

Senate
Research
Center

June 1995

**Highlights
of the
74th
Texas Legislature
Regular Session**

Lieutenant Governor
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Dear Reader:

Texas lawmakers came to Austin for the 74th Legislative Session better prepared with a broader agenda than any Legislature in recent history.

Lawmakers promised Texans they would improve public schools, make Texas streets safer, reform the welfare system, streamline state healthcare and balance every need in a budget without new taxes.

Recognizing the tall order, legislators went to work early--using interim committees to develop a blueprint for the session when it started and a road map that could guide their goals to a successful end.

This book, Highlights of the 74th Legislature: Regular Session, is a legislative review designed to share the scope of the Legislature's work and serve as a tool for Texans who want to know what the session means to them and their families.

Highlights of the 74th Legislature is a product of the fine work of the Senate Research Center which I rely on for the kind of timely and essential information the Legislature needs to make decisions that affect the lives of millions of Texans.

I hope you will find the book as useful as I do.

Sincerely,



BOB BULLOCK
Lieutenant Governor

BB:mwm



Table of Contents

Budget

General Appropriations Act - H.B. 1	1
Appropriation for New Corrections Institutions - S.B. 4	9
Repeal of Deferrals - S.B. 8	9
Delayed Payment to the State Highway Fund - S.B. 410	9
Use of Advance Interest Trust Funds - S.B. 867	9
Reporting Requirements for State Issued Bonds - H.B. 3109	10
Veterans' Housing Bonds - H.J.R. 34.....	10
Unissued General Obligation Bonds - H.J.R. 73	10
Relief from Local Matching Fund Requirements - S.B. 536 (Died in the House)	10
Creation of a State Match Pool for Federal Funds - S.B. 537 (Died in the House).....	11

Banking

International Transfer of Currency - S.B. 752	12
Regulation of Savings Institutions - H.B. 1020	13
Banking Commissioner Access to Criminal History Records - H.B. 1298	13
Banking Code Revision - H.B. 1543.....	14
Foreign Credit Unions - H.B. 2527	15
Conservation of Credit Unions - H.B. 2529.....	15
User Safety at Unmanned Teller Machines - H.B. 2745	15
Deposit of Public Funds - S.B. 1207 (Died in the House)	16
Home Equity Lending - S.J.R. 25 (Died in the House)	16

Business

Negotiable Instruments	19
Incentives to Businesses Locating or Expanding in Enterprise Zones - H.B. 2065	19
Regulation of Investment Securities - H.B. 3200	21
Debt Cancellation Contract on Motor Vehicles - H.B. 1586	21

Civil Justice Reform

Changes to Exemplary Damages in Civil Suits (Punitive Damages) - S.B. 25	22
Responsibility for, and Recovery of, Damages in Tort Actions (Joint and Several Liability) - S.B. 28	23
Attorney's Fees For Frivolous Lawsuits and Defenses - S.B. 31	23
Venue in Civil Actions - S.B. 32	25
Application of the Doctrine of Forum Non Conveniens to Certain Actions - S.B. 400	26
Civil Remedies for Deceptive Trade Practices and Certain Related Consumer Claims - H.B. 668.....	26
Damages for Injuries Incurred While Committing an Offense - H.B. 692	27
Health Care Liability Claims - H.B. 971	28
Monetary Limits to Private Landowner Liability - H.B. 2085	29
Indemnification in Construction Contracts - S.B. 341 (Died in the House)	29
Binding Mediated Settlements - S.B. 1240 (Died in the House)	29

Criminal Justice/Juvenile Justice

Reform of the Juvenile Justice System - H.B. 327	30
Conflict Resolution Training for Children in Correctional Facilities - S.B. 242	32
Conflict Resolution Training for TYC Juveniles - S.B. 243	32
Alcohol Awareness Courses for Minors - H.B. 1375	32
Notification of Student Criminal Activity - H.B. 1687	33
Buffalo Soldier Heritage Pilot Program for At-Risk Youth - H.B. 2031	33
Aerosol Paint Regulation - S.B. 707	33
Pleas Entered by a Minor - S.B. 577 (Died in the House)	33

Criminal Justice/Domestic Violence

Domestic Violence/Testimony Against a Spouse - S.B. 128	35
Emergency Protective Orders for Victims of Domestic Violence and Stalking - S.B. 129	35
Documentation of Domestic Violence - S.B. 131	35
Penalties for Repeat Domestic Violence Assault - S.B. 134	36
Violation of a Protective Order - S.B. 135	36
Notice of Release of Domestic Violence Offender - S.B. 223	36
Reporting of Family Violence - S.B. 224	36
Domestic Violence/Standby Assistance From Peace Officer - S.B. 284	37
Programs on Domestic Violence - H.B. 1053	37
Judicial Training on Domestic Violence, Sexual Assault, and Child Abuse - H.B. 1551	37
Holding Time for a Person Accused of Domestic Violence - S.B. 285 (Died in the House)	38

Criminal Justice/Stalking

Notice of Release of Stalker - S.B. 124	39
Elimination of Stalking Reporting Requirement - S.B. 126	39
Liability for Stalking - H.B. 43	39
Increased Holding Time for a Person Accused of Stalking - S.B. 127 (Died in the House)	39

Criminal Justice/Sex Offenders

Mandatory Sentencing of Sex Offenders - S.B. 45	41
Training on Sex Offender Characteristics - S.B. 80	41
Creation of Child Safety Zones - S.B. 111	42
Exchange of Information about Sex Offenders - S.B. 149	42
Elimination of Polygraph Test Requirement - S.B. 222	42
Public Notification of Sex Offender Residence - S.B. 267	43
Regulation of Sexual Assault Programs - S.B. 1175	44
Voluntary Castration of Repeat Sex Offenders - S.B. 40 (Died in the House)	45

Criminal Justice/Victims' Rights

Victim Statement in Court - S.B. 39	46
Notification That an Offender Has Escaped - S.B. 46	46
Notification That an Offender has Been Placed on Community Supervision (Probation) - S.B. 47	46
Victim Impact Statement - S.B. 48	46
Lien Against the Property of a Criminal - S.B. 494	47
Expansion of Health Care Benefits to Victims of Violent Crimes - S.B. 1049	47
Creation of a Crime Victims' Institute - S.B. 1276	48
Authorization to Attend an Execution - S.B. 38 (Died in the House)	48
Wage Garnishment for Compensating Crime Victims - S.J.R. 43 (Died in the House)	49

Criminal Justice/Firearms

Permit to Carry a Concealed Handgun - S.B. 60 50
Reckless Discharge of a Firearm - S.B. 68 51
Use of Deadly Force - H.B. 94 51
Weapons and Protective Orders - S.B. 130 52
School Gun-Free Zones - S.B. 840 52
Children's Access to Firearms - H.B. 44 52
Weapons and Self Defense Claim - H.B. 981 53
Forfeiture and Destruction of Weapons - S.B. 272 (Died in the House) 53

Criminal Justice/General

New Offenses, Penalties, and Prosecution, Sentencing, and Inmate Housing Provisions -
S.B. 15 54
Restoration of Forfeited Good Time in TDCJ-ID - S.B. 44 56
Review of the Citizenship Status of Inmates - S.B. 279 56
Death Penalty Appeals - S.B. 440 57
Hospice Services for Prison Inmates - S.B. 569 57
Offense of Securing Execution of a Document by Deception - S.B. 698 57
Penalty for Organized Criminal Activity - S.B. 1090 57
Capacities of County Jails and the Separation of Inmates - S.B. 1168 58
Notification of Holders and Owners of Seized Contraband - S.B. 1217 58
Attorney General Assistance to Local Prosecuting Attorneys - S.B. 1379 58
Establishment of a DNA Database - H.B. 40 58
Sentencing for Intoxication Manslaughter - H.B. 93 59
Participation of Certain Defendants in County Jail Work Release Programs - H.B. 179 59
Inmate Access to Public Records and Personal Information - H.B. 949 59
Criminal Check in Adoptions - H.B. 1108 60
Employment Services for Former Prison and State Jail Inmates - H.B. 1180 60
Authority of Peace Officer from Adjoining State - H.B. 1155 61
Limiting Inmate Lawsuits - H.B. 1343 61
Release of Certain Inmates of the Institutional Division of the Texas Department of
Criminal Justice - H.B. 1433 62
Theft of Cattle, Horses, and Other Livestock - H.B. 1957 62
Efficient Administration of the Criminal Justice System - H.B. 2162 63
Court Ordered Treatment Program for a Chemically Dependent Person - H.B. 2389 64
Jurisdiction of Peace Officers - H.B. 2614 64
Pyramid Schemes - H.B. 2771 64
Fee for Fingerprinting Service - H.B. 3017 65
Offenses Motivated by Bias or Prejudice - S.B. 141 (Died in the House) 65
Grounds for Reversing a Criminal Case - S.B. 280 (Died in the House) 65
Operation of Sobriety Checkpoints - S.B. 357 (Died in the House) 66
Offense of Ticket Scalping for Certain Events - S.B. 495 (Died in the House) 66
Inmate Liability for Damage to State Property - S.B. 693 (Died in the House) 67
Expansion of the Offense of Barratry - S.B. 720 (Died in the House) 67
Enhanced DWI Penalties - S.B. 853 (Died in the House) 67
Driver's License Suspension for Drug Offenses - S.B. 1403 (Died in the House) 68
Offense of Obstruction of Justice - S.B. 1582 (Died in the House) 68

Economic Development

Removal of Restrictions on Investments with South Africa - S.J.R. 7	69
Bonding Authority for Texas Agricultural Projects - S.J.R. 51	69
Platting Requirements in Colonias - H.B. 1001	70
Eligibility for Unemployment Compensation Benefits - H.B. 1027	71
Loans Under the Historically Underutilized Businesses Programs - H.B. 1991	71
Economically Distressed Areas (Colonias) - H.B. 2875	71
Certification of Historically Underutilized Businesses - S.B. 189 (Died in the House)	71
Self-Employment Assistance Program - S.B. 215 (Died in the House)	71
Creation of Sports Facility Enterprise Zones - S.B. 1346 (Died in the House)	72
School-to-Work Training - S.B. 1528 (Died in the House)	73

Education/Public Education

Education Code Revision - S.B. 1	75
Release of Academic Performance Reports - S.B. 100 (Died in the House)	77

Education/Higher Education

Tuition Exemptions for Certain Veterans and Their Children - S.B. 114	78
Junior College District Service Areas - S.B. 397	78
Energy Conservation for Higher Education - S.B. 726	78
State Postsecondary Review Program - S.B. 1228	79
Transfer of East Texas State University to the Texas A&M University System - S.B. 1299	79
Tuition-Free Education for Senior Citizens - H.B. 29	79
Distance Learning Master Plan - H.B. 85	79
Tuition Exemption for Military Veterans - H.B. 699	80
Recreational Facility for University of Texas at Dallas - H.B. 815	80
Prepaid Higher Education Tuition Program - H.B. 1214	80
College Credit for High School Students - H.B. 1336	82
Early High School Graduation Scholarship Program and Tuition Exemptions - H.B. 1479	82
Tuition Rate Increases - H.B. 1792	82
Transfer of Lamar University System to the Texas State University System - H.B. 2313	82
Transfer of Baylor College of Dentistry to the Texas A&M University System - H.B. 2495	83
TSTC-Amarillo to Amarillo College - H.B. 2507	83
Bond Authority for Student Loans - H.J.R. 50	83
Transfer of Texas A&M International University to the U.T. System - S.B. 11 (Died in the House)	83

Education/Funding

Accelerated Payments to School Districts and Institutions of Higher Education - S.B. 407	84
Higher Education Assistance Fund Allotments - H.B. 2462	85

Fiscal Management

Regulation of State Deposits - S.B. 1128	87
Requirements for Governmental Entities Investing Public Funds - H.B. 2459	87
Duties of the Texas Public Finance Authority - H.B. 1013	88

Gaming

Regulation of Bingo - H.B. 3021	90
Regulation of Lottery Ticket Sales - H.B. 3031	91
Prohibition Against the Sale of Lottery Tickets of Another State in Texas - S.B. 1330 (Died in the House)	91

Health and Human Services/Welfare

Welfare Reform - H.B. 1863	92
Texas Food Security Council - H.B. 2856	95

Health and Human Services/Medicaid

Medicaid Reform - S.B. 10	97
Standards for Managed Care Organizations that Serve Medicaid Clients - S.B. 600	99
Education Programs for Medicaid Providers and Clients - S.B. 601	99
Development of Medicaid Databases - S.B. 602	100
Pilot Program for Medical Savings Accounts for Medicaid Recipients - S.B. 604	100
Fees for Parents of Children in State Hospitals and State Residential Mental Retardation Facilities - S.B. 605	100
Application for Federal Medicaid Waivers - S.C.R. 55	101
State Vendor Drug Program - S.C.R. 56	101
Federally Qualified Health Centers - S.C.R. 57	102
Medicaid and Home and Community Based Services - S.C.R. 58	102
Medicaid and Medical Savings Accounts - S.C.R. 60	102
Definition of Medicaid Fraud - H.B. 2523	103
Nursing Facilities - H.B. 2644	103
Rules for a Managed Care Medicaid Program - S.B. 603 (Died in the House)	104

Health and Human Services/Children

Children's Advocacy Centers and Child Fatality Review and Investigation - S.B. 81	105
Possession and Delivery of a Missing Child - S.B. 789	105
Enforcement of Child and Medical Support - S.B. 793	106
Race or Ethnicity as a Factor in Adoption - S.B. 1487	107
Breast-Feeding Rights and Policies - H.B. 359	108
Regulation of Suits Affecting Parent-child Relationship - H.B. 433	108
Children's Trust Fund - H.B. 982	110
Social Study of an Adoptive Home - H.B. 1109	110
Definition of Child Labor - H.B. 1323	110
Tests for (HIV) Infection for Pregnant Women on Delivery of a Child - H.B. 1345	111
DPRS - Child Care Standards - H.B. 1662	111
Child Abuse Investigation - H.B. 2569	112
Electronic Child-Care Data Processing System - H.B. 1649	112
Sale of Tobacco Products to Minors - H.B. 2460	112
Bicycle Helmet Safety Law - S.B. 337 (Died in the House)	113
Healthy Start/Healthy Families Program - S.B. 1343	113

Health and Human Services/Health Care

Powers of the M. D. Anderson Cancer Center - S.B. 192	115
Cost-Effective Health Care Purchasing by a State Agency - S.B. 406	115
Disclosure of Care For Residents With Alzheimer's Disease - S.B. 436	115
Mental Health Commitment - S.B. 513	116
Choice of Pharmacy in a Managed Care Plan - S.B. 628	116
Hospital Record Protection - S.B. 667	116
Revisions to Assorted Health Care Provisions - S.B. 673	118
Increase in Physicians for Medically Underserved Areas - S.B. 979	120
Maternal and Infant Health Services - S.B. 1229	121
Powers and Duties of the State Board of Physician Assistant Examiners - S.B. 1302	121
Creation of the Physician's Peer Health Assistance Program - S.B. 1303	123
Contractual Arrangements Among Health Maintenance Organizations - S.B. 1407	124
Licensed Psychological Associates - S.B. 1514	124

Loan Reimbursement Program for Rural Physician Assistants - S.B. 1604	125
Powers and Duties of the Health and Human Services Commission - S.B. 1675	125
Rabies Control - H.B. 721	126
Professional and Licensed Vocational Nurses' Practice Act - H.B. 883	126
Home Testing Kits for HIV - H.B. 988	127
Regulation of Orthotists and Prosthetists - H.B. 1193	128
Information about Community-Based Services - H.B. 1698	129
Hepatitis B Immunization Requirements for School Admission - H.B. 1745	129
Provision of Long-Term Care Services - H.B. 2698	130
Regulation of Health Care Delivery by Nonprofit Corporations - H.B. 3111	130
Patient Protection Act - H.B. 2766	131

Health and Human Services/General

Reinstatement of the State Board of Dental Examiners - S.B. 18	134
Protective Services for Persons who are Elderly or Disabled - H.B. 1111	135
Criminal History Checks of Applicants Serving the Elderly or Disabled - H.B. 2704	136
Duties of the Texas Commission for the Deaf and Hearing Impaired - H.B. 2859	136
Creation of the Guardianship Resource Board - S.B. 103	137

Insurance

Interest on Noncompliant Insurance Claims - S.B. 598	138
Approval of Insurance Forms - S.B. 1637	138
Insurance Rate Regulation - H.B. 1988	139
Continuation of the Workers' Compensation Commission - H.B. 1089	141
Continuation of the Workers' Compensation Insurance Fund - H.B. 1090	143
Consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for Workers' Compensation - H.B. 1091	144
Financial Solvency Requirements for Insurers - H.B. 1243	145
Prohibition Against Insurance Redlining - H.B. 1367	146
Investigation, Prosecution, and Punishment of Insurance Fraud - H.B. 1487	147
Regulation of Insurance Companies - H.B. 2793	148

Jurisprudence

Operations of a Grand Jury - S.B. 1074	149
Location of Supreme Court Venue - S.J.R. 40	149
Protective Orders - H.B. 418	150
Modification of a Court-Ordered Conservatorship on Conviction of Child Abuse - H.B. 647	150
Appointment of Persons Guilty of Crimes of Abuse as Guardians - H.B. 1195	150
Failure to Appear for Jury Duty - H.B. 1204	150
Name Change - H.B. 1879	151
Appointment of a Receiver to Manage a Multiunit Residential Property if it is a Common Nuisance - H.B. 2042	151
Uniform Transfers to Minors Act - H.B. 2268	151
Statute of Limitations - H.B. 2330	151
Jury Selection Methods - H.B. 2951	151
Abolition of County Constable Office in Certain Counties - H.J.R. 80	152
Durable Power of Attorney Records - S.B. 172	152
Creation of the Offense of Preventing Execution of the Civil Process - H.B. 2331	152
Supreme Court Rule and Attorney-Client Relationship - H.B. 2987	152
Serving of Court Proceedings on the Attorney General - S.B. 1626 (Died in the House)	153
Nonpartisan Elections and Retention Elections of Certain Judges - S.J.R. 26 (Died in the House)	153

Local Government

Abatement of Public Nuisances by Counties - S.B. 595	155
Hidalgo County Court Judges - H.B. 3181	155
Recall of Officials in General-Law Municipalities - S.B. 95 (Died in the House)	156
Photographic Traffic-Control Systems - S.B. 317 (Died in the House)	156
Photo Ticketing - S.B. 876 (Died in the House)	156
Noise Abatement for Airports - S.B. 954 (Died in the House)	157
County Water and Sewer Systems in Unincorporated Areas of the County - S.B. 1462 (Died in the House)	157
Consolidated County Government - S.J.R. 47 (Died in the House)	157

Natural Resources/Agriculture

Certification of Agricultural Products and Production Processes - S.B. 810	158
Powers and Duties of the Boll Weevil Eradication Board - S.B. 1196	159

Natural Resources/Air

Emissions Testing Moratorium - S.B. 19	160
Resumption of Vehicle Emissions Testing - S.B. 178	160
Employer Trip Reduction Program Delay - S.B. 290	161
Air Permit Renewals - S.B. 1125	162
Air Permit Modifications - S.B. 1126	162

Natural Resources/Colonias

Cancellation of Undeveloped Land in Colonias Subdivisions - S.B. 542	164
Establishment of Colonia Self-Help Centers - S.B. 1509	165
Regional Planning for Water and Sewer Services to Colonias - S.B. 953 (Died in the House)	165

Natural Resources/Fuels

Alternative Fuels Requirements - S.B. 200	167
Financing of Alternative Fuels Projects - H.B. 1441	167
Petroleum Storage Tank Regulation - H.B. 2587	168
Liquefied Petroleum Gas System Installers or Servicers/Liability Limits - S.B. 417 (Died in the House)	170

Natural Resources/Waste Management

Waste Tire Recycling - S.B. 776	171
Used Oil Recycling - S.B. 1683	171
Improper Disposal of Medical Waste, Providing Penalties - H.B. 1644	172
Voluntary Cleanup Program for Solid and Hazardous Wastes - H.B. 2296	173
Funds for Lead-Acid Battery Recycling Activities - S.B. 933 (Died in the House)	174
Beneficial Land Application of Sludge - S.B. 977 (Died in the House)	174
Radioactive Waste Disposal - S.B. 1697 (Died in the House)	175

Natural Resources/Water

Procedural Uniformity Between Water Districts - S.B. 626	177
Exclusion of Non-irrigated Property from Water Districts - S.B. 1172	177
Authority to Enter Property - S.B. 1619	178
Establishment of a Board of Directors to Administer the Edwards Aquifer Authority - H.B. 3189	178
Coastal Management Program - H.B. 3226	179
Storage of State Water in Underground Aquifers - H.B. 1989	180

Requirements for Water Quality Standards - S.B. 298 (Died in the House)	180
Reinstatement of the Edwards Underground Water District - S.B. 418 (Died in the House).....	181

Natural Resources/Wildlife

Controlled Killing of a Wild Animal - S.B. 97	182
Management of Wildlife and Exotic Animals - S.B. 329	182
Texas Parks and Wildlife Department Permits - H.B. 1964	183
Regulation of Exotic Livestock and Fowl - H.B. 2245	183
Management of Wildlife Resources by TPWD - S.B. 1106 (Died in the House)	184

Natural Resources/General

Applications for Oil and Gas Permits from Noncompliant Operators - H.B. 1407	185
Pilot Community Gardens and Farmers Market Program on Underused State Property - H.B. 2198.....	185
Parks and Wildlife Fees and License Requirements for Residency - H.B. 1785.....	186
Authorization to Use Information Collected on Private Property - H.B. 2133	186
Voluntary Environmental, Health and Safety Compliance - H.B. 2473	186
Transfer of the State Energy Office - H.B. 3086	187
Exemption of Property Owners From Abandoned or Inactive Pits - S.B. 226 (Died in the House)	187
Cost-Benefit Analyses of Environmental Rules - S.B. 978 (Died in the House)	187

Property Rights

Private Real Property Rights Preservation Act - S.B. 14.....	189
Assessment of Damages in the Condemnation of Real Property - S.B. 899 (Died in the House)	190

Regulation

Restricted Sale of Wine for Off-Premises Consumption - S.B. 414.....	191
Disclosure in Real Estate Transactions - S.B. 489.....	191
Motorcycle Helmet Law Exemptions - S.B. 1363	192
Prohibition Against Direct Shipments of Alcoholic Beverages - H.B. 2355.....	192
Liquor Industry Fair Dealing Law - H.B. 2732	192
Ban on Smoking in State Buildings - S.B. 65 (Died in the House)	192
Functions of the Texas Real Estate Commission - S.B. 1636 (Died in the House).....	193

State Affairs/Agencies

Teacher Retirement System - S.B. 9	194
Texas Natural Resource Conservation Commission Hearings - S.B. 12	195
Continuation and Composition of the Texas Commission on the Arts - S.B. 360	196
Removal of the Guadalupe-Blanco River Authority From Sunset - S.B. 361	197
Duties of the Texas Historical Commission - S.B. 365	197
Continuation of the Texas State Library and Archives Commission - S.B. 366	198
Powers and Duties of the Equine Research Account Advisory Committee - S.B. 368	199
Continuation of the State Preservation Board - S.B. 369.....	199
Powers and Duties of the Texas Food and Fibers Commission - S.B. 371	200
Continuation of the Department of Agriculture - S.B. 372.....	201
Sunset Act Review - S.B. 374.....	201
Changes to the Employees Retirement System - S.B. 1231	202
Abolition of Inactive State Agencies and Creation of a New Texas Commission on Alcohol and Drug Abuse - S.B. 1428	203
Abolition of the State Treasury - S.J.R. 1	204

Continuation of the Office of State-Federal Relations - H.B. 1399	205
Duties of the Secretary of State - H.B. 3199	206
Notice for Rules Under the Administrative Procedure Act - S.B. 1296	206
Federal Fair Housing Laws - H.B. 1457	207
Confidentiality of Department of Insurance Information - H.B. 2257	207
TRS Executive Director Residency - S.B. 399 (Died in the House)	207
Affordable Housing and Emergency Nutrition - S.B. 1333 (Died in the House)	208

State Affairs/Elections and Ethics

Judicial Campaign Fairness Act - S.B. 94	209
Changes to Reporting Requirements of Lobbyists - S.B. 452	210
Prohibition on Contributions to Legislative Caucuses - H.B. 2	211
Authorization to Vote by Mail - S.B. 654 (Died in the House)	212
Prosecution of Election Violations - S.B. 828 (Died in the House)	212
Term Limits - S.J.R. 4 (Died in the House)	212

State Affairs/Information Access

Legislative Information on the Internet - S.B. 1453	213
Texas Register on the Internet - H.B. 2304	214
Poison Control Communications - H.B. 2307	214
State Library Grants for Public Access to Electronic Information - H.B. 2540	215
Creation of the Texas Information Access Advisory Council - S.B. 734 (Died in the House)	215

State Affairs/Open Meetings/Open Records

Prohibition of Filing a Suit on a Person Who Requests Information Under the Open Records Act - S.B. 636	216
Staff Briefings Under the Open Meetings Act - S.B. 246 (Died in the House)	216

State Affairs/Public Employees

State Employee Social Security Taxes - S.B. 102	217
Changes to the Whistleblower Act - H.B. 175	217
Limitations on the Liability of Public Servants - H.B. 383	218
Service Credit and Eligibility from ERS - H.B. 384	219
Texas County and District Retirement System Changes - H.B. 2283	219
Participation and Credit in the Texas Municipal Retirement System - H.B. 2168	220
Personnel Files of Police and Fire Departments - S.B. 695	221
TABC Disciplinary Actions - S.B. 914	221
Police Officer and Fire Fighter Complaints - S.B. 1013	222

State Affairs/General

Administration of the State Cemetery - S.B. 21	223
Flag Exchange With Mexico - S.B. 627	223
Information Required for Driver's License - S.B. 1252	223
Disposition of Certain State Property - S.B. 1262	223
Regulation of the Relationship Between Landlords and Tenants - S.B. 1334	224
Enforcement of Certain Regulations Regarding the Employment of Children - H.B. 1028	225
Disqualification From Benefits - H.B. 1086	226
Addition of "Multiracial" to Racial and Ethnic Classifications - S.B. 1069 (Died in the House)	226
Marine Military Academy - S.B. 524	226
Registration of Charitable Organizations - S.B. 1214 (Died in the House)	226
Penalty for Smoking Outside Designated Smoking Areas - S.B. 1237 (Died in the House)	227

Security Device in Rental Dwellings - S.B. 1426 (Died in the House)	227
Study on Establishing a Motion-Picture Soundstage Facility - S.B. 1677 (Died in the House)	227

Tax/Revenue

Awareness of Earned Income Tax Credits - S.B. 255	228
Reinvestment Zone Tax Refunds - S.B. 345	228
Tax Enforcement - S.B. 401	228
Collection of Attorney Tax - S.B. 403	229
Property Tax Exemption For Certain Theaters of Performing Arts - S.B. 428	229
Mixed Beverage Tax Administration - S.B. 643	229
Franchise Tax Administration - S.B. 644	230
Transfer of Alcoholic Beverage Tax Stamps Administration - S.B. 686	230
Protests of Appraised Property Value - S.B. 783	230
Local Sales Tax for Landfills and Criminal Detention Centers - S.B. 821	231
Sales Tax Exemption for Training Aircraft -	231
Use of Resale Certificates in Mexico - S.B. 982	232
Local Sales Tax Calculation - S.B. 1136	232
Transfer of Tax Liens - S.B. 1387	232
Transfer of Responsibility for Motor Vehicle Sales Taxes - S.B. 1445	232
Tax Refunds for Enterprise Projects - S.B. 1629	233
Property Tax Exemption/Charitable Organization - S.J.R. 36	233
Encumbrances on Homestead Property - S.J.R. 46	233
Elimination of Tax Credits for Gas Utilities - H.B. 176	234
Gas Production Tax Exemption - H.B. 398	234
Repeal of Sales Tax Exemption for Inmates - H.B. 462	234
Tax Exemption Rights as Condition of Loan - H.B. 947	234
Property Tax Exemption/Surviving Spouse - H.B. 1127	235
Calculation of an Effective Tax Rate - H.B. 1537	235
Increase in Veterinarian's License Renewal Fee - H.B. 1620	235
Installment Payments of Taxes on Property in Disaster Areas - H.B. 2197	236
Appraisal Review Board - H.B. 2610	236
Clarification of Property Tax Exemptions for Religious Organizations - H.B. 2613	237
School Tax Abatements for Reinvestment Zones - H.B. 2860	237
Property Tax Exemption/Personal Property and Mineral Interests - H.J.R. 31	237
Tax Exemptions for Boats and Commercial Equipment - H.J.R. 35	237
Property Tax Exemption/Surviving Spouse - H.J.R. 64	238
Property Tax Exemption/Veterans - H.J.R. 68	238
Taxes on Open-Space Land Used for Wildlife Management - H.J.R. 72	238
Guidelines for County Appraisal Districts - S.B. 1413 (Died in the House)	238
Property Tax Exemption/Public Port - S.B. 1564 (Died in the House)	239

Telecommunications

Exemption for Caller ID Telephone Services from Definition - S.B. 1158	240
Regulation of Telecommunications Services - H.B. 2128	240
Changes in State Communications Law to Conform with Current Federal Law - S.B. 1319 (Died in the House)	248
Letter of Agency to Initiate a Primary Long Distance Carrier Change - S.B. 1644 (Died in the House)	249

Transportation

Trucking Deregulation - S.B. 3	250
Recodification of the Transportation Code - S.B. 971	251
Authority to Contract for Environmental and Cultural Assessments of Construction Sites - S.B. 1058	251
Creation of the Center for Ports and Waterways - S.B. 1223	252
Failure to Appear on a Fine for a Traffic Law Violation - S.B. 1504	253
Permitting of International Bridges Between Texas and Mexico - S.B. 1633	253
Placement of Vehicle Registration Stickers - H.B. 1542	254
Disabled Parking Ordinances - H.B. 2083	254
Highway Improvement Contracts - H.B. 2176	254
Abolishment of High-Speed Rail Authority - H.B. 2390	255
Funding of Mass Transportation Projects - H.B. 2496	255
Weight of Vehicles Transporting Recyclable Materials - H.B. 2584	255
Regulation of Rural and Small Urban Transportation Districts - H.B. 2588	256
Transfer of the Automobile Theft Prevention Authority - H.B. 2845	257
Audit of Certain Transit Authorities - H.B. 943	257
Election of Rapid Transit Authority Boards - H.B. 2062	257
Regulation of Overweight Vehicles - S.B. 438 (Died in the House)	258
Children in Open Bed Vehicles - S.B. 445 (Died in the House)	258

Utilities

Recodification of Public Utilities Regulation - S.B. 319	259
Continuation of the Public Utility Commission and Electric Utility Regulation - S.B. 373	259
Electric Cooperative Deregulation - S.B. 1227	262
Interruption of Utilities - H.B. 2803	263
Heat Pumps and Energy Conservation Contracts - S.B. 744	263

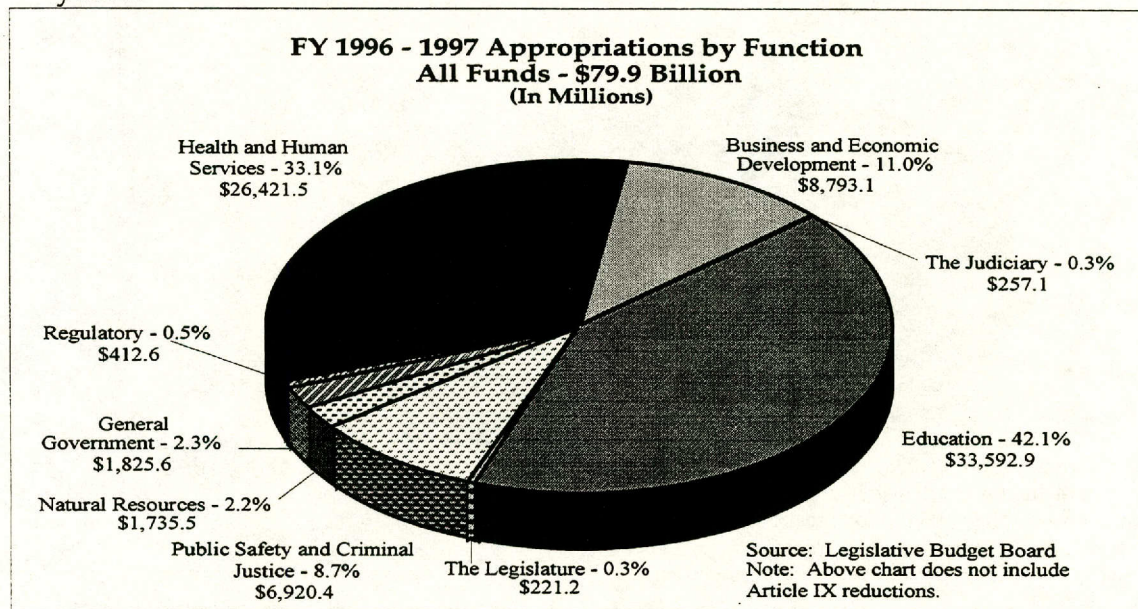


Budget

General Appropriations Act - H.B. 1

by Representative Junell - Senate Sponsor: Senator Montford

- Δ All funds for the 1996-97 biennium total \$79.9 billion from all fund sources, an increase of \$4.7 billion, or 6.2 percent, above the 1994-95 biennium. Education received the largest share of funds with 42 percent or \$33.6 billion for the 1996-1997 biennium. These amounts do not include a \$305 million prepayment to schools that will be made in August 1995.
- Δ No appropriations or payments from the treasury for 1996-97 were delayed to future years.

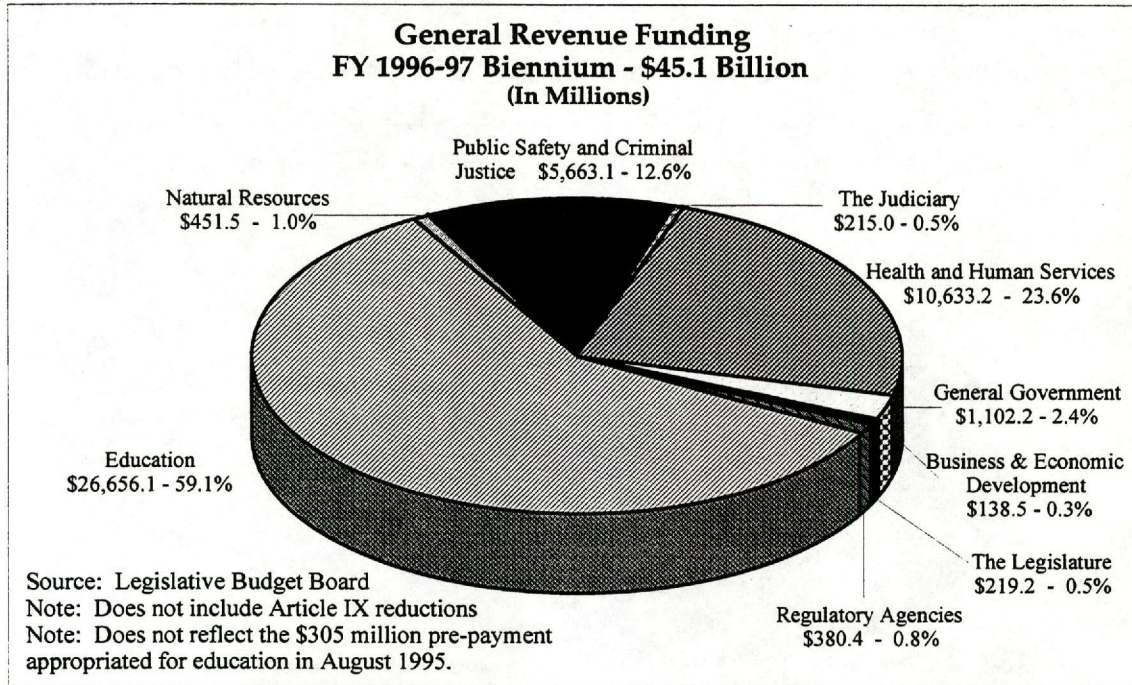


Comparison of All Funds			
FY 1996-97 Appropriated to FY 1994-95 Expended			
(In Millions)			
Function of Government	FY 1996 - 97 Appropriations	FY 1994 - 95 Expended/ Budgeted	Percent Change
General Government	\$1,825.6	\$1,938.5	-5.8%
Health and Human Services	\$26,421.5	\$24,013.9	10.0%
Education	\$33,592.9	\$31,293.0	7.3%
The Judiciary	\$257.1	\$249.3	3.1%
Public Safety and Criminal Justice	\$6,920.4	\$7,332.6	-5.6%
Natural Resources	\$1,735.5	\$1,477.7	17.4%
Business and Economic Development	\$8,793.1	\$8,262.9	6.4%
Regulatory Agencies	\$412.6	\$387.0	6.6%
General Provisions	(\$327.6)	\$0.0	NA
The Legislature	\$221.2	\$219.0	1.0%
Total For Biennium	\$79,852.3	\$75,173.9	6.2%

Source: Legislative Budget Board

Budget

△ **General revenue-related funds**, including funds consolidated with the General Revenue Fund, totals \$45.1 billion for the 1996-97 biennium, an increase of \$4.1 billion, or 9.9 percent, compared to the 1994-95 biennium. State-funded education received the largest share of general revenue funding of \$26.7 billion, or 59 percent, for the 1996-97 biennium. The chart below shows the amount of general revenue-related appropriations by function and as a percentage of total government appropriations



Comparison of General Revenue-Related and General Revenue-Consolidated FY 1996-97 Appropriated to FY 1994-95 Expended/Budgeted (In Millions)			
Function of Government	FY 1996 - 97 Appropriations	FY 1994 - 95 Expended/ Budgeted	Percent Change
General Government	\$1,102.2	\$1,202.5	-8.3%
Health and Human Services	10,633.2	9,562.1	11.2%
Education	26,656.1	24,504.3	8.8%
The Judiciary	215.0	204.6	5.1%
Public Safety and Criminal Justice	5,663.1	4,399.4	28.7%
Natural Resources	451.5	394.1	14.6%
Business and Economic Development	138.5	167.5	-17.3%
Regulatory Agencies	380.4	359.4	5.9%
General Provisions	(374.6)	0.0	NA
The Legislature	219.2	212.9	3.0%
Total For Biennium	\$45,084.6	\$41,006.8	9.9%

Note: Does not reflect the \$305 million pre-payment appropriated for education in August 1995.

Source: Legislative Budget Board

Budget

Texas Performance Review (TPR) Proposals

Δ Savings from the following TPR proposals were used to balance the budget. Various other savings measures were also incorporated into the budget.

Texas Performance Review Proposals Included in the Recommended Appropriations	
Proposals	Biennial Savings (In Millions)
Savings	
Reduce Teacher Retirement System Contribution rate to 6.0%	\$172.0
Lower the Medicaid drug dispensing fee	50.3
Reduce criminal justice system costs	40.3
Increase federal reimbursements for mental health and mental retardation	29.3
Earn commissions on inmates' telephone services	5.0
Reorganize the Railroad Commission's transportation functions	3.2
Eliminate the Texas Innovation Information Network System	0.5
Reduce state employee growth*	0.0
Total Savings	\$300.6
Additional Revenue	
Reengineer the state's tax processing system (net)	\$213.8
Increase lottery income to the General Revenue Fund	171.0
Update comptroller's tax enforcement authority	41.6
Identify incarcerated illegal aliens	26.1
Repeal the delay of contributions to the retirement system	2.3
Improve enforcement of the attorney occupation tax	1.7
Collect sales tax on inmate purchases	1.5
Total Additional Revenue	\$458.0
Source: Legislative Budget Board	
Note: *Instead of implementing the TPR recommendation, the legislature chose to make a \$300 million across-the-board reduction in appropriations. Fifty percent will come from reductions in salaries and personnel expenses.	

Budget

Public Schools. All funds for public education total \$23.2 billion, an increase of \$2.6 billion or 12.4 percent. General revenue-related and consolidated funds total \$19 billion, including a \$2.4 billion, or 16 percent increase in public school funding. This amount includes the \$305 million prepayment to schools which will be paid in August 1995.

- △ Appropriates full funding for the school finance law, S.B. 7 of the 73rd Legislature, which was approved by the Texas Supreme Court *Edgewood* Case.
- △ New funding of \$170 million for public school classrooms and other facilities in low-wealth districts.
- △ Includes \$292 million for a teacher pay increase authorized by S.B. 1, the Education Code rewrite.
- △ Appropriates \$25 million for new Safe Schools, alternative schools for serious offenders.
- △ Includes a \$180 million increase to maintain equity in funding for districts.
- △ Includes \$1.6 billion to pay for growth in enrollment of 180,000 additional students.
- △ Appropriates \$755.8 million for state matching of increases in local tax effort.
- △ Increases general revenue funding to purchase school books by \$26.8 million above the 1994-95 level. A total of \$535.8 million is appropriated for textbook purchases.
- △ Raises the state's share, compared to local districts, of public education funding from 45 to 47 percent.

Health and Human Services. The second largest function of government supported by the state budget is health and human services, which amounts to \$26.4 billion of all funds. General revenue-related and consolidated funds appropriations to health and human services total \$10.6 billion, which represents an increase of 11.2 percent above the 1994-95 level.

- △ Increases funding by \$32 million or 56 percent for juvenile justice prevention programs.
- △ Increases state funding by \$13.0 million for tuberculosis elimination, rabies control, and kidney health services.
- △ Increases funding by \$172.4 million or 21 percent for community care for the elderly and disabled.

Budget

- △ Reallocates funding to implement welfare reform initiatives such as fingerprint imaging to prevent duplication of benefits; emergency cash assistance to families in crisis; employment-related child care services, adult literacy activities, etc.
- △ Includes \$6.5 billion in total state funding for Medicaid, an increase of \$1.1 billion or 21 percent to cover 160,000 additional Medicaid recipients.
- △ Increases funding for child care services for low-income families by \$26.0 million or 73.5 percent.

Public Safety and Criminal Justice. General revenue funding for criminal justice and public safety, the third largest function of the state budget, will increase by \$1.3 billion, or 28.7 percent in FY 1996-97. All funds for criminal justice and public safety will decrease by \$412.2 million or 5.6 percent below the 1994-95 level, due primarily to the reduction in funds for construction expenses compared to the 1994-95 biennium.

- △ Appropriates a \$34.4 million increase in funding to implement changes in juvenile sentencing, intervention and substance abuse treatment services. Establishes funding for increased juvenile probation services including a grant program for additional detention facilities at the local level.
- △ Provides general obligation bond funding for an additional 2,360 secure beds for implementation of the juvenile justice reform legislation. These beds will be phased in through fiscal years 1998-99.
- △ Provides funding for the operation of all new prison and state jail facilities which represents the operation of 78,000 new beds, or 53.3 percent of the prison system.
- △ Provides \$279 million in general obligation bond appropriations for construction of facilities, including approximately 8,000 secure prison beds.
- △ Increases appropriations by \$71.8 million, or 42.9 percent, for the operation of Texas Youth Commission facilities.
- △ Appropriates \$241.9 million for managed health care and psychiatric care for the increase in prison population.

Higher Education. All funds for higher education total \$10.7 billion, an increase of \$363 million, or 3.5 percent, above the 1994-95 biennium. General revenue-related and consolidated funds appropriations total \$6.3 billion representing an increase of \$429 million, or 7.3 percent, above the 1994-95 level.

- △ Appropriates an additional \$250 million, or a 125 percent increase to the Higher Education Fund, above the 1994-95 level, bringing it to \$450 million. The funds will be distributed based on a statutory formula.

Budget

- △ Appropriates an additional \$18 million for health professional education programs in the South Texas/Border Region to address the region's shortage of health care professionals.
- △ Includes \$25 million in new funds or a 50 percent increase for tuition equalization grants which are need-based scholarships awarded to low or moderate-income students attending private institutions. Awards are distributed based on the criteria established by each institution.
- △ Appropriates \$1.2 million in general revenue to the Agricultural Extension Service for integrated pest management and economic opportunities for West Texas and rural communities.
- △ Increases funding for disadvantaged and minority scholarships by \$2 million or 193 percent.
- △ Appropriates an additional \$33 million or 7.3 percent for current group insurance enrollment.

Business and Economic Development. All funds for business and economic development total \$8.8 billion, an increase of \$530.1 million or 6.4 percent, from the 1994-95 biennium. General revenue-related and consolidated funds appropriations total \$138.5 million, which is a decrease of \$29.0 million, or 17.3 percent, below the 1994-95 level.

- △ Provides a \$49.7 million increase to the Smart Jobs Fund.
- △ Appropriates \$6 million for manufacturing assistance centers to assist small manufacturing companies with emerging technologies.
- △ Appropriates additional general revenue related funding of \$11.6 million, or 30.4 percent for rural and urban public transportation systems.
- △ Appropriates \$400,000 for the Aerospace Commission to provide marketing and development for the aerospace/aviation industry in Texas. The Aerospace Commission was not funded during the 1994-95 biennium.
- △ Transfers \$171 million that was previously used to pay for administrative costs of the Lottery Commission to the General Revenue Fund. These funds helped to balance the state budget.
- △ Requires state agencies to pay 50 percent of their unemployment compensation and 25 percent of workers' compensation claims, respectively, out of appropriated funds.

Budget

Natural Resources. All funds for natural resources total \$1.7 billion, an increase of \$257.7 million, or 17.4 percent, from the 1994-95 biennium. General revenue-related and consolidated funds appropriations total \$451.5 million, which is an increase of \$57.4 million, or 14.6 percent, above the 1994-95 level.

- △ Appropriates an increase of \$120 million or 110 percent above the 1994-95 appropriation, for the Petroleum Storage Tank Remediation Program in an effort to expedite the cleanup of leaking underground storage tanks.
- △ Appropriates an increase of \$27.8 million for air-quality related programs to comply with federal Clean Air Act requirements.
- △ Appropriates \$8 million in general revenue for the restoration of the San Jacinto Monument.
- △ Provides a \$743,000 increase for the Farm and Ranch Finance Program, agricultural diversification grants, and the Young Farmer Guarantee Program.
- △ Increases grant funds for used oil recycling programs by \$10 million.
- △ Appropriates new funding of \$3.5 million for emergency financial assistance related to the acquisition, conservation or modification of water and wastewater systems in county and local water districts.

General Government. General government agencies include the Office of the Governor, and the administrative support agencies of state government including the Comptroller of Public Accounts, Treasury Department, Attorney General's Office, General Services Commission, and other agencies. All funds for general government total \$1,825.6 million and reflect a decrease of \$112.9 million, or 5.8 percent, when compared to the 1994-95 biennium. General revenue-related and consolidated funds appropriations total \$1,102.2 million, a reduction of \$100.3 million, or 8.3 percent.

- △ Provides for an increase of \$2.0 million for agency grant assistance, under the Truusted Program within the Office of the Governor, for the Disaster Contingency Fund.
- △ Makes a direct appropriation of \$1.4 million in general revenue and an estimated \$500,000 in unexpended balances from fiscal year 1995 for the State Cemetery Restoration Master Plan.
- △ Increases funding used to compensate victims of crime by \$34.4 million.
- △ Increases federal funds by \$32.9 million for child support enforcement and crime victims compensation.
- △ Provides for continued improvements in tax administration by the comptroller, resulting in increased revenue collections.

Budget

Regulatory Agencies. All funds for regulatory agencies total \$412.6 million, an increase of \$25.6 million, or 6.6 percent, from the 1994-95 biennium. General revenue-related and consolidated funds total \$380.4 million, an increase of \$21.1 million, or 5.9 percent.

- △ Increases biennial funding by \$4.9 million for the Public Utility Commission and \$1 million for the Office of Public Utility Counsel for additional responsibilities related to sunset legislation for telecommunications and electric utility regulation.
- △ Appropriates an increase of \$1.2 million in state funding to reestablish the Board of Dental Examiners.
- △ Increases staff by six full-time positions and makes an additional appropriation of \$438,000 for the Office of Consumer Credit Commissioner to identify unregistered creditors, as well as provide for increased regulation of pawn shops to prevent unfair practices against consumers.
- △ Eliminates funding for the Texas Workers' Compensation Research Center.
- △ Maintains the funding for most agency operations in the upcoming biennium at the 1994-95 levels.

