1548.....	377
S.B. 1562.....	302
S.B. 1566.....	197
S.B. 1580.....	58
S.B. 1601.....	139
S.B. 1604.....	338
S.B. 1613.....	346
S.B. 1617.....	439
S.B. 1619.....	464
S.B. 1624.....	284
S.B. 1627.....	460
S.B. 1640.....	9
S.B. 1658.....	231
S.B. 1659.....	311
S.B. 1665.....	447
S.B. 1667.....	311

S.B. 1668.....	311
S.B. 1669.....	13
S.B. 1672.....	304
S.B. 1673.....	304
S.B. 1694.....	207
S.B. 1713.....	169
S.B. 1723.....	439
S.B. 1724.....	393
S.B. 1731.....	198
S.B. 1732.....	346
S.B. 1735.....	298
S.B. 1762.....	321
S.B. 1765.....	298
S.B. 1766.....	202
S.B. 1786.....	440
S.B. 1788.....	169
S.B. 1828.....	339
S.B. 1832.....	256
S.B. 1846.....	170
S.B. 1871.....	170
S.B. 1879.....	232
S.B. 1884.....	257
S.B. 1908.....	243
S.B. 1912.....	171
S.B. 1956.....	455
S.B. 1972.....	288
S.B. 2000.....	304
S.B. 2031.....	9
S.B. 2033.....	9
S.B. 2037.....	370

Constitutional Amendments

H.J.R. 6.....	50
H.J.R. 19.....	366
H.J.R. 30.....	366
H.J.R. 36.....	259
H.J.R. 40.....	403
H.J.R. 54.....	404
H.J.R. 69.....	301
H.J.R. 72.....	110
H.J.R. 90.....	12
H.J.R. 103.....	131
S.J.R. 13.....	408
S.J.R. 20.....	15
S.J.R. 29.....	408
S.J.R. 44.....	408
S.J.R. 57.....	10
S.J.R. 64.....	440
S.J.R. 65.....	10

Gubernatorial Vetoes

H.B. 44	16
H.B. 47	16
H.B. 48	91
S.B. 182	52
H.B. 317	120
H.B. 447	340
H.B. 541	22
H.B. 544	121
H.B. 589	121
S.B. 711	336
S.B. 718	429
H.B. 738	24
H.B. 770	347
S.B. 960	453
H.B. 971	305
H.B. 1023	341
S.B. 1053	136
H.B. 1092	29
S.B. 1097	56
H.B. 1129	31
H.B. 1179	355
H.B. 1205	462
S.B. 1234	138
H.B. 1427	124
H.B. 1503	36
H.B. 1519	373
H.B. 1667	325
H.B. 1687	39
S.B. 1735	298
H.B. 1892	417
H.B. 2006	358
H.B. 2087	396
H.B. 2103	125
H.B. 2265	361
H.B. 2622	249
H.B. 2646	157
H.B. 2713	308
H.B. 2990	46
H.B. 3084	400
H.B. 3200	47
H.B. 3281	270
H.B. 3352	293
H.B. 3457	160

H.B. 3609	365
H.B. 3619	295
H.B. 3647	365
H.B. 3934	131
H.B. 4065	464
H.B. 4091	286
H.B. 4113	286
H.B. 4123	287

Sunset Bills

H.B. 12	378
H.B. 2024	380
H.B. 2173	380
H.B. 2426	381
H.B. 2427	383
H.B. 2458	383
H.B. 2460	384
H.B. 2542	385
H.B. 2543	386
H.B. 3140	387
H.B. 3249	387
H.B. 3426	388
H.B. 3560	388
S.B. 904	389
S.B. 908	389
S.B. 909	390
S.B. 913	391
S.B. 914	392
S.B. 1724	393