The Judiciary. All funds for the judiciary total \$257.1 million, an increase of \$7.8 million or 3.1 percent above the 1994-95 biennium. General revenue-related and consolidated funds appropriations total \$215.0 million, representing an increase of \$10.4 million or 5.1 percent.

- △ Appropriates an increase of \$221,827 for the Public Integrity Unit to investigate and prosecute motor fuel tax and insurance fraud.
- △ Appropriates \$401,825 for additional staff to assist the Commission on Judicial Conduct with increasing caseloads.
- △ Appropriates an additional \$737,000 for additional attorneys, increased salaries, additional operating expenses, and additional capital items for the 14 courts of appeals.
- △ Appropriates an additional \$1 million in general revenue for computer systems for the Supreme Court, Court of Criminal Appeals, 14 courts of appeal, and the Office of Court Administration.
- △ Appropriates an additional \$2 million to the Court of Criminal Appeals to pay for attorneys to represent death row inmates who have filed writs of habeas corpus.

Budget

Appropriation for New Corrections Institutions - S.B. 4

by Senator Montford
House Sponsor: Representative Junell

- △ Requires the Texas Public Finance Authority to issue bonds in the amount of \$236.4 million from the unissued balance of general obligation bonds.
- △ Appropriates the sum of \$236.4 million to the Texas Department of Criminal Justice for the payment of expenses incurred in acquiring, constructing, or equipping new corrections institutions and 15,000 emergency beds.

Repeal of Deferrals - S.B. 8

by Senator Montford
House Sponsor: Representative Junell

- △ Repeals legislation which deferred the payment of certain obligations for the current biennium until the beginning of the FY 1996 - 1997 biennium and authorizes the final payments during the 1994-1995 biennium.
 - △ Provides \$798 million in payments as follows: Teacher Retirement System - \$245.3 million; Employees Retirement System - \$64.5 million; Foundation School Program - \$248.9 million; and Higher Education - \$239.3 million.
 - △ Funding for these payments are derived from a surplus ending balance in fiscal year 1995 of \$2 billion.

Delayed Payment to the State Highway Fund - S.B. 410

by Senator Montford
House Sponsor: Representative Junell

- △ Provides for the delay of the transfer of motor fuels revenue to the State Highway Fund from June, July, and August, 1997, to between September 5, 1997, and September 10, 1997. These provisions effectively delay the allocation from the General Revenue Fund in FY 1997 to the State Highway Fund in FY 1998, allowing the revenue to be counted as general revenue funds in FY 1997, rather than as state highway funds.

Use of Advance Interest Trust Funds - S.B. 867

by Senator Montford
House Sponsor: Representative Coleman

- △ Authorizes the Texas Employment Commission to use principal and interest earnings from the advance interest trust fund for enforcement of state labor laws, subject to legislative appropriations guidelines.

Budget

Reporting Requirements for State Issued Bonds - H.B. 3109

by Representative Romo
Senate Sponsor: Senator Lucio

- △ Requires each entity that issues state bonds to report to the Bond Review Board the amounts paid for bond counsel, financial advisors, rating agencies, and other costs of issuance. Payments are to be classified according to the race, ethnicity, and gender of the controlling ownership of each business and whether the business is domestic or foreign.
- △ Requires the Bond Review Board to send a semiannual report on the above information to the joint committee charged with monitoring the implementation of the historically underutilized business goals, and also to the legislature.

Veterans' Housing Bonds - H.J.R. 34

by Senator Brown
House Sponsor: Representative Willis

- △ Proposes a constitutional amendment that would authorize the Veterans' Land Board to issue \$500 million in general obligation bonds to finance housing for veterans. The proceeds from the sale of the bonds would augment the Veterans' Housing Assistance Fund. **Ballot Date: November 7, 1995.**

Unissued General Obligation Bonds - H.J.R. 73 and H.B. 1320

by Representative Romo
Senate Sponsor: Senator Moncrief

- △ Proposes a constitutional amendment lowering from \$500 million to \$250 million the amount of general obligation bonds authorized to be issued for the superconducting super collider. The remaining \$250 million previously authorized has already been issued. **Ballot Date: November 7, 1995.**

Relief from Local Matching Fund Requirements - S.B. 536

(Died in the House)

by Senator Ressor

- △ Would have relieved certain political subdivisions or public or private entities, from the local matching fund requirements used to acquire state and federal matching funds.
 - △ Would have authorized a state agency to waive, reduce, delay, allow in-kind contributions, or provide relief to an entity from the local matching fund requirement of a program.

Budget

- △ Would have authorized a political subdivision, or public or private entity seeking relief to make an application to the state agency that oversees the program for which funding is sought.
- △ Would have required the Governor's Budget and Planning Division to establish criteria to determine the applicant's qualification for hardship status.

Creation of a State Match Pool for Federal Funds - S.B. 537

(Died in the House)

by Senator Rossan

- △ Would have created a state match pool to be administered by the Governor's Budget and Planning Division (division), for purposes of assisting hardship applicants in acquiring federal matching funds.
 - △ Would have required a state match pool account to be created in the General Revenue Fund to provide funds for local matching fund requirements of programs.
 - △ Would have authorized a political subdivision to apply to the division for funds from this pool.
 - △ Would have required the division to grant funds from the pool if specified conditions are met.
 - △ Would have required the division to award the funds based on performance of certain activities, expenditure reports, and possible audits to ensure appropriate use of these funds.
 - △ Would have restricted the granting of awards to no more than two applications per political subdivision and no more than one per public or private entity per state fiscal year.

Banking

International Transfer of Currency - S.B. 752

by Senator Patterson

House Sponsor: Representative Henry Cuellar

- △ Makes changes to the currency transmission licensing process (wiring money) and prohibits activities of license holders in an attempt to crack down on money laundering and the transfer of money to unauthorized entities.
- △ Defines transmission of currency by electronic media as one mode of currency transmission. Defines currency transportation as physically transporting currency from one place to another. Requires a license for transporting currency. Exempts from licensing requirements those businesses engaging in currency transportation that already hold a permit to operate under other law.
- △ Authorizes the Commissioner of Banking (commissioner) to accept from a business that accepts a minimal amount of foreign currency in the course of retail, wholesale, or service transactions a written notification stating that it is exempt from licensing requirements imposed on establishments which exchange, transport, or transmit currency. Allows the commissioner to examine exempt businesses to ensure certain statutory requirements are met. Repeals requirements for annual filing of an application for exemption. Permits exemption of a person licensed under banking statutes, with prior written consent of the commissioner, if the person has a net worth of \$250,000, maintains a bond in the amount of \$350,000, and segregates currency exchange or transmission transactions from other business.
- △ Prohibits the award of a currency exchange or currency transmission license to convicted felons, persons convicted of crimes involving moral turpitude, persons convicted of transgressions of state or federal monetary instrument reporting requirements, or persons who have violated (or are married to those who have violated) state or federal drug, money laundering, immigration laws, or reporting requirements of the Bank Secrecy Act.
- △ Requires an applicant for a license to maintain a minimum net worth of \$25,000 at each location where the applicant accepts money for transmission. Limits the total required minimum net worth to \$1 million.
- △ Prohibits licensing of persons who owe delinquent taxes, fines, or fees to any taxing authority or political subdivision.
- △ Authorizes the Banking Department to investigate an applicant for a license at the expense of the applicant.
- △ Requires a licensee to obtain a bond or letter of credit for \$25,000 for a currency exchange business and \$300,000 for a currency transmission or transportation business. Authorizes the commissioner to accept U.S. currency, cash equivalent instruments, or securities in lieu of the bond or letter of credit.

Banking

- △ Prohibits any person from causing a licensee to evade reporting or record-keeping required under federal or state law.
- △ Sets forth requirements for notice and hearing procedures for the denial, revocation, or suspension of a license.
- △ Authorizes the commissioner to establish requirements for the type face used in advertisements of currency exchange or transmission services. Requires a licensee to specifically state in advertisements all fees or commissions to be charged to the consumer. Prohibits false, misleading, or deceptive action under the Business and Commerce Code. Forbids use of deceptive business names.
- △ Makes the Act effective September 1, 1995, except for the net worth requirements for certain persons exempt from bond or net worth requirements which are not effective until January 1, 1996.

Regulation of Savings Institutions - H.B. 1020

*by Representative Oliveira
Senate Sponsor: Senator Sibley*

- △ Provides technical and clarifying amendments to the Texas Savings Bank Act, which created state-chartered savings banks.
- △ Clarifies hearings, appeals, and confidentiality procedures and the roles local supervision and the Finance Commission of Texas play in regulating financial institutions.

Banking Commissioner Access to Criminal History Records - H.B. 1298

*by Representative Carona
Senate Sponsor: Senator Montford*

- △ Expands the banking commissioner's current authorization to obtain criminal history records to cover all applicants for licenses regulated by the commissioner - bank charters, trust charters, sellers of prepaid funeral contracts, currency exchange licenses, etc.
- △ Provides that the banking commissioner is entitled to obtain from the Texas Department of Public Safety criminal history record information maintained by the department that relates to a person who is an applicant, or a principal of an applicant, for a license, charter, or other authority granted or issued by the banking commissioner under the Texas Banking Code, or any successor to that law; laws regulating the currency exchange or currency transmission industry; the Sale of Checks Act (regulating any person in the business of selling checks); or the Act regulating the sale of prepaid funeral services or funeral merchandise.

Banking

Banking Code Revision - H.B. 1543

by Representative Marchant
Senate Sponsor: Senator Montford

- Δ Reorganizes the Texas Banking Code with the objective of promoting the dual banking system, preserving and enhancing competitive parity between state banks and other financial institutions, reducing the regulatory burden on state banks, and providing flexibility to adapt in the future. The bill, entitled the Texas Banking Act, is divided into nine chapters, as follows:
 - Δ **Chapter 1.** Sets out definitions and provides for the administration and organization of the Finance Commission and the Savings and Loan Department.
 - Δ **Chapter 2.** Sets out duties and qualifications of the banking commissioner, and contains provisions for the administration of the Banking Department.
 - Δ **Chapter 3.** Sets out rules and regulations for state-chartered banks, including amendment of state bank articles of association and changes in capital and surplus.
 - Δ **Chapter 4.** Sets out rules and regulations governing shares and participation shares, shareholders and participants, and management.
 - Δ **Chapter 5.** Sets out rules and regulations governing bank investments, loans, and deposits.
 - Δ **Chapter 6.** Sets out rules and regulations governing enforcement actions, supervision and conservatorship, and investigation and enforcement of unauthorized activities.
 - Δ **Chapter 7.** Sets out rules and regulations governing dissolution and receivership, including voluntary and involuntary dissolution and claims against a receivership estate.
 - Δ **Chapter 8.** Sets out provisions applicable to banks and other depository institutions, including regulations governing safe deposit boxes and emergencies. Sets out regulations governing bank holding companies.
 - Δ **Chapter 9.** Sets out provisions governing foreign bank corporations.
- Δ Also amends Chapter XI, Texas Banking Code, relating to trusts, to conform to the Texas Banking Act.

Banking

Foreign Credit Unions - H.B. 2527

by Representative Marchant
Senate Sponsor: Senator Shapiro

- Δ Provides for the entry of other nations' credit unions into Texas as a result of NAFTA.
 - Δ Authorizes a foreign credit union to do business in this state if it is organized in a state or country that allows credit unions organized under this Act to do business in that state or country.

Conservation of Credit Unions - H.B. 2529

by Representative Marchant
Senate Sponsor: Senator Lucio

- Δ Provides that, if the credit union commissioner finds affirmative action is needed to prevent loss of the assets of a credit union, the commissioner may immediately issue an order of conservation and appoint a conservator. A conservatorship allows credit unions to operate while under regulatory supervision.
 - Δ Requires the conservator to take steps toward the removal of the causes and conditions that have necessitated the order.
 - Δ Requires the commissioner to determine the cost incident to the conservatorship. Provides that this cost is a charge against the assets and funds of the credit union to be allowed and paid as the commissioner directs.
 - Δ Prohibits a court from restraining or affecting the actions of the conservator of a credit union, and provides that no court has jurisdiction over claims against the conservator or the credit union, until all administrative remedies have been exhausted.
 - Requires a suit filed against a credit union or its conservator to be brought in Travis County for the purpose of preserving, protecting, or recovering assets or property of the credit union.
 - Δ Sets out additional provisions relating to conservatorship, including length of a conservatorship, liquidation procedures, and procedures for appeal.

User Safety at Unmanned Teller Machines - H.B. 2745

by Representative Romo
Senate Sponsor: Senator Rosson

- Δ Establishes a good faith standard regarding the safety of automated teller machines; states that a violation of this article does not necessarily constitute negligence.

Banking

- △ Requires the owner or operator of an automated teller machine (teller machine) to provide lighting during the hours of darkness for the machine and its access area, including the exterior of the enclosure if the machine is located in an enclosure.
 - Requires the owner or operator of a teller machine to evaluate the safety of each machine owned or operated by the person. Requires the issuer of an access card for a teller machine to provide the issuer's customers with a notice of basic safety precautions to be employed while using a teller machine.
 - Provides for a civil penalty for failure by a bank to comply with rules required to be adopted by the Finance Commission and Credit Union Commission.

Deposit of Public Funds - S.B. 207 (Died in the House)

by Senator Ellis

House Sponsor: Representative Turner

- △ Would have required a regulated financial institution that accepts a deposit of public funds to report its assigned Community Reinvestment Act rating to the state, state agency, political subdivision, or publicly owned utility making the deposit.
- △ Would have prohibited a public agency from selecting as a depository a regulated financial institution that has been assigned a rating below "outstanding record of meeting community credit needs" or "satisfactory record of meeting community credit needs."
 - △ Would have required a public agency to take immediate action to transfer all public funds on deposit with the institution to a qualified financial institution on receipt of notice of a second consecutive Community Reinvestment Act rating below that required.
 - △ Would have required the depository contract between a regulated financial institution and a public agency to authorize a penalty-free withdrawal of the public funds on deposit in the event that the rating is downgraded below the acceptable requirement.

Home Equity Lending - S.J.R. 25 (Died in the House) and S.B. 301 (Died in the House)

by Senator Patterson

- △ Would have required the submission to the voters of a constitutional amendment authorizing a voluntary lien on homestead property to pay back an equity loan.
 - △ Would have contained numerous consumer safeguards to protect against the loss of a homestead:

Banking

- Would have authorized only certain licensed lenders to make a home equity loan.
 - Would have prohibited liens against homestead property that is designated for agricultural use.
 - Would have prohibited more than one home equity loan on a homestead.
 - Would have limited the total lien debt, inclusive of a mortgage, to 90 percent of the value of the homestead.
 - Would have contained provisions to prevent the lender from requiring most real or personal property other than the homestead as collateral to secure an equity loan.
 - Would have prohibited a lender from accelerating the remaining payments of an equity loan because of a decrease in the market value of the homestead.
 - Would have required a lender to provide notice to the borrower stating that the homestead is being used as collateral and the lender may foreclose in the case of default.
 - Would have required a 12-day waiting period before closing a home equity loan and allows the borrower to refuse the loan during this period.
 - Would have prohibited an equity loan from being closed at the borrower's residence, and requires it to be closed only at the office of the lender, a title company, or a Texas licensed attorney.
 - Would have prohibited an equity loan from being in the form of an open-end account under which a credit card may be used to debit the account.
- Δ Would have set forth requirements for reverse mortgages and require certain loan information and counseling for these loans. A reverse mortgage is a type of loan in which the lender has no recourse against other assets under which money is lent to a borrower based on the equity in a borrower's home. It requires no payment of principal or interest until the entire loan becomes due and payable, which is usually when the homeowner sells the home, moves away permanently, or dies.
- Δ Would have set forth requirements for closed-end equity loans, i.e., loans that must be repaid within a specific period of time, regarding interest rates, fees and charges, insurance, and prohibited lending practices.

Banking

- Δ Would have required the Consumer Credit Commissioner (commissioner) to establish and maintain an equity loan recovery fund, financed by fees collected from authorized lenders, to be used for reimbursing persons who suffer actual damages as a result of fraud in the course of making an equity loan.

- Δ Would have required the commissioner to create the division of Access to Financial Services in the commissioner's office to inform the legislature on the availability and quality of home equity loans offered in this state.

Business

Negotiable Instruments; Bank Collections and Deposits -

H.B. 1728

by Representative Grusendorf
Senate Sponsor: Senator Montford

- △ Revises Articles 3 and 4 of the Texas Business and Commerce Code to conform to standards of the National Conference of Commissioners on State Laws and the American Law Institute.
 - △ Chapter 3, relating to negotiable instruments, clarifies ambiguities in the former chapter, reconciles issues on which jurisdictions were split, replaces archaic terminology, and deletes obsolete provisions. Makes substantive changes that recognize advances in business and banking methods.
 - △ Chapter 4, relating to bank deposits and collections, recognizes areas of technological innovation that necessitate statutory changes, as well as changes necessitated by new federal laws and regulations, with the goal of effecting a faster, more efficient, less costly banking system.

Incentives to Businesses Locating or Expanding in Enterprise Zones - H.B. 2065

by Representative Oliveira
Senate Sponsor: Senator Lucio

- △ Provides incentives to businesses locating or expanding in enterprise zones and establishes guidelines for program access and requirements.
 - △ Requires the Department of Commerce, by December 1 of each even-numbered year, to prepare a cost-benefit analysis of the enterprise zone program. Requires the state auditor to review and comment on the methodology and conclusions of the analysis, and to submit the analysis to the governor, the lieutenant governor, and the speaker of the house.
 - △ Provides that an area is an area of pervasive poverty, unemployment, and economic distress if:
 - the average 12-month unemployment rate in the area was at least one and one-half times the state average;
 - the area had at least a 12 percent, rather than nine percent, population loss during the most recent six-year period; or at least a four percent, rather than three percent, loss during the most recent three-year period; or
 - the nominating body establishes that the area has had a substantial increase in the number of individuals younger than 18 years of age arrested due to criminal activity.

Business

- △ Defines "new permanent job" as a new employment position created by a qualified business that has provided at least 1,820 hours of employment a year to a qualified employee, and is intended to exist during the period that the qualified business is designated as an enterprise project.
- △ Adds an individual who has been released by the Texas Youth Commission and is on parole to the list of individuals considered economically disadvantaged.
- △ Prohibits the department from designating more than 65 businesses as enterprise projects during any biennium.
- △ Provides guidelines in designating businesses as enterprise projects as follows:
 - Authorizes a qualified business in an enterprise zone to request that the governing body of the enterprise zone apply to the department for designation of the business as an enterprise project. Sets out factors to be considered in such a designation.
 - Requires the department to designate businesses as enterprise projects on a competitive basis and sets out factors the department should consider.
- △ An enterprise project shall be allocated the maximum number of new permanent jobs or retained jobs eligible to be included in a computation of a tax refund for the project. The number may not exceed 625 or a number equal to 110 percent of the number of anticipated new or retained jobs specified in the application, whichever is less.
- △ Provides that utility rates (those charged by a utility owned by the municipality or county, or a cooperative corporation, or utility owned by private investors) may not be reduced more than five percent below the lowest rate offered to any customer located in the enterprise zone. Provides that a qualified enterprise project or the governing body of an enterprise zone may petition the regulatory authority for a reduced rate.
- △ Limits the amount of refunds to be granted during the 1996-97 biennium to \$8 million.
- △ Provides for sales tax refunds for enterprise projects on purchases of labor for remodeling, rehabilitating, or constructing a structure, and electricity and natural gas consumed in an enterprise zone.

Business

Regulation of Investment Securities - H.B. 3200

by Representative Brady

Senate Sponsor: Senator Henderson

- Δ Revises and updates Chapter 8 of the Texas Business and Commerce Code (rules for transferring investment securities and resolving disputes) in order to encompass modern security transactions.

Debt Cancellation Contract on Motor Vehicles - H.B. 1586

by Representative Marchant

Senate Sponsor: Senator Cain

- Δ Authorizes a buyer and seller to agree to include in a contract for the sale of a motor vehicle, a separate charge for a debt cancellation contract.
 - Δ If a car is rendered a total loss due to theft or an accident, this contract would release the buyer from having to pay any difference between the value of the car and the amount still owed on the car.

Civil Justice Reform

Changes to Exemplary Damages in Civil Suits (Punitive Damages) - S.B. 25

by Senator Sibley

House Sponsor: Representative Junell

- △ Extends the statutory caps and procedural limits on punitive damages to all types of cases, except for suits brought under the state anti-trust and insurance code and statutes where the caps are lower.
- △ Raises the burden of proof in punitive damages cases to "clear and convincing evidence" from the "preponderance of the evidence" standard.
- △ Lowers the cap on punitive damages. The old cap is the greater of four times actual damages (economic and non-economic damages combined) or \$200,000. The new cap will be the greater of \$200,000 or two times economic damages plus no more than \$750,000 for non-economic damages. If another statute places a lower cap on some cases the lower cap will apply.
- △ Exempts from the caps on punitive damages cases involving conduct defined by reference to the Penal Code, including conduct that in a criminal context would amount to:
 - severe crimes against a person, e.g., murder, aggravated assault;
 - felony fraud, such as bribery, forgery, and misapplication of fiduciary property;
 - theft of property valued at over \$20,000;
 - intoxication assault or manslaughter;
- △ Requires all punitive damage cases to be conducted in two phases.
 - △ The first phase will determine liability for actual damages, the amount of actual damages and whether punitive damages are to be awarded.
 - △ The second phase will determine the amount of punitive damages to be awarded.
- △ Adopts "malice" as the lowest level of conduct the plaintiff must prove to obtain punitive damages and defines malice as the Texas Supreme Court defined "gross negligence" in the Moriel case. To show malice a plaintiff must prove that the defendant acted with actual knowledge of an extreme risk of harm but proceeded to act with conscious indifference to the rights or safety of others.
- △ Allows punitive damages if a plaintiff proves fraud or intent to cause substantial harm.

Civil Justice Reform

- △ Prohibits punitive damages from being awarded against one person for criminal conduct committed by another person, except in certain circumstances.

Responsibility for, and Recovery of, Damages in Tort Actions (Joint and Several Liability) - S.B. 28

by Senator Sibley, et al.

House Sponsor: Representative Junell

- △ Provides that a defendant in most cases can only be required to pay for damages caused by another person if the defendant is more than 50 percent responsible for the injury. In toxic tort and pollution cases, the defendant must be more than 15 percent or more responsible.
- △ Cases involving the following types of conduct are exempt from the percentage cutoffs listed above:
 - severe crimes against a person, such as murder, aggravated assault, etc.
 - felony fraud, such as bribery, forgery, and misapplication of fiduciary property;
 - theft of property valued at over \$20,000;
- △ Allows a defendant to join other responsible parties in the suit and have those parties' fault determined by the jury, except that employers covered by workers' compensation cannot be brought into suits brought by their employees against others for on-the-job injuries. Potential defendants who have filed bankruptcy cannot be joined either.
- △ Provides that property owners are only liable for injuries sustained by employees of contractors working on the property if the owner knew about the dangerous condition of the property that caused the injury and failed to warn about it.
- △ Provides that, in most circumstances, if a contractor's employee covered by workers' compensation recovers for injuries by suing a third party (i.e., someone other than the employer) the recovery from the third party will be reduced by the amount of workers' compensation benefits the employee received.

Attorney's Fees For Frivolous Lawsuits and Defenses -

S.B. 31

by Senator Lucio

House Sponsor: Representative Seidlits

- △ Adds Chapter 10 to the Civil Practice and Remedies Code relating to frivolous lawsuits.

Civil Justice Reform

- △ Provides that the signing of specified court documents constitutes a certificate that, to the signer's best knowledge, information and belief, formed after reasonable inquiry:
 - the court document is not being presented for an improper purpose;
 - each legal contention is warranted by existing law, a nonfrivolous argument for the extension, modification, or reversal of existing law, or the establishment of new law;
 - each factual contention is supported by evidence or is likely to be supported by evidence after a reasonable opportunity for further investigation; and
 - each denial of a contention is based on evidence or is reasonably based on a lack of information or belief.
- △ Provides that a party may make a motion for sanctions describing specific conduct violating this chapter.
- △ Provides that a court on its own initiative may enter an order describing conduct that appears to violate this chapter and direct the alleged violator to show why the conduct was not in violation.
- △ Allows the court to award a party who wins a claim that a motion is frivolous reasonable expenses and attorney's fees incurred in presenting or opposing the motion. If the party against whom the claim is made cannot show effort was made to ensure the motion is reasonable, the court may award the prevailing party costs for inconvenience, harassment, and out-of-pocket expenses caused by the litigation.
- △ Requires that a party who is subject to a motion for sanctions be provided notice of the allegations and an opportunity to respond.
- △ Provides that any sanction must be limited to what is sufficient to deter the conduct in others and may include:
 - a directive to the violator to perform, or refrain from performing, any act;
 - an order to pay the court a penalty; and
 - an order to pay to the other party reasonable expenses and attorney's fees incurred because of the frivolous pleading or motion.
- △ Monetary sanctions may not be awarded against a party represented by an attorney for violating the provision that legal contentions must be warranted by existing law; an extension, modification, or reversal of existing law; or the establishment of new law.

Civil Justice Reform

- △ Prohibits the court from awarding monetary sanctions on its own initiative unless the court issues its order to show the reason for the sanctions before the case is settled or voluntarily dismissed by the party or the party's attorney to be sanctioned.
- △ Requires the court to describe the conduct and basis for the sanction in any order imposing a sanction.
- △ Prohibits the supreme court from amending or adopting rules conflicting with this chapter.

Venue in Civil Actions - S.B. 32

by Senator Montford

House Sponsor: Representative Duncan

- △ Changes the general rule regarding where all lawsuits may be filed, unless another law provides otherwise for a certain type of suit. In general, a lawsuit may be filed where:
 - in the county in which all or a substantial part of the act or omission that forms the basis of the claim occurred;
 - if the defendant is a person, where the defendant lived at the time the claim occurred; or
 - if the defendant is a corporation or organization, where the defendant's principal office is located (and not merely where the defendant has an agent or representatives, as under the old law).
- △ Limits plaintiff's ability to join a lawsuit brought by someone else by requiring most potential plaintiffs in a lawsuit to independently establish venue of each of the plaintiff's claims.
- △ Allows immediate appellate review of some court decisions to allow or deny venue in a suit.
- △ Allows a court to transfer venue from one county to another county of proper venue if it would be more convenient to the parties and would not prejudice any party.
- △ Establishes venue in other types of specific cases, including landlord tenant, railroad personal injury and maritime personal injury cases.

Civil Justice Reform

Application of the Doctrine of Forum Non Conveniens to Certain Actions - S.B. 400

*by Senator Wentworth
House Sponsor: Representative Shields*

- Δ Amends Section 71.051 of the Civil Practice and Remedies Code to allow the doctrine of forum non conveniens to apply to actions alleging that personal injury or death was caused by a means of air transportation designed, manufactured, sold, maintained, inspected, or repaired in Texas. However, a court may not dismiss or stay any action under this doctrine alleging that the death or personal injury was caused by a means of air transportation operated in this state or while traveling on a means of air transportation during a trip originating from, or to a location in, this state. (Allows a court to decline to exercise its jurisdiction over an action, even though the case is properly brought before that court, when it appears that, for the convenience of the witnesses and in the interest of justice, the action should be instituted in another forum where the action might also be properly filed.)

Civil Remedies for Deceptive Trade Practices and Certain Related Consumer Claims - H.B. 668

*by Representative Junell
Senate Sponsor: Senator Bivins*

- Δ Amends the Deceptive Trade Practices-Consumer Protection Act (Act) and other consumer protection laws.
 - Δ Sets out the criteria for a valid waiver of rights under the Act.
 - Δ Provides that a consumer generally may only be awarded damages for economic losses and mental anguish under the Act.
 - Δ Authorizes a court to award the claimant additional damages of no more than three times the amount of economic damages if the defendant's conduct was committed knowingly (the defendant had actual awareness of the falsity, deception, or unfairness of the act or practice). If the conduct was intentional (the defendant acted both knowingly and with the intent the consumer would rely on the false, unfair, or deceptive act or practice to the consumer's detriment), the court may award the consumer no more than three times the amount of economic damages and damages for mental anguish.
 - Δ Exempts several types of transactions from the Act:
 - professionals who render services, the essence of which is providing advice, judgment, or opinion, except for certain specified exceptions;

Civil Justice Reform

- written contracts of more than \$100,000, in which the consumer was represented by counsel and that do not involve the consumer's residence; and
 - causes of action for bodily injury, death, or the infliction of mental anguish, except for certain provisions regarding additional damages.
- Δ Authorizes a court to abate a suit under the Act, Article 21.21 of the Insurance Code (misrepresentation and discrimination), or Section 27.004 of the Property Code (residential construction liability) for a period of time if the consumer fails to give required written notice of the claim before filing the action.
 - Δ Provides that in actions under the Act and Article 21.21, any party may compel mediation and sets out the procedures.
 - Δ Sets out procedures for offers of settlement. Authorizes a court to limit the amount of attorney's fees and damages a consumer can recover if the consumer rejects a defendant's offer to settle and then later is awarded an amount equal to or less than that in the offer.
 - Δ Makes it a false, misleading, or deceptive practice under the Act to sell or lease necessities at exorbitant prices during a disaster.
 - Δ Adds to the list of unfair competition and deceptive or unfair acts or practices under Article 21.21, new unfair claim practices and misrepresenting an insurance policy.
 - Δ Provides that Chapter 33 of the Civil Practice and Remedies Code (proportionate responsibility) now applies to actions under the Act.
 - Δ Amends provisions regarding debt collection. These provisions include language concerning the use of the debt collector's and creditor's name when collecting credit card debt, notice of the collector's address, and narrowing the violations for which a person is entitled to a \$100 award for successfully maintaining an action.

Damages for Injuries Incurred While Committing an Offense - H.B. 692

*by Representative Culberson
Senate Sponsor: Senator Brown*

- Δ Adds Chapter 87 to the Civil Practice and Remedies Code, limiting the ability of a person convicted of an offense to recover damages for injuries incurred while committing the offense.

Civil Justice Reform

- △ Provides that a claimant who has been convicted of a felony or misdemeanor (receives a sentence, fine, probation, or deferred adjudication) may not recover damages for an injury sustained during the commission of the offense if the injury would not have been sustained but for the commission of the offense.
- △ Provides that such a claimant is not barred from recovering damages if:
 - the damages arose from an act entirely separate from an act intended to result in the prevention of the offense or the apprehension of the claimant during or immediately after the commission of the offense; or
 - the damages were not the result of a circumstance the claimant was exposed to as a result of the commission of the offense.
- △ Bars derivative claims (a third party's claim arising from a person's injuries, such as a claim for wrongful death or loss of companionship) arising from injuries to a convicted person if the convicted person would be barred from recovery under Chapter 87.
- △ Provides that a person barred from recovery under Chapter 87 is liable for court costs and fees incurred in defending against the claim.
- △ Provides that Chapter 87 does not apply to claims arising from traffic offenses and certain other conduct.

Health Care Liability Claims - H.B. 971

*by Representative Hunter, et al.
Senate Sponsor: Senator Sibley*

- △ Amends the Medical Liability and Insurance Improvement Act to require a claimant to file specified bonds, place deposits into escrow accounts, or file expert reports.
 - △ Requires a claimant to furnish expert reports. Allows orders for sanctions for failure to comply.
- △ Changes requirements involving the qualifications of expert witnesses in a suit against a physician.
- △ Provides for prejudgment interest in a health care liability claim.

Civil Justice Reform

Monetary Limits to Private Landowner Liability - H.B. 2085

by Representative Bob Turner
Senate Sponsor: Senator Wentworth

- Δ Limits to the following amounts the liability of an owner, lessee, or occupant of land for an act or omission that results in damages to a person who has entered the premises: \$500,000 for each person; \$1 million for each single occurrence of bodily injury or death; and \$100,000 for each single occurrence of injury to or destruction of property.
- Δ Applies this Act to an owner, lessee, or occupant of land who has liability coverage in effect on the act or omission, in an amount equal to or greater than the amounts listed above.
- Δ Limits the liability of a governmental unit under circumstances in which the governmental unit would be liable.

Indemnification in Construction Contracts - S.B. 341 (Died in the House)

by Senator Armbrister
House Sponsor: Representative Ron Lewis

- Δ Would have amended the process of indemnification in construction contracts by prohibiting owners from requiring registered engineers or architects to indemnify the owner, owner's agent, or employee against liability caused by the owner's, owner's agent's, or employee's negligence.

Binding Mediated Settlements - S.B. 1240 (Died in the House)

by Senator Brown

- Δ Would have provided that mediated settlements have a binding effect on the parties, if the settlement agreement specifically states that the agreement is not subject to revocation.

Reform of the Juvenile Justice System - H.B. 327

by Representative Goodman, et al.

Senate Sponsor: Senator Harris

- △ Lowers from 15 to 14 the age at which a juvenile can be certified to stand trial as an adult in cases of capital murder, aggravated controlled substance felonies, and first degree felonies, and provides that a juvenile certified to stand trial once as an adult will be treated as an adult in any future court proceedings.
- △ Adds a dozen offenses to the list of offenses for which a juvenile may receive a determinate sentence, including criminal attempt to commit any of the determinate-sentence offenses. A determinate sentence means a fixed term of up to 40 years in TYC with a possible transfer to prison after age 16.
- △ Provides for a habitual juvenile offender to receive up to a 40 year sentence for committing a third felony offense, whether included in the list of determinate-sentence offenses or not.
- △ Provides that a juvenile may receive up to 40 years for capital and first degree felonies, 20 years for second degree felonies, and 10 years for third degree felonies.
- △ Allows the Texas Youth Commission (TYC) to refer a determinate-sentenced juvenile between 16 and 21 years of age to the court for transfer to prison if the child's conduct indicates that the welfare of the community requires the transfer.
- △ Provides that a determinate-sentenced juvenile may not be released to community supervision (probation) without approval of the court unless the child has served at least 10 years for capital murder, three years for a first degree or aggravated controlled substance felony, two years for a second degree felony, or one year for a third degree felony.
- △ Provides that determinate-sentenced youths over age 18 who are released to community supervision by TYC are to be supervised by adult parole authorities, rather than juvenile probation.
- △ Authorizes the fingerprinting and photographing of juveniles arrested for any offense for which they could be jailed, and creates a statewide central records depository and computerized information system to assist law enforcement agencies in tracking serious juvenile offenders.
- △ Allows local authorities to establish criminal information systems pertaining to gang members and activities and to disseminate the information to other criminal justice agencies.

Criminal Justice/Juvenile Justice

- △ Provides for greater involvement by the prosecuting attorney at earlier stages of the decision process concerning juveniles alleged to have engaged in felony or violent misdemeanor conduct, and allows only the prosecutor to make a decision to defer prosecution.
- △ Requires parents or guardians of juveniles referred to juvenile court to attend each hearing in juvenile court affecting the child.
- △ Permits justice and municipal judges to order juveniles and their parents, for certain minor offenses, to participate in special programs the court determines to be in the best interest of the child, such as a drug treatment program, and provides that the orders are enforceable through contempt proceedings.
- △ Allows local juvenile boards to design and establish a first offender program for juveniles taken into custody and to designate a law enforcement entity to implement provisions of the first-offender program.
- △ Requires as a condition of probation that a juvenile court order a child to perform up to 500 hours of community service work, and allows the judge to order a child's parent to perform up to 500 hour of community service.
- △ Requires a school district that expels a child to refer the child to juvenile court.
- △ Permits county juvenile boards to appoint a victim assistance coordinator to ensure the victim receives written notice of victim rights and information regarding compensation to victims of crime.
- △ Permits local juvenile officials to establish a seven-step system of progressive sanctions for juvenile offenders, with increasing levels of punishment and intervention possible based upon the severity of the offense and the extent of a youth's past criminal involvement in order to ensure that the child experiences consequences for delinquent conduct.
- △ Establishes an intervention program to provide services for at-risk youth under age 17, and their families, if the youth's delinquent conduct is less than a third degree felony.
- △ Requires TYC, in consultation with the Texas Juvenile Probation Commission, to establish as an intermediate sanction for juvenile probationers, a youth boot camp program, with follow-up programs in the community to assist the offender in staying out of trouble.
- △ Establishes a TYC industries program to provide employment and vocational training for children and requires the wages earned to go toward restitution, child support, and a child's student account, and provides a tax credit to participating employers.

Criminal Justice/Juvenile Justice _____

- Δ Expands Project RIO (reintegration of offenders) to provide employment assistance to juvenile offenders.
- Δ Provides that the commissioners court of a county may adopt a curfew for persons under age 17 and a general-law municipality may adopt a curfew ordinance adopted by the commissioners court of the county and may adapt the ordinance to fit the needs of the municipality. Requires hearings every three years to determine whether to abolish, continue, or modify an ordinance.

Conflict Resolution Training for Children in Correctional Facilities - S.B. 242

by Senator Shapiro, et al.
House Sponsors: Representative Denny

- Δ Requires the Texas Juvenile Probation Commission to provide training in violence prevention and conflict resolution programs and to recommend the programs as a condition of probation.
- Δ Requires the Texas Youth Commission to provide training in violence prevention and conflict resolution to all children in its custody.

Conflict Resolution Training for TYC Juveniles - S.B. 243

by Senator Shapiro, et al.
House Sponsor: Representative Denny

- Δ Requires the Texas Youth Commission (TYC) to provide training in violence prevention and conflict resolution to all children in its custody.

Alcohol Awareness Courses for Minors - H.B. 1375

by Representative Delisi
Senate Sponsor: Senator Harris

- Δ Requires a minor convicted of an offense involving the purchase, possession, or consumption of alcohol, to attend an alcohol awareness course approved by the Texas Commission on Alcohol and Drug Abuse.
 - Δ Provides that community service may be substituted in lieu of participation in an alcohol awareness course if the minor resides in a rural area where courses are not readily available.
- Δ Authorizes the Department of Public Safety to suspend the license or driver's permit of a defendant for failure to produce evidence of completion of an alcohol awareness course.

Notification of Student Criminal Activity - H.B. 1687

by Representative Alonzo
Senate Sponsor: Senator Gallegos

- △ Requires the superintendent of a school district to inform instructional and support personnel who have regular contact with a student who is arrested or taken into custody. Requires all personnel to keep the information confidential.

Buffalo Soldier Heritage Pilot Program for At-Risk Youth - H.B. 2031

by Representative Kubiak
Senate Sponsor: Senator West

- △ Requires the Texas Juvenile Probation Commission to establish a Buffalo Soldier Heritage pilot program in Bexar, Dallas, Tarrant, Tom Green, and Washington counties as an intervention tool for certain children considered to be at-risk.
- △ Stems from a one-year pilot program in Washington County in 1993, which was started by a private contractor promoting Buffalo Soldier Heritage. The program involves government and private industry to help prevent juvenile crime with at-risk children.

Aerosol Paint Regulation - S.B. 707

by Senator Rosson, et al.
House Sponsor: Representative Serna

- △ Makes possession of aerosol paint by a person younger than 18 years of age a Class C misdemeanor, unless the person is under the direct supervision of an adult.
- △ Requires a business that sells aerosol paint to display the paint in a place that is in the line of sight of a workstation; in view of monitored surveillance equipment; or inaccessible to customers without employee assistance.

Pleas Entered by a Minor - S.B. 577 (Died in the House)

by Senator Henderson
House Sponsor: Representative Place

- △ Would have added Article 45.331 to Chapter 25 of the Code of Criminal Procedure relating to pleas entered by a minor.
 - △ Would have required a plea of a defendant younger than 17 years of age to be made in open court with the defendant's parent, guardian, or managing conservator present.

Criminal Justice/Juvenile Justice _____

- Δ Would have required the court to cause one or both parents or guardians to be present during all proceedings, but the court may waive this requirement in any case in which, after diligent effort, the court is unable to locate such persons or compel their presence.
- Δ Would have allowed the defendant, if residing in a county other than the one in which the alleged offense occurred, with the leave of the court, to enter the plea before a justice in the county where the defendant resides.

Domestic Violence/Testimony Against a Spouse - S.B. 128

by Senator Moncrief

House Sponsors: Representative Greenberg, et al.

- △ Removes a person's privilege not to testify against his or her spouse in a domestic violence case.
- △ Requires prosecuting attorneys who handle domestic violence cases to receive training related to the examination of a reluctant or hostile witness.

Emergency Protective Orders for Victims of Domestic Violence and Stalking - S.B. 129

by Senator Moncrief

House Sponsors: Representative McCall, et al.

- △ Authorizes magistrates to issue emergency protective orders for victims of domestic violence and stalking upon motion of the magistrate or request of the victim, the victim's guardian, a peace officer, or the state's attorney at the appearance of the accused before the magistrate after an arrest involving family violence or stalking.
 - △ Requires magistrates to describe the prohibitions and to file a copy of the protective orders with the chief of police or sheriff of the municipality or county where the victim resides.
 - △ Requires magistrates to file a copy of the protective orders with a school or child care facility if the order prohibits the accused from going near them.
 - △ Requires each municipal police department and sheriff's department to establish a procedure, and to provide information to its officers sufficient to ensure compliance with and enforcement of such orders.

Documentation of Domestic Violence - S.B. 131

by Senator West

House Sponsor: Representative Danburg

- △ Requires the Department of Protective and Regulatory Services (department) to adopt rules requiring employees who investigate abuse situations in a home to document indications of domestic violence for statistical purposes.
 - △ Requires the statistical information to be included in the department's annual report.
- △ Requires the department to adopt rules that require information on community services for victims of domestic violence to be available in English and Spanish.

Criminal Justice/Domestic Violence

- △ Authorizes the department to coordinate its efforts in providing information with local law enforcement agencies.

Penalties for Repeat Domestic Violence Assault - S.B. 134

by Senator Shapiro, et al.

House Sponsors: Representatives Thompson, Farrar, and Greenberg

- △ Provides that an assault against a family member is a state jail felony, rather than a Class A misdemeanor, if the offender has been convicted twice previously of assault against a family member.

Violation of a Protective Order - S.B. 135

by Senator Shapiro, et al.

House Sponsors: Representatives Thompson, Puente, and Greenberg

- △ Increases the offense of violating a protective order from a Class A misdemeanor to a state jail felony of the third degree if the defendant has been convicted two or more times for violating a protective order.

Notice of Release of Domestic Violence Offender - S.B. 223

Senator Zaffirini

House Sponsor: Representative Greenberg

- △ Requires the arresting law enforcement agency to make a reasonable attempt to give a victim of domestic violence or the victim's designee personal notice of the imminent release of the accused perpetrator of the domestic violence.

Reporting of Family Violence - S.B. 224

by Senator Zaffirini

House Sponsors: Representatives Danburg and Naishtat

- △ Requires a medical professional who treats a person for injuries that the medical professional has reason to believe were caused by family violence to immediately provide the person with information on the nearest family violence shelter and document certain information in the person's medical file.
- △ Provides immunity from civil and criminal liability for a person who reports domestic violence. This immunity does not extend to a person who reports his or her own conduct or who reports family violence in bad faith.

Criminal Justice/Domestic Violence _____

Domestic Violence/Standby Assistance From Peace Officer - S.B. 284

by Senator Brown

House Sponsor: Representative Moffat

- Δ Authorizes a peace officer to provide standby assistance, i.e., to protect a victim of domestic violence while the victim takes personal property for himself or herself and any child in his or her custody to a place of safety.
- Δ Provides that the peace officer is not civilly liable for an act or omission in providing standby assistance or criminally liable for the wrongful appropriation of any personal property by the victim.

Programs on Domestic Violence - H.B. 1053

by Representatives Raymond, Maxey, Naishtat, Greenberg, et al.

Senate Sponsor: Senator Zaffirini

- Δ Requires the Texas Department of Human Services to maximize the state's receipt of federal matching funds for emergency assistance by:
 - ensuring that a contract for services with family violence shelter centers includes needed provisions;
 - filing certain amendments to the state's plan for aid and services to needy families with children; and
 - establishing, by rule, any reporting procedures that federal law requires as a condition of receiving federal matching funds.

Judicial Training on Domestic Violence, Sexual Assault, and Child Abuse - H.B. 1551

by Representative Greenberg

Senate Sponsor: Senator Moncrief

- Δ Requires district judges and statutory county court judges, who hear cases involving domestic violence, sexual assault, and child abuse, to receive judicial training in those areas, including information on:
 - statutory, case law, and procedural rules relating to videotaped testimony of children, the competency of children to testify, family violence, sexual assault, and child abuse;
 - methods for eliminating trauma to the child in the court process;
 - methods of protecting victims of family violence, sexual assault, or child abuse;
 - available community and state resources for counseling and aid to victims and offenders;
 - gender bias in the judicial process; and

Criminal Justice/Domestic Violence _____

- the dynamics and effects of being a victim of family violence, sexual assault, or child abuse.

Holding Time for a Person Accused of Domestic Violence - S.B. 285 (Died in the House)

by Senator Brown, et al.

House Sponsor: Representative Talton

- Δ Would have increased from 4 to 24 hours the time a person accused of domestic violence may be held after bond if there is probable cause to believe the violence will continue upon release.
- Δ Would have authorized the head of the arresting agency to extend the holding time to 48 hours, rather than 24 hours, if the belief of imminent violence continues.

Criminal Justice/Stalking

Notice of Release of Stalker - S.B. 124

by Senator Moncrief, et al.

House Sponsors: Representative McCall, et al.

- △ Requires the arresting law enforcement agency to make a reasonable attempt to give personal notice to a stalking victim or the victim's designee of the imminent release of the accused stalker.
 - △ Defines "reasonable attempt."
 - △ Exempts the agency and its employees from liability for damages arising from giving or failing to give notice.

Elimination of Stalking Reporting Requirement - S.B. 126

by Senator Moncrief

House Sponsors: Representative McCall, et al.

- △ Eliminates the requirement of a previous report of stalking prior to arrest of an alleged stalker.
- △ Provides that stalking is a specific offense rather than an offense under the harassment statute.

Liability for Stalking - H.B. 43

by Representatives McCall, Goodman, Naishtat, Finnell, et al.

Senate Sponsor: Senator Moncrief

- △ Makes a defendant liable for actual and exemplary damages arising from stalking of the claimant by the defendant.
 - △ Sets forth conditions for proof of stalking for liability purposes.
- △ Provides that it is a defense to an action for damages that the defendant was engaged in conduct that consisted of activity in support of constitutionally or statutorily protected rights.

Increased Holding Time for a Person Accused of Stalking - S.B. 127 (Died in the House)

by Senator Moncrief, et al.

House Sponsor: Representative McCall

- △ Would have increased from 4 to 24 hours the time a person accused of stalking may be held after bond if there is probable cause to believe the violence will continue upon release.

Criminal Justice/Stalking _____

- Δ Would have authorized the head of the arresting agency to extend the holding time to 48 hours, rather than 24 hours, if the belief of imminent violence continues.

Mandatory Sentencing of Sex Offenders - S.B. 45

by Senators Shapiro and Sims

House Sponsors: Representatives Wolens and Kamel

- Δ Requires a sentence of life imprisonment if a defendant is convicted of: aggravated sexual assault; aggravated kidnapping with the intent to violate or abuse the victim sexually; burglary of a habitation with the intent to commit aggravated sexual assault; sexual assault; or indecency with a child; *and* the defendant has been previously convicted of two felonies, one of which is: sexual performance by a child; possession or promotion of child pornography; aggravated sexual assault; sexual assault; indecency with a child; incest; aggravated kidnapping with the intent to violate or abuse the victim sexually; or burglary of a habitation with the intent to commit a felony sex offense.
- Δ Requires a person serving a life sentence imposed under the above provision to serve 35 calendar years before becoming eligible for release on parole.
- Δ Authorizes the Board of Pardons and Paroles to grant parole to a person only on a two-thirds vote of the entire board membership, if the person: is required to serve 35 calendar years under the above provision; was convicted of indecency with a child where the offender engaged in sexual conduct with the child; or was convicted of aggravated sexual assault.
 - Δ Requires the entire board to meet in person to vote on the inmate's release on parole and provides that a board member may not vote on the release unless the member first receives a copy of a written report from TDCJ on the probability that the inmate would commit additional offenses if released.

Training on Sex Offender Characteristics - S.B. 80

by Senator Shapiro

House Sponsor: Representative Madden

- Δ Requires a judge who is in office on December 31, 1995, to complete training on sex offender characteristics before August 31, 1998, unless the judge does not hear cases involving family violence, sexual assault, or child abuse.
- Δ Requires a peace officer employed by a state, county, special district, or municipal agency before September 1, 1995, to complete training on sex offender characteristics by September 1, 1997, unless the agency head determines the training is inconsistent with the officer's assigned duties.

Creation of Child Safety Zones - S.B. 111

by Senator Shapiro, et al.

House Sponsors: Representatives Combs and Kamel

- △ Creates child safety zones that are off-limits to convicted sexual offenders who victimize children.
 - △ Restricts a person convicted of sexual offenses against a child from participating in programs with children and from places where children congregate (e.g., schools, playgrounds).
 - △ Requires an offender to attend psychological counseling sessions for sex offenders.
 - △ Requires these conditions to be set by the judge in the case of community supervision (formerly probation), and by the parole panel in the case of parole or release to mandatory supervision.

Exchange of Information about Sex Offenders - S.B. 149

by Senator Shapiro, et al.

House Sponsors: Representatives Greenberg, et al.

- △ Permits criminal justice agencies, local law enforcement authorities, and treatment providers to exchange information about the treatment of sex offenders.
 - △ Authorizes a community supervision officer (probation officer) to release information in a report to a medical or mental health treatment provider who provides services to a sex offender.
 - △ Grants a person who releases or obtains information, as authorized by the bill, immunity from liability for damages arising from the release of the information.

Elimination of Polygraph Test Requirement - S.B. 222

by Senator Zaffirini

House Sponsors: Representatives Danburg and Farrar

- △ Prohibits peace officers from requiring a victim of certain offenses (indecent with a child, sexual assault, aggravated sexual assault, and prohibited sexual conduct between family members) to take a polygraph examination before or after charging a defendant with the offense.

Public Notification of Sex Offender Residence - S.B. 267

by Senator Shapiro

House Sponsors: Representative Craddick, et al.

- △ Makes judges and penal institutions, instead of offenders, responsible for sex offender registration.
 - △ Adds a photograph of the offender, a complete set of the offender's fingerprints, the offender's shoe size, and the age of the offender's victim to the information required for registration.
 - △ Applies to sex offenders convicted of indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct (incest), sexual performance by a child, possession or promotion of child pornography, aggravated kidnapping or burglary with the intent to violate the victim sexually, and indecent exposure (upon the second conviction). Also applies it to a conviction for an attempt to commit one of the offenses, an adjudication of delinquent conduct based on a violation of one of the offenses, and a deferred adjudication for one of the offenses.
- △ Strengthens the system for notifying local law enforcement officials of a sex offender's location.
 - △ Requires the Texas Department of Criminal Justice, if a sex offender is due to be released from a penal institution, to send the offender's completed registration form to the applicable local law enforcement authority.
 - △ Requires the offender to verify registration with the local law enforcement authority in any municipality where the offender resides or intends to reside for more than seven days.
 - △ Requires a sex offender who intends to change address to report in person to the local law enforcement authority with whom the offender last registered, and to the community supervision and corrections department officer or the parole officer supervising the offender, to provide the anticipated move date and new address.
- △ Requires the community to be notified when a sex offender moves into the area.
 - △ Requires a local law enforcement authority to publish notice in English and Spanish in at least one newspaper of general circulation in the county in which the offender intends to reside if the offender's victim is a child under the age of 17 and the basis on which the offender is subject to registration is not an adjudication of delinquent conduct or deferred adjudication, and is not a conviction for prohibited sexual conduct (incest).

Criminal Justice/Sex Offenders

- Requires offenders placed under community supervision or parole to pay the cost of providing notice in a community newspaper.
 - Allows a sex offender to request and receive injunctive relief from a district court to restrain a local law enforcement authority from publishing notice in a newspaper if the offender proves by a preponderance of the evidence that publication would place the offender's health and well-being in immediate danger.
- Δ Requires the authority to also provide notice to the superintendent of public schools of the school district in which the offender intends to reside if the offender's victim is a child under the age of 17.
- Δ Opens portions of a sex offender registration database to the public.
- Δ Requires the Texas Department of Public Safety to maintain a computerized central database of registered sex offenders, and provides that the information in the database is public information, with the exception of an offender's photograph, social security number, driver's license number, numeric street address, and telephone number, and any information that would identify the offender's victim.
- Δ Requires a local law enforcement authority to release public information in the database to anyone who submits a written request for it. Authorizes the authority to charge a fee to cover the administrative costs of providing the information.

Regulation of Sexual Assault Programs - S.B. 1175

by Senator Lucio

House Sponsor: Representative Naishtat

- Δ Sets out certification requirements for volunteer advocates and employees of the Sexual Assault Prevention and Crisis Service (service) or any certified sexual assault program. The service or any certified program is entitled to obtain criminal history information from law enforcement agencies on any applicants or incumbents of employed or voluntary positions.
- Δ Authorizes the Texas Board of Health to establish standards for certifying sexual assault training programs for advocates. Sets forth procedures for revoking or suspending certification.
- Δ Provides that communication between an advocate and a survivor of sexual assault is confidential and privileged. Records of a certified sexual assault program are also protected from disclosure with some exceptions.

Criminal Justice/Sex Offenders

- △ Creates a Class C misdemeanor offense for intentionally or knowingly disclosing a confidential communication or record, unless the disclosure falls under one of the exemptions in the law or consent is given.

Voluntary Castration of Repeat Sex Offenders - S.B. 40

(Died in the House)

by Senators Brown and Sims

House Sponsor: Representative Gallego

- △ Would have authorized an inmate 21 years of age or older to voluntarily choose an orchiectomy (castration) if the inmate has received more than one conviction of indecency with a child, sexual assault of a child, or aggravated sexual assault of a child.
 - △ Would have required the inmate to request and consent to the orchiectomy in writing, to sign a statement admitting to committing a sex offense against a child, and to be evaluated and counseled by a psychiatrist and a psychologist who have experience in the treatment of sex offenders.
 - △ Would have required the inmate to consult with a monitor to determine whether or not the inmate has received adequate information and is free from coercion regarding the orchiectomy. Would have required the monitor to be appointed by the executive director of the Texas State Board of Medical Examiners in consultation with two or more executive directors of college or university institutes or centers for the study of medical ethics or medical humanities.
- △ Would have required the Texas Department of Criminal Justice to submit a report to each legislature comparing the rate of recidivism of released sex offenders who have undergone an orchiectomy to the rate of offenders who have not.
- △ Would have prohibited the state or a defendant from offering evidence before sentencing that the defendant plans to undergo an orchiectomy. Would have prohibited a judge from requiring a defendant to undergo the procedure as a condition of community supervision. Prohibits a parole panel from requiring an inmate to undergo the procedure as a condition of parole or release to mandatory supervision.

Victim Statement in Court - S.B. 39

by Senator Brown

House Sponsor: Representative Combs

- Δ Authorizes a victim of a criminal offense or the victim's relative or guardian to make a statement to a court and to the defendant after sentencing.
 - Δ Prohibits the person, while making the statement, from directing questions to the defendant.

Notification That an Offender Has Escaped - S.B. 46

by Senator Shapiro, et al.

House Sponsor: Representative Allen

- Δ Adds the right of notification of escape to a crime victim's rights. Requires the Texas Department of Criminal Justice (TDCJ) to make a reasonable attempt to notify immediately the victim, the victim's guardian, or the victim's close relative when the offender escapes from a correctional TDCJ institution.
 - Δ Provides that it is the responsibility of the victim to inform TDCJ he or she wants to be notified and to keep TDCJ notified of any change of address.

Notification That an Offender has Been Placed on Community Supervision (Probation) - S.B. 47

by Senator Shapiro

House Sponsor: Representative Allen

- Δ Requires a community supervision and corrections department (department) to make a reasonable effort to notify immediately the victim, the victim's guardian, or the victim's close relative that a defendant has been placed on community supervision, the conditions of the community supervision, and the time and location of a hearing on the modification, revocation, or termination of the community supervision.
 - Δ Requires the attorney representing the state to keep the department informed of the most current information on the victim's address and telephone number.

Victim Impact Statement - S.B. 48

by Senator Shapiro, et al.

House Sponsors: Representatives Allen, Naishtat, Kamel

- Δ Allows a victim, victim's guardian, close relative of a deceased victim, or a representative of these people to make a victim impact statement at a parole hearing for the perpetrator of the crime.

Criminal Justice/Victims' Rights _____

- △ Provides that, if more than one person is entitled to appear in person before the board, only one person, chosen by all those entitled to appear as their sole representative, may appear.

Lien Against the Property of a Criminal - S.B. 494

by Senator Bivins

House Sponsor: Representative Place

- △ Authorizes the victim of a crime or the state to file a lien against the property of the criminal to secure payment of restitution, fines, or costs. Gives the same right to the state in the case of a felony crime.
 - △ Sets forth venue, procedure, and priority of debtors for the restitution lien.
 - △ Applies to all property.

Expansion of Health Care Benefits to Victims of Violent Crimes - S.B. 1049

by Senator Whitmire

House Sponsor: Representative Place

- △ Expands health care benefits available to victims of violent crime.
 - △ Requires the attorney general to compensate a victim for health care services rendered because of a criminal attack for which the person was not compensated from another source.
 - △ Sets the amount of payment according to the medical fee guidelines prescribed by the Texas Workers' Compensation Act, and requires a health care provider to accept this amount as payment in full.
 - △ Authorizes the attorney general to review the health care services for which a victim seeks compensation and prohibits compensation for services that are not medically necessary.
 - △ Limits compensation to \$25,000, except that an additional \$25,000 may be awarded for extraordinary pecuniary losses.
 - △ Authorizes the attorney general to reduce or deny an award if the victim was engaging in an unlawful activity at the time of the criminal conduct.
- △ Provides that a person is subject to a civil penalty between \$2,500 and \$25,000 for each application for compensation filed that contains a material statement or representation that the person knows to be false.

Criminal Justice/Victims' Rights _____

- Δ Provides an administrative penalty payable to the attorney general for the filing of an application for compensation that contains a statement or representation the person knows to be false.

Creation of a Crime Victims' Institute - S.B. 1276

*by Senator Montford
House Sponsor: Representative Place*

- Δ Creates a Crime Victims' Institute in the office of the attorney general to conduct an in-depth analysis of the impact of crime on victims, close relatives of deceased victims, guardians of victims, and society.
- Δ Creates a Crime Victims' Institute Advisory Council composed of the attorney general and members from various backgrounds appointed by the attorney general.
- Δ Requires the institute to:
 - Δ Evaluate the effectiveness of and deficiencies in the criminal and juvenile justice systems in addressing the needs of victims, close relatives of deceased victims, and guardians of victims and recommend strategies to address the deficiencies of each system.
 - Δ Determine the long-range needs of victims, relatives and guardians as they relate to the criminal and juvenile justice systems.
 - Δ Assess the cost-effectiveness of existing policies and programs relating to victims and make general recommendations for improving the service delivery systems for victims in Texas.
 - Δ Advise and assist the legislature in developing plans, programs, and legislation for improving the effectiveness of the criminal and juvenile justice systems in addressing the needs of victims, relatives, or guardians.

Authorization to Attend an Execution - S.B. 38 (Died in the House)

*by Senator Brown et al.
House Sponsors: Representatives Bailey and Culberson*

- Δ Would have authorized as many as five close relatives of a deceased victim to be present at the execution of the capital felon responsible for the victim's death.

Wage Garnishment for Compensating Crime Victims -

S.J.R. 43 (Died in the House) and S.B. 866 (Died in the House)

by Senator Whitmire

- NOT FINALLY PASSED
- Δ Would have required the submission to the voters of a constitutional amendment to permit the garnishment of wages to pay court-ordered restitution to crime victims and reimbursement to the state for compensation to crime victims.
 - Δ Would have authorized a court to order the withholding of income from the disposable earnings of a defendant for back payments that are due.
 - Δ Would have limited to 50 percent the amount of disposable earnings subject to a withholding order.
 - Δ Would have required the clerk of the court to deliver a copy of the garnishment order to the defendant's employer; directs the employer to begin withholding income in accordance with the order; and provides for the imposition of a fine on an employer who violates the order.
 - Δ Would have prohibited an employer from firing or discriminating in hiring a person because of a wage garnishment order.
 - Δ Would have required a defendant to notify all subsequent employers of the garnishment order against him.
 - Δ Would have provided that an income garnishment order for crime payments has priority over all other types of withholding orders, except a child support order.
 - Δ Would have authorized the court to order a defendant to execute a bond or deposit security with the court to secure payments.

Permit to Carry a Concealed Handgun - S.B. 60

by Senator Patterson

House Sponsor: Representative Wilson

- Δ Provides eligibility for a permit to carry a concealed handgun if a person:
 - is a legal Texas resident for six months;
 - is 21 years old;
 - has no felony convictions;
 - has no Class A or B misdemeanor convictions in the last five years;
 - is not charged with a felony or Class A or B misdemeanor;
 - is not a fugitive for a felony or Class A or B misdemeanor;
 - has not been convicted twice in the preceding 10 years for a Class A or B misdemeanor violation involving alcohol or a controlled substance;
 - has not been convicted of a felony as a juvenile in the 10 years before applying;
 - is not chemically dependent;
 - attests to being of sound mind;
 - is not delinquent in child support payments, taxes, or student loans; and
 - is not currently under a court protective order.

- Δ Provides special eligibility for active or retired judicial officers, elected felony prosecutors, and retired peace officers.

- Δ Requires the Texas Department of Public Safety (DPS) to develop training standards, to include:
 - 10 to 15 hours of handgun proficiency training;
 - instruction on laws relating to the use of deadly force, handgun use, proficiency and safety, dispute resolution, and proper storage practices;
 - a continuing education course for a license renewal; and
 - a proficiency exam requiring a physical demonstration of the use of a 9-millimeter or 38 caliber handgun.

- Δ Requires a four-year permit fee of \$140, which is reduced by 50 percent for individuals who are indigent or over age 60.

- Δ Prohibits carrying concealed handguns at the following locations:
 - a public or private school;
 - a polling place, court, or government office;
 - meetings of a government entity;
 - a place of employment where the employer has prohibited the carrying of a weapon to work;
 - a racetrack;
 - in the secured area of an airport;

Criminal Justice/Firearms

- in a business that derives at least 51 percent of its income from the sale of alcoholic beverages;
 - a hospital or nursing home;
 - a correctional facility;
 - amusement parks;
 - a church, synagogue, or other place of worship; and
 - a school, college, or professional athletic event.
- Δ Limits the state's investigation of private records to those directly related to determining an applicant's eligibility for handgun permit, and allows the state to obtain confidential juvenile court records relating to eligibility.
- Δ Allows reciprocal licensing for people possessing a concealed handgun license from another state.
- Δ Requires DPS to disclose to a criminal justice agency, or any person making a written request who pays a reasonable fee, whether a named person is licensed, and requires DPS to notify a license holder of any request for information relating to them and provide the name of the person or agency making the request.
- Δ Requires DPS to make available for a reasonable fee a statistical report that includes the number of licenses issued, denied, revoked, or suspended during the preceding month, listed by age, gender, race, and zip code.
- Δ Requires DPS to maintain statistics on law enforcement responses to arrests of license holders for unlawfully carrying or discharging a handgun.
- Δ Provides that excess funds from fees go to the crime victims compensation fund.

Reckless Discharge of a Firearm - S.B. 68

by Senator West

House Sponsor: Representatives Hochberg and Farrar

- Δ Creates the offense of reckless discharge of a firearm inside a municipality having a population of 100,000 or more punishable as a Class A misdemeanor.
- Δ Provides that this law does not affect the authority of a municipality to enact an ordinance which prohibits the discharge of a firearm.

Use of Deadly Force - H.B. 94

by Representative Kamel, et al.

Senate Sponsor: Senator Armbrister

- Δ Provides that a person may use deadly force against an intruder who is at the time committing an offense of unlawful entry in the habitation of the person, and the legal requirement that deadly force is justified only if a reasonable person would *not* have retreated *does not apply* to unlawful entry of a habitation.

Criminal Justice/Firearms

- △ Provides for an affirmative defense to a civil action for damages for personal injury or death that the defendant was justified in using deadly force against a person who was committing an offense of unlawful entry in the habitation of the defendant.

Weapons and Protective Orders - S.B. 130

by Senator West

House Sponsor: Representative Greenberg

- △ Prohibits the sale, rental, lease, loan, or giving of a handgun to a person who is under active protective orders.

- △ Provides that violation of this prohibition is a Class A misdemeanor.

- △ Requires the Department of Public Safety to maintain records of active protective orders.

School Gun-Free Zones - S.B. 840

by Senator Brown, et al.

House Sponsor: Representative De La Garza

- △ Creates gun- and weapon-free zones around schools by providing that a person commits an offense if, with a firearm, illegal knife, club, or prohibited weapon, the person intentionally, knowingly, or recklessly goes on the premises of a school, an institution of higher education, or passenger vehicle of a school or institution of higher education.

- △ Provides that an offense under this section is a third degree felony.

Children's Access to Firearms - H.B. 44

by Representative Edwards, et al.

Senate Sponsors: Senator Patterson, et al.

- △ Creates two levels of misdemeanor offenses for making a firearm accessible to a child; authorizes a court to sentence offenders to attend a firearms safety course or perform public service; and allows school districts to provide firearms safety education.

- △ Amends the Penal Code to create a Class C misdemeanor offense if a child gains access to a readily dischargeable firearm, and the person with criminal negligence failed to secure the firearm or left the firearm in a place to which the person knew or should have known the child would gain access. If an unsecured firearm is used by a child to seriously injure or kill, then the offense is upgraded to a Class A offense.

Criminal Justice/Firearms

- Δ Authorizes a court to sentence an offender for not securing a firearm to perform public service or to require the offender to attend a firearms safety course approved by the National Rifle Association.
- Δ Authorizes school districts to provide firearms safety education substantially similar to the Eddie Eagle Children's Gun Safety Course written by the National Rifle Association.

Weapons and Self Defense Claim - H.B. 981

by Representative Hirschi

Senate Sponsor: Senator Whitmire

- Δ Adds weapons prohibited by Section 46.05, Penal Code (i.e., machine guns, switchblade knife), to the list of weapons that if carried to the scene of a confrontation do not justify a claim of self defense.

Forfeiture and Destruction of Weapons - S.B. 272 (Died in the House)

by Senator Katliff

House Sponsors: Representatives Kuempel and Greenberg

- Δ Would have provided that the court entering the judgment of conviction or granting deferred adjudication for a weapons offense shall order the weapon destroyed or forfeited to the state for use by the law enforcement agency holding the weapon, if the offense for which the person is convicted or receives deferred adjudication was committed in or on the premises of a playground, school, video arcade facility, or youth center.

New Offenses, Penalties, and Prosecution, Sentencing, and Inmate Housing Provisions - S.B. 15

*by Senator Whitmire et al.
House Sponsor: Representative Place*

State Jail Felony Provisions

- △ Provides that a state jail felony defendant with two prior state jail felonies, on conviction for a third state jail felony, will be punished for a third degree felony.
- △ Provides that a state jail felony defendant with two prior first, second, or third degree felonies, each leading to a separate confinement, will be punished for a second degree felony.
- △ Allows a judge to sentence a convicted state jail felon with a prior felony conviction to confinement in a state jail or place the offender on community supervision, and to extend the maximum term of five years of community supervision on conviction for a state jail felony to 10 years.
- △ Increases the range of confinement in a county jail or state jail imposed as a condition of community supervision, and allows a judge to require a defendant to serve a term of confinement in a state jail following a grant of deferred adjudication for a state jail felony.
- △ Provides that a state jail felony drug offense committed in a drug-free zone is punishable as a third degree felony, and a third degree felony in a drug-free zone is punishable as a second degree felony.

Intoxication Offenses

- △ Requires a judge to suspend for 90 days the driver's license of a defendant younger than 21 on conviction for certain intoxication offenses and placement on community supervision, and order the defendant not to operate a motor vehicle unless it is equipped with a breath analysis mechanism.
- △ Increases the minimum term for a second conviction for DWI from 15 to 30 days of confinement.
- △ Requires a defendant charged with certain intoxication offenses to install a breath analysis mechanism on the defendant's vehicle within 30 days of release on bond and not operate any vehicle unless it is so equipped.
- △ Allows a judge to require persons convicted of certain intoxication offenses and released to community supervision to install a breath analysis mechanism on the person's vehicle within 30 days of release and not operate any vehicle without such a device.

Criminal Justice/General

- △ Allows metropolitan, regional, or city transit authorities to prohibit the consumption of alcoholic beverages on property under its control and makes it a Class C misdemeanor to violate such a prohibition.

New or Restored Offenses

- △ Restores the third-degree felony offense of assaulting a public servant.
- △ Creates the second-degree felony offense of sexual assault of a patient by a mental health services provider, or by a clergyman who exploits the other person's emotional dependency.
- △ Creates the third degree felony offense of hindering the apprehension or prosecution of a child engaging in felony delinquent conduct.

Increased Penalties

- △ Raises the penalty for simple assault from a Class C misdemeanor to a Class A misdemeanor if the offense is committed against an elderly or disabled individual and provides that a sexual assault is an aggravated offense punishable as a first degree felony if the victim is 65 years of age or older.

Prosecution Tools

- △ Provides that in the prosecution of sexual or assaultive offenses committed against a child under age 17, other crimes, wrongs, or acts committed by the accused against the victim are admissible.
- △ Provides that a defendant adjudged guilty of sexual assault of a child is not eligible for community supervision from a judge.
- △ Provides that illegal possession of a non-narcotic dangerous prescription drug for personal use is a Class A misdemeanor offense.

Crime Prevention Measures

- △ Provides that peace officers may carry weapons while off duty.
- △ Requires a two-thirds majority vote of the Board of Pardons and Paroles in order to grant parole to a capital felon serving a life sentence.

Correctional Administration and Oversight

- △ Allows the Texas Department of Criminal Justice - Institutional Division to operate at 100 percent of capacity instead of the current 95 percent limit, but the population may exceed 100 percent after September 1, 1997, if the attorney general certifies that the increase does not negatively affect classification, medical, and security purposes, and the department, the board, and the governor approve.

Criminal Justice/General

- △ Allows the Department of Criminal Justice to establish policies for a conditional work program of up to 500 male and female residents of community residential facilities and require a percentage of earnings to go toward supervision, restitution, and savings for release.
- △ Requires the Criminal Justice Policy Council to report to the governor, lieutenant governor, and speaker of the house on projected capacity and population during the remainder of the biennium for facilities of the Department of Criminal Justice and the Youth Commission.

Courts of Inquiry

- △ Requires a district judge, on probable cause to believe an offense has been committed, to request the presiding judge of the judicial district to appoint a district judge to commence a Court of Inquiry.
- △ Requires that if more than one Court of Inquiry is commenced pertaining to a state entity or servant, the courts will be consolidated and moved to Travis County.

Restoration of Forfeited Good Time in TDCJ-ID - S.B. 44

by Senator Shapiro

House Sponsors: Representative Combs, et al.

- △ Codifies the existing policy of the Texas Department of Criminal Justice to prohibit the restoration of good conduct time which has been forfeited by an inmate by misbehavior.

Review of the Citizenship Status of Inmates - S.B. 279

by Senator Brown

House Sponsor: Representative Junell

- △ Requires the Texas Department of Criminal Justice (TDCJ) to find and report to the Federal Immigration and Naturalization Service (INS) currently incarcerated persons who are aliens or of uncertain citizenship status. Requires the TDCJ to request INS assistance in determining whether or not persons of indeterminate status are illegal aliens.
- △ Requires TDCJ to notify the criminal justice division (division) of the governor's office of inmates determined by the INS to be illegal aliens.
- △ Requires the division to apply to the federal government for federal funding for the cost of incarcerating illegal criminal aliens. Requires federal monies paid for these costs to be deposited in the general revenues of the state. (The comptroller's estimates of the potential gain in federal funds are as follows: \$9.6 million in 1996; \$16.4 million in 1997; \$13.5 million in 1998; and similar amounts in future years.)

Criminal Justice/General

- △ Requires TDCJ to cooperate with the INS to develop and implement an efficient system to deport illegal criminal aliens when their sentences are complete or they are placed on parole or under mandatory supervision.
- △ Requires the presiding judge to report to the INS any illegal aliens convicted in the judge's court of a crime or placed on deferred adjudication for a felony.

Death Penalty Appeals - S.B. 440

by Senator Montford, et al.

House Sponsor: Representative Gallego

- △ Requires habeas corpus review of death penalty cases to proceed simultaneously with the direct appeal of the conviction, rather than after the direct appeal is completed.
- △ Limits an inmate who receives the death penalty to one state habeas application.
- △ Requires an attorney to be appointed and compensated in state habeas review.

Hospice Services for Prison Inmates - S.B. 569

by Senator Moncrief

House Sponsor: Representative Hightower

- △ Provides that the Texas Department of Criminal Justice may provide direct hospice (home for the sick) services for terminally ill inmates and defendants confined in facilities operated by the department or may contract with a licensed hospice for the services.

Offense of Securing Execution of a Document by Deception - S.B. 698

by Senator Barrientos

House Sponsor: Representative Greenberg

- △ Provides that a felony indictment may be presented within seven years from the date of securing the execution of a document by deception.

Penalty for Organized Criminal Activity - S.B. 1090

by Senator Whitmire

House Sponsor: Representative Bosse

- △ Provides that it is a Class A misdemeanor for a person to knowingly violate a temporary or permanent court order enjoining a defendant from engaging in, or using a place for, organized criminal activities.

Criminal Justice/General

- △ Provides that if the conduct constituting a violation of this section also constitutes an offense under any other section of the Penal Code, the actor may be prosecuted under either or both sections.

Capacities of County Jails and the Separation of Inmates

- S.B. 1168

by Senators Shapiro and Sims
House Sponsor: Representative Longoria

- △ Requires the Commission on Jail Standards to adopt, within 90 days of the effective date of the Act, rules for separation of violent and other classes of inmates and for maximum capacities for county jails.
- △ Repeals sections of the Local Government Code relating to capacity and inmate separation requirements for county jails.

Notification of Holders and Owners of Seized Contraband - S.B. 1217

by Senator Ellis
House Sponsor: Representative Pitts

- △ Provides how notice is to be served on an owner, possessor, and interest holder of a motor vehicle subject to a forfeiture proceeding.
- △ Provides that it is the intent of the legislature that asset forfeiture is remedial in nature and not a form of punishment.

Attorney General Assistance to Local Prosecuting Attorneys - S.B. 1379

by Senator Wentworth
House Sponsor: Representative Gallego

- △ Authorizes the Attorney General's Office to provide technical and legal assistance in criminal cases, upon the request of local prosecuting attorneys.

Establishment of a DNA Database - H.B. 40

by Representative McCall, et al.
Senate Sponsor: Senator Madla

- △ Requires the director of the Department of Public Safety (DPS) to record DNA data and establish a computerized database, capable of classifying, matching, and storing the results, that serves as a central depository for state DNA records.
- △ Requires DPS to establish standards for DNA analysis by the DNA laboratory that meet or exceed the current standards for quality assurance issued by the FBI.

Criminal Justice/General

- △ Provides that the DNA database is only for use in criminal cases in the investigation of an offense, the exclusion or identification of suspects, and the prosecution of the case, and for identifying human remains and missing persons.
- △ Requires an inmate of a penal institution to provide DNA samples or specimens, if ordered by a court for certain sex offenses.
- △ Requires a juvenile committed to the Texas Youth Commission to provide DNA samples or specimens, if ordered by a court for certain sex offenses.
- △ Provides that a person commits an offense punishable by a fine up to \$1,000, confinement in the county jail for up to six months, or both, if the person knowingly makes an unauthorized disclosure of information in the DNA database.

Sentencing for Intoxication Manslaughter - H.B. 93

by Representative Kamel, et al.
Senate Sponsor: Senator Shapiro

- △ Provides that if a person accused of intoxication manslaughter is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively.

Participation of Certain Defendants in County Jail Work Release Programs - H.B. 179

by Representative Combs
Senate Sponsor: Senator Barrientos

- △ Requires the Commission on Jail Standards to adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk offenders and are therefore suitable participants in a county jail work release program.
 - △ Requires a sheriff to provide classification reports to a judge using this classification system for certain offenders. The judge may require a defendant who is classified as a low-risk offender to participate in a work release program.

Inmate Access to Public Records and Personal Information - H.B. 949

by Representative Hightower, et al.
Senate Sponsor: Senator Turner

- △ Provides that a governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility, although information pertaining to the inmate may be disclosed.

Criminal Justice/General

- △ Provides that personal identifying information pertaining to an individual is privileged from discovery by an individual who is imprisoned or confined in any correctional facility, if the information pertains to an employee of any correctional facility or a close relative.
- △ Allows personal information that is privileged, such as an individual's home address, home telephone number, and social security account number, to be accessible during the discovery phase of a civil suit filed by an individual who is imprisoned or confined only if the individual can show good cause to the court for the discovery of the information and the court renders an order that authorizes discovery.
- △ Prevents the Supreme Court from amending or adopting rules in conflict with provisions of the bill relating to personal identifying information privileged from discovery by an inmate.
- △ Provides that an inmate of the Institutional Division or State Jail Division of the Texas Department of Criminal Justice commits a third degree felony if, with intent to obtain a benefit or to harm or defraud another, the inmate discloses or uses personal information about another that is accessed through the inmate's work assignment.
- △ Allows the director of the institutional division to forfeit all or part of an inmate's accrued good conduct time on conviction for misuse of information
- △ Prevents an inmate convicted for misuse of information from subsequently participating in any work program operated by the Institution Division or the State Jail Division that provides inmates with access to personal information about persons who are not confined.

Criminal Check in Adoptions - H.B. 1108

by Representative Greenberg
Senate Sponsor: Senator Moncrief

- △ Requires a court to order each person seeking to adopt a child to obtain his or her own criminal history record information.

Employment Services for Former Prison and State Jail Inmates - H.B. 1180

by Representative Sylvester Turner
Senate Sponsor: Senator West

- △ Provides that former inmates have access to development centers established by local workforce development boards.

Criminal Justice/General

- △ Provides that services available to former inmates include job training and employment assistance through Project RIO (Reintegration of Offenders), which is operated by the Texas Employment Commission (TEC).
- △ Requires TEC through Project RIO, to provide information to former inmates regarding assistance and services available.
- △ Requires TEC to adopt a memorandum of understanding with other agencies to establish the responsibilities of TEC and the other agencies in providing information to former inmates regarding assistance and services available.
- △ Requires TEC to prepare an annual report describing the number of ex-offenders in the preceding year receiving services from each of the agencies under the memorandum.

Authority of Peace Officer from Adjoining State - H.B. 1155

by Representative Telford
Senate Sponsor: Senator Ratliff

- △ Grants the same powers, duties, and immunities of a peace officer of Texas to a commissioned peace officer of a state of the U.S. adjoining this state while acting in the discharge of an official duty.
- △ Limits the powers to instances when the officer from an adjoining state has physical custody of an inmate or criminal defendant and is transporting the defendant or criminal defendant from the adjoining state to a hospital or other medical facility in a county in this state that is on the border between the two states, or is returning the individual to the adjoining state.
- △ Grants peace officer powers to the extent necessary to maintain physical custody or regain physical custody if the individual escapes while being transported.

Limiting Inmate Lawsuits - H.B. 1343

by Representative Hightower
Senate Sponsor: Senator Montford

- △ Establishes an inmate grievance process that must be exhausted before an inmate may file a lawsuit in state court.
- △ Streamlines the litigation process by allowing hearings to be held in a prison or allowing teleconferencing technology to be used, and permits a court to dismiss frivolous or malicious lawsuits.
- △ Penalizes inmates who file frivolous or malicious litigation.

Criminal Justice/General

- Δ Requires an inmate to pay court fees and costs out of the inmate's trust account.
- Δ Requires TDCJ to revoke up to 180 days of an inmate's good conduct time when an inmate repeatedly files frivolous or malicious lawsuits.

Release of Certain Inmates of the Institutional Division of the Texas Department of Criminal Justice - H.B. 1433

*by Representative Hamric
Senate Sponsor: Senator Brown*

- Δ Provides that certain inmates are not eligible for release to mandatory supervision. Mandatory supervision means automatic release to parole supervision when the calendar time served and good-conduct time earned equal the prisoner's sentence. The prisoner remains in state custody and must comply with conditions imposed by the parole panel.
 - Δ Provides that inmates who have previously been convicted for offenses in which there was an affirmative finding that a deadly weapon was used in the commission of a felony or the immediate flight therefrom or for other enumerated felony offenses are not eligible for release to mandatory supervision.
 - Δ Provides that an inmate may not be released to mandatory supervision if the parole panel makes a written determination that the inmate's accrued good conduct time is not an accurate reflection of the inmate's potential for rehabilitation. The determination is not subject to administrative or judicial review, although the panel must reconsider the inmate for release to mandatory supervision at least twice during the two years following the date of determination.

Theft of Cattle, Horses, and Other Livestock -

H.B. 1957

*by: Representative Black et al.
Senate Sponsors: Senators Sims and Brown*

- Δ Provides offenses for the theft of cattle, horses, sheep, swine, goats, exotic livestock, or exotic fowl.
 - Δ Makes it a state jail felony if the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 head of cattle, horses, or exotic livestock or exotic fowl, or less than 100 head of sheep, swine, or goats; and

Criminal Justice/General

- △ Makes it a third-degree felony if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is: (a) 10 or more head of cattle, horses, or exotic livestock or exotic fowl stolen during a transaction and having an aggregate value of less than \$100,000; or (b) 100 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000.

Efficient Administration of the Criminal Justice System -

H.B. 2162

by Representative Hightower

Senate Sponsor: Senator Whitmire

- △ Extends the 12-month limit on housing inmates in transfer facilities to the two-year maximum period for which a state jail felon may be confined in a state jail.
- △ Provides that the Texas Department of Criminal Justice (TDCJ) may transfer a correctional facility to another agency of the state, and the agency may transfer the facility back to TDCJ, such as the transfer of an adult drug treatment facility to the Texas Youth Commission.
- △ Repeals the requirement that TDCJ use a prison admission allocation formula governing the number of prisoners to be received from counties and replaces it with a scheduled admissions policy, which provides greater flexibility for relieving overcrowded jails and using prison space efficiently.
- △ Requires each inmate in TDCJ to work, to the extent that the inmate is physically capable of working.
- △ Provides that TDCJ may use the labor of defendants confined in a state jail felony facility in any work or community service program or project performed by the institutional division.
- △ Removes TDCJ's authority to grant furloughs to inmates for "appropriate reasons," leaving only the authority to grant emergency, escorted absences for funerals, medical treatment, or critically ill relatives.
- △ Provides that an unauthorized departure from confinement in an intermediate sanction facility for parolees and probationers is an escape.
- △ Repeals the provision that state jails may be used only until 1997 as transfer facilities for paper-ready inmates in county jails, allowing their use indefinitely.
- △ Provides authority for TDCJ to contract for beds with public or private jails or operators of alternative housing facilities.
- △ Provides that TDCJ may not house in a state jail felony facility an inmate who has a history of or has shown a pattern of violent or assaultive behavior in county jail or a

Criminal Justice/General

facility operated by the TDCJ, or will increase the likelihood of harm to the public if housed in the facility.

- △ Requires TDCJ to compute annual community corrections program funding based on a county's population and the number of felony defendants under direct community supervision.

Court Ordered Treatment Program for a Chemically Dependent Person - H.B. 2389

by Representative Hilbert
Senate Sponsor: Senator Whitmire

- △ Provides for the return of a driver's license to a person who completes a court-ordered treatment program for chemical dependency.

Jurisdiction of Peace Officers - H.B. 2614

by Representative Oakley
Senate Sponsor: Senator Luna

- △ Permits certain peace officers to arrest a person for a misdemeanor offense, other than a traffic violation, anywhere in the state, rather than only within the officer's jurisdiction as presently allowed.

Pyramid Schemes - H.B. 2771

by Representative Wolens
Senate Sponsor: Senator Cain

- △ Defines pyramid promotional schemes as operations which are designed to provide compensation primarily on the basis of introducing new persons to participate in the operation, rather than from the sale of products.
- △ Prohibits pyramid promotional schemes, and provides that a person commits a state jail felony if the person contrives, prepares, establishes, operates, advertises, sells, or promotes such a scheme.
- △ Provides that it is not a defense to prosecution under this section that the pyramid promotional scheme involved both a franchise to sell a product and the authority to sell additional franchises, if the emphasis of the scheme is on the sale of additional franchises.

Fee for Fingerprinting Service - H.B. 3017

by Representative Seidlits
Senate Sponsor: Senator Shapiro

- Δ Permits a law enforcement agency to charge a fee of up to \$10 for fingerprinting for identification purposes and permits the agency to retain records of the fingerprints.

Offenses Motivated by Bias or Prejudice - S.B. 141 (Died in the House)

by Senator Ellis, et al.
House Sponsor: Representative Hochberg, et al.

- Δ Would have redefined offenses against persons or property committed because of bias or prejudice, and amends the law regarding the enhancement of punishment for such offenses.
 - Δ Would have provided that in the punishment phase of a trial for certain offenses under the Penal Code, if the court determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed because of the race, color, disability, religion, national origin, or sexual orientation of the person, the court shall make an affirmative finding of that fact in the judgment of that case.
 - Δ Would have amended the section providing for enhancement of penalties for offenses committed because of bias or prejudice to provide that the minimum punishment for Class A misdemeanors is a jail term of 180 days; but the section does not apply to the trial of an offense to a disabled individual if there is an affirmative finding that the defendant intentionally selected the victim because of the victim's disability, which is a felony offense.

Grounds for Reversing a Criminal Case - S.B. 280 (Died in the House)

by Senator Brown
House Sponsor: Representative Talton

- Δ Would have prohibited an appellate court or the Court of Criminal Appeals from reversing a judgment in a criminal action for:
 - Δ the violation of a constitutional provision, statute, court rule, or other law unless the complaining party has preserved the complaint by complying with the laws governing preservation of appellate issues;
 - Δ an error of less than constitutional dimension unless the record shows that it is more probable than not that the error materially affected the verdict or sentence to the appealing party's detriment; or

Criminal Justice/General

- △ an error of constitutional dimension if the record shows beyond a reasonable doubt that the error made no contribution to the verdict or sentence.
- △ Would have disapproved the rule which states that if an error exists in a criminal case, the court must reverse the judgment unless the court determines beyond a reasonable doubt that the error made no contribution to the conviction or punishment.

Operation of Sobriety Checkpoints - S.B. 357 (Died in the House)

by Senator Sibley, et al.

- △ Would have authorized a law enforcement agency (agency) to operate a temporary checkpoint on a street or highway to determine whether persons operating motor vehicles are driving while intoxicated.
 - △ Would have required checkpoint procedures to: be in writing; ensure that the selection of motor vehicles to be stopped is reasonably predictable and nonarbitrary; prohibit an officer from detaining a motorist without reasonable suspicion for more than two minutes; and prohibit an officer from requiring a driver to take a sobriety test without probable cause.
 - △ Would have required a law enforcement agency to make reasonable efforts to publicize the operation of a checkpoint, but provides that the agency is not required to disclose the precise date, time, location, or purpose of the checkpoint.
 - △ Would have prohibited an agency from operating a checkpoint at one location for more than four hours and from operating a checkpoint at the same location more than twice in a seven-day period. Provides that checkpoints located within one-half mile of each other are considered to be at the same location.

Offense of Ticket Scalping for Certain Events - S.B. 495 (Died in the House)

by Senator Henderson

- △ Would have made it a Class B misdemeanor to resell or offer to resell a ticket to certain events for a price in excess of that offered to the general public by the event sponsor.
 - △ Would have applied only to an event if:
 - It is held in a county with a population of 2.4 million or more;

Criminal Justice/General

- It is an agricultural exposition or a show connected with such an exposition;
- The primary event sponsor is a nonprofit organization; and
- The net proceeds are used for scholarships and educational programs for Texas youth.

Inmate Liability for Damage to State Property - S.B. 693 (Died

in the House)

by Senator West

House Sponsor: Representative Gray

- NOT FINALLY PASSED
- Δ Would have required the Texas Department of Criminal Justice to establish a hearing procedure for adjudicating state property damage claims against an inmate.
 - Δ Would have authorized an inmate to appeal a final administrative decision by filing a petition seeking judicial review in a district court in the county in which the alleged damages occurred.
 - Δ Would have provided that an inmate who fails to appeal a final administrative decision within 60 days is barred from proceeding with an appeal.

Expansion of the Offense of Barratry - S.B. 720 (Died in the

House)

by Senator Henderson

House Sponsor: Representative Nixon

- NOT FINALLY PASSED
- Δ Would have expanded the offense of barratry to include solicitation of employment within the scope of a professional's license, registration, or certification; "professional" is redefined to include attorneys, chiropractors, physicians, surgeons, private investigators, or any person licensed, certified, or registered by a state agency that regulates a health care profession. The offense of barratry is when an attorney, chiropractor, surgeon, or private investigator, or a person being paid by such a professional, is prohibited from soliciting employment from prospective clients.

Enhanced DWI Penalties - S.B. 853 (Died in the House)

by Senator Shapiro

- NOT FINALLY PASSED
- Δ Would have provided a 30-day minimum jail sentence on conviction for operating a motor vehicle, an aircraft, or a watercraft while a minor is a passenger in the vehicle.

Driver's License Suspension for Drug Offenses - S.B. 1403

(Died in the House)

by Senator Bruns

House Sponsor: Representative Alexander

- Δ Would have required the automatic suspension of the driver's license of anyone convicted of a drug offense, including driving while intoxicated or intoxication assault.

Offense of Obstruction of Justice - S.B. 1582 (Died in the House)

by Senator Turner

House Sponsor: Representative Place

- Δ Would have amended the Penal Code to create the offense of obstruction of justice.
 - Δ Would have changed the offense of "hindering apprehension or prosecution" to "obstruction of justice."
 - Δ Would have set out when a person commits an offense of obstruction of justice.
 - Δ Would have provided that such an offense is one category lower than the offense committed by the person for whom the actor acted or attempted to act to hinder, delay, or prevent that person's discovery, detection, adjudication, prosecution, conviction, or punishment. If the offense committed by the person is a state jail felony, the offense of obstruction of justice is a Class A misdemeanor.
 - Δ Would have provided that if an offense under this section is also an offense under another section of the code, prosecution may be brought under either section.
 - Δ Would have repealed the section of the code making it an offense to knowingly alter, destroy, or fabricate physical evidence.

Economic Development

Removal of Restrictions on Investments with South Africa - S.J.R. 7 and S.B. 59

by Senator Ellis, et al.

House Sponsor: Representative Giddings

- Δ Requires the submission to the voters of a constitutional amendment to repeal the requirement that businesses investing in South Africa and Namibia disclose these investments in order to receive money from the Texas growth fund. **Ballot Date: November 7, 1995.**

Bonding Authority for Texas Agricultural Projects - S.J.R. 51 and S.B. 1260

by Senator Montford

House Sponsor: Representative Patterson

- Δ Requires submission to the voters of a constitutional amendment to authorize the use of existing bonding authority of the farm and ranch finance program to include financial assistance for the expansion, development, and diversification of production, processing, marketing, and export of Texas agricultural products. **Ballot Date: November 7, 1995.**
- Δ Authorizes the authority board of directors to issue and sell general obligation bonds to establish the Texas agricultural fund and the rural microenterprise development fund, but only if the constitutional amendment relating to the use of proceeds of bonds issued for financing farm and ranch land is approved by voters.
 - Δ Removes the \$25 million limit on outstanding bonds for the Texas agricultural fund.
 - Δ Removes the \$5 million limit on outstanding bonds for the rural microenterprise development fund.
 - Δ Requires bond proceeds to be deposited into the Texas agricultural fund.
- Δ Authorizes the authority board of directors, rather than the Veterans Land Board, to administer the farm and ranch finance program fund and to use money in the fund to pay administrative costs.
- Δ Gives the authority board of directors more flexibility in investing funds in the farm and ranch finance program fund.

Economic Development

Platting Requirements in Colonias - H.B. 1001

*by Representative Henry Cuellar
Senate Sponsor: Senator Zaffirini*

- △ Prohibits the sale of residential lots without adequate water and wastewater services in economically distressed counties within 50 miles of the Mexico border (colonias).
- △ Establishes requirements for the platting (mapping and surveying) of land that has been subdivided into four or more residential lots of five acres or less in an economically distressed county within 50 miles of the Mexico border.
 - △ Requires the subdivider of land to have a plat of the subdivision prepared that includes, among other requirements, a description in English and Spanish of the water and sewer facilities that will be constructed or installed to service the subdivision, and a provision for drainage to avoid concentration of storm water.
 - △ Prohibits a subdivider from selling or leasing land in a subdivision first platted or replatted after July 1, 1995, unless the subdivision plat has been approved by the commissioners court in the county in which the land is located.
 - △ Provides that a subdivider who sells a lot in a subdivision that has not been platted as required by this Act, or who allows a subdivision to become a public health nuisance, is subject to a fine of \$10,000 to \$15,000 for each lot sold or each lot that becomes a nuisance, plus costs incurred by the governmental entity bringing the suit.
 - △ Provides that a subdivider who fails to provide water or sewer service facilities in the time and manner described in the plat, or who otherwise violates this Act or a rule adopted by the commissioners court under this Act, is subject to a fine of \$500 to \$1,000 for each violation and for each day of a continuing violation, not to exceed \$5,000 per day, plus costs incurred by the governmental entity bringing the suit.
 - △ Provides that a subdivider who knowingly fails to file a plat required by this Act, or who knowingly fails to provide water or sewer service in a timely manner, or who fails to make a reasonable effort to have electric and gas utility service installed, commits a Class A misdemeanor.

Economic Development

Eligibility for Unemployment Compensation Benefits -

H.B. 1027

by Representative Oliveira
Senate Sponsor: Senator Sibley

- △ Conforms state law to federal law by adding a requirement that an unemployed individual participate in reemployment services, including a job search assistance service, in order to receive unemployment compensation benefits.

Loans Under the Historically Underutilized Businesses

Programs - H.B. 1991

by Representative Giddings
Senate Sponsor: Senator West

- △ Adds working capital to the permitted uses for loans under the historically underutilized business and small business linked deposit program.

Economically Distressed Areas (Colonias) - H.B. 2875

by Representative Johnson
Senate Sponsor: Senator Nixon

- △ Provides that certain areas formerly classified as economically distressed may continue to receive facility planning funds if the area ceases to meet the definition of economically distressed after an application for funds was submitted.

Certification of Historically Underutilized Businesses -

S.B. 189 (Died in the House)

by Senator West, et al.

- △ Would have authorized the General Services Commission to use the certification of other programs regarding historically underutilized businesses, and allows municipalities to adopt the certification program of the commission, the federal Small Business Administration, a political subdivision, or another governmental entity.

Self-Employment Assistance Program - S.B. 215 (Died in the House)

by Senator Fruan, et al.

House Sponsor: Representative Raymond

- △ Would have established a self-employment assistance program. The program would have been allowed through provisions of the North American Free Trade Agreement and would have been federally funded through the unemployment compensation system.

Economic Development

- △ Would have required the Texas Employment Commission (TEC) to set forth guidelines under which an individual is eligible to receive a self-employment assistance allowance and to adopt rules to enforce the program, including the following provisions:
 - Would have provided that an individual who fails to participate in self-employment assistance activities or to engage on a full-time basis in activities related to establishing a business and becoming self-employed is disqualified from the allowance.
 - Would have provided that the weekly amount payable to an eligible individual is equal to the weekly benefit amount payable for regular benefits.
 - Would have provided for a cap on the individual's total allowance during a benefit year.
 - Would have prohibited the number of individuals who receive an allowance from exceeding five percent of the total number of individuals receiving regular benefits.
 - Would have required allowances paid to be charged to employers in the same manner as the charging of regular benefits.
- △ Would have required the TEC, in approving a program that provides self-employment assistance activities, to attempt to identify and give priority treatment to existing training programs.

Creation of Sports Facility Enterprise Zones - S.B. 1346 (Died in the House)

by Senator West, et al.

House Sponsors: Representatives Seidlits and Marchant

- △ Would have authorized the creation of "sports facility enterprise zones" as reinvestment zones designated by a local government. These zones would contain a qualified sports facility project.
- △ Projects would have been required to be constructed, remodeled, or rehabilitated by a municipality, county, or other political subdivision, or by a nonprofit sports authority which receives rebates, refunds, or payments from the state or local government from certain taxes that were generated by a qualified sports facility project.
- △ Would have allowed a local government to enter an agreement to guarantee the bonds or other obligations of a sports facility that were issued or incurred to pay the cost of construction, remodeling, or rehabilitation of a project owned by the sports authority or local government.

Economic Development

- △ Would have authorized a local government to provide a sports authority which owns a project, or is assisting a local government with a project, a rebate, refund, or payment of certain sales and use, hotel, property, and mixed beverage taxes.
- △ Would have authorized a municipality by ordinance to impose an admissions tax and event parking tax on persons admitted to or parking at a qualified sports facility project, and would have provided for specific use of the tax revenue.
- △ Would have required that a sports facility that is located in a county with a population of 2 million or more, and that is located outside of the most populous municipality in the county, may not be designated as a qualified sports facility project without first receiving voter approval.
- △ Would have prohibited a sports facility enterprise zone in a municipality with a population of 1.5 million or more from including a sports facility unless the voters of the most populous municipality in the county approve the designation as a qualified sports facility project.

School-to-Work Training - S.B. 528 (Died in the House)

by Senator Ellis

House Sponsor: Representative Place

- △ Would have provided for the establishment of a school-to-work component of the state's workforce development system and created the Texas Skill Standards Board to improve the transition of Texas youth from school to work.
- △ Would have provided that the Council on Workforce and Economic Competitiveness is responsible for strategic planning, oversight, and evaluation of the school-to-work component.
- △ Would have required the school-to-work component to be implemented in a local labor market as defined by the boundaries designated as a local workforce development area.
- △ Would have provided that, in an area not designated as a workforce development area or in which a board has not been formed, the school-to-work responsibilities shall be implemented by an informal local partnership that includes employers, workers, educational institutions, community-based organizations and students.
- △ Would have created the Texas Skill Standards Board (standards board) as an advisory board to the governor for the development of a state-level skill standards and certification system for all education and training.
- △ Would have required occupational credentials to be granted under a process approved by the appropriate industry group, in occupational areas in which skill standards have been established.

Economic Development

- △ Would have prohibited the employment of youth in school-to-work programs from displacing or causing any reduction in the hours of non-overtime work, wages, or employment benefits of any currently employed worker.
- △ Would have required the state occupational information coordinating committee to collect labor market information to assist in the identification of industries and occupations that are characterized by high growth, upward mobility, high wages, and strong technical skills.
- △ Would have required state education agencies to develop and implement a plan for the preparation, certification, and recertification of teachers and workplace instructors who are proficient in developing curricula for and teaching in school-to-work programs.
 - △ Would have required the Central Education Agency to ensure that a student's decision to enter into a school-to-work agreement will not affect the student's status with regard to fulfilling requirements for high school graduation or eligibility to enroll in postsecondary degree programs.
 - △ Would have required the Texas Higher Education Coordinating Board to develop and implement a plan that provides for the award of credit and advanced standing in two-year and four-year postsecondary degree programs for graduates of school-to-work programs.
 - △ Would have required the commissioner of education to study and recommend to the governor and legislature, no later than September 1, 1996, ways to incorporate the elements of the school-to-work component into the curriculum of primary and secondary public schools and postsecondary institutions.

Education Code Revision - S.B. 1

by Senator Ratliff

House Sponsor: Representative Sadler

- △ Requires the Texas Education Agency (TEA), defined as the commissioner of education and TEA staff, to exercise only the authority specifically granted by constitution or statute over the public education system.
- △ Authorizes three different options under which a school district may operate.
 - △ Independent School District: Applies all of the requirements of the Education Code to school districts.
 - △ Home-Rule District: Allows a school district's voters to adopt a home-rule charter under which the district will operate.
 - A home-rule district is subject to state graduation requirements, accountability, no-pass/no-play, federal law and court orders, compulsory attendance, pre-kindergarten and bilingual programs, information reporting requirements, school finance, and teacher certification, and teacher payroll deductions.
 - A home-rule district must maintain elementary class-size limits of 22-to-1 only at low performing campuses.
 - △ Special-Purpose District: Provides a school governance option for school districts that are currently organized in a different manner than those organized as independent school districts.
- △ Authorizes SBOE to grant no more than 20 open-enrollment charter schools, which are campuses or programs designed to provide innovative programs.
- △ Authorizes the board of trustees of a school district to grant a charter for a school campus or a program on campus. Allows for an expanded program including charters outside a school district facility.
- △ Establishes the State Board for Educator Certification to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. Requires the board to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators. The board also has veto power.
- △ Provides an independent hearing for an educator who has been notified of the superintendent's decision to terminate the educator's contract or suspend the educator without pay.

Education/Public Education

- Δ Increases the minimum monthly salary schedule for classroom teachers and full-time librarians.
- Δ Requires each school district to offer a foundation curriculum that includes English language arts, mathematics, science, and social studies and an enrichment curriculum that includes each of the subject areas and courses required for graduation as prescribed by the SBOE.
- Δ Authorizes a public education grant program which will allow parents to send their children to a public school in another school district.
- Δ Authorizes the SBOE to generate two distinct textbook lists: conforming (50 percent of essential elements), and nonconforming (less than 50 percent of essential elements). Local school districts may select textbooks from the conforming and nonconforming lists for foundation courses. For enrichment courses, districts may select from either list or purchase a textbook of its choice.
- Δ Authorizes a school district to limit the suspension from extracurricular activity to three weeks of a student who receives a grade lower than 70 percent ("no pass, no play"). The student may practice or rehearse for an extracurricular activity during the three-week suspension.
- Δ Requires a "zero tolerance" discipline management policy.
 - Δ Authorizes a teacher to remove a student from class who is unruly, disruptive, or abusive and is interfering with the ability of other students to learn.
 - Δ Subject to review by a campus committee, prohibits the student from being returned to that teacher's class without the teacher's consent.
 - Δ Requires a school district to provide an alternative education setting for students removed from class.
- Δ Allows parents to review their child's textbooks, exams, student records, and teachers' materials.
- Δ Requires a student to pass either the Texas Assessment of Academic Skills (TAAS) exit test or end-of-course TAAS exams in three foundation curriculum areas.
- Δ Provides state assistance in financing public school facilities. Poor school districts will receive \$170 million.

**Release of Academic Performance Reports - S.B. 100 (Died in
the House)**

by Senator Bivins

House Sponsor: Representative Sadler

**NOT FINALLY
PASSED**

- Δ Would have required high schools, which receive academic performance reports from institutions of higher education on at least five former students who need developmental coursework, to release the information to local newspapers within 30 days.

Tuition Exemptions for Certain Veterans and Their Children - S.B. 114

by Senator Rosson, et al.

House Sponsor: Representative Willis

- △ Amends the Education Code to delete the demonstration of financial need from the requirements necessary for tuition and fee exemptions at institutions of higher education for certain veterans of the armed forces and the children of veterans who were killed in action, missing in action, or whose death is documented to be directly caused by illness or injury connected with active service in the armed forces of the United States.

Junior College District Service Areas - S.B. 397

by Senator Ratliff

House Sponsor: Representative Craddick

- △ Requires each junior/community college district to have a recognized service area.

Energy Conservation for Higher Education - S.B. 726

by Senator Sibley

House Sponsor: Representative Hirschi

- △ Requires institutions of higher education to submit energy conservation proposals to the energy management center of the Texas General Services Commission for review and comment before awarding an energy conservation contract.
- △ Allows the legislature to base an institution's appropriations for energy costs on the sum of the following:
 - △ The institution's estimated energy costs for that fiscal year;
 - △ If a contract is in effect, the institution's estimated net savings resulting for the contract during the contract term, divided by the number of years in the contract term.
- △ Requires the Texas Higher Education Coordinating Board to work with the energy management center to establish guidelines and an approval process for energy conservation measures.

State Postsecondary Review Program - S.B. 1228

by Senator Barrientos

House Sponsor: Representative Gutierrez

- △ Amends sections of the Education Code relating to actions by the State Postsecondary Review Entity (SPRE), an entity required by federal law. The goals of SPRE are to reduce student loan defaults and to eliminate fraud, waste, and abuse in student loan programs.
 - △ Requires SPRE to notify an institution of higher education (institution) whose activities are being reviewed as soon as practicable after beginning the review.
 - △ Authorizes SPRE to serve a civil investigative demand on an institution and require the institution to produce documents and records or permit inspection and copying of such documents and records.
 - △ Authorizes SPRE to use investigative information obtained during a review of an institution in enforcement action on the program.

Transfer of East Texas State University to the Texas A&M University System - S.B. 1299

by Senator Turner, et al.

House Sponsor: Representative Oakley

- △ Abolishes the East Texas State University board of regents.
- △ Transfers the governance, operation, management, and control of East Texas State University and East Texas State University at Texarkana to the board of regents of the Texas A&M University System.

Tuition-Free Education for Senior Citizens - H.B. 29

by Representative Goolsby

Senate Sponsor: Senator Leedom

- △ Authorizes institutions of higher education to allow a senior citizen to enroll for credit in up to six hours of courses each semester or summer term without payment of tuition if space is available.

Distance Learning Master Plan - H.B. 85

by Representative Hunter

Senate Sponsor: Senator Bivins

- △ Requires the Texas Higher Education Coordinating Board to develop a master plan for the development of distance learning and other applications of instructional electronic technology by institutions of higher education.

Tuition Exemption for Military Veterans - H.B. 699

by Representative Culberson
Senate Sponsor: Senator Haywood

- △ Provides that a military veteran who is in default of an educational loan made under a federal program will not be exempt from tuition, fees, and charges at higher education institutions.

**Recreational Facility for University of Texas at Dallas -
H.B. 815**

by Representative Goolsby
Senate Sponsor: Senator Cain

- △ Authorizes the board of regents of the University of Texas System to charge students enrolled at the University of Texas at Dallas a recreational facility fee to finance, construct, equip, operate, maintain, or improve student recreational facilities or programs.
- △ Authorizes the board of regents of the University of Texas System to charge students enrolled at the University of Texas at Austin a \$1 fee per semester to fund the construction of a Martin Luther King, Jr., statue on campus.
- △ Authorizes the board of regents of the Texas A&M University System to increase the compulsory group hospital and medical services fee to no more than \$75 for each regular semester.
- △ Authorizes the board of regents at Texas Tech University to increase the student fee to no more than \$50 for each regular semester.
- △ Authorizes the board of regents of the Texas State University System to increase the recreational sports fee to no more than \$50 for each regular semester if approved by a student vote at a system institution.
- △ Authorizes the governing board of an institution of higher education to charge a reasonable fee to each person registered in a continuing education course at the institution.

Prepaid Higher Education Tuition Program - H.B. 1214

by Representative Kamel, et al.
Senate Sponsor: Senator Barrientos

- △ Establishes the Prepaid Higher Education Tuition Board (board) in the office of the comptroller.
- △ Requires the board to make the following prepaid tuition contracts available: junior college plan, senior college plan, junior-senior college plan, and private college plan.

Education/Higher Education _____

- Δ Authorizes a purchaser to enter into a prepaid tuition contract with the board under which the purchaser agrees to prepay the tuition and required fees for a beneficiary to attend a public or private institution of higher education.

Education/Higher Education

- △ Authorizes the board to award a prepaid higher education tuition scholarship to a student who meets economic and academic requirements adopted by the board.

College Credit for High School Students - H.B. 1336

by Representative Rodriguez
Senate Sponsor: Senator Luna

- △ Authorizes a public junior college to offer courses for joint high school and junior college credit.
- △ Authorizes the junior college to waive the tuition fee for a high school student enrolled in a course for which the student may receive joint credit.

Early High School Graduation Scholarship Program and Tuition Exemptions - H.B. 1479

by Representative Hilderbran
Senate Sponsor: Senator Barrientos

- △ Exempts certain students receiving welfare from the payment of tuition and fees for the first academic year in which the student enrolls at a higher education institution.
- △ Establishes the Early High School Graduation Scholarship Program.
 - △ Entitles an eligible student under the program to \$1,000 in state tuition credits at a Texas public or private institution of higher education.

Tuition Rate Increases - H.B. 1792

by Representative Junell
Senate Sponsor: Senator Bivins

- △ Increases tuition paid by non-Texas residents to the average of the five most populous states, excluding Texas.
- △ Increases tuition paid by Texas residents by \$2 per semester credit hour for the next six years. Resident tuition will increase to \$40 per semester credit hour in the 2000-2001 academic year.

Transfer of Lamar University System to the Texas State University System - H.B. 2313

by Representative Stiles
Senate Sponsor: Senator Galloway

- △ Abolishes the Lamar University System and the system's board of regents.

Education/Higher Education

- △ Transfers the governance, operation, management, and control of Lamar University, Lamar University at Orange, Lamar University at Port Arthur, Lamar University Institute of Technology to the board of regents of the Texas State University System.

Transfer of Baylor College of Dentistry to the Texas A&M University System - H.B. 2495

by Representative Harris
Senate Sponsor: Senator Cain

- △ Transfers the Baylor College of Dentistry to the board of regents of the Texas A&M University System and requires the institution to be known as the Texas A&M University System--Baylor College of Dentistry.

TSTC-Amarillo to Amarillo College - H.B. 2507

by Representative Swinford
Senate Sponsor: Senator Bivins

- △ Sets forth the lease and transfer agreement of Texas State Technical College - Amarillo to the board of trustees of Amarillo College.

Bond Authority for Student Loans - H.J.R. 50 and H.B. 686

by Representative Hernandez
Senate Sponsor: Senator Barrientos

- △ Requires the submission to the voters of a constitutional amendment to authorize the Higher Education Coordinating Board to issue and sell up to \$300 million in general obligation bonds, of the State of Texas, to finance educational loans to students. **Ballot Date: November 7, 1995.**

Transfer of Texas A&M International University to the U.T. System - S.B. 11 (Died in the House)

by Senator Zaffirini

- △ Would have transferred Texas A&M International University from the Texas A&M University System to the University of Texas System and changes the name of the university to the University of Texas-International.

Accelerated Payments to School Districts and Institutions of Higher Education - S.B. 407

by Senator Montford

House Sponsor: Representative Junell

- Δ Accelerates payments to school districts from the Foundation School Fund and provides emergency appropriations for expenses incurred by specific higher education institutions.
 - Δ Appropriates \$305 million from the general revenue fund to the Central Education Agency for payments to school districts for the 1995-1996 school year.
 - Requires the remainder of appropriations payable during the 1994-1995 biennium to be paid to all school districts before July 25, 1995, as an advance on payments otherwise due on September 25, 1995.
 - Δ In addition to appropriations for the 1994-1995 biennium, an additional \$17.5 million in emergency appropriations, from the general revenue fund, shall be made to following institutions:
 - \$740,000 to Tarleton State University for specific expenses.
 - \$1.4 million to Southwest Texas State University for specific expenses. These funds may be used to reimburse Southwest Texas State University's institutional funds, for any amount previously paid for work undertaken on certain buildings.
 - \$13.7 million to the Texas Higher Education Agency Coordinating Board (coordinating board) to fund enrollment and start-up costs at new campuses at Collin County Community College, North Harris Montgomery Community College, Blinn College, and Tarrant County Junior College.
 - \$2.3 million to the coordinating board to fund specific costs at South Texas Community College.
 - \$70,000 to the Texas Cosmetology Commission to pay costs associated with carrying out provisions of law.
 - \$87,000 to the University of Texas at San Antonio to pay for repairs caused by a fire.

Higher Education Assistance Fund Allotments - H.B. 2462

by Representative Junell
Senate Sponsor: Senator Montford

- △ Provides for the allocation of \$175 million from the Higher Education Assistance Fund on an equitable formula based on space deficit, facilities condition, and institutional complexity. Provides separate allocations for medical units and the Texas State Technical College System and an additional allocation for Texas Southern University for compliance with the Texas Desegregation Plan. This is an increase of 75 percent from the previous allocation.

- △ Sets forth allotments from the Higher Education Assistance fund as follows:
 - △ East Texas State University - \$5.6 million;
 - △ Lamar University - \$9.5 million;
 - △ Midwestern State University - \$ 2.9 million;
 - △ University of North Texas - \$20.2 million;
 - △ University of Texas - Pan American and the University of Texas at Brownsville - \$10.2 million;
 - △ Stephen F. Austin State University - \$6.5 million;
 - △ University of North Texas Health Science Center at Fort Worth - \$3.6 million;
 - △ Texas State University System Administration and component institutions - \$23.2 million;
 - △ Texas Southern University - \$8.2 million;
 - △ Texas Tech University - \$16.9 million;
 - △ Texas Tech University Health Sciences Center - \$7.7 million;
 - △ Texas Woman's University - \$6.8 million;
 - △ University of Houston System Administration and component institutions - \$37.7 million;
 - △ Texas A&M University at Corpus Christi, A&M International University, A&M University at Kingsville, and West Texas A&M University - \$12.2 million; and

Education/Funding

- Δ Texas State Technical College System - \$3.8 million;
- Δ Provides that the equitable allocation formula should be adjusted for the five-year period beginning September 1, 2000. Requires the coordinating board to perform a survey of educational and general building quality, if the legislature provides funds for the survey.
- Δ Provides that the increases provided are valid and effective beginning September 1, 1995.

Fiscal Management

Regulation of State Deposits - S.B. 1128

by Senator Ellis

House Sponsor: Representative Henry Cuellar

- △ Authorizes any state or federal credit union doing business in the state to be designated by the State Depository Board as a state depository.
- △ Requires state depositories to be covered by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.
- △ Prohibits the State Depository Board from selecting as a depository a regulated financial institution that has been assigned a federal credit rating below "outstanding record of meeting community credit needs."
- △ Specifies eligible collateral to secure state deposits as obligations guaranteed by the U.S. government or obligations approved by the attorney general and that are payable from taxes, revenues, or both.
- △ Prohibits the state treasurer from purchasing certain types of derivative investments, and limits the amount of other types of derivatives that may be purchased to no more than 5 percent of the treasury's total investments. The bill allows the treasurer to define derivative investments other than those prohibited by the bill. Derivative investments generally involve obligations related to mortgages.
- △ Requires the payment of interest and principal due on a local government bond to be on deposit with the state treasurer no later than five business days before the date the bond matures.
- △ Authorizes a state agency to impose a 5 percent penalty on payment amounts not remitted by electronic funds transfer.
 - △ Changes the schedule of payments from the foundation school fund to local school districts.

Requirements for Governmental Entities Investing Public Funds - H.B. 2459

by Representatives Marchant, Junell, Greenberg

Senate Sponsor: Senator Ellis

- △ Imposes new reporting requirements on governmental entities investing public funds.
 - △ Requires the governing body of an investing state or local governmental entity to adopt a written investment policy regarding the investment of its funds and funds under its control, and further requires the governing body to

Fiscal Management

adopt a separate written investment strategy for each of the funds under its control.

- Δ Requires each entity to designate one or more persons of the entity as investment officers to be responsible for the investment of its funds.
- Δ Requires a written copy of the investment policy to be presented to any person seeking to sell investments to the entity.
- Δ Requires an investing entity to perform a compliance audit of management controls on investments and of adherence to the entity's established investment policies.
- Δ Requires an investment officer to submit, at least quarterly, a written report of investment transactions for all funds for the preceding reporting period to the governing body of the entity.
- Δ Requires investment training for state agency board members, agency investment officers, and local government officials responsible for investing public funds.
- Δ Prohibits entities from making certain investments, including certain derivatives.
- Δ Authorizes the investment of certain guaranteed investment contracts by entities.
- Δ Authorizes an investing entity to invest its funds through an eligible investment pool if the governing body of the entity authorizes investment in the particular pool.
- Δ Authorizes additional investments by an institution of higher education.
- Δ Allows any local government to use electronic means to transfer or invest all funds collected or controlled by the local government.
- Δ Requires a public funds investment pool to be continuously rated no lower than AAA or AAA-m by at least one nationally recognized rating service.

Duties of the Texas Public Finance Authority - H.B. 1013

by Representative Romo
Senate Sponsor: Senator Barrientos

- Δ Authorizes the Texas Public Finance Authority to act on behalf of the Texas Department of Commerce and the Texas Agricultural Finance Authority in issuing bonds.
- Δ Requires the authority to make an effort to increase the use of historically underutilized businesses in connection with the issuance of obligations issued by the authority.

Fiscal Management

- Δ Requires the authority to submit an annual report detailing its use of historically underutilized businesses.
- Δ Requires the authority to conduct a study of the benefits to the state of purchasing certain specified property.

Gaming

Regulation of Bingo - H.B. 3021

by Representatives Kuempel and Seidlits
Senate Sponsor: Senator Cain

- △ Authorizes bingo to be played using a pull-tab bingo game, a break-open bingo ticket, or an instant bingo ticket (electronic or mechanical bingo) subject to the rules of the Texas Lottery Commission (commission), but limits the use of a pull-tab bingo game, a break-open bingo ticket, or an instant bingo ticket.
- △ Limits the price of a break-open ticket, instant bingo ticket, or a pull-tab bingo game to no more than \$1.
- △ Authorizes the use of electronic or mechanical card-minding devices, but limits their use.
- △ Requires the toll-free Problem Gambler's HelpLine of the Texas Council on Problem and Compulsive Gambling to be prominently displayed on each card-minding device and each ticket or pull-tab dispenser.
- △ Requires a system service provider's license to be obtained from the commission by a provider who wants to sell or supply, in any manner, automated bingo services for the use of licensed authorized organizations. Sets forth system service provider's licensing procedures.
- △ Authorizes a licensed authorized organization to set an age younger than 18 as the age at which a minor may play bingo if accompanied by a parent or guardian to younger than 18.
- △ Increases the frequency of games a licensed organization may conduct from one to two occasions in 24 hours. Reduces the minimum intermission time between occasions from 30 to 10 minutes. Authorizes a third occasion of bingo in a 24 hour period under certain conditions.
- △ Prohibits more than seven licensed authorized organizations from conducting bingo at any bingo premises.
- △ Prohibits the Bingo Enabling Act from being construed to authorize any game using a video lottery machine.

Gaming

Regulation of Lottery Ticket Sales - H.B. 3031

by Representative Goolsby
Senate Sponsor: Senator Montford, et al.

- Δ Requires the Texas Lottery Commission to suspend or revoke the license to sell tickets if the applicant or sales agent is an officer or employee of the commission, or is a spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of a person who is an officer or employee of the commission or a lottery operator.
- Δ Prohibits the sale of lottery tickets on land owned by a political subdivision of the state and on which a public primary or secondary school or institution of higher education, or an agency of the state is located.
- Δ Prohibits the sale of tickets for lotteries offered by another state or state government, an Indian tribe or tribal government. Authorizes the state to enter into a compact with another state or state government, an Indian tribe or tribal government to sell this state's tickets.

Prohibition Against the Sale of Lottery Tickets of Another State in Texas - S.B. 1330 (Died in the House)

by Senator Nelson
House Sponsor: Representative Kubiak

- Δ Would have prohibited the sale in Texas of certain lottery tickets of another state or state government such as an Indian tribe or tribal government, and provides a criminal penalty.

Welfare Reform - H.B. 1863

by Representative Hilderbran, et al.
Senate Sponsors: Senator Zaffirini, et al.

- △ Requires adults who receive welfare to sign a bill of responsibilities that defines the responsibilities of the state and of recipients. Requires the Texas Department of Human Services (DHS) to apply assistance penalties if the welfare recipient does not comply with the agreement.
 - △ Responsibilities of recipients include:
 - Cooperating in the establishment of paternity and child support;
 - Completing required children's medical exams and immunizations;
 - Keeping paid employment of at least 30 hours a week;
 - Participating in self-sufficiency activities like education, literacy, employment skills training, or volunteering;
 - Remaining drug and alcohol-abuse free;
 - Attending school; and
 - Attending parenting training.
- △ Establishes time limits on welfare benefits in three tiers, ranging from 12 months to 36 months, based on educational levels and work experience, to be gradually implemented. The clock starts when the recipient receives notice that he or she is eligible for Texas' welfare employment and training program and there is an opening in the program.
 - △ Allows participants to reapply for financial assistance five years after their benefits are ended under the time limits above.
- △ Requires DHS to provide transitional child care services and medical assistance for 12 months to people who are no longer eligible for welfare payments because their household income increased or the time limits on benefits are exhausted.
- △ Overhauls work programs for welfare recipients.
 - △ Requires adults receiving welfare payments to work or participate in a Job Opportunities and Basic Skills (JOBS) program activity.
 - △ Changes the community work experience program to the volunteer work experience program and expands potential placement sites.
 - △ Designs new components for JOBS programs to assist recipients to find and retain employment.
 - △ Allows local boards to implement programs, or design and operate local demonstration programs to expand education, training and employment.

Health & Human Services/Welfare _____

- △ Establishes a special revolving fund account for loans for initial implementation costs of demonstration projects.
- △ Establishes a teen-JOBS pilot program to encourage teen parents to stay in school.
- △ Requires DHS to reapply for a federal waiver to make it easier for two-parent families to qualify for welfare payments.
- △ Strengthens child support provisions.
 - △ Requires unemployed non-custodial parents who are late in paying child support to attend employment-related programs if referred by the attorney general's office, or face losing state licenses (business, occupational, professional, motor vehicle, and recreational licenses).
 - △ Requires a court or the attorney general's office to suspend certain state licenses (business, occupational, professional, motor vehicle, and recreational licenses) for parents who owe child support past due 90 days or more.
 - △ Prohibits the issuance of marriage licenses if applicants fail to provide sworn statements that they do not owe late child support.
- △ Adds opportunities for welfare recipients and other Texans to apply for federal benefits for which they are eligible.
 - △ Requires the Texas Rehabilitation Commission to inform and assist clients in obtaining federal assistance in helping persons with disabilities to find work or to obtain Supplemental Security Income (SSI).
 - △ Requires facilities of the Texas Department of Mental Health and Mental Retardation and community centers to improve efforts to assist clients through the Social Security Administration disability determination process and in utilizing the Work Incentive Provisions.
- △ Improves opportunities for persons with disabilities in some state programs to become employed.
 - △ Requires school districts to include a goal of competitive employment in individual transition plans for special education students at least 16 years old.
- △ Enhances opportunities for claiming additional federal funds from the emergency assistance program, Medicaid, foster care, earned income tax credits, child care and other support services, and federal funding for services to victims of family violence.
- △ Enhances educational opportunities for welfare recipients.

Health & Human Services/Welfare _____

- △ Creates the Educate Texas program to develop adult education learning laboratories.
- △ Directs the Texas Center for Adult Literacy and Learning to evaluate materials for adult literacy and develop voluntary curriculum guidelines for adult literacy programs.
- △ Requires teacher education programs to include curriculum introducing students to the fundamentals of teaching adult literacy and English as a second language.
- △ Establishes pilot programs to extend the time the state can help some working families receiving welfare, to provide one-time emergency assistance for families in crisis, and to create individual savings accounts for welfare recipients to save for expenses necessary to achieve independence.
- △ Requires the State Council on Competitive Government to analyze the costs and benefits of contracting with private entities to perform some welfare functions, like determining eligibility or detecting fraud.
- △ Toughens welfare fraud detection and prevention efforts.
 - △ Improves the efficiency of fraud investigations and collections.
 - △ Outlines the use of computer databases or computer-based activities to improve fraud detection.
 - △ Establishes a tollfree hotline for reporting fraud.
 - △ Requires new technology, like electronic fingerprint imaging or photo imaging, to prevent fraud.
 - △ Builds on current efforts with new technology like electronic benefits transfers (EBT), including a pilot program for EBT for farmer's markets.
- △ Enhances the financial and programmatic oversight roles of the Health and Human Services Commission.
 - △ Mandates the expansion of pilot programs where eligibility for more than one program can be determined at the same time.
- △ Establishes alimony provisions for some divorced spouses who were married for 10 years or more, are disabled, care for a disabled child, or clearly lack earning ability.
- △ Creates the Texas Workforce Commission, formerly the Texas Employment Commission, to operate an integrated workforce development system; consolidating job-training, employment and related programs.

Health & Human Services/Welfare _____

- Δ Consolidates more than 20 job training, employment and employment related educational programs in a new workforce development division and gives the division authority to administer several other related programs.
- Δ Creates the Workforce Development Legislative Oversight Committee, appointed by the lieutenant governor and the speaker of the house of representatives, to monitor the implementation and efficiency of Texas' system.
- Δ Outlines state and local planning roles and responsibilities of local workforce development boards.
- Δ Establishes block grants to go to local workforce development areas for workforce training and employment services.
- Δ Creates the skills development fund for public community and technical colleges for start-up or emergency funds for public community and technical colleges to provide customized training for businesses.
- Δ Changes the composition of the Council on Workforce and Economic Competitiveness and attaches the council to the Governor's Office for administrative purposes.
- Δ Creates the Skills Standards Board to provide advice on skill standards and credentials for major skilled occupations.
- Δ Mandates the comptroller to review the smart jobs fund program and the programs transferred to the Texas Workforce Commission in order to make recommendations for the new structure of the commission.

Texas Food Security Council - H.B. 2856

by Representative Raymond
Senate Sponsor: Senator Ellis

- Δ Establishes the Texas Food Security Council (council) and sets forth the composition of the council.
- Δ Requires the council to inventory government resources that could be used by local communities.
- Δ Requires the council to develop programs to reduce the dependence of low-income families on nutritional assistance programs.

Health & Human Services/Welfare _____

- Δ Requires the council to develop a coordinated plan to create opportunities to increase access to food in low-income communities.
 - Δ Requires the council to provide information and technical assistance to help local communities develop comprehensive responses to hunger.

Medicaid Reform - S.B. 10

by Senator Zaffirini, et al.
House Sponsors: Representative Berlanga et al.

- △ Requires the Health and Human Services Commission to develop a health care delivery system which restructures how Medicaid services are delivered.
 - △ Mandates certain elements of the system. Major elements will:
 - Emphasize prevention and access to primary care physicians;
 - Control Medicaid costs by using managed care;
 - Maximize federal funding to expand Medicaid eligibility to persons eligible to receive indigent health care services, with a priority for children and their families, and plan for other expansions using existing and other funds;
 - Ensure that listed public entities like public hospital districts or state medical schools, which spend public money on health care, and which put up funds for matching, receive amounts for health care services which are at least equal to the amounts provided by that entity for matching.
 - Establish geographic service regions, adapt the system to the needs of people who require special care, such as children with health problems or other groups, and dedicate up to \$20 million a year under the new system for special payments to certain rural hospitals;
 - Streamline eligibility, client information, and referral for managed care services;
 - Ensure special payments to hospitals that provide certain levels of low income patient care, if necessary to ensure that all resources are maximized;
 - Design a way for individuals above 100 percent of the federal poverty level to help pay a small fee toward the cost of a medical visit, and a way for former Medicaid recipients who have incomes between 150 and 250 percent of poverty to purchase Medicaid coverage;
 - Maintain administrative cost levels at five percent or less; and
 - Develop a pilot program for child and adult dental care.
- △ Lists entities required to make resources available for matching, subject to the design of the health care system and federal authorization.

Health & Human Services/Medicaid _____

- △ Allows local mental health or mental retardation authorities, municipal or county health departments or other governmental entities that provide health care services to indigent persons to make resources available to be matched with federal funds.
- △ Spells out the formula for computing the amount of resources an entity makes available in a fiscal year and allows for agreements on additional amounts available for matching.
- △ Requires agreements that outline amounts available for matching that the entity will make available each year.
- △ Allows the listed public health entities and the other government offices like city or county health departments, to develop an intergovernmental initiative to administer the health care delivery system.
 - △ Outlines procedures for developing a final health care delivery plan agreement.
 - △ Outlines responsibilities and standards for the commission in approving agreements, governing structures of intergovernmental initiatives, service areas, and other components of the system.
 - △ Outlines requirements for health maintenance organizations which contract with the commission or with an intergovernmental initiative.
- △ Prohibits the commission from implementing the revised health care delivery system or intergovernmental initiatives unless the commission has obtained federal approval.
 - △ Sets a deadline of August 31, 1995 for the commission to submit the federal waiver unless the governor and the Legislative Budget Board determine that the expenditure of funds under the system as designed will not enable the state to control Medicaid costs.
 - △ Allows the governor to postpone the required submittal date for the waiver and establish an alternative date not later than September 30, 1995, by executive order, under certain conditions.
- △ Requires the commission to establish a pilot program for telephone health care systems for persons currently receiving Medicaid in a capitated managed care organization or other managed care initiatives.
- △ Requires the commission to begin establishing Medicaid managed care pilot programs, in addition to the programs currently operating in Texas, no later than the date on which the commission submits the waiver application to the federal government.

Health & Human Services/Medicaid _____

- Δ Requires the commission to continue to establish additional Medicaid managed care pilot programs statewide if federal approval to implement the health care delivery system is not received.
- Δ Establishes an award for reporting Medicaid fraud, misuse or overcharges.

Standards for Managed Care Organizations that Serve Medicaid Clients - S.B. 600

by Senator Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- Δ Requires the Texas Department of Health to develop performance, operation, financial, and other standards for managed care organizations that serve Medicaid clients.
- Δ Requires the Texas Department of Mental Health and Mental Retardation to develop performance, operation, financial, and other standards for managed care organizations of mental health and mental retardation services to Medicaid clients.
- Δ Requires the Texas Department of Insurance, in conjunction with the Texas Department of Health, to establish fiscal solvency standards and complaint system guidelines for managed care organizations that serve Medicaid clients.

Education Programs for Medicaid Providers and Clients

- S.B. 601

by Senator Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- Δ Requires the Texas Health and Human Services Commission (commission), in adopting rules to implement a Medicaid managed care program, to establish guidelines for and require managed care organizations to provide education programs for providers and clients.
- Δ Requires the commission to adopt a bill of rights and a bill of responsibilities for Medicaid clients.
- Δ Requires the commission to provide support and information services to a current Medicaid client or an applicant who experiences barriers to receiving services.
 - Δ Allows the support and information services to be provided by contracting with a nonprofit organization not involved in providing health care, insurance, or benefits.

Development of Medicaid Databases - S.B. 602

by Senator Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- △ Requires the Texas Health and Human Services Commission (commission) and each health and human services agency administering a part of the Medicaid program to develop a system of integrated state Medicaid databases to help analyze Medicaid data and detect provider or client fraud.
 - △ Requires the commission to develop a database system capable of analyzing the use of prescription medications.

Pilot Program for Medical Savings Accounts for Medicaid Recipients - S.B. 604

by Senators Nelson, Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- △ Requires the Texas Health and Human Services Commission (commission), no later than December 1, 1995, to develop a plan for a pilot program using Medicaid funds to establish medical savings accounts for recipients of acute care services under the state Medicaid program.
- △ Creates individual medical savings accounts from cost savings from Medicaid spending for recipients receiving doctor and hospital services.
- △ Requires the commission to implement the pilot program by no later than January 1, 1997, unless it is determined that the program will not result in any cost savings to the state in the next five years. If the commission does not implement the program, a report detailing the reasons is required.
- △ Requires the commission to submit a report on the effectiveness of the program no later than January 15, 1999.
- △ Requires the commission to request a federal waiver or authorization if the commission determines that federal approval is required.

Fees for Parents of Children in State Hospitals and State Residential Mental Retardation Facilities - S.B. 605

by Senators Madla, Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- △ Requires the Texas Department of Mental Health and Mental Retardation, at least once every five years, to evaluate and, if necessary, revise fee schedules for the parents of children admitted to state hospitals and state residential mental retardation facilities.

Health & Human Services/Medicaid _____

- △ Requires the department to evaluate and revise the schedules by January 1, 1996.

Application for Federal Medicaid Waivers - S.C.R. 55

by Senator Zaffirini, et al.

House Sponsors: Representatives Berlanga and Maxey

- △ Directs the State Medicaid Office to apply for several federal waivers to include:
 - △ Allowing copayments by Medicaid clients with access to a 24-hour telephone health advice line.
 - Provides for the waiver to exempt prenatal and well-child visits, and to cap copayments from clients who have chronic medical conditions and need to make regular doctor's office visits, and from long-term care clients who have already made a copayment.
 - △ Allowing a guaranteed Medicaid eligibility period of 12 months.
 - △ Allowing a pilot program that will incorporate long-term care services into a managed care program that provides doctor and hospital services for the elderly and for persons with disabilities.
 - △ Allowing a pilot program that will incorporate mental health and substance abuse services into a broader managed care program.
 - Directs the Health and Human Services Commission to develop a plan for the statewide expansion of these services.
 - △ Allowing a pilot program for individuals with mental retardation and other developmental disabilities that helps the individuals who are receiving services (consumer driven) make decisions about the services they receive.
 - △ Allowing a pilot program for certain recipients of intermediate care for the mentally retarded and waiver services to share in the cost of those services.

State Vendor Drug Program - S.C.R. 56

by Senator Zaffirini, et al.

House Sponsors: Representatives Berlanga and Maxey

- △ Directs the State Medicaid Office, in implementing managed care, to continue to operate the prescription drug program under a state program, rather than contracting with a private company or managed care organization.
 - △ Directs the State Medicaid Office to speed up full use of computer-based monitoring of drug price rebates from drug companies, and reviews of drug use before a pharmacist dispenses the medication.

Health & Human Services/Medicaid _____

- △ Directs that savings be committed to reducing costs in other Medicaid line items or raising or eliminating the current Medicaid limit of three prescriptions per month.

Federally Qualified Health Centers - S.C.R. 57

by Senator Truan, et al.

House Sponsors: Representatives Coleman and Berlanga

- △ Directs the State Medicaid Office to ensure that the state does not ask the federal government for permission to bypass special protections for community or migrant health centers that receive special federal grants.
 - △ Resolves that federal requirements for cost-based reimbursements to the health centers will not be bypassed for the first three years of any new federal waiver to test a new Medicaid system in Texas.

Medicaid and Home and Community Based Services -

S.C.R. 58

by Senator Moncrief, et al.

House Sponsors: Representative Berlanga, et al.

- △ Directs the State Medicaid Office, in conjunction with other agencies and groups, to structure a range of home and community-based services for people eligible for the six-bed intermediate care for the mentally retarded program.
- △ Directs the Texas Department of Health to conduct a feasibility study to identify and remove barriers to using cost-effective home care services.

Medicaid and Medical Savings Accounts - S.C.R. 60

by Senator Nelson, et al.

House Sponsors: Representatives Janek and Berlanga

- △ Directs the State Medicaid Office to develop a plan for a pilot project that uses Medicaid funds to establish medical savings accounts for recipients of acute care services under the state Medicaid program.
- △ Directs the State Medicaid Office to study the feasibility of using Medicaid funds for the Texas Health Insurance Risk Pool.

Definition of Medicaid Fraud - H.B. 2523

by Representative McDonald
Senate Sponsor: Senator West

- △ Defines unlawful acts relating to fraud in the Medicaid program.
- △ Provides for the attorney general to institute a court action for an order to restrain a person from committing or continuing to commit the unlawful act.
- △ Defines restitution, civil penalties, and other civil remedies for a person who commits an unlawful act.
- △ Allows the attorney general to investigate unlawful acts.
 - △ Outlines requirements for civil investigative demands.
- △ Requires state agencies to provide the attorney general access to documents relating to Medicaid recipients and persons under the Medicaid program for investigations, or for use in an administrative or judicial proceeding.
 - △ Provides civil and criminal immunity for a person who provides access to documents to specified entities.
- △ Permits heads of specified state agencies to suspend or revoke Medicaid provider agreements, permits, licenses, or certifications to persons found liable for unlawful acts.
- △ Makes a person who commits unlawful acts and who is licensed by a state regulatory agency subject to professional discipline.
- △ Allows the attorney general to recover fees, expenses and costs incurred in obtaining injunctive relief or civil remedies, or in conducting investigations.

Nursing Facilities - H.B. 2644

by Representative Hilderbran
Senate Sponsor: Senator Patterson

- △ Streamlines the licensing and Medicaid certification requirements for nursing facilities participating in the Medicaid program.
- △ Authorizes and sets forth provisions governing the arbitration of disputed nursing facility cases.

Health & Human Services/Medicaid _____

Rules for a Managed Care Medicaid Program - S.B. 603 (Died in the House) by Senator Madla, et al.

Δ Would have detailed requirements for the Texas Health and Human Services Commission in adopting rules to implement a managed care Medicaid program. The requirements would have included:

- designing a system to ensure that each Medicaid client has access to quality health services in that individual's local community;
- ensuring that in developing provider networks, extra consideration is given to a health care provider who has traditionally provided care to Medicaid and charity care patients; and
- requiring that a managed care organization include in its provider network, for not less than three years, each primary care physician and hospital that meet specified criteria.

Health & Human Services/Children

Children's Advocacy Centers and Child Fatality Review and Investigation - S.B. 81

by Senator Shapiro

House Sponsors: Representatives Brady and Goodman

- △ Adds a new subchapter to the Family Code relating to the establishment of children's advocacy centers.
 - △ Authorizes a children's advocacy center to be created if an interagency memorandum of understanding (MOU) is executed among the Texas Department of Protective and Regulatory Services, a local law enforcement agency, the local county or district attorney, and any other governmental entity that participates in child abuse investigations or offers services to child abuse victims that desires to participate in the operation of the center.
 - △ Requires a center's board to appoint a multidisciplinary team to review child abuse cases and coordinate the activities of entities involved in investigation, prosecution, and victim services.
- △ Adds a new subchapter to the Family Code relating to child fatality review and investigation.
 - △ Creates an 18-member child fatality review team committee to promote public awareness and make recommendations to the governor and the legislature for changes in law, policy, and practice to reduce the number of preventable child deaths.
 - △ Authorizes a multidisciplinary and multiagency child fatality review team to be established in a county to review child fatalities in that county and initiate measures to decrease the incidence of preventable child death.
 - △ Requires a person who knows of the death of a child younger than six to report the death to the county medical examiner or justice of the peace, unless the death was the result of a motor vehicle accident. Requires the medical examiner or justice of the peace to hold an inquest, and immediately notify a local law enforcement agency if the child's death was unexpected. Requires the local law enforcement agency to conduct an investigation into a death reported under this subchapter.

Possession and Delivery of a Missing Child - S.B. 789

by Senator Harris

House Sponsor: Representative Goodman

- △ Authorizes a law enforcement officer who, during a criminal investigation relating to a child's custody, discovers that a child is a missing child and believes that a person may flee with or conceal the child, to take possession of the child and deliver the child to a person entitled to possession of the child.

Health & Human Services/Children _____

- △ Requires the officer to deliver the child to the Department of Protective and Regulatory Services (department) if a person entitled to take possession of the child is not immediately available. Authorizes the department to keep the child, without a court order, up to 14 days. Requires the department to proceed as if the officer took possession of the child in an emergency, without needing a court order, if a parent or other person entitled to take possession of the child does not take possession of the child within the 14 days.

Enforcement of Child and Medical Support - S.B. 793

by Senator Harris

House Sponsor: Representative Goodman

- △ Requires the attorney general's office, as the child support enforcement agency, to develop and implement a statewide integrated system for child support and medical support enforcement.
 - △ Allows counties to voluntarily participate in the statewide integrated system, but requires the participating counties to contract with the attorney general's office. Allows contracts for providing services starting January 15, 1996.
 - △ Requires the Texas Judicial Council to implement a tracking system, with mandatory reports from district and county clerks, to ensure accountability for counties and courts which participate in the statewide integrated system for child and medical support.
- △ Requires the attorney general's office to make reports to a consumer credit reporting agency on the amount of child support owed and paid by a person who is obligated to pay child support.
- △ Creates a central database for reporting information concerning newly hired employees in order to enhance fraud prevention in the child support, welfare, workers' compensation, and unemployment insurance programs.
- △ Enhances child support provisions for public welfare recipients.
 - △ Sets a deadline of one year for enforcement of a child support obligation for cases involving public welfare assistance.
 - △ Requires the adoption of an agreement on establishing and enforcing court-ordered child support in cases involving public welfare assistance.
- △ Encourages the attorney general's office to maximize the collection of medical support and establish cash medical support orders for children who are eligible for the Medicaid program but who do not have private insurance coverage available.

Health & Human Services/Children _____

- △ Advances privatization efforts.
 - △ Allows the attorney general's office to contract with other private entities, in addition to private attorneys or political subdivisions, for child support enforcement services.
 - △ Requires a cost analysis comparing child support collection by private firms to similar activities performed by the attorney general's office.
 - △ Requires the attorney general's office to convene a Child Support Privatization Council to assist in certain duties.
- △ Adds provisions to the Insurance Code and Family Code regarding medical child support.
 - △ Provides that an insurer may not deny enrollment of a child under a parent's health insurance based on certain conditions.
 - △ Requires enrollment of the child without regard to any enrollment period restriction if the coverage is required by a court or administrative order.
 - △ Prohibits an insurer from canceling or refusing to renew coverage of a child unless written evidence is filed that the order requiring the coverage is no longer effective or the child is or will be enrolled in comparable health insurance coverage.
- △ Requires a study on establishing a health insurance purchasing pool for purchasing insurance for children who qualify for child support.
- △ Sets forth provisions and time frames for implementing the bill.
 - △ Requires a report on the estimate of the cost savings and effectiveness of the expansion of child support enforcement services and of privatization efforts.

Race or Ethnicity as a Factor in Adoption - S.B. 1487

by Senator Zaffirini, et al.

House Sponsor: Representative Conley

- △ Prohibits the Department of Protective and Regulatory Services, a county child-care or welfare unit, or a licensed child-placing agency from considering race or ethnicity as a primary factor in adoption or foster care placement.
 - △ Prohibits the denial, delay, or prohibition of an adoption or foster care placement based on race or ethnicity considerations.
 - △ Provides penalties for violation of this law.

Health & Human Services/Children _____

- △ Requires certain district courts to enforce this law by issuing appropriate orders, on the application for an injunction or the filing of a petition complaining of a violation of this law. Sets forth provisions of injunctive and other relief.

Breast-Feeding Rights and Policies - H.B. 359

by Representative Danburg, et al.

Senate Sponsor: Senator Moncrief

- △ Sets forth a legislative finding that breast-feeding a baby is an important and basic act of nurture that must be encouraged in the interests of maternal and child health and family values, and recognizes breast-feeding as the best method of infant nutrition.
- △ Allows a business to promote itself as "mother-friendly" by developing a policy supporting worksite breast-feeding. Requires the Department of Health (department) to maintain a list of "mother-friendly" businesses and to make the list available to the public.
- △ Requires any state agency that provides maternal or child health services to provide information, which encourages breast-feeding, to clients who are pregnant women or mothers with infants.
- △ Requires the department to establish a demonstration project in Travis County providing access to worksite breast-feeding for employees, to determine the benefits of, potential barriers to, and potential costs of implementing worksite breast-feeding support policies for state employees.
 - △ Requires the department to develop recommendations supporting the practice of worksite breast-feeding.
 - △ Requires the department to report, if requested, to the governor and legislature the findings of the demonstration project.

Regulation of Suits Affecting Parent-child Relationship -

H.B. 433

by Representative Goodman

Senate Sponsor: Senator Harris

- △ Prohibits a jury trial in adoption suits.
- △ Sets out the duties and powers of an attorney appointed by the court to represent a child's interest in a legal action.
- △ Provides that access to or possession of a child may not be a condition in the payment of child support.

Health & Human Services/Children _____

- △ Sets out the procedures for alternate dispute resolution for suits affecting the parent-child relationship.
- △ Assumes in custody decisions, that appointing a child's parents to equally share legal and financial responsibility for the child is in the child's best interest unless there is evidence to the contrary.
- △ Allows a court to modify an order designating a sole managing conservator of a child at least 12 years of age if the child files with the court the child's choice for managing conservator.
- △ Sets up the procedures allowing a person who owes child support to arrange voluntary withholding of support from their wages.
- △ Sets out who may contest the presumption that a man is the biological father of a child. The person contesting paternity must rebut the presumption by clear and convincing evidence.
- △ Allows a court to terminate a parent-child relationship if the court finds that the parent has constructively abandoned the child who has been in the managing conservatorship of the Department of Regulatory and Protective Services (department) or certain agencies and:
 - the department or agency has made reasonable efforts to return the child to the parent;
 - the parent has not visited or maintained contact with the child; and
 - the parent has demonstrated an inability to provide a safe environment for the child.
- △ Provides that a business entity in which a child support obligor who is delinquent in paying such support is the sole proprietor may not receive payments from state funds under a contract for goods or services.
- △ Provides for the suspension of licenses and permits for businesses, professions, occupations, operations of motor vehicles, and other regulated or recreational activities issued by enumerated state licensing authorities for child support arrearages, setting out the procedures.
- △ Provides that the identity of a individual making a good faith report of child abuse is confidential.
- △ Makes changes and clarifications regarding certain administrative hearings and other proceedings under the Family Code, including who is to be given notice, the making of certain reports, and the transmission and confidentiality of certain information.

Health & Human Services/Children _____

- △ Requires a 48-hours waiting period after the birth of a child.
- △ Allows the court to order child support for children in the care of the department.

Children's Trust Fund - H.B. 982

by Representative McDonald
Senate Sponsor: Senator Shapiro

- △ Requires the Interagency Council on Child Abuse and Neglect Prevention to develop an annual schedule of transfers of money from the children's trust fund of Texas to the council's operating fund for administrative costs.

Social Study of an Adoptive Home - H.B. 1109

by Representative Greenberg
Senate Sponsor: Senator Moncrief

- △ Requires a court to order a social study of the adoptive home in a suit for adoption, including a suit in which a private agency or individual is responsible for placing the child for adoption.
- △ Requires the study to include a complete investigation of the circumstances and conditions of the home of a person petitioning for the adoption.
 - △ Requires the court to order the cost of the study to be paid by the person petitioning for the adoption.

Definition of Child Labor - H.B. 1323

by Representative Romo
Senate Sponsor: Senator Gallegos

- △ Defines the following as a prohibited hazardous occupation: the employment of a child under 14 years of age to sell items or services for or solicit donations for any person other than an exempt organization or a business owned or operated by a parent.
- △ Makes the employment of a person in violation of the above provision a Class A misdemeanor and increases the penalty for other child labor law violations from Class C to Class B misdemeanors.

**Tests for (HIV) Infection for Pregnant Women on
Delivery of a Child - H.B. 1345**

by Senator Zaffirini, et al.

House Sponsors: Representative Hamric, et al.

- △ Requires a physician, or other person permitted by law to care for to a pregnant woman, to take a blood sample for a test for HIV infection at the woman's first examination and visit.
- △ Requires a physician or other person in attendance at a delivery of a child to take a blood sample for a test for HIV infection within 24 hours of delivery.
- △ Requires the physician or other person to explain that the result of a test taken under this section is confidential but not anonymous.
 - △ Requires the distribution of printed materials about AIDS, HIV, and syphilis prior to taking the blood sample.
 - △ Requires referral to an anonymous testing facility or instructions about anonymous testing methods if the patient objects to the test.
 - △ Prohibits a physician or other person from conducting a standard test for HIV infection under these provisions if the woman objects.
- △ Requires the physician or other person to provide information and counseling if the screening test and a confirming test show that the woman is or may be infected with HIV.

DPRS - Child Care Standards - H.B. 1662

by Representative Hilderbran

Senate Sponsor: Senator Zaffirini

- △ Creates a new chapter in the Human Resources Code to provide for the powers, duties, and responsibilities, of the Department of Protective and Regulatory Services (DPRS).
- △ Broadens DPRS authority to access criminal history record information.
- △ Creates an advisory committee within DPRS to promote the adoption of and the provision of services to minority children.

Health & Human Services/Children _____

Child Abuse Investigation - H.B. 2569

by Representative Brady
Senate Sponsor: Senator Harris

- Δ Entitles the Department of Protective and Regulatory Services (DPRS) to an expedited hearing if the department determines that a child should be removed from the child's home because of an immediate danger to the physical health or safety of a child.
- Δ Requires DPRS to establish review teams to evaluate DPRS casework and decision-making related to investigations by DPRS of child abuse or neglect.
- Δ Requires DPRS to provide testing for a child whom DPRS believes to have been sexually abused.
- Δ Requires DPRS to establish a registry of persons willing to accept foster care placement of a child under DPRS care.
- Δ Requires DPRS to develop swift adoption teams to expedite the adoption of a child.
- Δ Transfers the Child Abuse Program Evaluation Committee from the governor's office to DPRS.

Electronic Child-Care Data Processing System - H.B. 1649

by Representative Raymond
Senate Sponsor: Senator Zaffirini

- Δ Requires the Department of Human Services (department) to develop and implement an electronic data processing system to expedite payments by the department to those who provide child care through the department's child-care management system.
 - Δ Creates the Work Group on Child-Care Electronic Data Processing to advise and assist the department in developing the data processing system.

Sale of Tobacco Products to Minors - H.B. 2460

by Representative Seidlits
Senate Sponsor: Senator Armbrister

- Δ Requires a person engaged in the sale or distribution of cigarettes or tobacco products to demand proof of age if the person has reason to believe that the prospective purchaser is younger than 18 years of age.

Health & Human Services/Children _____

- △ Prohibits a person from installing or maintaining a vending machine containing cigarettes or tobacco products in a place that is accessible to persons younger than 18 years of age.
- △ Prohibits a person who is younger than 18 years of age from possessing, purchasing, or accepting a cigarette or tobacco product.

Bicycle Helmet Safety Law - S.B. 337 (Died in the House)

by Senator Zaffrin

House Sponsor: Representative Carter

- △ Would have required a person under 18 years of age to wear a protective bicycle helmet when operating or riding a bicycle on public right-of-ways.
- △ Would have authorized the Texas Department of Health to solicit funds for subsidizing the purchase of protective helmets for children from low-income families and for education about bicycle safety.

Healthy Start/Healthy Families Program - S.B. 1343 (Died in the House)

House

by Senators Ellis, Gallegos, et al.

House Sponsors: Representatives Van de Putte and Coleman

- △ Would have required the Texas Department of Health to establish a healthy start/healthy families program modeled after the Hawaii program to provide services to single mothers and their children as specified.
 - △ Would have set forth the program's goals and services.
 - Would have required assessments of all births to single mothers in the target area in selected counties.
 - Would have required the program to provide home-based family support services to families who accept the services.
 - △ Would have required the program to provide a structured training program with trainers certified by the Hawaii healthy start training program.
- △ Would have required the Texas Board of Health to adopt rules concerning the establishment of a grant to a community agency or nonprofit organization serving youths that has experience in providing child abuse prevention or related services.
 - △ Would have required the grant recipient to implement the program and work with existing community programs and services.

Health & Human Services/Children _____

- Δ Would have required the Texas Department of Health to conduct or arrange for an independent evaluation of the program.
- Δ Would have required the program to begin operations not later than January 1, 1996.

Powers of the M. D. Anderson Cancer Center - S.B. 192

by Senator Henderson, et al.

House Sponsor: Representative Uher, et al.

△ Authorizes M. D. Anderson Cancer Center:

- To enter into a contract with a county or a hospital district to provide treatment of indigent patients;
- To offer incentive retirement plans to employees; and
- To acquire goods or services by any method that provides the best value to the institution.

Cost-Effective Health Care Purchasing by a State Agency

- S.B. 406

by Senator Zaffirini

House Sponsor: Representative Maxey

△ Requires a state agency to purchase goods and services for health care programs by the method that provides the greatest volume discount, including group purchasing programs, state agency purchasing consortiums, or competitive sealed proposals.

△ Authorizes a state agency to contract with a medical and dental unit for purchasing functions or to participate as part of a group purchasing program or state agency purchasing consortium.

△ Requires the central administration of the University of Texas System to develop methods for sharing information concerning acquisitions under these provisions, including electronic information sharing.

- Requires the central administration of the University of Texas System to report to the 75th Texas Legislature on the activities of state agencies under these provisions.

△ Defines goods and programs covered by this section. Exempts the state Medicaid program from these provisions.

Disclosure of Care For Residents With Alzheimer's

Disease - S.B. 436

by Senator Montford

House Sponsor: Representative Rangel

△ Requires an institution advertising Alzheimer's care to disclose the nature of its care for the residents with Alzheimer's and related diseases to individuals who are seeking information about the institution.

- △ Requires the institution to file the disclosure with the Texas Department of Health and to display it with the institution's license, and requires the Texas Department of Health to adopt rules governing the content of the disclosure and the amount of an administrative penalty for a violation.

Mental Health Commitment - S.B. 513

by Senator Moncrief

House Sponsor: Representative Berlanga

- △ Prohibits a patient from being accepted for treatment in a mental health facility unless the facility has an order from a physician who has conducted a medical examination within 72 hours of the admission.

Choice of Pharmacy in a Managed Care Plan - S.B. 628

by Senator Madla

House Sponsor: Representative Van de Putte

- △ Prohibits a health insurance policy or managed care health plan (plan) from prohibiting a person from selecting a pharmacy or pharmacist of the person's choice to furnish services offered by the policy or plan.
- △ Declares that a plan is not prohibited from establishing reasonable application and recertification fees for a pharmacy which provides pharmaceutical services as a contract provider under the plan.
- △ Declares that the provisions of the Act do not apply to a group model health maintenance organization that is a state-certified health maintenance organization that provides the majority of its professional service through a single group medical practice formally affiliated with the medical school of a Texas state-supported public college or university, and that received certification before November 1, 1981.

Hospital Record Protection - S.B. 667

by Senator Madla

House Sponsor: Representative Janek

- △ Prohibits a hospital from disclosing health care information to anyone other than the patient without written permission from the patient. Authorizes the patient to revoke a disclosure authorization at any time (unless the revocation is for the purpose of preventing third-party payment to the hospital for health care provided.)
- △ Provides for disclosure of health care information without the patient's written authorization to:
 - △ a provider who is rendering care at the time;
 - △ hospital officials seeking the information for official purposes.;
 - △ federal, state, or local government officials to comply with legal requirements;
 - △ health benefit plans for purposes of reimbursement;

Health & Human Services/Health Care _____

- △ health maintenance organizations for statistical reports;
 - △ personnel of a penal institution in which the patient is detained;
 - △ a court pursuant to a court order; or
 - △ to satisfy the request for medical records of a deceased or incompetent person.
- △ Requires a hospital or a health care professional, on receipt of a written authorization from a patient, to examine and copy all or part of the patient's records within 15 days, make the information available during business hours, or inform the patient if the information is not available.
- △ Authorizes the hospital to charge a reasonable fee for providing health care information. Sets forth guidelines for reasonable charges. Provides that, beginning September 1, 1996, the fee for providing health care information must be adjusted according to the consumer price index.
- △ Requires a hospital to adopt and implement safeguards for the security of health care information.
- △ Authorizes a patient whose health care information has been released without permission to bring legal action for injunctive relief and damages. Allows the action to be brought in the district court of the county in which the patient resides. Allows out-of-state residents to bring action in the courts of Travis County.
- △ Provides that information at the Texas Department of Health regarding the licensing status of an abortion facility is an open record to be made available to the public on request.
- △ Requires a physician to furnish copies of medical records to patients including those received from a physician or other health care provider involved in the care of the same patient.
- △ Authorizes a physician to charge a reasonable fee to copy medical records. Requires the Board of Medical Examiners to adopt rules regarding reasonable fees.
- △ Authorizes a professional to disclose confidential information in a judicial or administrative proceeding brought by the patient against the professional, including malpractice and license revocation hearings. Allows disclosure in proceedings to:
- △ collect on a claim for mental or emotional health services;
 - △ affect the parent-child relationship;
 - △ adjudicate any criminal charges;
 - △ adjudicate abuse and neglect charges of a resident of an institution;
 - △ probate a will; or to
 - △ commit the patient involuntarily for treatment.
- △ Requires the court ordering disclosure of patient medical records to impose appropriate safeguards against unauthorized disclosure.

Health & Human Services/Health Care _____

Revisions to Assorted Health Care Provisions - S.B. 673

by Senator Madla, et al.

House Sponsor: Representative Berlanga

- △ Requires the Texas Department of Health to develop a clearinghouse for health professionals seeking collaborative practice as part of the comprehensive health professions resource center.
- △ Expands responsibilities of the Center for Rural Health Initiatives (center).
 - △ Requires the center to develop programs to evaluate health outcomes of patients in rural health clinics and to encourage physician participation in the Medicaid early and periodic screening, diagnosis, and treatment program.
- △ Changes provisions relating to certain hospitals located in specified rural areas.
 - △ Expands the types of facilities and services for the elderly or disabled that hospital authorities or other hospitals or hospital districts can own and operate. Allows the issuance of revenue bonds and other notes, under certain conditions, to deliver services for the elderly or disabled if other facilities or services are not available.
- △ Authorizes a physician assistant to pronounce a person dead under written facility policies.
- △ Allows a person who has been diagnosed as having a terminal condition to execute a written out-of-hospital Do-Not-Resuscitate order directing health care professionals in an out-of-hospital setting to withhold cardiopulmonary resuscitation and certain other life-sustaining procedures.
- △ Eliminates the restriction on relief service programs for rural physicians.
- △ Clarifies intent about the percent of resident physicians in specific areas of primary care.
- △ Clarifies the practice of chiropractic and amends procedures of the Texas Board of Chiropractic Examiners.
- △ Requires the Texas Department of Criminal Justice's managed health care plan to accept Medicare certification as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations for the establishment of criteria for hospitals, home health providers or hospice providers.
- △ Amends the Psychologists' Certification and Licensing Act to make technical and procedural changes.

Health & Human Services/Health Care _____

- △ Amends the Licensed Professional Counselor Act to expand the definition of counseling and change counselor qualifications, including the addition of specialization as an art therapist.
- △ Allows a physician to delegate the signing of a prescription at a site serving a medically underserved population.
 - △ Limits the authority of a physician to delegate the carrying out or signing of a prescription to dangerous drugs.
 - △ Allows the Texas Board of Health to define a medically underserved area.
- △ Allows a physician to delegate the administration of prescription drugs or carrying out or signing of a prescription order to a physician assistant or advanced nurse practitioner under the prescribed conditions in a primary practice site or a hospital or long term care facility.
 - △ Allows a physician in a hospital or ambulatory surgical center to delegate to a certified registered nurse anesthetist the ordering of drugs and devices necessary for the administration of an anesthetic or an anesthesia-related service.
 - △ Limits a physician's liability for the actions of a physician assistant or advanced nurse practitioner.
- △ Requires the Board of Nurse Examiners to adopt rules for the approval of a registered nurse as an advanced nurse practitioner or advanced practice nurse.
- △ Makes childhood blood lead poisoning a reportable health condition and allows the establishment of a registry.
- △ Requires health maintenance organizations to accept Medicare certification or accreditation by the Joint Commission on Accreditation of Healthcare Organizations.
- △ Requires the Texas Department of Human Services to accept licensure by the Texas Department of Health or Medicare certification in its establishment of provider criteria for hospitals, home health providers, or hospice providers for the Medicaid program.
- △ Changes the name of the Texas State Board of Podiatry Examiners to the Texas State Board of Pediatric Medical Examiners and makes other technical and procedural changes.

Increase in Physicians for Medically Underserved Areas

- S.B. 979

by Senator Sibley, et al.

House Sponsor: Representative Berlanga

- △ Eliminates the requirement that programs providing substitute physician coverage for rural physicians be used only for physicians or allied health personnel while they are attending continuing medical education.
- △ Transfers the oversight of family practice residency pilot programs from joint committee oversight to oversight by a single committee under the Higher Education Coordinating Board.
 - △ Allows not less than three or more than five pilot programs. Specifies where the programs must be located.
- △ Changes provisions relating to a student loan repayment assistance program for certain physicians.
 - △ Requires that not more than 20 percent of physicians receiving repayment assistance may be employed by certain state agencies.
 - △ Bars a physician who receives repayment assistance from receiving assistance under the new Medically Underserved Community-State Matching Incentive Program.
 - △ Adds a new eligibility criterion to the list describing which physicians are eligible for repayment assistance.
 - △ Adds a new qualification to the list describing priority factors for physicians eligible for repayment assistance.
 - △ Provides that Government Code provisions abolishing dedicated revenues and making amounts left unused in dedicated funds available for general governmental purposes do not apply to the amounts set aside for repayment of student loans for physicians serving in designated agencies or specified areas of the state.
- △ Creates the Medically Underserved Community-State Matching Incentive Program to increase the number of physicians providing primary care in medically underserved communities.
 - △ Prohibits the Texas Board of Health from paying more than \$25,000 in a single year to a community unless the board makes a specific finding of need.
- △ Requires the Higher Education Coordinating Board to report to the legislature on the allocation of money to the family practice residency training pilot programs.

Maternal and Infant Health Services - S.B. 1229

by Senator Zaffirini, et al.
House Sponsor: Representative Berlanga

- △ Broadens the definitions of maternal and infant health improvement services to reflect the Texas Department of Health's responsibilities under federal laws for maternal and child health programs, and updates related provisions.
- △ Establishes voluntary perinatal health care systems.
 - △ Requires the Texas Board of Health to adopt rules for standards and policies of voluntary perinatal health care systems.
 - △ Requires the Texas Department of Health to develop and monitor a statewide network of voluntary perinatal health care systems, develop a perinatal reporting and analysis system to monitor patient care and provide for cooperation within Texas and with adjoining states.
 - △ Sets forth requirements for voluntary perinatal health care systems.
 - △ Establishes a grant program for voluntary perinatal health care systems.
 - △ Repeals certain provisions relating to maternal and infant health improvement services.

**Powers and Duties of the State Board of Physician
Assistant Examiners - S.B. 1302**

by Senator Cain
House Sponsor: Representative Berlanga

- △ Authorizes a physician assistant to determine and pronounce a person dead in accordance with the written policies of the facility that employs them. Prohibits the physician assistant from declaring the death of a patient who is on artificial life support. Limits the civil liability of a physician assistant who determines death and of persons who rely on the physician assistant's determination of death.
- △ Authorizes a physician who is practicing in a medically underserved area to delegate signing orders for prescription drugs or medical devices to a physician assistant. Limits the authority of the physician to delegate this function to dangerous drugs and requires the orders to be signed only in practice locations designated by the physician or approved by the State Board of Medical Examiners (board). Requires a physician who delegates signing prescriptions to a registered nurse or physician assistant to notify the board of the delegation of authority, in accordance with statutory requirements.

Health & Human Services/Health Care _____

- △ Defines a medically underserved area as one defined by the Texas Department of Health (TDH) by rule and adds this definition to conditions already in statute. Requires TDH to take into account demographics, geography, and environmental health.
- △ Authorizes a physician to delegate to not more than two physician assistants who are working under the physician's supervision the power to sign prescriptions for or to administer dangerous drugs or medical devices authorized by the physician's standing orders. Allows the physician assistant to carry out this authority as long as the physician is continuously present at the location and has established a relationship with the patient. States that constant presence of the physician at the location is not required for the physician assistant to carry out his or her orders, as long as the site is the primary practice site for the physician.
- △ Creates the Texas State Board of Physician Assistant Examiners as an advisory board to the Texas State Board of Medical Examiners (board). Sets per diem for physician assistant board members at actual expenses plus \$100 unless the General Appropriations Act sets another amount.
- △ Requires graduation six months previously from an accredited educational program temporarily licensed physician assistant or surgeon assistant. Names the Committee on Allied Health Education and Accreditation as the accrediting organization for educational programs for physician assistants or surgeon assistants. Requires examination by the National Commission on Certification of Physician Assistants for a temporary license.
- △ Authorizes the physician assistant board to restrict or revoke the license of a person who has acted in an unprofessional or dishonorable manner or who tries to deceive the public.
- △ Allows the physician assistant board to impose a nondisciplinary rehabilitation order on any licensee for intemperate use of drugs or alcohol, court findings the individual is of unsound mind, or if results of a mental or physical examination demonstrate the person is unable to safely practice. Excludes the rehabilitation order from the open records law. Makes violation of the rehabilitation order ground for disciplinary action.
- △ Requires all complaints, adverse reports, investigation files, and other investigative reports concerning licensees or applicants to be kept confidential. Protects such information from discovery, subpoena, or other means of legal compulsion.
- △ Allows access to certain physician assistant board records for a licensee who is the subject of a formal complaint or his or her attorney. Exempts from this requirement investigative reports or memoranda and materials covered by a privilege under the Texas Rules of Civil Procedure or Civil Evidence.

Health & Human Services/Health Care _____

- △ Authorizes disclosure of investigative information to licensing authorities in other states. Requires that criminal activity be reported to the proper law enforcement agencies. Directs that all information disclosed by the physician assistant board to an investigative agency be kept confidential.
- △ Requires the physician assistant board to disclose to a health care entity information about complaints resolved or under active investigation.
- △ Requires the physician assistant board to notify on a quarterly basis persons making a complaint of the status of the investigation.
- △ Requires confidentiality of patient records examined in investigation of a complaint except when the patient submits a written release or elects to testify in a public proceeding.
- △ Gives the Board of Medical Examiners the power of subpoena (on behalf of the physician assistant board) in proceedings related to alleged misconduct of physician assistants or for purposes of denying or revoking a physician assistant's license. Authorizes license suspension for failure to comply with a subpoena.
 - △ Gives immunity from civil liability to persons or entities that cooperate with the board in investigations.

Creation of the Physician's Peer Health Assistance Program - S.B. 1303

by Senator Cain

House Sponsor: Representative Berlanga

- △ Requires a person practicing medicine in Texas to be licensed under Texas' Medical Practice Act.
 - △ Provides that a person practicing medicine without a valid license or permit, who causes physical or psychological harm, commits a third degree felony.
 - △ Provides that a person practicing medicine without a valid license or permit, who causes financial harm, commits a state jail felony.
- △ Authorizes the Texas State Board of Medical Examiners to impose a nondisciplinary, private, rehabilitation order on certain impaired physicians.
 - △ Authorizes the order to revoke, cancel, suspend or limit the license of the medical practitioner.

Health & Human Services/Health Care _____

- Δ Provides a violation of the order may:
 - result in disciplinary action under certain conditions;
 - be grounds for disciplinary action based on unprofessional or dishonorable conduct under certain conditions; and
 - be grounds for temporary suspension of the individual's license.
- Δ Requires the rehabilitation orders to be kept in a confidential file subject to an independent audit. Sets forth audit procedures.

Contractual Arrangements Among Health Maintenance Organizations - S.B. 1407

by Senator Harris

House Sponsor: Representative Driver

- Δ Provides for contractual agreements among health maintenance organizations (HMO) and with physicians and providers.
 - Δ Redefines "provider" as any person other than a physician, including a licensed doctor of chiropractic, registered nurse, pharmacist, optometrist, pharmacy, hospital or other institution or organization that is licensed to provide a health care service in this state.
 - Δ Clarifies that a physician or provider in a health maintenance delivery network can contract for providing or arranging to provide specified medical or health care services if the contract furthers the delivery of health care services or medical care through a contract with a health maintenance organization.
 - Δ Authorizes a contract to provide for compensation based on a choice of three payment arrangements.

Licensed Psychological Associates - S.B. 1514

by Senator Cain

House Sponsor: Representative Coleman

- Δ Includes the services of licensed psychological associates among those services eligible to be recognized by a health insurer.

Loan Reimbursement Program for Rural Physician Assistants - S.B. 1604

by Senator Truan

House Sponsor: Representative Berlanga

- △ Provides that physician assistants who practice in rural medically underserved areas and who are graduates of Texas physician assistant training programs are eligible for student loan reimbursement under the Rural Physician Assistant Loan Reimbursement program.

Powers and Duties of the Health and Human Services Commission - S.B. 1675

by Senator Zaffirini, et al.

House Sponsors: Representative Berlanga, et al.

- △ Enhances planning authority of the Health and Human Services Commission (commission) by making strategic plans of health and human services agencies subject to review and comment by the commission.
- △ Enhances budget and financial authority of the commission.
 - △ Requires health and human service agencies to submit legislative appropriations requests to the commission for review and comment prior to legislative submission.
 - △ Requires the agencies to submit annual operating budgets, fund transfers, and operating budget adjustments to the commission for review and comment. Requires agencies to report regarding projected expenditures compared to operating budgets.
 - △ Allows the commission to review and comment on operational or funding plans of health and human services agencies designated as the single state agency to administer federal funds.
 - △ Prohibits health and human service agencies from submitting plans to the Department of Information Resources until they are approved by the commission.
 - △ Requires the commission to coordinate and approve caseload estimates.
 - △ Requires the commissioner to review agency formulas for distributing funds.
- △ Outlines requirements for health and human service agencies and the commission to streamline the delivery of services. Requirements include:

Health & Human Services/Health Care _____

- Δ Determining space needs and location of offices for cost effective one-stop or service center methods of service delivery;
- Δ Approval for leasing office space to health and human service agencies;
- Δ Expanding existing integrated eligibility pilot programs; and
- Δ Setting deadlines to develop or implement plans for certain streamlining efforts.

Rabies Control - H.B. 721

by Representative De La Garza

Senate Sponsor: Senator Lucio

- Δ Increases the penalty for repeated convictions for failure to vaccinate dogs and cats annually from a Class C to a Class B misdemeanor.
- Δ Provides that it is a Class C misdemeanor to transport a dog or cat without a vaccination certificate or tag and a Class A misdemeanor to transport or sell, or possess for the purpose of transporting or selling, an animal that is of a type that has a high probability of transmitting rabies.
- Δ Requires the local rabies control board or a veterinarian to quarantine or test any animal that the board or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies.
- Δ Requires a veterinarian to quarantine an animal that is in the veterinarian's possession and that the veterinarian knows or suspects is rabid or has exposed an individual to rabies.

Professional and Licensed Vocational Nurses' Practice

Act - H.B. 883

by Senator Zaffirini

House Sponsors: Representative McDonald, et al.

- Δ Provides for review by a committee of peers of actions of licensed vocational nurses (LVNs).
- Δ Requires the peer review committee membership for vocational nursing to include both registered and licensed vocational nurses as three-fourths of its membership. Requires the committee to include licensed vocational nurses to the extent feasible. Only registered and licensed vocational nurses may vote in peer review proceedings.

Health & Human Services/Health Care _____

- △ Requires only registered nurses to conduct peer review of a registered nurse. Requires registered nurses to comprise three-fourths of the membership of the peer review committee. Provides that only registered nurses may vote in the review proceeding for a registered nurse.
- △ Authorizes the Board of Vocational Nurse Examiners (board) to temporarily suspend, without notice or hearing the license of an LVN found to constitute a threat to the public welfare. Requires the board to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with invoking the temporary suspension.
- △ Gives the board the power to subpoena persons who have information required for board proceedings regarding LVNs. Requires compliance with the subpoena except for information subject to the attorney-client privilege of confidentiality. Requires the board to protect the identity of patients.

Home Testing Kits for HIV - H.B. 988

*by Representative Maxey
Senate Sponsor: Senator Gallegos*

- △ Establishes regulations regarding home collection kits for human immunodeficiency virus (HIV) testing.
 - △ Prohibits marketing, distribution, or selling a product for public use to test a specimen collected from the human body for HIV unless the kit complies with the Health and Safety Code.
 - △ Requires that a kit be sold as part of a package of services that includes:
 - Laboratory testing by a qualified facility;
 - Reporting of test results;
 - Verification of positive test results;
 - Counseling; and
 - A description of how test results and related information are stored by the service provider.
 - △ Requires a laboratory facility to comply with the Clinical Laboratory Improvement Amendments of 1988.
 - △ Requires the test results to be reported orally to the individual tested.
 - △ Creates an offense for the violation of confidentiality.

Health & Human Services/Health Care _____

- △ Prohibits the use of technology that would identify an individual inquiring about or using the test.

Regulation of Orthotists and Prosthetists - H.B. 1193

by Representative Berlanga

Senate Sponsors: Senators Moncrief and Zaffirini

- △ Creates the Texas Board of Orthotics and Prosthetics (board) within the Department of Health.
- △ Authorizes the board to regulate the practice of making or fitting braces, artificial limbs, and similar devices for persons with disabilities.
- △ Contains consumer safeguards:
 - △ Requires braces and artificial limbs to be made or fitted under the supervision of a licensed physician, chiropractor, or podiatrist.
 - △ Requires the board to develop continuing education requirements for prosthetists and orthotists.
 - △ Directs the board to prepare information to assist the public in filing complaints.
- △ Requires the board to report annually on their accounts to the governor and the legislature.
- △ Requires all funds collected under the Act to be credited to the General Revenue Fund.
- △ Excludes chiropractors, podiatrists, nationally certified pedorthists, nationally certified master orthotists and certified fitters, and students in orthotics or prosthetics from regulation under the Act.
- △ Requires new licensees under the Act to hold a bachelor's degree in orthotics and prosthetics from an accredited college or university and 1,900 hours of professional clinical residency.
- △ Allows the board to grant an exemption from educational and clinical residency requirements:
 - △ to persons who apply within six months of the board's final adoption of rules if they have been in practice in the state three years or more;
 - △ to persons who have practiced 15 years or more outside the state; and

Health & Human Services/Health Care _____

- △ to persons who have practiced less than three years if they pass an examination prescribed by the board.
- △ Authorizes the board to license prosthetist or orthotist assistants and to register technicians who meet certain requirements. Exempts from licensing requirements assistants and technicians who apply to the board within six months of the final rulemaking if they have been in practice in the state five years or more.
- △ Authorizes the board to accredit orthotic or prosthetic facilities and issue provisional, temporary, or student credentials.
- △ Provides notice and hearing procedures for the board to follow in the revocation, suspension, or denial of a license.
- △ Allows a civil penalty of \$200 for the first violation and \$500 for subsequent violations of the Act.

Information about Community-Based Services - H.B. 1698

*by Representatives Maxey and Naishtat
Senate Sponsor: Senator Barrientos*

- △ Requires health and human services agencies to provide information on community-based services to each client before the client is placed in a care setting.
 - △ Details mandatory information.
 - △ Requires a health and human services agency that provides this information to obtain a signed statement that the client has been informed about community-based care and options.
 - △ Requires each agency to report to the Health and Human Services Commission annually on the number of community-based placements and residential care placements.

Hepatitis B Immunization Requirements for School Admission - H.B. 1745

*by Representative Sylvester Turner
Senate Sponsor: Senator Zaffirini*

- △ Adds hepatitis B to the list of immunizations required before a student can be admitted to any elementary or secondary school.
 - △ Specifies that immunization for hepatitis B is not required until the date specified in rules adopted by the Texas Board of Health. Allows the rules to stagger the implementation of the immunization requirement.

Provision of Long-Term Care Services - H.B. 2698

*by Representative McDonald, et al.
Senate Sponsor: Senator Zaffirini*

- Δ Requires the Commissioner of Health and Human Services to develop a plan for access to individualized long-term care services for persons with functional limitations or medical needs.
- Δ Requires the Health and Human Services Commission to coordinate state services to ensure that roles and responsibilities of agencies providing long-term care are clarified and that duplication of services is minimized.

Regulation of Health Care Delivery by Nonprofit Corporations - H.B. 3111

*by Representative Berlanga
Senate Sponsor: Senator Sibley*

- Δ Provides for the certification of approved nonprofit health corporations to allow the corporations to provide a health care plan to individuals on a prepaid basis.
 - Δ Provides exceptions for corporations that contract on a fee-for-service basis, conduct activities exempt under the Texas Health Maintenance Organization (HMO) Act, or provide services on behalf of an HMO under a risk-sharing agreement.
 - Δ Provides for a provisional certificate in certain situations.
 - Δ Prohibits the issuance of a certificate before April 1, 1996.
- Δ Provides that a nonprofit health corporation meets the qualifications for a certificate of authority if it meets the requirements for an HMO or is accredited by specified accreditation organizations.
- Δ Prohibits unfair competition with traditional community health care providers.
- Δ Establishes an advisory committee consisting of representatives from nonprofit health corporations and the public to recommend rules for implementation by October 16, 1995.

Health & Human Services/Health Care _____

Patient Protection Act - H.B. 2766

by Representative Smithee, et al.
Senate Sponsors: Senator Jim Turner, et al.

- Δ Requires managed care plans to provide readable descriptions of services included and excluded.
 - Δ Requires plans to explain special requirements like getting prior approval for some health care services, outline patients' financial responsibilities, and provide a statement of patients' legal rights. Enrollees may ask for financial information about the plans, but it will not be automatically provided.
- Δ Requires managed care plans to demonstrate that enrollees have adequate access to all benefits through the plans' networks of services.
 - Δ Requires access to a cancer center certified by the National Cancer Institute.
- Δ Requires some managed care plans to use standard procedures for patients to select a primary care doctor or dentist. The doctor or dentist must be located within a reasonable travel distance from the patient's home or office.
- Δ Requires managed care plans to describe their networks of health care providers for the commissioner of insurance. Specifies that the description will include providers' location and their medical specialties.
- Δ Requires managed care plans to accept Medicare certification or accreditation by the Joint Commission on Accreditation of Health Care Organizations as criteria for selecting hospitals to provide services. Allows plans to establish additional criteria besides certification or accreditation.
- Δ Prohibits managed care plans from using financial incentive programs that limit medically necessary and appropriate services.
- Δ Requires managed care plans to have a way for doctors and dentists in the plan to have input on the plans' medical or dental policies.
- Δ Requires managed care plans to describe the application process and qualifications for participating in the plan if requested. Requires plans to give reasons for denials to providers who are not initially selected.
- Δ Requires managed care plans to develop committees, composed primarily of participating doctors and dentists, to review applications.
 - Δ Requires managed care plans to develop standards for setting the credentials for providers in their plans.

Health & Human Services/Health Care _____

- △ Requires plans to spell out economic reasons used to select providers or terminate contracts. Mandates that economic profiles of providers' practices, if used, must be adjusted to account for factors that could cause variations.
- △ Requires managed care plans to follow a standard administrative process for terminating contracts with providers. Entitles, in most cases, the provider to a review by a plan advisory panel.
- △ Allows managed care plans to charge processing fees to some providers, but not doctors or dentists. Allows fees for applications, approving credentials, and for providing specific information.
- △ Exempts specific HMOs operating in medical education programs in state colleges or universities from some of the administrative requirements.
- △ Applies some of the bill's provisions to hospitals, hospices, and home health agencies as well as to providers like doctors and dentists.
- △ Requires managed care plans to pay providers for emergency care services, even if the provider does not have a contract with the plan.
 - △ Automatically grants administrative approval to pay for further treatment once a patient has been stabilized unless certain conditions exist.
 - △ Requires managed care plans to pay for initial medical exams to assess whether a patient needs emergency services.
- △ Requires, under limited conditions, an HMO to offer enrollees the opportunity to get medical services outside the regular network of providers. The conditions are: when health care benefits are provided through a joint arrangement between an insurer and an HMO, and the HMO is the only entity providing services. This is called a point-of-service plan.
 - △ Bases premiums for the point-of-service plan on the actuarial value of the coverage. Enrollees may have to pay extra costs.
- △ Requires managed care plans to get enrollees to sign medical and dental information release forms when they enroll, if a managed care plan requires a patient to get prior approval for a service.
- △ Requires HMOs to meet the same standards for administrative reviews of the quality and appropriateness of their medical services as other insurers, if they perform the reviews for themselves or other entities.
 - △ Adds special review criteria for HMOs. Adds guidelines for appeals from people with special circumstances, such as for a person with a disability or a life-threatening illness, if services were denied.

Health & Human Services/Health Care _____

- Δ Prohibits a private cause of action for damages as a result of these provisions. The bill would not change statutory or other causes of action available before June 1, 1996.
- Δ Prohibits a managed care plan from taking any retaliatory action because an enrollee has filed complaints or appealed a decision.
- Δ Requires the Office of Public Insurance Counsel to issue an annual performance report on managed care organizations for consumers.
- Δ Requires the Commissioner of Insurance to study the costs of complying with this bill and the economic impact on public and private employees.

Reinstatement of the State Board of Dental Examiners -

S.B. 18

by Senator Moncrief

House Sponsor: Representative Counts

- Δ Establishes the State Board of Dental Examiners (board) and the Dental Hygiene Advisory Committee. (This board was not continued after August 31, 1994, following the 1993 Texas Sunset Commission review.)
 - Δ Adds three public members to the board, bringing the total number of public members to six and the total membership to 18.
 - Δ Sets the next Sunset review of the board for September 1, 2005.
 - Δ Requires the board to make rules for mandatory continuing education programs for dentists and dental hygienists.
 - Δ Requires board credentials for dentists and hygienists from other states if certain requirements are met.
 - Δ Requires the board to grant foreign trained dentists or dental hygienists state licenses if the board deems the training equivalent to that required by American Dental Association.
 - Δ Requires the board to standardize the investigation and hearing of complaints about dentists or hygienists.
 - Δ Creates a criminal offense and authorizes a civil penalty of up to \$2,500 a day for practicing as a dentist or hygienist without a state license.
 - Δ Authorizes the board to impose an administrative penalty of up to \$5,000 a day against any person who violates the Dental Practice Act.
 - Δ Removes limits for board members' travel reimbursement set by the General Appropriations Act of 1994-95. Allows reimbursement of board members for expenses incurred in performance of official duties.
 - Δ Requires the board to establish reasonable and necessary fees to produce sufficient revenue to cover the cost of administering the Dental Practice Act rather than limiting fees by statute. The fee may go no lower than the amount as of September 1, 1993.
 - Δ Reestablishes the board with an appropriation of \$206,168 in state funds for the biennium ending August 31, 1995. Creates a dental registration account in the general revenue fund. Transfers \$859,000 from unobligated general revenue to the account.

Health & Human Services/General

- △ Authorizes the board to establish a date to abolish the Dental Hygiene Advisory Committee four years following the effective date of the Dental Practice Act.
- △ Restricts board rulemaking authority governing advertising to regulation of false, misleading, and deceptive advertising practices.

Protective Services for Persons who are Elderly or Disabled - H.B. 1111

*by Representatives Naishtat and Hilderbran
Senate Sponsors: Senator Rosson, et al.*

- △ Adds to statutory definitions of abuse, exploitation, and neglect.
- △ Allows the Department of Protective and Regulatory Services (DPRS) to apply to be an appointed guardian of an elderly or disabled person.
 - △ Allows the department to contract with a political subdivision, a private agency, or another state agency for the provision of guardianship services.
- △ Grants immunity from civil or criminal liability for a person who participated in an investigation at the request of the department if the person acted in good faith.
- △ Requires, in a county with a population of more than 2.8 million, the prosecuting attorney representing the state in civil cases in the county court to represent the department in any proceeding under this chapter unless there is a conflict of interest.
- △ Extends the length of emergency orders for protective services to 14 days.
- △ Requires DPRS to investigate reports of abuse in a Texas Department of Mental Health and Mental Retardation (MHMR) facility or a program contracting with a facility operated by MHMR.
 - △ Outlines procedures relating to reports.
- △ Outlines investigations of reports of abuse, neglect or exploitation of elderly or disabled persons in facilities operated, licensed, certified or registered by agencies other than MHMR.
 - △ Provides that investigations in nursing homes and similar facilities are not governed by these provisions.
- △ Revises provisions relating to confidentiality of abuse reports and information, and adds provisions related to disclosure of certain information.

**Criminal History Checks of Applicants Serving the
Elderly or Disabled - H.B. 2704**

*by Representative Naishtat
Senate Sponsor: Senator Rosson*

- Δ Moves the registry of nurse aides to the Texas Department of Human Services (DHS) from the Texas Department of Health (TDH).
- Δ Adds facilities that provide mental health services under the auspices of the Texas Department of Mental Health and Mental Retardation (MHMR) to the list of facilities covered under this statute. Places facilities operated by both DHS and TDH under the provisions of the statute.
- Δ Entitles either state regulatory agencies or private agencies working under contract to facilities covered under this statute to obtain criminal history records on persons applying for employment or are already employed at facilities operated under the auspices of DHS, TDH, or MHMR from the Department of Public Safety of the State of Texas (DPS). Authorizes regulatory agencies to adopt rules for processing the information obtained under this statute.
- Δ Prohibits a facility from employing persons found to have convictions related to the work for clients of the facility. Requires a person temporarily employed due to an emergency to have a criminal background check within 72 hours of employment.
- Δ Requires DPS to allow a hearing for a person who is notified his or her criminal background is ground for dismissal or rejection from employment. The person may give evidence showing the information is inaccurate. Repeals current notice and hearing statutes related to TDH and requirements on entries in the nurses registry concerning criminal convictions.
- Δ Makes criminal history records obtained under this statute privileged and for the exclusive use of the regulatory agency or the facility involved in the employment of the individuals checked.
- Δ Relieves the regulatory agency from civil liability to a person for whom criminal history information is forwarded to a facility.

**Duties of the Texas Commission for the Deaf and
Hearing Impaired - H.B. 2859**

*by Representative King
Senate Sponsor: Senator Zaffirini*

- Δ Changes the name of the Texas Commission for the Deaf and Hearing Impaired to the Texas Commission for the Deaf and Hard of Hearing (commission). Modifies all sections of the code relating to the commission and its name.

Health & Human Services/General _____

- Δ Defines "hard of hearing" as a loss of hearing function which causes the individual to rely on residual hearing or depend on visual methods of communication.
- Δ Modifies the requirements for membership on the commission to include persons who are hard of hearing as well as those who are deaf.
- Δ Requires the commission to assist institutions of higher education in establishing training programs for interpreters for the deaf and hard of hearing. Directs the commission to develop standards for evaluation of programs for interpreters with the advice of the Texas Education Agency.
- Δ Authorizes the commission to establish fees:
 - for training interpreters in an amount sufficient to defray the cost of the training;
 - for use in expanding and improving services to those who are deaf and hard of hearing;
- Δ Repeals authority for the commission to reimburse members of its advisory committees for expenses incurred in performing their duties.
- Δ Requires the commission to consult with the Board for Evaluation of Interpreters on their recommendations on revocation or suspension of an interpreter's certificate.

Creation of the Guardianship Resource Board - S.B. 103

*by Senator M. Macrief
House Sponsor Representative Naishtat*

- Δ Creates the Guardianship Resource Board to create a nonprofit corporation for the protection of the interests of an incapacitated person needing assistance in making decisions concerning the person's welfare or financial affairs.
- Δ Authorizes the nonprofit corporation to establish a community trust for the benefit of certain persons with disabilities.
- Δ Requires the payment of unclaimed estates to the Guardianship Resource Board, rather than the state treasury.

Insurance

Interest on Noncompliant Insurance Claims - S.B. 598

by Senator Ratliff

House Sponsor: Representative Driver

- △ Requires an insurer to pay 18 percent interest per year, together with attorney's fees, when a claim is made and the insurer is not in compliance with certain requirements.
- △ Requires attorney fees to be taxed as part of the costs of the case.

Approval of Insurance Forms - S.B. 1637

by Senator Sibley

House Sponsor: Representative Duncan

- △ Provides for the prompt approval and use of certain life, health, and accident insurance forms.
- △ Prohibits most insurance policies, contracts or certificates from being delivered, issued, or used by an insurance company unless the form of the policy has been filed with the Department of Insurance (department).
- △ Requires each individual accident and sickness policy application form to comply with the rules and regulations of the commissioner of insurance (commissioner).
- △ Dictates that each required filing be made prior to any issuance, delivery or use of the form. Authorizes an insurer, upon filing, to issue, deliver and use a form, provided the insurer fulfills certain requirements.
- △ Requires a contract or filing to be considered approved 60 days after the form has been filed with the department, unless the insurer has requested that the approval period be extended for 30 days or less. Provides that on expiration of the extension, the form is considered approved unless the commissioner has taken affirmative action to approve or disapprove it.
- △ Authorizes an insured who has been financially damaged by the use of a form that does not comply with both the Insurance Code and (legally adopted applicable) rules to receive complete restitution ordered by the commissioner.
- △ Establishes a maximum fee of \$100 for filing policy forms, amendments, endorsements, and riders for review under this article, and a maximum fee of \$50 for filing policy forms exempted from review.
- △ Requires an order of the commission disapproving any form or withdrawing a previous approval to describe the changes necessary to obtain approval, and allows the insurer 45 days to make the necessary corrections.

Insurance

- △ Sets out other circumstances in which a form may be approved.

Insurance Rate Regulation - H.B. 1988

by Representative Duncan
Senate Sponsor: Senator Shapiro

- △ Provides for the continuation of the flexible rating program and benchmark rating procedure, insurance rates and policy forms for certain types of insurance, and certain administrative hearings regarding insurance rates. Flexible rating refers to a procedure in which the insurance commissioner sets a rate for each type of insurance that the commissioner considers fair (the benchmark rate). An insurer may file and use a rate that is within a certain percentage of the benchmark rate without having to get permission via a hearing before the commissioner.
- △ Makes the pilot program on flexible rating a permanent program designed to help stabilize rates charged for property and casualty insurance.
 - △ Sets a benchmark rate by the commissioner. There is a statutory band of 30 percent below to 30 percent above in which insurers can file and use rates without individual approval. Provides that, if, after a hearing, the insurance commissioner finds that an insurer's filing does not meet the requirements of this article, the commissioner shall issue an order specifying how the filing fails to meet the requirements and stating the date on which the filing is no longer in effect.
 - △ Provides that, in approving an insurer's filing for a rate outside the flexibility band, the burden of proof is on the insurer making the filing to show that, if the rate proposed by the insurer is:
 - more than 30 percent above the benchmark rate, the rates in the flexibility band are inadequate for the risks insured; or
 - more than 30 percent below the benchmark rate, approval of the filing will not adversely affect the financial condition of the insurer.
 - △ Makes provisions for benchmark rate hearings.
- △ Provides for a temporary rollback on rates for certain types of insurance, so that savings realized by insurance companies through tort reform legislation passed by the 73rd and 74th Legislatures will be passed on to policyholders.
- △ Lists the types of insurance to which this Act applies, including liability insurance, automobile liability insurance, homeowner's insurance, and the employer liability portion of workers' compensation insurance.

Insurance

- Δ Requires the insurance commissioner to hold a rulemaking hearing each year to determine the percentage of equitable across-the-board reductions in insurance rates. Sets out requirements for issuing rules and determining rate reductions.
- Δ Provides that, if on January 1, 1996, the commissioner has not issued an order establishing rate reductions, the following rate reductions apply:
 - professional liability insurance for a physician, or other health care provider, or hospital: 30 percent rate reduction;
 - commercial liability insurance for damages arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product or for completed operations coverage: 25 percent rate reduction;
 - private passenger automobile liability insurance for bodily injury: 15 percent rate reduction;
 - commercial automobile liability insurance for bodily injury: 20 percent reduction;
 - private umbrella and excess liability insurance: 20 percent reduction;
 - the liability portion of commercial multi-peril insurance: 10 percent reduction;
 - the liability portion of homeowner's, farm and ranch owner's, and renter's insurance: five percent reduction;
 - the employer's liability portion of workers' compensation insurance: 10 percent reduction; and
 - all lines and sublines of other commercial liability insurance: 15 percent reduction.
- Δ Provides for administrative relief from the above reductions to certain lines under certain circumstances.
- Δ Provides that the duration of the above reductions is until January 1, 2001, unless the commissioner grants relief under this Act.
- Δ Authorizes the commissioner to designate or contract with a qualified organization to serve as a statistical agent to gather data for regulatory purposes.

Insurance

Continuation of the Workers' Compensation Commission - H.B. 1089

*by Representative Brimer
Senate Sponsor: Senator Armbrister*

- △ Extends the existence of the Texas Workers' Compensation Commission until September 1, 2007.
 - △ Requires a member of the commission to complete a training program. Sets out the information a training program must provide.
 - △ Prohibits a person from serving as a member or as general counsel of the commission if the person is required to register as a lobbyist.
 - △ Requires the governor, rather than the commission, to designate a member of the commission as chairman for a two-year term. Requires the governor to alternate the chairmanship between employer and wage earner members.
 - △ Requires the executive director to keep an information file about each complaint filed with the commission and sets out what information the file must include. Provides other directives regarding complaints.
 - △ Requires the commission to develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and staff. Requires the executive director to develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for commission employees.
 - △ Provides for legislative oversight of the workers' compensation system.
 - △ Requires the commission and the chief administrative law judge of the State Office of Administrative Hearings to adopt a memorandum of understanding governing administrative hearings.
 - △ Prohibits information maintained in the investigation files of the commission from being disclosed except under certain circumstances.
 - △ Provides that a sole proprietor, partner, or corporate executive officer of a business entity that elects to provide workers' compensation insurance coverage is entitled to benefits under that coverage, unless the proprietor is specifically excluded from coverage through a policy.
 - △ Provides a formula for determining the tax base of a certified self-insurer.
 - △ Establishes the composition of the board of directors of the Texas Certified Self-Insurer Guaranty Association (association).

Insurance

- △ Requires each member of the association to be assessed a fee to create, over a period of ten years, a certified self-insurer guaranty trust fund of at least \$1 million for the emergency payment of the compensation liabilities of an impaired employer.
- △ Provides that, if an employee incurs an occupational disease, the employee's eligibility for temporary income benefits, impairment income benefits, and supplemental income benefits terminates after 401 weeks.
- △ Requires a doctor to meet specific qualifications to be eligible as a designated doctor.
- △ Authorizes only the injured employee or an appropriate commission staff member to communicate with the designated doctor about the injured employee's case.
- △ Requires an employer to deliver to the injured employee a written copy of a report made to the insurance carrier.
- △ Requires the insurance carrier to file the report of the injury on behalf of the policyholder. Requires the insurance carrier to electronically file the report with the commission within seven days. Authorizes the executive director to waive the electronic filing requirement and allow the carrier to mail or deliver the report not later than seven days after the carrier receives the report from the employer. Sets out other provisions relating to the report.
- △ Requires the commission to develop information for public dissemination about the benefit process and compensation procedures. Requires the information to be written in plain language and to be available in English and Spanish.
- △ Adds the duty to meet with an unrepresented claimant privately for at least 15 minutes prior to a hearing to the list of responsibilities of the ombudsman program.
- △ Sets out eligibility, training, and education requirements of the ombudsman.
- △ Provides that an employer commits an administrative violation if the employer fails to report to the commission as required.
- △ Provides that the identity of an employee named in a report is confidential and makes it an offense to disclose such identity.

Insurance

- △ Provides that the executive director may exclude an employer from designation as an extra-hazardous employer, if the employer can show that the frequency of accidents occurred because of factors beyond the employer's control, or was outside the course and scope of the deceased individual's employment. Sets out other provisions relating to the extra-hazardous employer designation.
- △ Requires each state agency subject to this chapter to actively manage the risks of that agency by developing, implementing, and maintaining health and safety programs to assist employees who sustain compensable injuries to return to work.
- △ Sets out additional actions that constitute a violation by an insurance carrier or health care provider.
- △ Establishes criminal penalties for fraudulently obtaining or denying benefits, or for fraudulently obtaining workers' compensation insurance coverage.

Continuation of the Workers' Compensation Insurance

Fund - H.B. 1090

by Representative Brimer

Senate Sponsor: Senator Armbrister

- △ Makes changes in the way the Workers' Compensation Insurance Fund (fund) carries out its programs and functions, as a result of the sunset review of the Workers' Compensation Commission.
 - △ Abolishes the fund on September 1, 2007, unless continued by the Texas Sunset Act.
 - △ Subjects a decision of the fund's board of directors (board) to review by the commissioner of insurance (commissioner).
 - △ Sets out new requirements and a training program for board members.
 - △ Prohibits the fund managers from using information that is the work of a licensed agent for any marketing of direct sales activity. Makes other prohibitions and requires the fund to adopt guidelines to implement this subsection.
 - △ Requires the fund managers to implement a program to identify and investigate fraud and violations of workers' compensation insurance by a health care provider or other person. Authorizes the fund to conduct investigations of suspected cases of fraud.
 - △ Provides that information maintained in the investigation files of the fund is confidential. Prohibits disclosure except under certain conditions.

Insurance

- △ Requires the state auditor to periodically identify issues related to the efficiency, effectiveness, and statutory compliance of the fund.
- △ Requires the fund managers to prepare information of public interest describing the functions of the fund and procedures by which complaints are filed and resolved by the fund. Requires the board to establish methods by which consumers may direct complaints to the fund.
- △ Sets out complaint resolution procedures and requirements.
- △ Authorizes the fund managers to require an applicant for workers' compensation insurance coverage who is considered high risk to insure all business entities that are commonly owned or controlled by the applicant if fund managers suspect fraud.

Consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for Workers' Compensation - H.B. 1091

by Representative Brimer

Senate Sponsor: Senator Armbrister

- △ Consolidates the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for Workers' Compensation into the Research and Oversight Council on Workers' Compensation (council), setting out the council's functions.
- △ Subjects the council to the Sunset Act.
- △ Sets out the composition, powers, and duties of the council's board of directors, including who is ineligible to serve on the board, terms, grounds for removal, and presiding officers.
 - △ The board of directors is composed of three senators, appointed by the lieutenant governor; three members of the House of Representatives, appointed by the speaker; a member of the Workers Compensation Commission (commission) who will represent wage earners; a member of the commission who will represent employers; and the commissioner of insurance or designee.
- △ Provides for the appointment of an executive director to administer to the council, including the director's powers and duties.
- △ Requires the council to make information describing the council and its functions available to the public and appropriate state agencies.
- △ Requires the council to maintain information regarding complaints filed with the council.

Insurance

- △ Gives the council access to other agencies' records and provides for the confidentiality of certain information.

Financial Solvency Requirements for Insurers - H.B. 1243

by Representative Smithee
Senate Sponsor: Senator Sibley

- △ Establishes financial solvency requirements for certain insurers and health maintenance organizations.
 - △ Adds cash equivalents, or other assets that have a readily determinable value and are satisfactory to the insurance commissioner, to the types of subordinated debt an insurer may assume.
 - △ Requires an agreement entered into under this article to be submitted to the commissioner for approval as to form and content, and requires the commissioner to give his decision within 30 days of the insurer's request.
 - △ Prohibits an insurer from repaying principal or paying interest on a subordinated liability on or after September 1, 1995, unless:
 - such payment or repayment complies with a specific schedule of payments contained within the terms of the previously approved agreement; or
 - written notice is provided to the commissioner at least 15 days before the date scheduled for any payment or repayment, if a schedule of repayments is not contained in the agreement.
 - △ Authorizes the State Board of Insurance to adopt reasonable rules relating to the accounting and financial statement requirements and the treatment of reinsurance agreements between insurance companies.
 - △ Lists the domestic and commercially domiciled insurers to which this Act applies.
 - △ Requires insurers under this Act to file a report with the commissioner that discloses material acquisitions and dispositions of assets, or material nonrenewals, cancellations, or revisions of ceded insurance agreements.
 - △ Provides that an insurer is not required to report an acquisition or disposition of assets if the acquisition or disposition is not material. Provides that an acquisition or disposition is material if it is not recurring; is not in the ordinary course of business; and involves more than five percent of the reporting insurer's total assets.

Insurance

- △ Sets out what is considered an asset acquisition or disposition, and sets out the information required to be disclosed in a report.
- △ Provides that an insurer is not required to report a nonrenewal, cancellation, or revision of a ceded insurance agreement if it is not material. Sets out when a nonrenewal, cancellation, or revision is considered material. Sets out other specific conditions in which an insurer must file a report.
- △ Prohibits an insurance company incorporated under the laws of another state or the United States that is authorized to do business in this state from exposing itself to any loss or hazard on any one risk in an amount that exceeds 10 percent of the company's surplus, unless the excess is reinsured by the company in another solvent insurer.
 - △ Prohibits an insurance company incorporated under a jurisdiction other than that of this state, another state, or the United States that is authorized to do business in this state from exposing itself to any loss or hazard on any one risk that exceeds 10 percent of the company's deposit through which the company gains admission to the United States.
 - △ Provides that this Act does not apply to certain types of insurance.

Prohibition Against Insurance Redlining - H.B. 1367

*by Representative Dutton
Senate Sponsor: Senator Ellis*

- △ Prohibits an insurer, agent, or anyone in the business of insurance, from discriminating in the availability of insurance, or in the setting of rates or renewal of insurance, on the basis of nonactuarial principles.
 - △ Prohibits a person from engaging in any practice of unfair discrimination that is defined in this Act to be a practice of unfair discrimination in the business of insurance. Sets out exceptions and establishes sanctions for violations.
- △ Prohibits a health insurer from using an underwriting guideline that is based on the ability of an insured or an applicant to speak English fluently or to be literate in the English language.
- △ Authorizes the insurance commissioner to designate areas as underserved areas for residential property insurance and private passenger auto insurance. Requires the commissioner to consider whether these types of insurance are not reasonably available to a substantial number of owners of insurable property in the underserved area.
 - △ Provides that all insurers authorized to write property, casualty, private passenger auto, and residential property insurance are also authorized to write such insurance on a group basis in underserved areas.

Insurance

- Δ Requires all policy forms and certificates for use in underserved areas to be adopted by the commissioner, and requires rates for coverage to be subject to applicable statutory provisions.
- Δ Authorizes the commissioner to establish a voluntary market assistance program to assist citizen's in obtaining residential property insurance in underserved areas.
- Δ Authorizes the commissioner to establish a Fair Access to Insurance Requirements (FAIR) plan to deliver residential property insurance to citizens in underserved areas. Requires each insurer to participate in the FAIR plan in accordance with this Act. Provides requirements for the administration and operations of the FAIR plan.
- Δ Authorizes the commissioner to establish a task force to study the utility and feasibility of instituting various property and casualty insurance initiatives.

Investigation, Prosecution, and Punishment of Insurance

Fraud - H.B. 1487

by Representative Counts
Senate Sponsor: Senator Montford

- Δ Clarifies the investigation, prosecution, and punishment of insurance fraud.
- Δ Provides that a person commits an offense if, with the intent to defraud or deceive an insurer, the person presents an insurer with a statement the person knows contains false or misleading information that is material to an insurance claim, and the information affects a person's right to payment or the amount of payment.
- Δ Provides that a person commits an offense if, with intent to defraud or deceive an insurer, the person solicits, offers, pays, or receives a health care benefit for which a claim is submitted under an insurance policy.
- Δ Lists certain information that is considered material to a claim.
- Δ Provides that an offense under this section is
 - a Class C misdemeanor if the value of the claim is less than \$20;
 - a Class B misdemeanor if the value of the claim is more than \$20 but less than \$500;
 - a Class A misdemeanor if the value of the claim is more than \$500 but less than \$1,500;
 - a state jail felony if the value of the claim is more than \$1,500 but less than \$20,000;
 - a third-degree felony if the value of the claim is more than \$20,000 but less than \$100,000;
 - a second-degree felony if the value of the claim is more than \$100,000 but less than \$200,000; and

Insurance

- a first-degree felony if the value of the claim is \$200,000 or more; or the value of the claim is less than \$200,000 and the commission of the offense placed a person at risk of death or serious injury.
- Δ Makes provisions for aggregation and multiple offenses.
 - Δ Authorizes the attorney general to provide litigation assistance to an attorney representing the state in a prosecution, and to prosecute an offense on the request of the attorney representing the state.
 - Δ Authorizes the insurance commissioner to employ investigators as the commissioner considers necessary to enforce this Act.

Regulation of Insurance Companies - H.B. 2793

by Representative Shields
Senate Sponsor: Senator Wentworth

- Δ Provides for the regulation of insurance companies.
- Δ Redefines "commercially domiciled insurer" to mean an out-of-state insurer authorized to do business in this state that has written more gross premiums in this state than it has written in its home state, with those gross premiums constituting 30, rather than 20, percent or more of its total gross premiums.
- Δ Authorizes a domestic insurer to invest in securities of one or more subsidiaries and affiliates, amounts which in the aggregate do not exceed the lesser of 10, rather than five, percent of the insurer's assets.
- Δ Provides that whether an insurance company investment meets the applicable requirements is to be determined before the investment is made by computing the applicable investment limitations as though the investment had already been made.
- Δ Provides that a foreign or alien insurer is not subject to the requirements of this Act if the insurance commissioner has approved a withdrawal plan for the insurer.

Jurisprudence

Operations of a Grand Jury - S.B. 1074

by Senator Brown

House Sponsors: Representatives Talton and Delisi

- Δ Amends the laws relating to who may be present during grand jury proceedings and the disclosure of information relating to such proceedings.
 - Δ Sets out who may be present in a grand jury room while the grand jury is conducting proceedings or deliberating.
 - Δ Provides that questions and testimony during a grand jury proceeding are to be recorded either by a stenographer or an electronic sound recording device. The unintentional failure to record any part of a proceeding does not invalidate the proceeding. The attorney representing the state is to maintain all records other than the stenographer's notes or the transcript of the recording.
 - Δ Changes the law making grand jury deliberations secret to making the proceedings secret. Makes it an offense for an interpreter, stenographer, or person operating the recording device during a proceeding, or the person making a transcript of the notes or recording, to disclose anything transpiring before the grand jury. The penalties for an offense may include both a fine and imprisonment.
 - Δ Authorizes an attorney representing the state to make certain disclosures relating to grand jury proceedings in performing certain duties. The attorney shall warn the person receiving the information of that person's duty to maintain the secrecy of the information. Any person who receives and discloses the information for purposes other than those permitted is subject to punishment for contempt.
 - Δ Allows a defendant to petition a court for disclosure of otherwise secret information in connection with a judicial hearing, and sets out the procedure for such a petition. Provides that a person who receives and discloses this information is subject to punishment for contempt.
 - Δ Prohibits the attorney representing the state from disclosing anything transpiring before a grand jury except as permitted by the act.

Location of Supreme Court Venue - S.J.R. 40

by Senator Wentworth

House Sponsor: Representative Goodman

- Δ Requires submission to the voters of a constitutional amendment to permit the Supreme Court to sit at any location in the state for the transaction of business.
Ballot Date: November 7, 1995.

Jurisprudence

Protective Orders - H.B. 418

by Representative Goodman, et al.

Senate Sponsor: Senator Harris

- △ Requires the petition in a suit for divorce or annulment to state whether a protective order is in effect or is pending with regard to the parties to the suit.
- △ Requires the person against whom a protective order is rendered to pay the costs related to the protective order.
- △ Requires the Department of Protective and Regulatory Services (DPRS) to adopt rules to provide procedures for the filing of protective orders for the protection of a family or household member.
- △ Requires DPRS to provide prior notice to a nonabusive parent or adult member of a household of DPRS' intent to file an application for a protective order. Requires DPRS to protect the nonabusive parent or adult.

Modification of a Court-Ordered Conservatorship on Conviction of Child Abuse - H.B. 647

by Representative Farrar

Senate Sponsor: Senator Luna

- △ Authorizes modification of existing court orders granting conservatorship and access to a child for a person convicted of child abuse offenses defined under the Penal Code.
- △ Makes it a Class B misdemeanor to knowingly file an unjustified motion to modify court orders on conservatorship of persons who are not guilty of charges of child abuse.

Appointment of Persons Guilty of Crimes of Abuse as Guardians - H.B. 1195

by Representative Naishtat

Senate Sponsor: Senator Henderson

- △ Prohibits appointing as a guardian of a ward of the court a person who has been convicted of injuring an elderly or disabled person.

Failure to Appear for Jury Duty - H.B. 1204

by Representative Place

Senate Sponsor: Senator Wentworth

- △ Increases the penalty from \$20 to \$100 for failing to appear for jury duty in a justice or corporation court.

Jurisprudence

Name Change - H.B. 1879

by Representative Solomons
Senate Sponsor: Senator Haywood

- △ Requires a court to change a person's name to a prior-used name in a divorce unless the court states in the decree a specific reason for denying the name change.
- △ Permits a person whose name is changed to obtain a "Change of Name Certificate" from the court for a \$10 fee.

Appointment of a Receiver to Manage a Multiunit Residential Property if it is a Common Nuisance - H.B. 2042

by Representative Hochberg
Senate Sponsor: Senator West

- △ Authorizes a court to appoint a receiver to manage a multiunit residential property if it is a common nuisance or a public nuisance exists at the property, rather than requiring the property to be vacated and closed.

Uniform Transfers to Minors Act - H.B. 2268

by Representative Hilbert
Senate Sponsor: Senator Whitmire

- △ Replaces the Texas Uniform Gifts to Minors Act with the Texas Uniform Transfers to Minors Act; the new Act provides greater flexibility and extends custodianships from 18 to 21 years of age.

Statute of Limitations - H.B. 2330

by Representative Moffat
Senate Sponsor: Senator Harris

- △ Extends the statute of limitations from two to five years for a civil suit based on personal injury or death caused by sexual assault or aggravated sexual assault.

Jury Selection Methods - H.B. 2951

by Representative Kamel
Senate Sponsor: Senator Nixon

- △ Permits a county to use a mechanical or electronic method of jury selection when summoning prospective jurors in a capital case.

Jurisprudence

Abolition of County Constable Office in Certain Counties - H.J.R. 80

by Representative Black
Senate Sponsor: Senator Sims

- Δ Requires submission to the voters of a constitutional amendment to abolish the office of county constable in Mills, Reagan, and Roberts counties and transfer the powers and duties of the office to the county sheriff in those counties. **Ballot Date: November 7, 1995.**
- Δ Requires a majority of the voters in Reagan or Roberts counties to vote in favor of the constitutional amendment before the office of constable is abolished.

Durable Power of Attorney Records - S.B. 172

by Senator Luma
House Sponsor: Representative Puente

- Δ Requires a person acting with a durable power of attorney to maintain and make accessible records of all transactions for the person who is represented.

Creation of the Offense of Preventing Execution of the Civil Process - H.B. 2331

by Representative Oliveira
Senate Sponsor: Senator Sibley

- Δ Makes it a Class C misdemeanor to intentionally or knowingly prevent the service of any process (to be served with a complaint, summons, order, or other document providing notice or seeking to compel some action) in a civil action. This offense does not include evading service by avoiding detection.

Supreme Court Rule and Attorney-Client Relationship -

H.B. 2987
by Representative Seidlits
Senate Sponsor: Senator Brown

- Δ Prohibits the supreme court from adopting a rule that interferes with the attorney-client relationship or that discourages competition.

Jurisprudence

Serving of Court Proceedings on the Attorney General -

S.B. 1626 (Died in the House)

by Senator Wentworth

- △ Would have provided that in any proceeding in which a construction of the Texas Constitution is alleged to be controlling, the Texas attorney general must be served with a copy of the proceeding and is entitled to be heard.

Nonpartisan Elections and Retention Elections of Certain Judges - S.J.R. 26 (Died in the House) and S.B. 313 (Died in the

House)

by Senator Ellis et al.

House Sponsors: Representatives Alonzo and Thompson

- △ Would have amended the Texas Constitution to provide for the appointment, nonpartisan elections, and retention elections of certain judicial officers.
 - △ Would have provided that justices of the supreme court, criminal court of appeals judges, and courts of appeals justices shall be subject to retention or rejection on a nonpartisan ballot and sets the terms to be served by justices or judges retained by the voters or appointed by the governor.
 - △ Would have set when the initial terms of justices of the supreme court, criminal court of appeals judges, and courts of appeals justices begin.
 - △ Would have required the legislature to provide for the retention or rejection of district judges on a nonpartisan ballot by the qualified votes of the entire judicial district.
 - △ Would have provided that for the state's most populous counties, as determined by law, judges of judicial districts composed entirely of one such county shall be elected from commissioners court precincts. A judge must reside in the judicial district, but not in the commissioners court precinct.
 - △ Would have provided that district judges shall be elected for a term of four years.
 - △ Would have provided that district judges appointed by the governor to fill a vacancy will serve until the beginning of the term of the judge elected to that court at the next succeeding general election; district judges elected following appointment serve for four years.
 - △ Would have provided that vacancies in the office of district judge shall be filled by the governor.

Jurisprudence

- △ Would have provided that vacancies in the offices of supreme court justices, court of criminal appeals judges, and courts of appeals justices shall be filled by the governor. Appointments shall fairly reflect the geographic distribution and ethnic and racial composition of the districts served by that court or the state, as applicable, according the most recent federal census.
- △ Would have provided that appointments of supreme court justices, court of criminal appeals judges, and courts of appeals justices are subject to senate confirmation. The senate, in confirming appointments, shall ensure that the appointments fairly reflect the geographic distribution and ethnic and racial composition of the districts served by that court or the state, as applicable, according to the most recent federal census.
- △ Would have provided that the legislature may alter the terms of offices created under Article V of the constitution (Judiciary) as necessary to implement an election date for those offices, a restructuring of the judicial system, or a staggering of terms for those offices.
- △ Would have provided that the constitutional amendment shall take effect January 1, 1996.

Abatement of Public Nuisances by Counties - S.B. 595

by Senator Bivins

House Sponsor: Representative Ron Lewis

- △ Amends the Health and Safety Code regarding the abatement of public nuisances by certain counties.
 - △ Provides that current law prohibiting a person from causing or allowing public nuisances in the unincorporated area of a county applies only to counties with populations of 125,000 or more.
 - △ Prohibits a person from causing or allowing certain kinds of public nuisances in the unincorporated area of a county, regardless of the county's size.
 - △ Defines such public nuisances as discarding refuse or creating a hazardous visual obstruction on county-owned land and certain other kinds of land or easements.
 - △ Makes it an offense to fail to abate a public nuisance within a set time after receiving certain notice.
 - △ Requires written notice to be served on the person responsible for creating the nuisance when the person is not the owner, occupant, or in charge of the property and can be identified.
 - △ Expands what the notice must state and to whom it is served.
 - △ Allows a county to assess the costs of abatement and an administrative fee against the person receiving notice.
 - △ Requires the notice of lien to secure an assessment to contain a legal description of the property and the owner's name, if known.
 - △ Sets out when a lien can be attached.

Hidalgo County Court Judges in Private Practice - H.B. 3181

by Representative Munoz

Senate Sponsor: Senator Lucio

- △ Allows the county court judges of Hidalgo County to practice private law in federal courts.

Local Gov't.

Recall of Officials in General-Law Municipalities - S.B. 95

(Died in the House)

by Senator West et al.

House Sponsor: Representative Hilderbran

- Δ Would have authorized an elected officer of a general-law municipality to be recalled from office.
 - Δ Would have prescribed the recall petition's requirements as to form and content, number of signatures required, method for acquiring signatures, and time of filing.
 - Δ Would have prescribed with whom a petition is to be filed, and the action to be taken on a petition, and requires notice of the result to be given to the officer who is the subject of the petition.
 - Δ Would have set out the time, form of ballot, and conduct of a recall election. Specifies the effect of a recall election and prohibits a recalled officer from being appointed to the vacant office.
 - Δ Would have repealed the language defining the method for removing elected officials in a general-law municipality.

Photographic Traffic-Control Systems - S.B. 317 (Died in the

House)

by Senator Armbrister

House Sponsor: Representative Seidlits

- Δ Would have authorized a municipality to implement a photographic traffic-control system.
 - Δ Would have provided that photographic traffic-control systems consist of cameras and vehicle sensors, which are installed on traffic signals and automatically produce one or more photographs of each vehicle that is operated in violation of a traffic signal.
- Δ Would have authorized a municipality to impose civil penalties, and provides that photographs produced by the system are sufficient evidence that a violation of traffic signal instructions occurred.

Photo Ticketing - S.B. 876 (Died in the House)

by Senator Cain

House Sponsor: Representative Madden

- Δ Would have authorized a municipality to implement a photographic preferential traffic lane enforcement system (photo ticketing) to prevent violations of preferential traffic lanes.

Local Gov't.

- △ Would have provided that a photo taken under this system is admissible in an administrative adjudication hearing and is sufficient evidence that the vehicle identified by the photo was operated in violation of the limitations imposed on the usage of preferential traffic lanes.

Noise Abatement for Airports - S.B. 954 (Died in the House)

by Senator Barrientos

House Sponsors: Representatives Dukes, Naishtat, Maxey, and Greenberg

- △ Would have extended the period, from December 31, 1996 to December 31, 1997, in which an incorporated city, town, or village that owns a municipal airport must provide a replacement airport in lieu of noise abatement for all public buildings.

County Water and Sewer Systems in Unincorporated Areas of the County - S.B. 1462 (Died in the House)

by Senator Armbrister

House Sponsor: Representative McCoulskey

- △ Would have allowed a county commissioners court to own, operate, and maintain water and sewer systems for unincorporated areas of the county.
 - △ Would have permitted a county to issue bonds to construct the water and sewer facilities.
 - △ Would have granted a county the power of eminent domain to operate the system.

Consolidated County Government - S.J.R. 47 (Died in the House)

by Senator Wentworth

House Sponsor: Representative Puente

- △ Would have proposed a constitutional amendment to authorize the voters of Bandera, Bee, Bexar, Gillespie, Guadalupe, Kendall, Kerr, Midland, Nueces, Tom Green and Travis counties and certain political subdivisions, to create a consolidated county government.

Certification of Agricultural Products and Production Processes - S.B. 810

by Senator Lucio

House Sponsor: Representative Gutierrez

- Δ Establishes standards and certification criteria related to organic food and fiber, agricultural products, and agricultural production processes.
 - Δ Requires the Texas Department of Agriculture (department) to certify producers, processors, distributors, and retailers of organic food and fiber in this state.
 - Δ Prohibits food from being represented as organic unless the grower has been certified by the department.
 - Δ Authorizes the department to charge an annual fee not to exceed \$2,500 for each applicant certified as a producer, distributor, or retailer, and a fee not to exceed \$5,000 for each applicant certified as a processor of organic food or fiber produced in this state. Establishes a similar fee structure for organic food or fiber produced outside of Texas.
 - Δ Authorizes the department to charge an annual fee not to exceed \$2,500 for a person who obtains a certificate of registration as an organic certifying agent.
 - Δ Authorizes the department to deny, suspend, or revoke an organic certification or a certificate of registration, if the person to whom the certification or registration was issued makes a false representation. Provides that an offense is a Class C misdemeanor.
 - Δ Establishes that a violator is also subject to a civil penalty not to exceed \$500 for each violation.
 - Δ Authorizes the department to establish certification programs relating to the protection, sale, advertising, marketing, transporting, or other commercial handling of agricultural, horticultural, or related products in this state, if the department determines that a certification program is warranted to ensure genetic purity, identity, or disease or pest resistance; or to help prevent the spread of insects, other pests, diseases or pathogens.
 - Δ Establishes that a violator of agricultural product standards is liable for a civil penalty not to exceed \$500 for each violation.
 - Δ Authorizes the department to establish voluntary certification programs relating to the protection, sale, advertising, marketing, or related production processes in this state, and to develop minimum certification standards for production processes.

Natural Resources/Agriculture

- △ Authorizes the department to assess an administrative penalty, as established by statute, for false claims of certification under the agricultural production process certification program.
- △ Authorizes the department to set fees to reasonably recover administrative costs.

Powers and Duties of the Boll Weevil Eradication Board

- S.B. 1196

by Senators Sims and Lucio
House Sponsor: Representative Patterson

- △ Authorizes the board of directors of the official cotton growers' boll weevil eradication foundation (board) to accept gifts and grants and borrow money as necessary to execute its duties.
- △ Authorizes the board to add an area to an eradication zone if cotton production begins in the area; the area is adjacent to an eradication zone or an area with similar biological characteristics; and the addition is approved in a referendum held in the area.
- △ Provides that the board is a state agency for purposes of tax exemption and is a governmental unit entitled to governmental immunity from liability.
- △ Prohibits the board from requiring treatment of organic cotton fields with chemicals that are not approved for use on certified organic cotton. Authorizes plow-up to be required as an alternative to chemicals and indemnity to be provided to growers for an order to not grow or destroy organic cotton.
- △ Relieves landowners of liability for damages from application of a regulated herbicide if the herbicide is applied under a government program that requires its application and the owner cannot control the time and manner of the application.
- △ Creates the pink bollworm eradication zone in Reeves and Pecos counties and adds pink bollworm to the list of pests for eradication.

Emissions Testing Moratorium - S.B. 19

by Senator Whitmire, et al.

House Sponsor: Representative Hamric

- △ Placed a 90-day moratorium on the vehicle emissions testing program from January 31, 1995 to May 1, 1995.
- △ Appropriated \$8.8 million from the Clean Air Fund to the Texas Natural Resource Conservation Commission (TNRCC) to pay managing contractors and subcontractors for losses incurred under their contract with the state to implement the emissions testing program.
- △ Requires contractors and subcontractors to repay the state, without interest, by August 31, 1997.
- △ Requires the TNRCC to work with the Environmental Protection Agency to develop reasonable alternatives to the vehicle emissions testing program.

Resumption of Vehicle Emissions Testing - S.B. 178

by Senator Whitmire

House Sponsor: Representative Chisum

- △ Requires the Texas Natural Resource Conservation Commission (TNRCC) and the Texas Department of Public Safety (department) to establish a vehicle emissions inspection and maintenance program to begin June 1, 1995, in the following counties: Brazoria, Fort Bend, Galveston, Harris, Montgomery, Collin, Denton, Dallas, Tarrant, and El Paso.
 - △ Requires vehicles in these counties to be tested annually, beginning two years after the vehicle's first sale, at a decentralized test-only facility or a decentralized test-and-repair facility.
 - △ Requires vehicles to pass emissions tests before vehicle owners can receive a safety inspection certificate.
 - △ Provides that failure to display a proper safety inspection certificate is punishable by a fine of not less than \$1 or more than \$200.
 - △ Prohibits the TNRCC from requiring an emissions testing technology or procedure that is more stringent than a technology or procedure used or in place in Texas before January 1, 1994.
 - △ Allows safety inspection facilities to perform vehicle emissions testing if licensed by the department to do so.

Natural Resources/Air

- △ Authorizes the department to collect a certification fee to recover the costs of implementing a program to certify, inspect, and audit testing facilities; fees collected must be deposited in Motor Vehicle Inspection Fund 274.
- △ Exempts antique, classic, circus, and slow-moving vehicles from testing requirements.
- △ Allows the department to exempt from testing requirements fleet vehicles registered in a nonattainment area that operate exclusively outside the area.
- △ Authorizes the department to issue a unique inspection certificate for vehicles in counties, other than those listed above, that request a vehicle emissions testing program.
- △ Requires a testing facility managing contractor who received funds from the state while the vehicle emissions inspection and maintenance program was delayed, to repay the funds, without interest, by September 1, 1995, or be barred from the program.
- △ Provides that the emissions testing program established by this Act is in effect until the governor, after appropriate negotiation with the U.S. Environmental Protection Agency, determines the type of emissions testing program necessary for the state.
- △ Requires the governor to make every effort to assure that industry does not have to bear the cost of vehicle emissions noncompliance.

Employer Trip Reduction Program Delay - S.B. 290

by Senator Henderson, et al.

House Sponsor: Representative Culberson

- △ Requires the Texas Natural Resource Conservation Commission (TNRCC) to immediately suspend implementation of the employer trip reduction program for 180 days after this Act takes effect.
 - △ Provides that an employer required by TNRCC rule to perform an act related to the employer trip reduction program, other than the submission of an employer trip reduction plan, is not required to do so until the 181st day after this Act becomes effective.
 - △ Authorizes the governor to extend suspension of the program.
 - △ Authorizes the governor to seek from the U.S. Environmental Protection Agency waivers of federal enforcement of, and federal compliance deadlines for, the employer trip reduction program. Prohibits the TNRCC from seeking similar waivers.

Natural Resources/Air

- △ Provides that an employer who makes a good faith effort to comply with TNRCC rules governing the employer trip reduction program is considered to be in compliance with those rules.
- △ Prohibits the TNRCC from taking enforcement action against or imposing any penalty related to the employer trip reduction program if an employer has made a good faith effort at compliance and has submitted an employer trip reduction plan.
- △ Sets out circumstances when an employee may not be required to participate in an employer trip reduction program.

Air Permit Renewals - S.B. 1125

by Senators Nixon and Sims

House Sponsor: Representative Holzheuser

- △ Limits the authority of the Texas Natural Resource Conservation Commission (TNRCC) in renewing preconstruction permits that have been issued to facilities that emit air contaminants.
 - △ Prohibits the TNRCC from imposing, as a condition of permit renewal, requirements that are more stringent than the existing permit unless the TNRCC determines the requirements are necessary to avoid air pollution or to comply with other laws.
 - △ Prohibits the TNRCC from holding a public hearing on a permit renewal application if the basis of the request, made by a person who may be affected by the emissions, is unreasonable.
 - △ Provides that a request is unreasonable if the permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted.
 - △ Authorizes the TNRCC to hold a hearing on a permit amendment, modification, or renewal if the board determines the application involves a facility with unresolved violations that demonstrate a consistent disregard for the regulatory process.

Air Permit Modifications - S.B. 1126

by Senators Nixon and Sims

House Sponsor: Representative Holzheuser

- △ Limits the authority of the Texas Natural Resource Conservation Commission (TNRCC) in granting air permit modifications to facilities that intend to change processes or equipment.

Natural Resources/Air ---

- Δ Redefines "modification of an existing facility" to apply only to a change that increases the amount of any air contaminant emitted by the facility or results in the emission of any air contaminant not previously emitted.
- Δ Authorizes certain facilities to be modified without obtaining a permit amendment if the proposed change would not result in an increase in emissions previously authorized, or in any new emissions.
- Δ Requires the TNRCC to consider specific factors in determining whether a proposed change at a facility will result in an increase in allowable air emissions.

Cancellation of Undeveloped Land in Colonias Subdivisions - S.B. 542

by Senator Rosson, et al.

House Sponsor: Representative Oliveira

- △ Provides conditions and procedures for canceling certain subdivisions if land remains undeveloped. Applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities in economically distressed border counties that have adopted model rules for water supply and sewer services.
 - △ Authorizes the commissioners court of a county to cancel, after the required notice and hearing, a subdivision for which a plat was filed and approved before September 1, 1989, if: (1) the development of or the making of improvements in the subdivision was not begun before the effective date of this section; and (2) the commissioners court has found that the land is likely to be developed as a colonia.
 - △ Requires the commissioners court to publish a notice of a proposal to cancel a subdivision and the time and place of the required hearing. Requires the county tax assessor-collector to deposit with the Postal Service a similar notice addressed to each owner of land in the subdivision, as determined by the most recent county tax roll.
 - △ Requires the commissioners court to permit any interested person to be heard at the hearing. Requires the court to adopt an order on whether to cancel the subdivision at the conclusion of the hearing. Authorizes the court to adopt an order canceling a subdivision if it determines the cancellation is in the public's best interest.
 - △ Prohibits the court from adopting an order under certain conditions, including if the cancellation interferes with the established rights of a person who is a nondeveloper owner of part of the subdivision, unless the person agrees to the cancellation.
 - △ Requires the commissioners court to file the cancellation order in the deed records of the county. Provides that after the cancellation order is filed and recorded, the property is to be treated as if it had never been subdivided, and requires the county chief appraiser to assess the property accordingly.
 - △ Requires any liens against the property to remain against the property as it was previously subdivided.

Natural Resources/Colonias

Establishment of Colonia Self-Help Centers - S.B. 1509

by Senators Zaffirini, Truan, Moncrief, Lucio, Barrientos, et al.

House Sponsor: Representative Henry Cuellar

- △ Requires the Department of Housing and Community Affairs (department) to establish colonia self-help centers (centers) whose purpose is to finance, refinance, construct, improve, or maintain safe, suitable homes in the colonias.
 - △ Authorizes the department to establish colonias centers in El Paso, Hidalgo, Starr, and Webb counties, and in Cameron County to serve Cameron and Willacy counties, and to define the centers' geographic areas of service.
 - △ Authorizes the department to establish these centers in any other county if the county is in an economically distressed area.
 - △ Requires the department to attempt to secure funding and support for the center's operation from the commissioners court of the county in which the center is located.
- △ Provides for the establishment of a colonia advisory committee at each center and a department liaison to the centers.
- △ Requires the department to make a reasonable effort to secure an adequate level of funding to provide the centers with funds for low-interest mortgage financing, grants for self-help program, a revolving loan fund for septic tanks, a tool-lending program and other necessary activities.
- △ Requires the department to establish a fund designated as the colonia set-aside fund. Sets out procedures for use of the fund.

Regional Planning for Water and Sewer Services to Colonias - S.B. 953 (Died in the House)

by Senator Truan, et al.

- △ Would have required an applicant proposing to supply water services within an economically distressed area (colonia) to apply to the local regional planning commission (planning commission) for certification that the proposed water services do not conflict with any regional water service plan or policy.
 - △ Would have required the planning commission to conduct a hearing, evaluate proposals and testimony, and coordinate negotiation or mediation as necessary in certifying that the proposed water services are consistent with regional water planning.

Natural Resources/Colonias

- Δ Would have required the planning commission to coordinate water planning in the area with assistance from the Texas Natural Resource Conservation Commission (TNRCC) and the Texas Water Development Board.
- Δ Would have required the applicant to file evidence with the TNRCC that the proposed water supply or sewer services have been certified as consistent with regional water supply and sewer service planning.
- Δ Would have exempted water and sewer service proposals from water planning requirements if the services would be located in a planning commission region that includes El Paso County.

Alternative Fuels Requirements - S.B. 200

by Senator Armbrister
House Sponsor: Representative Stiles

- △ Expands the definition of alternative fuel to include any fuel that can meet federal low-emission vehicle standards.
 - △ Eliminates statutory references that limit conversion options to "compressed natural gas or other alternative fuel."
 - △ Modifies the definition of a fleet vehicle.
 - △ Eases the conversion schedule required of local governments and private entities (in air quality nonattainment areas) to convert fleet vehicles to operate on alternative fuels.
 - △ Allows the Texas Natural Resource Conservation Commission to make an exception to the fleet percentage requirements if the projected net cost for alternative fuel conversion or replacement, even with state or federal funding or incentives, exceeds the cost of operating vehicles on reformulated gasoline and diesel.
 - △ Provides for the issuance of program compliance credits to a vehicle owner or operator who exceeds the fleet percentage requirements. Allows credits to be traded, sold, or purchased.
 - △ Specifies that liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, or electricity can be used to satisfy alternative fuel requirements for state agencies.

Financing of Alternative Fuels Projects - H.B. 1441

by Representative Holzheuser
Senate Sponsor: Senator Bivins

- △ Authorizes the Texas Public Finance Authority (TPFA) to issue, sell, and purchase obligations to finance alternative fuels projects.
 - △ Authorizes TPFA, upon determination that a project is financially viable and sufficient revenue is or will be available, to issue and sell obligations, the proceeds of which must be used for financing certain works, including the conversion of motor vehicles and other sources of substantial energy output of a local government to alternative fuels.
 - △ Requires costs of issuing the bonds and administering the alternative fuels finance program to be considered a part of project costs and to be funded with bond proceeds.

Petroleum Storage Tank Regulation - H.B. 2587

by Representative Alexander

Senate Sponsors: Senators Sims and Brown

- Δ Provides that an owner or operator of an underground or aboveground storage tank installed before December 1, 1995, who does not register the tank by December 31, 1995, is not eligible to receive reimbursement for that tank from the petroleum storage tank remediation fund (remediation fund). Exceptions to this provision are as follows:
 - Δ An owner of a registered facility who discovers an unregistered tank while removing, upgrading, or replacing a tank or while performing a site assessment.
 - Δ A state or local governmental agency that purchases a right-of-way and discovers during construction an unregistered tank in the right-of-way.
 - Δ A property owner who reasonably could not have known that a tank was located on the property because a title search or the previous use of the property did not indicate a tank on the property.
- Δ Requires an owner or operator of a storage tank installed on or after December 1, 1995, to register the tank not later than 30 days after installation to be eligible for reimbursement for the new tank.
- Δ Prohibits the Texas Natural Resource Conservation Commission (TNRCC) from considering, processing, or paying a claim for reimbursement from the remediation fund for corrective action work begun after September 1, 1993, and without prior TNRCC approval, until all claims for reimbursement for corrective action work preapproved have been considered, processed, and paid.
- Δ Requires the TNRCC to process reimbursement claims against the remediation fund in the order in which they were received, except as noted above. Requires the TNRCC to process all reimbursement claims received before September 1, 1995, before the TNRCC considers a claim received after that date.
- Δ Provides that funds from the remediation fund may not be used for, and that the owner or operator of a storage tank is responsible for, any expenses for corrective action incurred for confirmed releases initially discovered and reported to the TNRCC after December 22, 1998.
- Δ Prohibits the payment of interest on any claim for payment from the remediation fund.
- Δ Establishes a deductible schedule for owners or operators of storage tanks based on the number of tanks owned or operated and whether a site assessment was timely filed.

Natural Resources/Fuels

- △ Provides that the reimbursement program established under this Act expires September 1, 2001.
- △ Provides that certain lenders are not liable as owners or operators under this Act in certain cases if the lender sells or otherwise disposes of, and takes measures to preserve, protect, or prepare the secured storage tank before sale or other disposition of the tank or the property.
- △ Doubles each bulk delivery fee.
- △ Requires the TNRCC to adopt rules for maintaining evidence of financial responsibility for taking corrective action against accidental releases from operating an underground storage tank. The rules must require that, after December 22, 1998, the owner or operator of a site for which a closure letter has been issued shall have insurance or other coverage sufficient to satisfy all financial responsibility requirements under federal law or regulations.
- △ Authorizes the TNRCC to adopt rules regarding the implementation of a registration program for persons who contract with an owner or operator of a storage tank, or any other person, to perform corrective action under this Act.
- △ Authorizes the TNRCC to adopt rules authorizing the privatization of any part of the program established under this Act.
- △ Sets forth requirements for tank release detection, spill and overfill prevention equipment, and corrosion protection.
- △ Provides penalties for certain offenses committed under this Act.
- △ Authorizes the comptroller to temporarily transfer up to \$120 million from the general revenue fund to the remediation fund during the 1996-1997 biennium to pay reimbursement claims that are filed on or before August 31, 1995, and certain expenses.
- △ Requires \$80 million of the revenue collected from the bulk delivery fee to be deposited to the general revenue fund not later than August 31, 1996, and \$40 million of those fees to be deposited to the general revenue fund not later than May 31, 1997.

**Liquefied Petroleum Gas System Installers or
Servicers/Liability Limits** - S.B. 417 (Died in the House)

by Senator Armbrister

House Sponsor Representative Holzhauser

- Δ Would have prohibited a person from being held liable for damages caused solely by a malfunction or improper operation of a liquefied petroleum gas system that the person installed or serviced in a motor vehicle.

Waste Tire Recycling - S.B. 776

by Senator Brown

House Sponsor: Representative Junell

- Δ Appropriates \$9.34 million from the waste tire recycling fund (fund) to the Texas Natural Resource Conservation Commission (TNRCC) for reimbursing waste tire processors.
 - Δ Authorizes the fund to also be used to pay waste tire energy recovery facility owners and operators, and waste tire recyclers.
 - Δ Specifies the amounts that can be paid from the fund for various purposes, including administration.
- Δ Authorizes significant changes to the waste tire recycling program.
 - Δ Sets out new requirements for waste tire processors seeking reimbursement from the fund.
 - Δ Authorizes an additional \$1 fee on the sale of good used and large tires.
 - Δ Requires waste tire energy recovery facilities and waste tire recyclers to register with the TNRCC and pay a registration fee.
 - Δ Prohibits reimbursement rates for tire shredding from exceeding 80 cents for each weighted tire equivalent.
 - Δ Requires tires to be shredded to an industry standard size.
 - Δ Requires each processor, recycler, and energy recovery facility to be audited biennially at the expense of the facility being audited.
 - Repeals the waste tire recycling program as of December 31, 1997.

Used Oil Recycling - S.B. 1683

by Senators Nixon and Madla

House Sponsor: Representative Howard

- Δ Requires used oil collection centers to register biennially with the Texas Natural Resource Conservation Commission (TNRCC), and report annually to the TNRCC the amounts of used oil collected from the public.
- Δ Exempts a private entity that serves voluntarily as a "do-it-yourself" used oil collection center from the registration fee.
- Δ Prohibits a registered used oil collection center from being reimbursed more than \$7,500 in a fiscal year for disposing of used oil that cannot be recycled.

Natural Resources/Waste Mgt. _____

- △ Requires used oil handlers other than generators to register biennially with the TNRCC, and report annually the sources of used oil handled during the preceding year, along with other information.
- △ Prohibits a used oil transporter from processing used oil to make used-oil-derived products or used oil fuel.
- △ Requires the rules, standards, and procedures adopted by the TNRCC to implement the used oil program to be consistent with, and no more stringent than, federal used oil management standards.
- △ Provides that handling used oil in violation of TNRCC rules, standards, and procedures is an offense punishable by a fine of not less than \$100 or more than \$10,000 for each act of violation or each day of a continuing violation; imprisonment for a term not to exceed five years; or both.
- △ Provides that after September 1, 1997, the used oil recycling fee paid by an oil manufacturer or distributor who makes a first sale of automotive oil will not exceed one cent per quart or four cents per gallon.
- △ Requires the TNRCC to appoint an advisory committee to recommend criteria and recipients for the used oil grant program.
- △ Prohibits used oil filters from being placed in a landfill permitted by the TNRCC.

Improper Disposal of Medical Waste, Providing Penalties - H.B. 1644

*by Representative Hirschi
Senate Sponsor: Senator Zaffirini*

- △ Adds a new subchapter to the Health and Safety Code concerning the improper disposal of medical waste.
 - △ Makes it an offense for a large quantity generator (generates more than 50 pounds of medical waste per month) or small quantity generator (generates 50 pounds or less of medical waste per month) to intentionally or knowingly generate, collect, store, process, export, or dispose of medical waste without all permits required by a regulatory agency or in violation of a material requirement of a permit, rule, or standard.
 - △ Makes it an offense for a large or small quantity generator to intentionally or knowingly generate, collect, store, process, export, or dispose of medical waste, and to knowingly destroy, alter, conceal, or fail to file any document required by a regulatory agency.

Natural Resources/Waste Mgt. _____

- △ Makes it an offense to intentionally or knowingly:
 - transport medical waste to any location that does not have all required permits;
 - transport medical waste without a required manifest; or
 - operate any vehicle transporting medical waste or authorized to transport such waste in violation of any rule or regulation of a regulatory agency.
- △ Makes it an offense to knowingly make a false material statement to any person preparing a document required by the order, rule, or regulation of an appropriate regulatory agency; or to omit material information on such a document.
- △ Sets out various offenses for knowingly, intentionally, or recklessly transporting, processing, storing, exporting, disposing of, or releasing medical waste in violation of this Act and thereby knowingly placing another person in imminent danger of death or serious bodily injury.
- △ Provides that it is an affirmative defense that the conduct was freely consented to by the person endangered and the danger was a reasonably foreseeable hazard of the person's occupation or a medical treatment or medical or scientific experimentation conducted by professionally approved methods and the endangered person had been made aware of the risks before consenting.
- △ Sets out the penalties for offenses.
- △ Sets out the venue for prosecution.

Voluntary Cleanup Program for Solid and Hazardous Wastes - H.B. 2296

*by Representative Jackson
Senate Sponsor: Senator Brown*

- △ Creates a voluntary cleanup program for solid and hazardous wastes.
 - △ Provides that any site is eligible for participation in the voluntary cleanup program, except the portion of a site that is subject to a Texas Natural Resource Conservation Commission (TNRCC) permit or order.
 - △ Provides that a state or local permit is not required for removal or remedial action conducted on a site as part of a voluntary cleanup program. Requires a person to coordinate a voluntary cleanup with ongoing federal and state hazardous waste programs.

Natural Resources/Waste Mgt. _____

- △ Releases certain persons, after receiving certification from the TNRCC that an approved voluntary cleanup has been completed, from all liability to the state for cleanup of areas of the site covered by certification, except for releases and consequences that the person causes. Sets out when this provision does not apply.

Funds for Lead-Acid Battery Recycling Activities - S.B. 933

(Died in the House)

by Senator Shapiro

House Sponsor: Representative Madden

- △ Would have authorized the Texas Natural Resource Conservation Commission to use the money in the hazardous and solid waste remediation fee fund to pay for lead-acid battery recycling activities.

Beneficial Land Application of Sludge - S.B. 977 (Died in the

House)

by Senator Sims, et al

House Sponsor: Representative Ron Lewis

- △ Would have set forth provisions for the beneficial land application of sludge.
 - △ Would have excluded from the definition of "solid waste" any sewage sludge processed or treated to meet the definition of exceptional quality biosolids as defined by this Act.
 - △ Would have included, among preferences for the reduction of municipal sludge, non-beneficial incineration and treatment of sludge to generate usable biosolids. Requires the Texas Natural Resource Conservation Commission (TNRCC) to consider the preference of solid waste management methods in adopting rules.
 - △ Would have established standards for the final use or disposal, through beneficial land application, of sludge generated during the treatment of domestic sewage in treatment works.
 - △ Would have required a person to apply to the TNRCC for a registration to beneficially apply sludge to the land. Would have provided that registration is not required for marketing, distribution, or land application of exceptional quality biosolids.
 - △ Would have required the TNRCC, with exception, at the time an application for a new beneficial land application project becomes administratively and technically complete, to notify, according to prescribed criteria, the project's adjacent property owners and the county judge in the county of the project's proposed location.

Natural Resources/Waste Mgt. _____

- △ Would have set out terms for granting, updating, and transferring registrations. Would have required the TNRCC to automatically renew a registration every five years from the date it was initially granted. Registration renewals must incorporate new standards required by changes in federal or state law.
- △ Would have authorized TNRCC members, on a case-by-case basis, to impose more stringent requirements for the use or disposal of sludge, to protect the public health and environment from any documented, demonstrable adverse effect of a pollutant in the sludge.
- △ Would have provided that this Act does not require the selection of a sewage sludge use or disposal practice, and that such determination is a local determination.
- △ Would have required representative sampling and analysis of sludge applied to the land according to certain criteria. Applicants would have been required to provide soil samples for the TNRCC to determine background levels of specific pollutants when first applying for registration, and once every five years from the date the registration is granted.
- △ Would have set forth general requirements for land application of sludge.
- △ Would have set forth pollutant-related guidelines, including pollutant limits and concentrations.
- △ Would have provided requirements for biosolids classification with respect to pathogens and authorizes certain processes to reduce pathogens.
- △ Would have established site restrictions for land on which sludge is applied. Restrictions include those that apply to food, feed, and fiber crops; animal grazing, and public use. These site restrictions would also apply if domestic septage is applied to agricultural land, a forest, or a reclamation site.
- △ Would have established guidelines and requirements for reducing the characteristics of sewage sludge that attract rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Radioactive Waste Disposal S.B. 1697 (Died in the House)

by Senator Bivins

House Sponsor Representative Walker

- △ Would have authorized the Texas Natural Resource Conservation Commission to issue a radioactive and mixed waste disposal license to a private entity operating a hazardous waste landfill in Andrews County.

Natural Resources/Waste Mgt. _____

- Δ Would have permitted a private entity to apply for a license to temporarily store, process, and dispose of mixed waste in Andrews County.
- Δ Would have allowed the importation of mixed waste into Texas for temporary storage, processing, and disposal.
- Δ Would have allowed the importation of radioactive waste into Texas for processing only.
- Δ Would have provided that this Act does not affect the low-level waste compact.

Procedural Uniformity Between Water Districts - S.B. 626

by Senator Armbrister
House Sponsor: Representative Yost

- △ Establishes procedural uniformity between different types of local water districts.
 - △ Consolidates procedural and administrative sections in the Water Code chapters that govern local water districts into new Chapters 49 and 59 of the Water Code. Excludes Water Code chapters that govern navigation districts, port authorities, and conservation and reclamation districts.
 - △ Repeals Chapter 50 of the Water Code, relating to general provisions for general law water districts, except for Subchapter H governing water supply contracts that have already been issued.
 - △ Creates special law districts to govern for-profit and nonprofit water or sewer service corporations.
 - △ Authorizes local water districts to issue bonds and levy taxes to fund district projects.
 - △ Grants the power of eminent domain to water districts and water supply corporations unless that power is used to acquire rights to underground water or water rights.
 - △ Creates penalties for violations of district rules.

Exclusion of Non-irrigated Property from Water Districts

- S.B. 1172

by Senator Lucio
House Sponsors: Representatives De La Garza and Gutierrez

- △ Provides for the exclusion of non-irrigated property from certain water districts.
 - △ Authorizes a petition to exclude land to be filed with a district by the owners of a majority in acreage of land.
 - △ Requires, if the district has outstanding bonded debt or debt under a loan from a governmental agency, a written consent from an authorized representative of the holders of the debt to be filed with the district before a hearing is held on the exclusion.
 - △ Provides that the exclusion does not affect or interfere with any rights the district has to maintain and continue operation of any district facility located on land excluded by the order to serve land remaining in the district.

Natural Resources/Water

- Δ Authorizes a municipality or water supply corporation that serves the excluded land with a potable water supply to petition the district to convert the proportionate irrigation water allocation of the excluded land from irrigation use to municipal use after the district adopts an order excluding non-irrigated property.

Authority to Enter Property - S.B. 1619

by Senator Brown

House Sponsor: Representative Howard

- Δ Authorizes members, employees, and agents of the Texas Natural Resource Conservation Commission (TNRCC) and TNRCC contractors to enter public or private property to investigate or monitor water quality conditions or, if the responsible party is not responsive or there is immediate danger to public health or the environment, to remove or remediate water pollution.
- Δ Authorizes TNRCC agents or employees or TNRCC contractors to enter public or private property to investigate or monitor the release or threatened release of a hazardous substance.
- Δ Authorizes the state to recover costs associated with the cleanup of hazardous waste releases, including the remedial investigation and feasibility study, the remedial design, and the remedial action.
- Δ Adds a state contractor who signed a waste manifest as required by a state contract to the list of persons the state will indemnify for actual damages, court costs, and attorney's fees adjudged against them, unless their conduct is grossly negligent.

Establishment of a Board of Directors to Administer the Edwards Aquifer Authority - H.B. 3189

by Representative Puente

Senate Sponsor: Senator Armbrister

- Δ Establishes a board of directors (board) to administer the Edwards Aquifer Authority (authority).
 - Δ Provides that the board is to be composed of 17 members, 15 of whom are to be elected from specified single-member districts. One nonvoting director must be appointed from the South Central Texas Water Advisory Committee and another by the commissioners court of Medina County or Uvalde County.
 - Δ Provides that the elected directors will serve staggered four-year terms, and that appointed directors also serve four-year terms.

- △ Names the directors of a temporary board to govern the authority until a board is elected as provided. Requires the temporary board to order an election of directors to be held on the uniform election date in November, 1996.

Coastal Management Program - H.B. 3226

by Representative Berlanga
Senate Sponsor: Senator Patterson

- △ Removes the attorney general from the Coastal Coordination Council (council), and adds the Texas Water Development Board, the Texas Department of Transportation, the Soil and Water Conservation Board, a coastal business representative, and a representative of agriculture to the council. Provides that the coastal management program is not effective until approved by a majority of the council.
- △ Prohibits a goal or policy of the coastal management program from requiring a state agency or a political subdivision to exceed its constitutional or statutory authority.
- △ Requires the General Land Office to prepare an annual report on the effectiveness of the coastal management program.
- △ Sets out when the council can review a proposed agency or subdivision action for consistency with the coastal management program.
- △ Requires the council to establish a process by which an agency or subdivision proposing an action can receive a preliminary review of the action's consistency with the coastal management program.
- △ Specifies agency rulemaking actions that must comply with the coastal management program. Prohibits the council from reviewing a proposed rule of the Texas Department of Agriculture.
- △ Specifies agency and subdivision actions that must comply with the coastal management program.
- △ Establishes the coastal management program boundary, and sets out when the council can review an action outside the boundary.
- △ Requires at least a two-thirds vote of the council before an action can be declared inconsistent with the coastal management program. Requires the council to request an opinion from the attorney general on the consistency of the proposed action if the agency or subdivision does not modify the action to make it consistent.
- △ Requires the attorney general to file suit in a district court of Travis County if the attorney general finds that a proposed action is inconsistent with the coastal management program and the agency or subdivision fails to implement the council's recommendation regarding the action.

Natural Resources/Water

- Δ Authorizes the governor, with the assistance of the council chair, to seek mediation in accordance with federal law if a federal agency does not modify an action to achieve consistency with the coastal management program.
- Δ Prohibits the council from developing or approving a special area management plan, including a plan for an area designated under the national estuary program.
- Δ Prohibits the coastal management program from being applied in a way that would result in the taking, damage, or destruction of property without adequate compensation.
- Δ Provides that the council is subject to sunset review, and unless continued by the legislature, is abolished on September 1, 1999.

Storage of State Water in Underground Aquifers - H.B. 1989

by Representative Rodriguez
Senate Sponsor: Senator Madla

- Δ Permits the storage of state water in underground aquifers, other than the Edwards Aquifer, for future beneficial use.
 - Δ Requires the Texas Natural Resource Conservation Commission (TNRCC) to issue permits for pilot projects to store state water in aquifers.
 - Δ Requires TNRCC to evaluate the success of pilot projects and sets forth the factors the TNRCC must consider before issuing a final order permitting the storage of state water in an aquifer.
 - Δ Requires TNRCC and the Texas Water Development Board (TWDB) to jointly evaluate pilot projects and report on their success to the governor, lieutenant governor, and speaker of the house.
 - Δ Requires TWDB to perform other studies of the suitability of aquifers for the storage of water and to prepare a biennial report for the legislature summarizing the board's findings.

Requirements for Water Quality Standards - S.B. 298 (Died in the House)

by Senator Rathiff
House Sponsor: Representative Saunders

- Δ Would have established requirements for creating water quality standards.
 - Δ Would have required water quality standards to consist of designated uses of water and water quality criteria necessary to maintain the uses.

Natural Resources/Water

- Δ Would have outlined criteria for the Texas Natural Resource Conservation Commission (TNRCC) to follow in adopting water quality standards.
- Δ Would have provided that the TNRCC generally may not establish a dissolved oxygen criterion greater than 3.0 milligrams per liter that is applicable to a perennial unclassified stream. The TNRCC could have increased the above standard only if technical information on the affected body of water indicates that a higher dissolved oxygen level would be attained and maintained in the natural environment, in combination with conditions that may result from impacts not regulated under state or federal law.
- Δ Would have specified technical and other information that the TNRCC must provide in the notice of proposed rulemaking for a new water quality standard or an amendment to a water quality standard.

Reinstatement of the Edwards Underground Water District - S.B. 418 (Died in the House)

*by Senator Armbrister
House Sponsor: Representative Ron Lewis*

- Δ Would have repealed the abolishment of the Edwards Underground Water District (district).
- Δ Would have authorized the district to grant money to a person for water conservation equipment or technology, water conservation or development projects, or education to promote innovation in agricultural water conservation practices.

Controlled Killing of a Wild Animal - S.B. 97

by Senator Moncrief

House Sponsor: Representative Goodman

- △ Prohibits any person from killing or attempting to injure a dangerous wild animal that is in captivity or released from captivity in this state for the purpose of being killed.
- △ Prohibits other activities relating to a "canned hunt" such as promotion of a hunt, selling an animal to be hunted, or selling products made from an animal used in a controlled killing.
- △ Allows a peace officer to seize a live dangerous wild animal or a carcass, hide, or part of a product made from a dangerous wild animal if the officer has probable cause to believe that the items to be seized were killed or injured as a result of a controlled kill.
- △ Makes violating provisions related to controlled killings a Class A misdemeanor. If the defendant is a repeat offender, the offense is a felony.

Management of Wildlife and Exotic Animals - S.B. 329

by Senators Sims and Armbrister

House Sponsor: Representative Bob Turner

- △ Amends the permit process of the Texas Parks and Wildlife Department (department) by consolidating into one permit the wildlife management permit, which allows a permit holder to manage wildlife from an aircraft, and the depredation animal control permit, which is used for hunting from aircraft, animals such as coyotes and bobcats that plunder livestock.
- △ Allows a permit holder to hunt on another person's land only if authorized by the person. Streamlines authorization procedures between landowners and the parks and wildlife department.
- △ Amends provisions relating to penalties and offenses.
 - △ Makes violating reporting requirements a Class C misdemeanor.
 - △ Makes violating provisions related to hunting exotic animals or the possession of exotic animals a Class A misdemeanor.
 - △ Prohibits a person from hunting any animal or bird from an aircraft for sport.

Texas Parks and Wildlife Department Permits - H.B. 1964

by Representative Oakley
Senate Sponsor: Senator Brown

- Δ Clarifies Texas Parks and Wildlife Department (department) regulatory authority over scientific research, zoological collection, rehabilitation, and educational display permits, as well as permits for trapping, transporting, and transplanting game animals and birds.
 - Δ Provides that without the appropriate permit no person may collect, hold, possess, display, transport, release, or propagate protected wildlife.
 - Δ Provides that all protected wildlife collected and subsequently held pursuant to statute, or department rule, remain the property of the state, and shall be relinquished to the department, on demand or be otherwise disposed of in a manner prescribed by the department.
 - Δ Authorizes the department to authorize filing and prosecution of a civil suit to enforce this Act or a rule adopted under this Act.
 - Δ Makes a violator of permit requirements or conditions a Class C misdemeanor.
 - Δ Provides that no person may capture, transport, or transplant any game animal or game bird from the wild unless that person has obtained from the department a permit to trap, transport, and transplant.
 - Δ Authorizes the department to issue to an individual an urban white-tailed deer removal permit for the trapping, transporting, and transplanting of white-tailed deer, to remove deer from an urban area with a large deer population to an area of adaptable natural habitat where the deer will be subject to lawful hunting.

Regulation of Exotic Livestock and Fowl - H.B. 2245

by Representative Black
Senate Sponsor: Senator Sims, et al.

- Δ Authorizes the Texas Animal Health Commission (TAHC) to set up advisory committees on the regulation of exotic livestock and fowl.
- Δ Provides for assessment of an administrative penalty, after notice and hearings, against a person who violates a rule or order by TAHC.

Management of Wildlife Resources by TPWD - S.B. 1106

(Died in the House)

by Senators Sims and Brown

House Sponsor Representative Bob Turner

- NO FINALLY PASSED
- Δ Would have authorized the Texas Department of Parks and Wildlife (department) to develop management plans and agreements with the U.S. Forest Service for protecting, managing, and restocking species on national forest lands in Texas.
 - Δ Would have allowed a carnivorous mammal on the state endangered species list to be killed if the department issues a permit validating the killing.
 - Δ Would have required a permit application to be submitted in writing to the department, not later than 24 hours after the animal is killed, containing an affidavit that the animal killed or injured, or attempted to kill or injure, livestock on the land owned or in control of the person applying for the permit. Requires the permit application to also identify the location of the carcass.
 - Δ Would have required a nonresident to obtain a nonresident hunting license or a nonresident five-day special hunting license if the nonresident wishes to hunt with falcons in Texas.
 - Δ Would have provided for the legal sale of various parts of deer and elk.
 - Δ Would have authorized the Board of Directors of the Lower Colorado River Authority (LCRA) to authorize public hunting on LCRA lands in a manner consistent with sound biological management practices.
 - Δ Would have authorized the Parks and Wildlife Commission to delegate to the department's executive director the authority to finalize regulations on seasons and bag limits for migratory game birds.

**Applications for Oil and Gas Permits from
Noncompliant Operators - H.B. 1407**

*By Representative Holzheuser
Senate Sponsor: Senator Barrientos*

- Δ Prohibits an oil and gas operator who has not complied with Railroad Commission (commission) orders, rules, or permits from obtaining injection or disposal well permits; oil and gas waste storage, disposal, or hauling permits; or certificates of compliance from the commission.
- Δ Authorizes the commission to revoke permits, a certificate of compliance, or an operator's organization report if the operator has outstanding violations.

**Pilot Community Gardens and Farmers Market Program
on Underused State Property - H.B. 2198**

*by Representative Raymond
Senate Sponsor: Senator Ellis*

- Δ Creates the Texas Community Nutrition Task Force (task force) to set up a two-year community garden and farmers market pilot project on underused state land in two Texas communities. Requires the task force to report its findings from the pilot to the 75th Legislature.
- Δ Sets forth the composition of the task force, including three appointed representatives of nonprofit organizations working either in low-income communities or with Texas farmers and representatives from appropriate state agencies.
- Δ Makes it the responsibility of the General Land Office to identify suitable underused state property for purposes of this Act.
- Δ Requires food grown in the community gardens to be sold or donated to low-income families. Allows sales of food to the general public if the proceeds are used to continue the operation of the gardens.
- Δ Allows the task force to establish a farmers market for the sale of locally grown produce to consumers. Authorizes the General Land Office to lease land for a nominal fee for this purpose.
- Δ Authorizes the task force, agencies, or the state to execute necessary leases, contracts, or other transactions to accomplish the purposes of the Act.
- Δ Requires the task force to select suitable state property in two communities for a pilot community garden.
- Δ Provides for the abolition of the task force on September 1, 1997.

Parks and Wildlife Fees and License Requirements for Residency - H.B. 1785

by Representative Kuempel
Senate Sponsor: Senator Armbrister

- △ Adds residency requirements to the qualifications for receiving a state parklands passport, and authorizes the Parks and Wildlife Department to discount or waive park entrance fees for passports issued after August 31, 1995.
- △ Exempts Texas residents born before September 1, 1930, from having to obtain a fishing license, and removes the exemption for anyone under 17 years old.
- △ Adds residency requirements to the qualifications for paying a lower fishing license fee or no fee, and authorizes the Parks and Wildlife Commission (commission) to establish a lower fee or waive the fee and license requirements entirely for anyone under 17 years old, or age 65 and over.
- △ Authorizes the commission to charge fees for collecting and issuing fishing licenses and tags.

Authorization to Use Information Collected on Private Property - H.B. 2133

by Representative Combs, et al.
Senate Sponsor: Senator Bivins

- △ Authorizes the Parks and Wildlife Department to use information collected on privately owned land for the purposes of scientific investigations and research only if authorized in writing by the landowner or landowner's agent.
- △ Authorizes information collected to be reported or compiled only in a manner that prevents the identification of an individual parcel or specific parcels of private property.

Voluntary Environmental, Health and Safety Compliance - H.B. 2473

by Representative Chisum
Senate Sponsor: Senator Brown

- △ Restricts access to reports produced from voluntary environmental or health and safety audits of regulated facilities. Such reports would be privileged and not admissible in a civil, criminal, or administrative proceeding. The bill also provides limited immunity from administrative, civil or criminal penalties for a person who voluntarily disclosed a violation.

Transfer of the State Energy Office - H.B 3086

by Representative Combs
Senate Sponsor: Senator Armbrister

- Δ Transfers the state energy office and the energy management center from the governor's office to the General Services Commission (commission), and authorizes the commission to work with other state agencies to implement federal energy policies.

Exemption of Property Owners From Abandoned or Inactive Pits - S.B. 226 (Died in the House)

by Senator Cain
House Sponsors: Representatives Dillery, Junell, and Bob Turner

- Δ Would have exempted a person responsible for an abandoned or inactive quarry pit (a pit that has been abandoned before August 1991, is located within 25 feet of the edge of a roadway, and is at least 5 feet deep) from requirements concerning the construction of barriers and obtaining safety permits if:
 - Δ the person purchased or otherwise became responsible for the pit before August 26, 1991;
 - Δ the pit was abandoned or inactive when the person became responsible for it;
 - Δ the pit has not been active during any period in which the person has been responsible for it; and
 - Δ the person did not create the pit.

Cost-Benefit Analyses of Environmental Rules - S.B. 978

(Died in the House)
by Senator Sims, et al.

- Δ Would have required certain agencies to conduct cost-benefit analyses of major, proposed environmental rules.
 - Δ Would have required an agency to perform the analysis on rules intended to exceed a federal standard, an express requirement of state law, or a requirement of an agreement or contract between the state and the federal government to implement a state and federal program.
 - Δ Would have required an agency to consider the estimated cost and net benefits of a proposed rule to the state.
 - Δ Would have required an agency to incorporate into the fiscal note a draft impact statement when giving notice of a major environmental rule.

Natural Resources/General

- Δ Would have required an agency order finally adopting a rule to revise the draft impact statement into a final cost-benefit analysis that incorporates comments received or states the reasons the agency disagrees with each submission or comment.

- Δ Would have provided that a rule does not take effect unless the draft impact statement and the final cost benefit analysis are prepared according to this section.

Property Rights

Private Real Property Rights Preservation Act - S.B. 14

by Senator Bivins

House Sponsor: Representative Combs, et al.

- △ Creates the Private Real Property Rights Preservation Act (Act), which allows a real property owner to bring suit or initiate an administrative procedure to determine whether a government action resulted in a taking.
 - △ Defines a taking as a government action affecting real private property that: (1) requires the government entity to compensate the owner under the federal or state constitutions or; (2) limits the owner's rights to the property and reduces the property's market value by at least 25 percent.
 - △ Provides that if it is determined that a taking occurred, the government action is invalidated, unless the government entity voluntarily compensates the owner for monetary damages suffered as a result of the taking.
 - △ Provides that the prevailing party is entitled to attorney's fees and court costs.
 - △ Government actions covered are:
 - the adoption of ordinances, rules, regulations resolutions, policies, guidelines, and similar measures;
 - actions imposing a physical invasion or requiring a dedication or extraction of real private property;
 - actions by municipalities in their extraterritorial jurisdiction unless identical requirements are imposed throughout the municipality and its extraterritorial jurisdiction or the action is to protect the pollution of a sole source aquifer; and
 - enforcement of any of these governmental actions.
 - △ Exempts certain governmental actions, such as the lawful seizure or forfeiture of contraband, lawful seizure of evidence, actions fulfilling federal and state mandates, abatement of nuisances, and protection of public health and safety.
 - △ Provides that alternative dispute resolution applies to actions filed under the Act.
 - △ Provides that such remedies are in addition to any other remedies provided by law. However, a person may not recover twice for the same economic loss.

Property Rights

- △ Requires the attorney general to prepare guidelines to assist governmental entities in evaluating whether an action may result in a taking. Guidelines are to be published in the Texas Register and reviewed and revised at least annually.
- △ Requires governmental entities to prepare a written "takings impact assessment" of a proposed action using the guidelines, sets out what such an assessment must contain, and provides for the updating of certain assessments. Actions taken without an assessment are void.
- △ Requires a political subdivision or state agency that proposes to engage in an action that may result in a taking to give public notice, and sets out the requirements of such notice.
- △ Requires that, when appraising real property under the Tax Code, the effect of a governmental action on the property's market value as established in an action authorized by the act must be taken into consideration.

Assessment of Damages in the Condemnation of Real Property - S.B. 899 (Died in the House)

*by Senator Henderson
House Sponsor: Representative Alexander*

- △ Would have amended the Property Code regarding the assessment of damages in the condemnation of real property.
 - △ Would have provided that if all or any part of a piece of property is condemned, the owner may elect to establish an earlier date of valuation and taking by proving that the condemning authority stated publicly its intent to take the property at the earlier date and the property value was adversely affected by the authority statement.

Regulation

Restricted Sale of Wine for Off-Premises Consumption -

S.B. 414

by Senator Montford

House Sponsor: Representative Walker

- Δ Allows a winery permittee which is located in a dry area to sell wine to consumers for consumption off premises for seven consecutive days each year if the following requirements are met:
- the winery is located in a dry area of a county with a population of 15,000 or less in which a majority of the area of the county is a dry area and in which one municipality is in a wet area;
 - the grapes used in manufacturing the wine are grown and harvested in the dry area;
 - the wine is manufactured, bottled, and sold on the winery premises; and
 - the holder of the permit, not later than the 14th day before the start of the seven-day period, notifies the Texas Alcoholic Beverage Commission of the winery's intention to sell wine.

Disclosure in Real Estate Transactions - S.B. 489

by Senator Armbrister

House Sponsor: Representative Seidlits

- Δ Requires a real estate licensee who represents a party in a proposed real estate transaction to disclose that representation at the time of the licensee's first contact with another party to the transaction or another licensee who represents another party to the transaction.
- Δ Authorizes the disclosure to be made orally or in writing. Requires the licensee to furnish a specific written statement to the party. Makes certain exceptions.
 - Δ Provides that a licensee who represents a party in a transaction acts as that party's agent.
 - Δ Authorizes a real estate broker to act as an intermediary between the parties if the broker obtains consent from each party, and the written consent states the source of any expected compensation to the broker.
 - Δ Provides that a party is not liable for a misrepresentation or a concealment of a material fact made by a licensee in a transaction unless the party knew of the falsity of the misrepresentation and withheld knowledge of the falsity.

Regulation

Motorcycle Helmet Law Exemptions - S.B. 1363

*by Senator Wentworth
House Sponsor: Representative Siebert*

- △ Extends from 10 to 180 days the period in which a motorcycle operator or passenger is exempt from wearing protective headgear, if a physician certifies that wearing such headgear would worsen an existing medical condition.
- △ Allows a permanent exemption from protective headgear requirements if the physician attests that the medical condition requires such an exemption.

Prohibition Against Direct Shipments of Alcoholic Beverages - H.B. 2355

*by Representative Siebert
Senate Sponsor: Wentworth*

- △ Prohibits any person in the business of selling alcoholic beverages in another state or country from shipping any alcoholic beverage directly to a resident of this state.

Liquor Industry Fair Dealing Law - H.B. 2732

*by Representative Brimer
Senate Sponsor: Senator Harris*

- △ Creates the Liquor Industry Fair Dealing Law, which requires suppliers to designate sales territories and exclusive wholesale distributors.
- △ Prohibits any person in the business of selling alcoholic beverages in another state or country from shipping any alcoholic beverage directly to a resident of this state.
- △ Authorizes a winery permit holder to sell, by the drink, wine manufactured and bottled on the winery premises for consumption on the premises, if those sales are in an area in which sales are legal.
- △ Authorizes a proposition to prohibit or legalize "the legal sale of wine on the premises of a holder of a winery permit for off-premises consumption only," to be submitted to the voters in an area where any type or classification of alcoholic beverages is prohibited.

Ban on Smoking in State Buildings - S.B. 65 (Died in the House)

by Senator Monahan

- △ Would have phased in a smoking ban in all state buildings and at all public hearings held by state agencies.

NOT FINALLY PASSED

Regulation

- △ Would have prohibited smoking in all state buildings and at all public hearings of state agencies after September 1, 1996.
- △ Would have permitted the chief executive of each state agency to designate smoking areas until September 1, 1996.
- △ Would have required the Texas Board of Health to adopt the rules necessary to administer the bill's provisions.

Functions of the Texas Real Estate Commission - S.B. 1636

(Died in the House)
by Senator Wentworth
House Sponsor: Representative Brimer

- △ Would have amended the statute relating to the functions of the Texas Real Estate Commission, including licensing requirements, accreditation of schools, the real estate recovery fund, the filing of complaints, and disciplinary provisions.

Teacher Retirement System - S.B. 9

by Senator Armbrister, et al.

House Sponsor: Representative Gray

- △ Defines the purpose of the Teacher Retirement System (system) to be investment and protection of retirement system funds, and delivery of benefits. The purpose does not include advocating or influencing legislative action or advocating for higher benefits.
- △ Excludes the State Board of Education and the Central Education Agency from the definition of employer in the system.
- △ Adds a person who is at least 50 years old and has at least 30 years of service credit in the system to the list of those eligible for retirement benefits.
- △ Sets minimum standards for retirement benefits, maximum allowable benefits and procedures for designating a beneficiary after retirement.
- △ Requires the legislature to determine whether the performance of the retirement system trust fund makes the fund capable of supporting increased benefits.
- △ Amends the membership requirements, appointment process, and duties of the Board of Trustees of the Teacher Retirement System (board).
- △ Requires trustees to receive training in the operation of the system and the requirements of the open meetings, open records, administrative procedure, conflict-of-interest laws, and ethics policies before assuming the duties of a trustee.
- △ Requires certain additional annual and biennial reports on the status and use of the fund to be sent to the Senate Finance and House Appropriations committees and the Legislative Budget Board.
- △ Requires the board to create policies that separate the policy-making responsibilities of the board and the management responsibilities of the executive director and staff.
- △ Prohibits an employee of the system from advocating increased benefits or lobbying the legislature. These activities will be grounds for dismissal. Prohibits assets of the system to be used for lobbying.
- △ Requires the system to use all assets contributed by the state, other than appropriated operating expenses, to pay benefits.
- △ Increases the monthly payment of a death or retirement benefit annuity starting with the payment due at the end of September 1995.

- Δ Requires the system to develop an initial employee space allocation plan and submit it to the General Services Commission for approval by March 1, 1996, and to implement the plan by September 1, 1996.

Texas Natural Resource Conservation Commission

Hearings - S.B. 12

by Senator Montford

House Sponsor: Representative Bosse

- Δ Transfers responsibility for Texas Natural Resource Conservation Commission (commission) contested case hearings to the State Office of Administrative Hearings (office).
 - Δ Requires the office to establish a natural resource conservation division (division) to perform the commission's contested case hearings.
 - Δ Requires the division to conduct hearings related to contested cases before the commission, other than a hearing conducted by one or more commissioners. Authorizes the commission to delegate the hearing of other matters to the division, if consistent with the division's responsibilities.
 - Δ Authorizes only the division's administrative law judges to conduct hearings on behalf of the commission.
 - Δ Requires an administrative law judge presiding at a hearing on behalf of the commission, regardless of temporary or permanent status, to be licensed to practice law in this state and to have the expertise necessary to conduct hearings regarding technical or other specialized subjects that may come before the commission.
 - Δ Requires the commission to give the administrative law judge a list of issues or areas that must be addressed when the office receives jurisdiction of a proceeding.
 - Δ Requires the office and the commission to jointly adopt rules that provide for certification to the commission of an issue that involves an ultimate finding of compliance with, or satisfaction of, a statutory standard, the determination of which is committed to the discretion or judgment of the commission by law.
 - Δ Authorizes an administrative law judge hearing a case on behalf of the commission to, under certain prescribed conditions, impose appropriate sanctions for actions, including filing a motion or pleading that is groundless and brought in bad faith. Stipulates orders a sanction may issue.
 - Δ Requires an administrative law judge, after hearing evidence and receiving legal argument, to make findings of fact, conclusions of law, and any ultimate findings required by statute, all of which must be separately stated.

State Affairs/Agencies _____

- Δ Requires the commission to consider the proposal for decision prepared by the administrative law judge, the exceptions of the parties, and the briefs and arguments of the parties, except as provided in the Health and Safety Code.
- Authorizes the commission to amend the proposal for decision, including any finding of fact, but requires any amendments and orders to be based solely on the record made before the administrative law judge.
- Authorizes the commission to refer the matter back to the administrative law judge to reconsider any findings and conclusions in the proposal for decision, or to take additional evidence, or to make additional findings of fact or conclusions of law.
- Requires the office to charge the commission a fixed annual fee rather than an hourly rate for services rendered by the office to the commission. Requires the commission and the office to biennially negotiate the fixed fee, subject to the governor's approval, to coincide with the commission's legislative appropriations request.
- Transfers all equipment, data, facilities, and other items of the commission's office of hearings examiners to the office on September 1, 1995.

Continuation and Composition of the Texas Commission on the Arts - S.B. 360

by Senator Montford

House Sponsor: Representative Holzheuser

- Δ Authorizes the continuation of the Texas Commission on the Arts (commission) until September 1, 2007, and provides that the commission is subject to the open meetings law.
- Δ Changes the composition of the commission as follows:
 - Requires at least two members of the 18-member commission to be residents of a county with a population of less than 50,000.
 - Requires appointments to the commission to be made without regard to the color, disability, or age (in addition to race, sex, religion, or national origin) of the appointees.
 - Provides that a person is not eligible for appointment if the person or person's spouse has a financial interest in a business entity or other organization that receives funds from the commission or uses or receives a substantial amount of tangible goods, services, or funds from the commission, with exceptions.

State Affairs/Agencies _____

- Requires the governor to designate the presiding officer of the commission to serve at the pleasure of the governor.
- Δ Provides grounds for removal from the commission.
- Δ Allows the commission to employ an executive director, who must hire the staff of the commission. The commission is required to develop policies that clearly separate the policy-making responsibilities of the commission and the management responsibilities of the executive director and staff.
- Δ Requires the commission to develop policies that provide the public means to appear before the commission to speak on any issue under the jurisdiction of the commission.
- Δ Requires the commission to prepare an annual report accounting for all funds received and disbursed by the commission during the preceding fiscal year.
- Δ Authorizes each agency of the state to use a public hearing process to determine whether a portion of the cost of a construction project should be used for fine arts projects (aesthetic improvements) at or near the site of the project. Provides guidelines for implementing this section.

Removal of the Guadalupe-Blanco River Authority From Sunset - S.B. 361

by Senator Armbrister

House Sponsor: Representative Counts

- Δ Repeals a provision of the Texas Sunset Act enacted in 1993 authorizing review of the Guadalupe-Blanco River Authority.

Duties of the Texas Historical Commission - S.B. 365

by Senator Moncrief

House Sponsor: Representative Gray

- Δ Requires the Texas Historical Commission (commission) to administer the Texas Antiquities Code, and abolishes the Antiquities Committee.
- Δ Directs the commission to develop and maintain a state register of historic places, including sites already recorded as either Texas or national historic landmarks.
- Δ Mandates the commission to identify and mark significant sites for historic military events in Texas and elsewhere. The significant sites may be designated through existing history marker programs.

State Affairs/Agencies _____

- △ Requires, with certain exceptions, prior notification to the commission for building projects on state or local public land. The commission is authorized to determine if the land is a historically significant archeological site and if an archeological survey is needed.
- △ Directs persons seeking to nominate a publicly owned building or site as a state archeological landmark to give notice in the local newspaper.
- △ Mandates a joint study by the commission and the Texas Department of Parks and Wildlife (TPWD) on the feasibility of transferring the administration of TPWD historic sites to commission.

Continuation of the Texas State Library and Archives Commission - S.B. 366

*by Senator Armbrister
House Sponsor: Representative Telford*

- △ Continues the Texas State Library and Archives Commission (TSL).
- △ Establishes a cost recovery procedure for storing records at the TSL State Records Center.
- △ Requires TSL to develop an index of state agency electronic publications and provide public access to those available in electronic formats. The on-line access may be established with the assistance of other state agencies with existing electronic networks. Authorizes the state librarian to exempt any distribution format from this requirement.
- △ Reduces the size and modifies the composition of the Local Government Records Committee.
- △ Authorizes local governments to file a written certification of compliance with TSL record retention schedules.
- △ Authorizes, but does not require, the TSL to create a state-funded grant program to meet certain information needs of Texans and local libraries.
- △ Requires the Council on Competitive Government to review for potential competitive procurement the TSL's commercially available microfilming, records storage, and records destruction services.
- △ Strengthens requirements for certification of county librarians.
- △ Authorizes state agencies or the TSL to demand any state record in private possession and sets forth procedures for recovery of such records if necessary.

**Powers and Duties of the Equine Research Account
Advisory Committee - S.B. 368**

*by Senator Armbrister
House Sponsor: Representative Black*

- Δ Authorizes the Equine Research Account Advisory Committee (ERAAC) to spend up to 10 percent of the balance in the equine research account for administrative costs.
- Δ Sets out the qualifications and responsibilities of ERAAC members.
- Δ Sets forth grounds and procedures for removal of a member from the committee.
- Δ Makes meetings of the committee subject to the Texas Open Meetings Act.
- Δ Requires the committee to provide for public hearings.
- Δ Requires the director to consult with the Texas Racing Commission on the use of the equine research account and the research funded by the account.
- Δ Reauthorizes the committee until September 1, 2001, when a sunset review is required.

Continuation of the State Preservation Board - S.B. 369

*By Senator Moncrief
House Sponsor: Representative Black*

- Δ Changes the sunset date for the State Preservation Board (board) to September 1, 1997, and establishes provisions for the composition and functions of the board.
 - Δ Requires the board member appointed by the governor to be a representative of the general public.
 - Δ Provides that a person may not serve as the public member of the board, or act as the board's general counsel, if the person is required to be a registered lobbyist because of the person's activities for compensation on behalf of a profession related to the board's operation.
 - Δ Requires that appointments to the board be made without regard to race, color, disability, sex, religion, age, or national origin.
 - Δ Establishes grounds for removal of the public member from the board.
 - Δ Requires the executive director, or the executive director's designee, to provide to members of the board and board employees, information regarding their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

State Affairs/Agencies _____

- Δ Requires the board to develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the board.
- Δ Requires the board to comply with federal and state laws related to program and facility accessibility.
- Δ Requires the board to prepare information of public interest describing the functions of the board and the procedures by which complaints are filed with and resolved by the board.
- Δ Requires the board to develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.
- Δ Requires the board to keep information about each complaint filed with the board, and to provide notification regarding the status of complaints for those that it has authority to resolve.
- Δ Requires the executive director, or the executive director's designee, to prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity, under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin.
- Δ Requires the executive director, or the executive director's designee, to develop a system of annual performance evaluations that are based on documented employee performance. Requires that merit pay for board employees be based on this system.

Powers and Duties of the Texas Food and Fibers Commission - S.B. 371

by Senator Sims

House Sponsor: Representative Black

- Δ Prohibits members of the Texas Food and Fibers Commission (commission) from being registered lobbyists for activities related to the responsibilities of, or to act as a general counsel to, the commission.
- Δ Requires the commission to prepare an annual financial report covering all funds of the commission according to the requirements of the General Appropriations Act. Repeals the requirement to file the report with the governor and the legislature.

State Affairs/Agencies _____

- △ Mandates the commission to facilitate employee mobility and advancement within the commission; provide documented employee performance evaluations; define the separate policymaking and management responsibilities of the director and staff; prepare a written plan for providing access to programs for non-English speaking people; and otherwise comply with state or federal laws on accessibility to programs or facilities.
- △ Prohibits the commission from employing persons associated with trade associations in the field, or their spouses.
- △ Requires the commission to maintain a file of written complaints. Requires the commission to provide complainants with quarterly status reports on the disposition of the complaint.
- △ Makes commission meetings subject to the Texas Open Meetings Act.

Continuation of the Department of Agriculture - S.B. 372

*by Senator Armbrister
House Sponsor: Representative Black*

- △ Authorizes the continuation of the Texas Department of Agriculture (department) for 12 years.
- △ Transfers administrative hearings to the State Office of Administrative Hearings.
- △ Restructures the Agriculture Resources Protection Authority.
- △ Transfers the authority to oversee agriculture finance programs to the Texas Agricultural Finance Authority.
- △ Requires the department to recover to the extent possible, all costs of administering most regulatory programs. Removes regulatory program fee limits set in statute and requires fees to cover costs. The effective date of this provision is September 1, 1996.

Sunset Act Review - S.B. 374

*by Senator Armbrister
House Sponsor: Representative Junell*

- △ Changes the date by which certain agencies subject to Sunset Act review would be abolished unless continued in existence; subjects the Advisory Commission on State Emergency Communications to the Texas Sunset Act; and establishes the periods of review for the Veterans' Land Board.

Changes to the Employees Retirement System - S.B. 1231

by Senator Armbrister

House Sponsor: Representative Telford

- △ Revises the powers and duties of the systems and programs under the Employees Retirement System of Texas (ERS).
 - △ Provides for a 12.5 percent increase in retirement and disability payments for certain peace officers and state employees.
 - △ Regulates the transfer of credits between ERS and the Teacher Retirement System (TRS).
 - △ Authorizes ERS to adopt rules so that regulation of military service credit governed by the Uniformed Services Employment and Reemployment Rights Act complies with federal law.
 - △ Authorizes a member to use sick leave as credit toward retirement.
 - △ Authorizes certain employees to establish service credit in the retirement system for service performed for the Department of Agriculture as an employee of the Federal State Inspection Service of Texas.
 - △ Provides that when a member and beneficiary die within 120 hours of each other, the member is considered to have survived the beneficiary when determining rights to payable benefits.
 - △ Prohibits benefits from being paid to the beneficiary if the beneficiary is convicted of causing the death of the member.
 - △ Revises the standards on retirement annuities and disability payments for certain law enforcement and custodial officers.
 - △ Provides that a designation naming a former spouse as beneficiary is invalid unless the designation is made after the divorce.
 - △ Sets out when a beneficiary can be revoked by a divorce decree.
 - △ Prohibits a retiree who resumes service as a judicial officer from rejoining or receiving credit in ERS for the resumed service.
 - Requires the judicial officer to notify ERS of the resumption of office and the projected dates of service.
 - Requires ERS to suspend payment of benefits during the time of service.

State Affairs/Agencies _____

- △ Requires ERS and TRS boards of trustees (boards) to select, under the competitive bidding process, an independent auditor to perform a financial audit of the retirement system.
- △ Authorizes a person aggrieved by an administrative decision of either board to appeal the decision as a contested case under administrative procedural law.
- △ Authorizes newly hired employees of the State Board of Education to participate in the Texas Employment Group Insurance Benefit Act.

Abolition of Inactive State Agencies and Creation of a New Texas Commission on Alcohol and Drug Abuse -

S.B. 1428

by Senator Cain

House Sponsor: Representative Seidlits

- △ Abolishes the following 10 advisory boards:
 - Advisory Board to the Bill Blackwood Law Enforcement Management Institute of Texas
 - Environmental Advisory Committee to the Texas Department of Transportation
 - Texas Advisory Commission on Intergovernmental Relations
 - Multistate Tax Compact Advisory Committee
 - Advisory and Oversight Committee on Medical and Health Care Professions
 - Minority Recruitment
 - Texas Partnership and Scholarship Program Advisory Council
 - Postadoption Services Advisory Committee
 - State Preservation Board Permanent Advisory Committee
 - Product Development Advisory Board
 - Role of the Family in Reducing Recidivism Advisory Committee
- △ Abolishes the following five committees:
 - Beach Study Committee
 - Texas Children 2000 Organizational Committee
 - Job Training Partnership Act Monitoring Committee
 - Select Committee on Rate and Policy Form Regulation
 - Joint Interim Committee on the Texas Cultural Endowment Fund
- △ Abolishes the following four legislative committees:
 - Uniform Jury Handbook Legislative Oversight Committee
 - Legislative Criminal Justice Board
 - Legislative Health and Human Services Board
 - Smart Jobs Fund Program Legislative Review Committee

State Affairs/Agencies _____

- Δ Abolishes the following four other state entities:
 - Texas Partnership for Economic Development
 - Educational Economic Policy Center
 - Texas Hazardous Materials Safety Council
 - Texas Innovation Information Network System

- Δ Abolishes the following three state agencies:
 - Texas High-Speed Rail Authority
 - Texas Commission on Alcohol and Drug Abuse
 - Gateway State Park Board

- Δ Creates a new Texas Commission on Alcohol and Drug Abuse (TCADA) to replace the TCADA abolished September 1, 1995.
 - Δ Requires the governor to appoint six members to the commission to serve two-year terms expiring February 1, 1997. Requires the governor to appoint at least three members with business, financial, auditing, contract or related experience.

 - Δ Provides TCADA with all the powers and duties of the agency it replaces. Gives the new TCADA all the property, employees, appropriations, documents, rights, and obligations of the abolished agency.

 - Δ Prohibits the re-creation of the agency from having any effect on the powers and duties of the State Conservatorship Board, the legislative audit committee, and the governor.

 - Δ States that it is the intent of the legislature that the TCADA governing structure be transitional. Newly appointed TCADA commission members are directed to file, jointly with the State Conservatorship Board, recommendations for the 75th Legislature on governance of the agency.

Abolition of the State Treasury - S.J.R. 1 and S.B. 20

by Senator Ellis

House Sponsors: Representatives Siebert and Stiles

- Δ Abolishes the office of state treasurer on September 1, 1996, if the voters approve it. **Ballot Date: November 7, 1995.**

- Δ Transfers the constitutional powers and duties of the treasurer to the state comptroller on that date if voters approve the constitutional amendment.

Continuation of the Office of State-Federal Relations -

H.B. 1399

by Representative Gray
Senate Sponsor: Senator Sibley

- △ Provides for the continuation and functions of the Office of State-Federal Relations (office) until September 1, 1997.
- △ Requires an annual report detailing all funds received and disbursed by the office during the preceding fiscal year.
- △ Outlines specific provisions relating to personnel policies.
 - △ Requires the director or a designee to give employees access to information regarding their qualification for employment and their related responsibilities in order to develop an internal career ladder program that addresses opportunities for advancement and mobility of employees, and prepare a program of equal employment opportunity.
- △ Outlines specific provisions relating to public information and complaints.
 - △ Requires the office to keep information about each complaint filed with the office.
 - △ Requires the office to keep the person filing the complaint, and the entities complained about, abreast of the proceedings regarding complaint resolution and investigation.
- △ Authorizes the board to approve interagency contracts only if they meet certain requirements.
- △ Requires the office and the Legislative Budget Board (LBB) to enter into a contract for coordinating the activities, plans, and budget planning process of state agencies that receive significant federal funding or are affected by federal policy. Requires the office to enter into a contract with the LBB by January 1, 1996.
 - △ Requires any state agency, including the Health and Human Services Commission, which receives substantial federal funding or is significantly affected by federal policy, to develop and submit a state-federal coordination plan to the LBB.
- △ Requires a state agency to contact the office before providing information to a federal agency or the U.S. Congress.
- △ Requires each state agency or institution of higher education to report to the LBB each application or request made to the federal government for grant funds and the award or designation of any funds by the federal government.

State Affairs/Agencies _____

- Δ Authorizes the director of the Governor's Office of Budget and Planning to establish a state grant writing team. Outlines the following team responsibilities:
 - Δ Requires the team to charge and collect fees from a person who uses its services.
 - Δ Requires the team to monitor and identify federal grants that are available to state and local criminal justice agencies and assist the agencies in applying for them.
 - Δ Authorizes the team to initiate negotiations for, and enter into a memorandum of understanding with, other state agencies.
 - Δ Requires each state agency to designate an employee on the management or senior level as the agency's federal funds coordinator.
 - Δ Requires each state agency or institution to file an annual report with the team outlining the agency's efforts to acquire available discretionary federal funds during the preceding state fiscal year.
 - Δ Authorizes the governor or LBB to take action to affect the agency's appropriations if the agency's actions are deemed unsatisfactory.
- Δ Requires the office to transfer, to the governor's budget office, all records in the office's possession that relate to the administration of the office. Provides that the budget office assumes the outstanding obligations of the office with respect to any existing contracts entered into before the effective date of this Act.

Duties of the Secretary of State - H.B. 3199

by Representative Swinford
Senate Sponsor: Senator Armbrister

- Δ Amends the Government Code to include the requirement that the secretary of state perform miscellaneous duties as may be directed by the governor.

Notice for Rules Under the Administrative Procedure

Act - S.B. 1296

by Senator Cain
House Sponsor: Representative Uher

- Δ Requires notice of a proposed rule to include each required item before the notice is effective, and any rule adopted without this notice is invalid.

Federal Fair Housing Laws - H.B. 1457

*by Representative Hudson
Senate Sponsor: Senator Ellis*

- Δ Requires the Texas Department of Housing and Community Affairs (department) to undertake reviews related to the federal fair housing law, and to periodically report its findings to the attorney general.
 - Δ Requires the department to review:
 - the extent to which violations of the federal fair housing laws exist in government-subsidized housing in this state;
 - the methods used by the federal government under those laws to remedy racial discrimination relating to the subsidized housing; and
 - the effectiveness of those methods in remedying discrimination.
 - Δ Requires the department to periodically report its findings to the attorney general, and the attorney general to forward to federal authorities any information contained in the findings that shows a lack of effective enforcement of the federal fair housing laws. Requires the attorney general to also make recommendations to federal authorities on increasing the effective enforcement of federal fair housing laws in Texas.

Confidentiality of Department of Insurance Information

H.B. 2257
*by Representative Shields
Senate Sponsor: Senator Harris*

- Δ Authorizes the Department of Insurance (department) to make inquiries related to its activities. Any information received in response to a department inquiry is for the exclusive use of the department in carrying out its duties.
 - Δ Requires the information received to be kept confidential.

TRS Executive Director Residency S.B. 399 (Died in the House)

*by Senator Ellis, et al.
House Sponsor: Representative Johnson*

- Δ Would have eliminated the requirement that the executive director of the Teacher Retirement System must have been a Texas citizen for the three years immediately preceding the appointment.

Affordable Housing and Emergency Nutrition - S.B. 1333

(Died in the House)

by Senator Barrios

House Sponsor: Representative Hill

- NOT FINALE
PASSED
- Δ Would have created the Texas State Affordable Housing Corporation (corporation) and the Emergency Nutrition and Temporary Relief Program (program) within the Texas Department of Housing and Community Affairs (department).
 - Δ Would have provided that the purpose of the corporation is to issue bonds to provide funds for affordable housing loans.
 - Δ Would have authorized the department to purchase notes and other obligations and take assignments from mortgage lenders or the federal government of notes and other obligations owed by low-to-moderate income families.
 - Δ Would have prohibited a mortgage loan or interest in a mortgage loan from being purchased unless the loan is for a housing development that includes benefits for individuals or families of low to moderate income.
 - Δ Would have required the department to establish a temporary emergency relief fund to assist counties in meeting the needs of individuals and families for temporary emergency relief, including emergency food relief.
 - Δ Would have established the emergency nutrition program as part of the temporary emergency relief fund and requires program funds to be used to provide grants to local communities.
 - Δ Would have authorized a county to apply for a grant from the program and provides that, if the county fails to do so, other political subdivisions or nonprofit organizations may do so. Would have required a political subdivision or nonprofit organization applying for a grant to notify the county judge of the intention to submit an application.

Judicial Campaign Fairness Act - S.B. 94

by Senator Ellis, et al.

House Sponsors: Representative Madden, et al.

- △ Creates the Judicial Campaign Fairness Act which regulates campaign finance for supreme court, court of criminal appeals, district judge, statutory county court, and statutory probate court races.
- △ Increases the reporting requirements on campaign contributions and expenditures.
- △ Generally limits the time in which contributions can be accepted.
- △ Sets limits on contributions from individuals, contributions from members or general-purpose committees of law firms, and contributions and direct campaign expenditures from general-purpose committees.
- △ Limits reimbursements, from political funds, for a candidate's personal loans to the campaign.
- △ Requires a judicial candidate to declare whether or not he or she intends to comply with the limits on expenditures and reimbursement for use of personal funds prescribed in this Act.
- △ Authorizes a complying candidate to state on political advertising that he or she complies with the Judicial Campaign Fairness Act.
- △ Releases a complying candidate (and his or her specific-purpose committee) running for an office other than a statewide judicial office from the limits of this Act, if a person other than the candidate's opponent or the principal political committee of the state executive committee or a county executive committee of a political party makes more than \$5,000 worth of expenditures supporting the candidate's opponent, opposing the candidate, or assisting the candidate's opponent as an officeholder.
- △ Releases a complying candidate (and his or her specific-purpose committee) running for a statewide judicial office from the limits of this Act, if a person other than the candidate's opponent or the principal political committee of the state executive committee or a county executive committee of a political party makes more than \$25,000 worth of expenditures supporting the candidate's opponent, opposing the candidate, or assisting the candidate's opponent as an officeholder.
- △ Requires the secretary of state to certify the population of electing districts upon which expenditure limits are calculated.

State Affairs/Elections & Ethics

- △ Prohibits a complying candidate from making combined expenditures that exceed:
 - \$2 million for a statewide judicial office;
 - between \$350,000 and \$500,000, depending on population, for the office of chief justice or justice, court of appeals; and
 - between \$100,000 and \$350,000, depending on population, for any other regulated judicial office.
- △ Provides that a complying candidate who exceeds expenditure limits may be held civilly liable for no more than three times the excess expenditure, under certain circumstances.
- △ Describes circumstances under which expenditures by others are considered expenditures by the candidate.
- △ Prohibits a candidate from soliciting a person to enter the campaign as a noncomplying opponent. A candidate who violates this section is considered a noncomplying candidate.
- △ Prohibits a candidate from knowingly misrepresenting that an opponent is a noncomplying candidate or has violated this subchapter. A candidate who violates this section is considered a noncomplying candidate.
- △ Creates the Judicial Campaign Fairness Fund for voter education projects that relate to judicial campaigns.
- △ Requires certain financial disclosure by county judicial officers.

Changes to Reporting Requirements of Lobbyists - S.B. 452

by Senator Rosson

House Sponsor: Representative Hochberg

- △ Changes reporting requirements for campaign funds and for lobbyists who register with the Texas Ethics Commission (commission).
 - △ Deletes the requirement that officeholder and campaign contributions be commingled in any account; does not prohibit officeholder and campaign contributions from being commingled.
 - △ Authorizes a candidate or officeholder who makes political expenditures from personal funds to report the expenditure as a loan and to reimburse personal funds from political contributions in the amount reported as a loan.
 - △ Adds a \$0 category to allow unpaid/unreimbursed lobbyists to report that fact.

State Affairs/Elections & Ethics

- △ Deletes the requirement that a lobbyist report expenditures attributable to himself or herself. A lobbyist will be required to report only those expenditures made on: a member of the legislative or executive branch; immediate family members of public servants, if applicable; or to groups of members of the legislative or executive branch.
- △ Removes punishments for a violation of a conflict of interest.
- △ Allows a lobbyist to pay for a public servant's transportation and lodging for a "seminar or educational program."
- △ Allows a lobbyist to provide incidental transportation, such as a short taxi ride to the airport.
- △ Authorizes signatures on reports submitted to the commission to be considered a sufficient sworn statement. Deletes the requirement that the reports be notarized. Authorizes the commission to establish an alternative method for signatures when a report is filed electronically.
- △ Deletes the requirement that a statement of organization for an out-of-state political committee be certified by the Federal Election Commission.
- △ Removes the commission from the process by which attorneys register who represent inmates before the Board of Pardons and Paroles. Requires the attorneys to register with the pardons and paroles division of the Texas Department of Criminal Justice.

Prohibition on Contributions to Legislative Caucuses -

H.B. 2

by Representative Black

Senate Sponsor: Senator Brown

- △ Prohibits contributions to legislative caucuses by nonmembers beginning the 30th day before a regular legislative session convenes, and running through the day of final adjournment.
 - △ Provides that a person who violates this prohibition commits a Class A misdemeanor, and is liable for damages of triple the value of the unlawful contributions.
 - △ Requires a caucus to return a prohibited contribution within 30 days after its receipt.
- △ Requires a caucus to file reports of contributions and expenditures with the Texas Ethics Commission by July 15 and January 15 of each year using prescribed forms.

Authorization to Vote by Mail - S.B. 654 (Died in the House)

by Senator Mowbray

- Δ Would have authorized persons over 65 years of age or with a physical disability to vote early by mail.

Prosecution of Election Violations - S.B. 828 (Died in the House)

by Senator Armstrong

- Δ Would have authorized a district attorney, criminal district attorney, a county attorney with jurisdiction or felony responsibilities, or the attorney general to conduct an investigation, on the officer's own initiative, to determine if criminal conduct has occurred in connection with an election.
- Δ Would have required, rather than authorized, the attorney general to investigate election complaints referred by the secretary of state.
- Δ Would have authorized the attorney general to prosecute election law violations if asked to do so by the district attorney, the general district attorney, and/or the county attorney with felony responsibilities or jurisdiction.
- Δ Would have required the district attorney, the criminal district attorney, or a county attorney with jurisdiction or felony responsibilities to ask the attorney general to prosecute a criminal election law offense when the official being prosecuted determines, sets, or appropriates the budget for that prosecutor's office.

Term Limits - S.J.R. 4 (Died in the House)

by Senator Birns, et al.

- Δ Would have limited state legislators and all statewide elected officials, with the exception of judicial officeholders, to 12 years in the same office. Would have provided that service in an office prior to January 1997 is not counted towards the limit.

Legislative Information on the Internet - S.B. 1453

by Senator Rosson

House Sponsor: Representative Danburg

- △ Prohibits use of audio or video material produced under the auspices of the legislature in political advertising. Authorizes the Texas Ethics Commission to impose a penalty of up to \$5,000 for each violation of this ban. Declares that violation is a Class C misdemeanor under the criminal code. Authorizes the attorney general to bring civil action to enforce this prohibition. Allows describing or quoting the verbal content of materials produced by the legislature in political advertising.
- △ Forbids the use of audio or video produced under the auspices of the legislature for commercial purpose without express permission of the particular legislative division that produced the material. Allows use, with permission, of the material for educational or public affairs programs, including the news. Requires the commercial entity to transmit its subscribers only unedited feeds of the audio or visual materials.
- △ Requires the legislative division which produced the audio or video material to permit a commercial enterprise to use the material for educational or public affairs programs. Allows the legislative division to use discretion in granting permission to a commercial entity to use the material for transmission to paid subscribers. Requires the commercial user to agree in writing to use the material for the purposes allowed by this Act. Authorizes the attorney general to bring civil action against the commercial entity for violation of this agreement.
- △ Authorizes any person or entity to compile, describe, quote, analyze, or research the content of the audio or video material for commercial purposes.
- △ Requires the Legislative Council (council) to consider persons with disabilities when selecting formats for audio or video information made available to commercial entities.
- △ States that records of requests to the council for bill drafting or for assistance, information, advice, or opinion are not open to the public.
- △ Authorizes the council, at its discretion, to make legislative information available to the public via the Internet. Defines legislative information to include lists of members of the legislature, lists of committees and their members, text of various forms of bills, text of amendments, calendars, schedules, lists of pending bills, information on political district boundaries, and procedural information on the operation of the legislature. Requires the council to make publicly available documentation describing the electronic digital format of legislative information.

Texas Register on the Internet - H.B. 2304

*by Representatives Hochberg and Combs
Senate Sponsor: Senator Nelson*

- Δ Requires the secretary of state to make the full text of the Texas Register and the Texas Administrative Code available on the Internet and authorizes the secretary of state to make these texts available on electronic bulletin boards.

Poison Control Communications - H.B. 2307

*by Representative Carter
Senate Sponsor: Senator Haywood*

- Δ Revises the powers and duties of the Advisory Commission on State Emergency Communications (commission) and emergency communications districts.
 - Δ Adds telecommunications requirements for poison control centers to the programs the commission administers.
 - Δ Adds training assistance; developing and providing education materials; planning and implementing poison control center databases; planning and facilitating 9-1-1 databases; and providing grants or contracts for services that enhance the effectiveness of 9-1-1 service to the list of commission duties.
 - Δ Authorizes the commission to establish payment schedules and minimum payment thresholds for fees and surcharges authorized under this Act.
 - Authorizes the commission to establish collection procedures to collect past due amounts and recover the costs of collection from a service provider or business service user who fails to timely deliver the fees and surcharges.
 - Requires the commission to establish procedures to be used by a regional planning commission or designated agency to notify the commission of a service provider's or business service user's failure to timely deliver the fees. Authorizes the commission to assess a late penalty.
 - Δ Provides that a service supplier involved in providing 9-1-1 service, a manufacturer of equipment used in providing services, or an officer or employee involved in providing 9-1-1 service is not liable for any claim, damage or loss arising from the provision of 9-1-1 service, unless the act or omission causing the claim constitutes gross negligence, recklessness, or intentional misconduct.

**State Library Grants for Public Access to Electronic
Information - H.B. 2540**

*by Representative Jesse Jones
Senate Sponsor: Senator Cain*

- Δ Permits the Texas State Library and Archives Commission to provide grants to help public libraries make state, local, and federal government information available for public access through the Internet or electronic bulletin board system.

**Creation of the Texas Information Access Advisory
Council - S.B. 734 (Died in the House)**

*by Senator Rosson
House Sponsor: Representative Danburg*

- Δ Would have created the Texas Information Advisory Council.
 - Δ Would have required the council to conduct various studies on the development and maintenance of an electronic system for the public to locate and access state information, and to report to the legislature by June 1, 1996.

Prohibition of Filing a Suit on a Person Who Requests Information Under the Open Records Act - S.B. 636

by Senator Henderson

House Sponsor: Representative Hamric

- △ Restricts suits to withhold information from the public that are filed by a governmental body to challenge opinions of the state attorney general.
 - △ Prohibits a governmental body from filing suit against a person who requests information under the Open Records Act.
 - △ Requires a governmental entity suing to withhold information to notify the person who requested the information of the lawsuit.
 - △ Requires the attorney general to notify the person who requested the information of any proposed settlement of an open records suit and of the person's right to contest in court an agreement to withhold the information that is the subject of the suit.

Staff Briefings Under the Open Meetings Act - S.B. 246 (Died in the House)

by Senator Wentworth, et al.

House Sponsor: Representative Greenberg

- △ Would have modified the definition of a meeting of a governmental body under the Open Meetings Act to include briefings about public business or policy. The meeting would have been required to meet the following criteria:
 - the governmental body must have four or more members;
 - there must be a quorum present; and
 - the discussion must be on public business or public policy under that body's jurisdiction.
- △ Would have repealed a current exception to the Open Meetings Act for meetings between members of a governmental body and staff.

State Employee Social Security Taxes - S.B. 102

by Senator Bivins

House Sponsor: Representative Mowery

- △ Requires each state employee and state-paid judge to pay the entire 7.65 percent social security tax on their wages, instead of paying the amount remaining after the state paid 5.85 percent of the tax.
- △ Provides that after December 31, 1995, state employees and state-paid judges hired before September 1, 1995, will receive benefit replacement pay in an amount equal to 5.85 percent of their wages during the pay period plus a retirement contribution based on the amount of benefit replacement pay they receive.
- △ Provides that benefit replacement pay for higher education employees is based on 5.85 percent of their wages as of October 31, 1995.
- △ Provides that this Act is contingent upon passage and certification of the appropriations bill for the 1996-97 biennium. Benefit replacement pay has been included in the 1996-97 appropriations bill in lieu of the state contribution to employee social security taxes.

Changes to the Whistleblower Act - H.B. 175

by Representatives Hirschi, et al.

Senate Sponsor: Senator Montford

- △ Includes 'adverse personnel action' (an action that affects a public employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation) as grounds for suit under the Act.
- △ Clarifies the law enforcement authority to whom a public employee may report a violation of the law by a governmental entity or public employee.
- △ Deletes exemplary damages as damages for which a public employee may sue under this Act.
- △ Limits the compensatory damages for future monetary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-monetary losses that a public employee may recover to a range of \$50,000 to \$250,000, depending on the size of the employing agency.
- △ Waives sovereign immunity for a suit under this Act.
- △ Provides an affirmative defense to the agency if the action against the employee would have been taken based solely on information, observation, or evidence not related to the fact that the employee blew the whistle.

State Affairs/Public Employees _____

- △ Expands venue for bringing a suit under this Act to include counties in which the cause of action occurred.
- △ Increases from \$1,000 to \$15,000 the civil penalty that may be imposed on a supervisor who violates this Act. Prohibits the employer from paying the penalty. Limits the personal liability of the supervisor to the amount of the penalty assessed under the Act.
- △ Requires the state auditor's office:
 - to audit or investigate a governmental entity that is required to pay more than \$10,000 as a result of a suit under this Act; and
 - to recommend any changes necessary to correct the problems that gave rise to the whistleblower action.

Limitations on the Liability of Public Servants - H.B. 383

*by Representative Junell
Senate Sponsor: Senator Shapiro*

- △ Prohibits a tort claim arising from the action of an employee who is responding to an emergency call or reacting to an emergency situation, if the action is in compliance with the laws and ordinances applicable to emergency action, or if the action is not taken with conscious indifference or reckless disregard for the safety of others.
- △ Requires the state to indemnify state employees and officers, physicians or psychiatrists under contract with the state, racing officials performing services under contract with the Texas Racing Commission, and persons serving at the request and on behalf of an institution of higher education, without regard to whether the persons performed their services for compensation.
- △ Provides that "public servant" does not include an independent contractor, an agent or employee of an independent contractor, or another person who performs a contract for a unit of government.
- △ Limits the liability of a public servant who is acting in his or her official capacity, to \$100,000 in a personal injury or wrongful death suit or a property damage suit, except in an action arising under the constitution or laws of the U.S. Provides that the public servant is indemnified for the first \$100,000 by the state, the local government unit, by liability insurance, or by error and omissions insurance. These provisions do not apply to a person licensed under the Medical Practice Act.
- △ Limits application of provisions governing land acquired under foreclosure of lien to a municipality with a population of 1.5 million or more that acquires land at a sale following the foreclosure of a lien held by the municipality.

State Affairs/Public Employees _____

- △ Limits application of this Act to a claim that arises after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the municipality.

Service Credit and Eligibility from ERS - H.B. 384

by Representative Junell
Senate Sponsor: Senator Montford

- △ Provides that any Employee Retirement System member who is at least 55 years of age or who has at least 10 years of service credit as an employee of the Railroad Commission of Texas, and who is licensed by the Commission on Law Enforcement Officer Standards and Education, who has served at least five years as an investigator for the oil field theft detection division, and is eligible to retire and receive a service retirement annuity.
- △ Adds equivalent membership service as a type of creditable service and as service creditable as an elected class of membership.
- △ Allows a member with equivalent membership service, not previously credited in the retirement system, to claim credit as a member of an elected class for purposes of making contributions.

Texas County and District Retirement System Changes -

H.B. 2283

by Representative Kuempel
Senate Sponsor: Senator Montford

- △ Sets forth requirements for strengthening the actuarial soundness of any county or district retirement plan that is underfunded; expands the authority of the Board of Trustees (board) of the Texas County and District Retirement System (system) in investing assets; and conforms the system to federal law.
 - △ Authorizes a retiree receiving retirement benefits to continue receiving the benefits if employment is resumed with a subdivision participating in the system.
 - △ Sets forth a procedure for correcting errors made by a county or district in reporting service time to be credited to an employee's retirement plan.
 - △ Authorizes a retiree to change, by written notice to the board, payment plans or beneficiaries in the period between the date of retirement and the date of the first retirement payment.
 - △ Authorizes certain retirement benefits to be increased in accordance with a cost of living adjustment, up to a certain federal limit.

State Affairs/Public Employees

- Δ Prohibits the limitations on payments of benefits, under this and all other defined benefit plans, from decreasing any person's retirement benefits to an amount below \$10,000 per year.
- Δ Authorizes the board to require a disability retiree under age 60 to submit an annual report of earnings. Authorizes the board to require the disability retiree to undergo a medical exam if the board considers the retiree's earnings to show an ability to engage in gainful employment. Authorizes the board to suspend annuity payments until the retiree submits the annual financial statement and submits to a medical exam, if requested.
- Δ Prohibits payment of benefits to a person who is convicted of causing the death of the member.
- Δ Specifies standards for supplemental death benefits.
- Δ Requires the board to exercise control of investment operations by:
 - hiring an investment officer;
 - contracting with professional investment managers, as needed; and
 - employing one or more performance measurement services to evaluate and analyze the investment results of certain system assets.
- Δ Requires the board to exercise a certain standard of judgment and care in making investments for the system.
- Δ Sets forth standards under which the board may engage in securities lending.
- Δ Requires each subdivision of the system to certify to the system the amount of income, subject to federal income tax, paid to each employee for the calendar year.

Participation and Credit in the Texas Municipal Retirement System - H.B. 2168

*by Representative Kuempel
Senate Sponsor: Senator Turner*

- Δ Allows the board of trustees of the Texas Municipal Retirement System to exclude municipal employees from participation if they are not in good health at the time of the effective date of participation.
- Δ Provides for fire and police departments to have the same standing as a municipality if certain provisions are met.
- Δ Specifies certain provisions for retirees who resume employment with the same employer they were performing creditable service for at the time of their retirement.

State Affairs/Public Employees

- △ Specifies certain provisions for retirees who resume service with a different employer.
- △ Authorizes the granting of prior service credit with nonparticipating municipalities, airport authorities, or council of governments.
- △ Provides for changes in annuity payment plans before the first payment is made.
- △ Prohibits a benefit from being paid to a person convicted of causing the death of a member. Provides that the benefit is payable to the decedent's estate if no person would be entitled to the benefit.
- △ Provides that a member is eligible to retire if the member has at least 20 years of credited service in the retirement system performed for one or more municipalities with similar provisions.
- △ Allows a governing body to authorize a member's retirement if the member has at least 20 years of credited service for one or more municipalities that have authorized eligibility. Requires a governing body, before authorizing a member's retirement, to:
 - prepare an actuarial analysis of member retirement annuities at 20 years of service; and
 - hold a public hearing.

Personnel Files of Police and Fire Departments - S.B. 695

by Senator Zaffirini
House Sponsor Representative Oakley

- △ Requires permanent personnel files to be kept by police and fire departments of the state and non-civil service municipalities.
 - △ Specifies what items must be contained in the files, such as a commendation or disciplinary action for misconduct.
 - △ Entitles an employee to a copy of any record in the employee's file.

TABC Disciplinary Actions - S.B. 914

by Senator Armbrister
House Sponsor Representative Yarbrough

- △ Prohibits the Texas Alcoholic Beverage Commission (commission) from taking disciplinary action against or dismissing an employee without just cause or providing due process.
- △ Requires the commission to provide an internal appeal of the action before it becomes final.

Police Officer and Fire Fighter Complaints - S.B. 1013

by Senator Gallegos

House Sponsor Representative Oakley

- Δ Permits all police officers and fire fighters to see written complaints against them prior to disciplinary action being taken, rather than only those who are covered by a civil service statute.
- Δ Permits police officers and fire fighters to refuse to take a polygraph examination in response to a complaint without having any disciplinary action taken against them.

Administration of the State Cemetery - S.B. 21

by Senator Armbrister

House Sponsor: Representative Saunders

- Δ Dedicates additional property for state cemetery purposes.
- Δ Requires state officials appointed by the governor and confirmed by the senate to have served 12 years in the office to which they were appointed to be eligible for burial in the state cemetery.
- Δ Requires persons eligible for burial in the state cemetery by governor's proclamation, or by concurrent resolution of the legislature, to be subject to review and approval by the Texas Historical Commission (commission). Requires the commission to approve the burial only if the commission finds that a person has made a significant contribution to Texas history.
- Δ Allows the commission to specify, by order, persons eligible for burial in the state cemetery only when the legislature is not convened in regular or special session.

Flag Exchange With Mexico - S.B. 627

by Senator Truan

House Sponsors: Representative Bob Hunter, et al.

- Δ Authorizes the Texas State Library and Archives Commission to negotiate an agreement with authorities in Mexico for the exchange of flags from the battles of the Alamo and San Jacinto.

Information Required for Driver's License - S.B. 1252

by Senator Montford

House Sponsor: Representative Coleman

- Δ Requires an applicant for an original, renewal, or duplicate driver's license or personal identification card to provide information, including fingerprints, relating to the applicant's identity, competency, and eligibility.

Disposition of Certain State Property - S.B. 1262

by Senator Montford

House Sponsor: Representative Junell

- Δ Requires the general land commissioner to prepare and distribute a report outlining recommendations for disposition of certain state property.
 - Δ Requires a draft version of the report to be submitted to the affected state agency that owns or holds trust in the property.

State Affairs/General

- △ Requires the final version of the report to be submitted to the presiding officers of both houses of the legislature and the governor's budget office no later than September 1 of each year.
- △ Prohibits a state agency that owns or controls unused or underused property from developing, selling or otherwise disposing of the property after a recommendation for a real estate transaction has been sent to the governor.
 - Requires a state agency to submit a general development plan for future use of the property, no later than 30 days prior to the time the real estate transaction would be approved by law.
 - Requires the agency possessing the property to file comments or objections to the recommendation with the governor.
 - Outlines provisions for depositing proceeds from the real estate transaction.
 - Authorizes the commissioner to conduct the transaction, unless the recommendation is rejected by the governor, no later than 90 days after receiving the recommendation.
 - Provides that if the real estate transaction is approved, the commissioner may take control of the real property to undertake the recommended real estate transaction.
- △ Requires the asset management division of the General Land Office to give the governor and the LBB a certified list of all properties identified as unused and underused, and where appropriate, to recommend real estate transactions, by November 1, 1995.

Regulation of the Relationship Between Landlords and Tenants - S.B. 1334

by Senator Barrientos

House Sponsor: Representative Naishtat

- △ Specifies when a landlord can interrupt water, wastewater, gas, or electric service to a tenant. Provides that if a landlord violates this section, the tenant may recover actual damages; one month's rent or \$500, whichever is greater; and attorney's fees and court costs.
- △ Specifies when and how a landlord can prevent a tenant from entering leased premises. Provides that if a landlord violates this section, the tenant may recover one month's rent plus \$500, actual damages, court costs, and attorney's fees.

State Affairs/General

- △ Provides that a keyless bolting device is not required to be installed at a landowner's expense if a tenant is over 55 or has a physical or mental disability and if the tenant requests that the landlord not install the device.
- △ Prohibits a landlord from retaliating against a tenant for exercising a right or remedy granted to the tenant. Provides that if a landlord violates this section, the tenant may recover one month's rent plus \$500, actual damages, court costs and attorney's fees, moving costs, and other expenses.
- △ Provides that a landlord is liable for damages if the landlord does not install, inspect, or repair a smoke detector; provides that a tenant is liable for damages if the tenant disables a smoke detector.
- △ Specifies when a landlord cannot retain a security deposit or rent prepayment.
- △ Requires a residential rental locator to be licensed as a real estate broker or real estate salesman.

Enforcement of Certain Regulations Regarding the Employment of Children - H.B. 1028

by Representative Seidlits
Senate Sponsor: Senator Haywood

- △ Expands the enforcement powers of the Texas Employment Commission (commission) regarding the employment of children.
 - △ Allows the commission to inspect a place where a child has been employed within the last two years or collect information concerning the employment of a child at that place within the last two years.
 - △ Grants the commission the power to require reports, conduct investigations, and take other actions necessary to enforce regulations regarding the employment of children.
 - △ Makes it an offense punishable by a \$200 fine, confinement of not more than 60 days, or both, to refuse or fail to obey a commission subpoena.
 - △ Authorizes the commission to assess an administrative penalty of up to \$10,000 against a person employing a child in violation of this Act, and sets out the procedures for notice, hearing, and judicial review.
 - △ Sets out the procedure for collecting any delinquent amount, including penalties or interest, due under this Act or the chapter it amends.

Disqualification From Benefits - H.B. 1086

*by Representative Brimer
Senate Sponsor: Senator Brown, et al.*

- Δ Deletes language disqualifying an individual from receiving workers' compensation benefits if the person received old age or pension benefits during that period.
 - Δ Prohibits the Texas Commission on Human Rights from reducing the weekly benefit amount received by an individual who is receiving benefits under the federal Social Security Act.

Addition of "Multiracial" to Racial and Ethnic Classifications - S.B. 1069 (Died in the House)

by Senators Sims and Ellis

- Δ Would have required the classification of "multiracial" to be added to the list of racial and ethnic classifications on all documents requesting racial information used by a state agency, a political subdivision, a public school district, a state institution of higher education, and any private employer.
 - Δ Would have provided that the failure of a private employer to comply with this requirement does not create any civil cause of action.
 - Δ Would have applied only to documents used after January 1, 1996. Would have allowed materials that include the racial classification "other" to be used until the stock is depleted.
- Δ Would have required the number of persons classified as multiracial to be reported if racial information is required to be reported to a federal agency.

Marine Military Academy - S.B. 524

*by Senator Lucio
House Sponsor: Representative Oliveira*

- Δ Grants the Marine Military Academy the same limited liability given to charitable organizations.

Registration of Charitable Organizations - S.B. 1214 (Died in the House)

*by Senator Ellis
House Sponsor: Representative Coleman, et al.*

- Δ Would have required the attorney general, to prevent charity fraud, to maintain a registry of charitable organizations.

Penalty for Smoking Outside Designated Smoking Areas - S.B. 1237 (Died in the House)

by Senator Armstrong
House Sponsor: Representative Seidlits

- Δ Would have created a Class C misdemeanor for individuals who smoke in public places or places of employment outside designated smoking areas.

Security Device in Rental Dwellings - S.B. 1426 (Died in the House)

by Senator Brown
House Sponsor: Representative Ron Lewis

- Δ Would have required a landlord to install a floor-mounted bolting device at a tenant's request as a security measure.
- Δ Would have defined "floor mounted bolting device" as a steel sleeve in the floor, on the inside of a swinging door, capable of preventing the door from moving inward when inserted into its hole.

Study on Establishing a Motion Picture Soundstage Facility - S.B. 1677 (Died in the House)

by Senator Barrientos et al.
House Sponsor: Representative Bob Hunter

- Δ Would have required the Texas Commission on the Arts to contract with a private entity, after consulting with the governor's Music, Film, Television, and Multimedia Office, to conduct a study to determine the feasibility of constructing and operating a motion-picture soundstage facility on state-owned property in Travis or Williamson County.

Tax/Revenue

Awareness of Earned Income Tax Credits - S.B. 255

by Senator Rosson

House Sponsors: Representatives Maxey and Van De Putte

- Δ Authorizes the Comptroller of Public Accounts to be the lead agency in promoting awareness and encouraging other agencies to similarly promote awareness of the federal tax credit for working families and individuals who may qualify.

Reinvestment Zone Tax Refunds - S.B. 345

by Senators Brown and Patterson

House Sponsor: Representative Uher

- Δ Authorizes a business that has not entered into a tax abatement agreement with a local school district, and that is located in a reinvestment zone, to receive a property tax refund out of state sales and use taxes and state franchise taxes paid to the comptroller. To be eligible, the property owner must have established a new business or expanded an existing business and must have increased the business's payroll by \$3 million or increased the appraisal value by \$4 million since an initial base year beginning on or after January 1, 1996.
- Δ Provides that if the total amount of eligible refunds claimed is less than \$10 million, each refund will be for the full amount of property taxes paid to the school district. Requires the comptroller to reduce the amount of each refund as necessary to allow all claimants to share proportionally the \$10 million available, if the total amount of eligible refunds claimed is greater than \$10 million.
- Δ Authorizes the commissioners court of a county with no more than 400,000 people to, on petition of local landowners, create a county development district for the development of public improvements to attract visitors and tourists.
- Δ Authorizes a county development district to levy a sales and use tax if voters approve. Also authorizes the district to issue bonds, impose a hotel tax, and exercise the power of eminent domain in certain cases.
- Δ Extends the expiration date (sunset) of the Property Redevelopment and Tax Abatement Act from September 1, 1995 to September 1, 2001.

Tax Enforcement - S.B. 401

by Senators Ellis, Brown, Montford, Ratliff, Zaffirini, et al.

House Sponsor: Representative Romo

- Δ Imposes a penalty on a person who willfully fails to pay taxes collected from another person, in an amount equal to the tax not paid, in addition to any other penalty provided by law.

Tax/Revenue

- △ Allows the comptroller to impose a penalty of 5 percent of tax due on a person who is required, but fails, to remit taxes by electronic funds transfer.

Collection of Attorney Tax - S.B. 403

by Senator Cain

House Sponsor: Representative Junell

- △ Transfers collection of the attorney occupation tax from the comptroller to the supreme court.
 - △ Requires the supreme court to suspend the license of any attorney who does not pay the tax within 90 days after the due date and to assess penalties and interest on late payments.
 - △ Authorizes the state bar to adopt rules for administering the tax and granting exemptions from the tax, if the supreme court approves.

Property Tax Exemption For Certain Theaters of Performing Arts - S.B. 428

by Senator Galloway

House Sponsor: Representative Brady

- △ Provides a property tax exemption for property owned by a charitable organization promoting or operating a theater of performing arts.
- △ Provides that certain sanctions relating to changing the use of land which has been appraised do not apply to land owned by an organization which qualifies under the Tax Code as a religious organization, if the organization converts the land to a use for which the land is eligible for an exemption within five years.

Mixed Beverage Tax Administration - S.B. 643

by Senator Montford

House Sponsor: Representative Holzheuser

- △ Eliminates the surcharge levied on alcoholic beverage permits to recover the cost of the comptroller's administration of the mixed beverage tax.
- △ Extends the Alcoholic Beverage Code's provisions for suspending and canceling alcoholic beverage permits to mixed beverage taxpayers with outstanding tax or tax penalty obligations to the comptroller.
- △ Allows the Alcoholic Beverage Commission to summarily suspend, without a hearing, the mixed beverage permit of a permit holder who has not posted the security required by the comptroller under the Tax Code.

Tax/Revenue

- △ Allows a person seeking a permit credits and refunds against certain bad debts on the payment of the mixed beverage tax.

Franchise Tax Administration - S.B. 644

by Senator Montford

House Sponsor: Representative Holzheuser

- △ Writes existing comptroller policy into statute regarding merger credits, business loss carryovers, computation of taxable capital, and dividends.
- △ Authorizes additional exemptions for certain fraternal societies, orders, or associations, for certain posts or organizations of past or present members of the U.S. Armed Forces and nonprofit corporations organized solely for educational purposes.
- △ Requires corporations to annually provide to the comptroller an update of the identity of the firm's officers and directors.
- △ Updates the link between the franchise tax and the Internal Revenue Code to the 1994 accounting year.

Transfer of Alcoholic Beverage Tax Stamps Administration - S.B. 686

by Senator Cain

House Sponsor: Representative Ramsay

- △ Transfers the responsibility for the administration, custody, and sale of alcoholic beverage tax stamps from the state treasurer to the Alcoholic Beverage Commission.
- △ Makes the Alcoholic Beverage Commission, rather than the state treasurer, responsible for keeping permanent records of all tax stamps received and sold and making any refunds allowed by the Alcoholic Beverage Code.

Protests of Appraised Property Value - S.B. 783

by Senator Ratliff

House Sponsor: Representative Kuempel

- △ Entitles a lessee, who is contractually obligated to reimburse the property owner for taxes imposed on any tangible personal property or real property, to protest before the Appraisal Review Board (board) a determination of the appraised value of the property or an order of the board, if the property owner does not file a protest relating to the property.
 - △ Provides that the person bringing the protest is considered the owner of the property for purposes of the protest.

Tax/Revenue

Local Sales Tax for Landfills and Criminal Detention Centers - S.B. 821

by Senator Madla

House Sponsor: Representative Gallego

- Δ Authorizes certain counties to impose a one-half percent sales tax to fund landfills and criminal detention centers.
 - Δ Allows counties which have a population of 37,500 or less that border the Rio Grande, and contain a municipality with a population of more than 15,000, to adopt or abolish a one-half percent sales and use tax.
 - Δ Provides that revenue from the tax may be used only to build, operate, or maintain a landfill or a criminal detention center in the county. Requires any revenue not dedicated to landfills or criminal detention centers to be dedicated to ad valorem tax reduction.
 - Δ Provides that the additional sales tax is abolished if a commissioners court finds that the purposes of the dedication of revenue from the tax for landfills and criminal detention centers have been accomplished.

Sales Tax Exemption for Training Aircraft -

S.B. 833

by Senator Madla

House Sponsor: Representative Rodriguez

- Δ Exempts the following from the sales and use tax:
 - Δ aircraft sold to a person with a sales tax permit who would use the aircraft for pilot training or instruction designed to lead to a pilot certificate or rating issued by the Federal Aviation Administration (FAA);
 - Δ repair, remodeling, and maintenance services to aircraft operated by a certified or licensed carrier of persons or property or by a person training pilots in flight instruction recognized by the FAA;
 - Δ machinery, tools, supplies, and equipment used or consumed by a certified or licensed carrier of persons or property or by a person training pilots in flight instruction recognized by the FAA; and
 - Δ tangible personal property that is permanently attached as a component part of an aircraft owned or operated by a certified or licensed carrier of persons or property or by a person training pilots in flight instruction recognized by the FAA., or tangible personal property that is necessary for the normal operations of an aircraft, and is pumped, poured, or otherwise placed in an aircraft.

Tax/Revenue

Use of Resale Certificates in Mexico - S.B. 982

by Senator Truan

House Sponsor: Representative Holzheuser

- △ Allows the use of resale certificates for certain sales in Texas for resale in Mexico. Resale certificates exempt a purchaser from state and local sales tax liability.

Local Sales Tax Calculation - S.B. 1136

by Senator Haywood

House Sponsor: Representative Combs

- △ Provides that any revenue derived from the sales and use tax that is distributed by a county to a recipient of an economic development grant is not considered to be sales and use tax revenue for purposes of calculating the effective tax rate and the rollback rate for taxing units imposing additional sales and use tax.

Transfer of Tax Liens - S.B. 1387

by Senator Wentworth

Sponsor: Representative Horn

- △ Increases the maximum rate of interest that a person may charge for a tax lien transfer from 10 percent to 18 percent, and clarifies language regarding contracts for foreclosure of tax liens between private entities.

Transfer of Responsibility for Motor Vehicle Sales Taxes

- S.B. 1445

by Senator Harris

House Sponsor: Representative Siebert

- △ Shifts the burden of paying motor vehicle sales taxes and transferring titles from the purchaser to a licensed motor vehicle dealer.
 - △ Requires a licensed motor vehicle dealer to incorporate the sales tax on a motor vehicle into the purchase price, and to remit the tax to the tax assessor-collector as required by law.
 - △ Requires a licensed motor vehicle dealer to file all documents necessary to transfer title to the vehicle and register the vehicle in the name of the purchaser. Authorizes the Texas Department of Transportation to design a written notice of transfer to be part of the certificate of title for the vehicle.
 - △ Removes language allowing a purchaser to avoid paying a documents fee by handling the documents and performing the services relating to the closing of a motor vehicle sale.

Tax/Revenue

- △ Provides that this Act does not apply to certain vehicles, including vehicles that have been declared a total loss by an insurance company.

Tax Refunds for Enterprise Projects - S.B. 1629

*by Senator Henderson
Sponsor: Representative Heflin*

- △ Changes the period of eligibility for rebates or refunds of sales and use taxes and hotel occupancy taxes for qualified enterprise hotel projects from 7 years to 10 years. Qualified enterprise hotel projects are eligible for a 100 percent refund or rebate of the taxes listed above.

Property Tax Exemption/Charitable Organization - S.J.R. 36 and S.B. 1654

*by Senator Montford, et al.
House Sponsor: Representative Counts*

- △ Proposes a constitutional amendment which would allow the legislature to provide a property tax exemption to an organization chartered by the Congress of the Republic of Texas that has been in continuous existence since the date it was chartered, if the property is used primarily for charitable, benevolent, or public service activities. **Ballot Date: November 7, 1995.**

Encumbrances on Homestead Property - S.J.R. 46 and S.B. 1032

*by Senator Harris
House Sponsor: Representative Cook*

- △ Amends the Texas Constitution to expand the types of encumbrances that can be fixed on a homestead, if approved by the voters. **Ballot Date: November 7, 1995.**
 - △ Provides that encumbrances may be fixed on homesteads for:
 - an owelty of partition imposed against the entire homestead by court order or written agreement of the parties to the partition (an owelty of partition is a sum of money to be paid by one holder of a piece of property to a joint holder when the property is being partitioned, but cannot be divided into equal shares. The payment serves to equalize each party's share in the partitioning of the property); or
 - the refinance of a lien against a homestead, including a federal tax lien resulting from the tax debt of both spouses, if it is a family homestead, or the owner's tax debt.

Tax/Revenue

- △ Provides that a purchaser or lender for value without actual knowledge may rely upon an affidavit designating other property as the affiant's homestead and stating that the property to be transferred or encumbered is not the affiant's homestead.

Elimination of Tax Credits for Gas Utilities - H.B. 176

by Representative Stiles
Senate Sponsor: Senator Armbrister

- △ Eliminates certain tax credits for gas utilities.
- △ Redefines a gas utility's "net income" to include only income related to gas utility service that the regulatory authority determines to be reasonable and necessary.
- △ Requires that only income tax benefits or deductions corresponding to investments or expenses that have been allowed for rate-setting purposes be included in the computation of the gas utility's income tax expense.

Gas Production Tax Exemption - H.B. 398

by Representatives Counts, Craddick, et al.
Senate Sponsor: Senator Lucio

- △ Extends the current gas production tax exemption for high-cost gas wells to those spudded or completed after September 1, 1996 and before September 1, 2002. The exemption entitles such high-cost gas to a reduction of tax for the first 120 consecutive months beginning on the first day of production, or until the cumulative value of the tax reduction equals 50 percent of the drilling and completion costs incurred for the well, whichever occurs first.

Repeal of Sales Tax Exemption for Inmates - H.B. 462

by Representative Alvarado, et al.
Senate Sponsor: Senator Whitmire

- △ Eliminates the sales tax exemption for food products, meals, soft drinks, and candy sold to inmates of public and privately-operated prisons and other correctional institutions, including county jails.

Tax Exemption Rights as Condition of Loan - H.B. 947

by Representative Pitts
Senate Sponsor: Senator Cain

- △ Prohibits a lender from requiring a borrower to waive his or her right to an agricultural or open-space land tax exemption, as a condition of granting or amending the terms of a loan. The following provisions shall apply to loans secured by lien on agricultural-use land or open space land:

Tax/Revenue

- △ A loan instrument is void if it requires a borrower to waive the right to an appraisal or agree not to apply for or receive the appraisal.
- △ A provision requiring the borrower to make a payment to protect the lender from loss due to the imposition of additional taxes and interest is void unless the provision meets certain requirements.
- △ Requires the assessor for each taxing unit, at the borrower's request, to compute the additional taxes and interest that would be due that tax unit if a sale or change of use occurred on January 1 of the year in which the loan is granted or amended.

Property Tax Exemption/Surviving Spouse - H.B. 1127

by Representative Hamric
Senate Sponsor: Senator Henderson

- △ Provides a property tax exemption to the surviving spouse of an elderly person for the same property from the same taxing unit in an amount equal to that of the exemption received by the deceased spouse. The surviving spouse must have been 55 or older when the deceased spouse died.

Calculation of an Effective Tax Rate - H.B. 1537

by Representative Craddick
Senate Sponsors: Senator Brown, et al.

- △ Reformulates the calculation of an effective tax rate to allow taxing units to include corrections and property tax refunds for the previous year to the tax rolls.
- △ Defines "last year's debt levy," "last year's levy," and "last year's total value."
- △ Provides that increases in taxable values and tax levies, occurring within a reinvestment zone, in which a school district is a participant, shall be eliminated from the calculation of the tax rate adopted by the governing body of the school.

Increase in Veterinarian's License Renewal Fee - H.B. 1620

by Representative Junell
Senate Sponsor Senator Montford

- △ Requires the Board of Veterinary Medical Examiners to increase the veterinarian license renewal fee by \$200. Requires \$50 of the fee to be deposited into the foundation school fund and \$150 to be deposited to the general revenue fund. Exempts inactive or retired veterinarians and those who are on active duty with the U.S. Armed Forces.

Tax/Revenue

Installment Payments of Taxes on Property in Disaster

Areas - H.B. 2197

by Representative Stiles
Senate Sponsor: Senator Zaffirini

- Δ Applies to residential property located in a disaster area that has been damaged as a direct result of a natural disaster.
 - Δ Applies to taxes that are imposed on the property by a taxing unit before the first anniversary date of the disaster.
- Δ Requires a person to pay one-fourth of the taxes imposed on the property along with a notice to the taxing unit that the remaining taxes will be paid in three equal installments without penalty or interest.
 - Δ Payments may be made as follows: The first installment before April 1; the second, before June 1; and the third installment before August 1.
- Δ Applies a 12 percent penalty on any delinquent amounts not paid before the applicable due date.
- Δ Requires payments made in excess of amounts due to be credited to the next installment.
 - Δ Requires the collector, if the delinquency date is extended past May 1, to extend each installment deadline by the number of months the delinquency date was postponed. Prohibits the collector from extending the third installment deadline beyond December 31.

Appraisal Review Board - H.B. 2610

by Representative Craddick
Senate Sponsor: Senator Brown

- Δ Allows an electronic replica of a tax receipt to "stand in" for the paper copy as evidence that the tax was paid.
- Δ Authorizes the Appraisal Review Board (board), when the board has not taken the recommendation of the three-member panel in the matter of a protest hearing, to refer the matter to a three-member panel made of members who did not serve on the original panel.
 - Δ Authorizes the board, if there are not three members who did not hear the original protest, to make a determination in the protest.
 - Δ Requires the board to deliver, in a certain manner, notice of the hearing or meeting to determine the protest.

Tax/Revenue

- △ Sets forth certain notice requirements for a good cause hearing scheduled before the board.

Clarification of Property Tax Exemptions for Religious Organizations - H.B. 2613

by Representative Craddick
Senate Sponsor: Senator Montford, et al.

- △ Clarifies certain activities of religious organizations for purposes of tax exemptions. Provides that an incomplete improvement is under physical preparation if the religious organization has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the improvement or has conducted an environmental or land use study relating to the construction of the improvement

School Tax Abatements for Reinvestment Zones - H.B. 2860

by Representative Grusendorf
Senate Sponsor: Senator Barrientos

- △ Establishes an option to certain school districts to grant tax abatements to property located in a reinvestment zone.

Property Tax Exemption/Personal Property and Mineral Interests - H.J.R. 31 and H.B. 366

by Representative Hartnett
Senate Sponsor: Senator Brown

- △ Proposes a constitutional amendment to allow the legislature to provide a property tax exemption for income producing tangible personal property and mineral interests with certain taxable values. **Ballot Date: November 7, 1995.**

Tax Exemptions for Boats and Commercial Equipment -

H.J.R. 35 and H.B. 399
by Representative Uher
Senate Sponsor: Senator Patterson

- △ Proposed constitutional amendment to authorize the governing body of a political subdivision to exempt from ad valorem taxation, boats and other equipment used in the commercial taking or production of fish, shrimp, shellfish, and other marine life. **Ballot Date: November 7, 1995.**

Tax/Revenue

Property Tax Exemption/Surviving Spouse - H.J.R. 64

by Representative Hamric
Senate Sponsor: Senator Henderson

- △ Proposes a constitutional amendment to allow the legislature to provide a property tax exemption to the surviving spouse of an elderly person. **Ballot Date: November 7, 1995.**

Property Tax Exemption/Veterans - H.J.R. 68

by Representative Haggerty
Senate Sponsor: Senator Rossom

- △ Proposes a constitutional amendment to allow the legislature to increase the property tax exemptions granted to certain veterans and their surviving spouses and minor children. **Ballot Date: November 7, 1995.**

Taxes on Open-Space Land Used for Wildlife Management - H.J.R. 72 and H.B. 1358

by Representative Alexander
Senate Sponsor: Senator Montford

- △ Requires submission to the voters of a constitutional amendment to authorize open-space land used for wildlife management to qualify for tax appraisal in the same manner as open-space agricultural land, subject to eligibility limitations provided by the legislature. **Ballot Date: November 7, 1995.**

Guidelines for County Appraisal Districts - S.B. 1413 (Died in the House)

by Senator Harris
House sponsor: Representative Counts

- △ Would have amended the Property Tax Code to include appraisal technique guidelines which require County Appraisal Districts to:
 - △ Use generally accepted appraisal techniques to determine the market value of property;
 - △ Correctly employ appropriate methods for appraising similar kinds of property;
 - △ Use certain cost data, make cost data available to the public, and state reasons for any variations of cost data, when such data is used to determine the value of property;
 - △ Make projections or determine certain information if the income method of appraisal is used to determine the value of property;

Tax/Revenue

- Δ Use comparable sales data, if the appraiser uses the market data comparison method of appraisal to determine the value of property; and
- Δ Identify and state specified information about the property and its appraisal.

Property Tax Exemption/Public Port - S.B. 1564 (Died in the House by Senators Lucio, et al.)

- Δ Would have provided that property owned by a navigation district, port authority, or a municipality that operates a public port is exempt from property taxes if the property:
 - is leased to a person or entity for the maintenance, operation and development of port facilities;
 - is held for future expansion or leasing of its facilities for certain purposes; or
 - is applicable to any other general authority granted to navigation districts by law.

Telecommunications

Exemption for Caller ID Telephone Services from Definition - S.B. 1158

by Senator Sibley

House Sponsor: Representative Seidlits

- △ Adds to the list of services that are exempt from the definition of "trap and trace device," caller ID services provided by a Commercial Mobile Radio Service provider which are used to identify originating numbers from which a wire or electronic communication was transmitted.

Regulation of Telecommunications Services - H.B. 2128

by Representative Seidlits

Senate Sponsor: Senator Sibley

- △ Makes major changes in the way telecommunications companies, especially local telephone companies, are regulated by the state.
- △ Clarifies that the federal government regulates interstate (long distance) carriers, while the state regulates intrastate services.
 - △ Long distance carriers are referred to as interexchange carriers (IXCs). IXCs handle calls that go across state or national boundaries, as well as calls in a state that cross two local access and transport areas (LATAs; see below). IXCs must use the local phone company's switches and lines to the home or business in order to complete a long distance call. IXCs pay the local company to use their switches and lines (switched access), and these payments are referred to as "switched access charges."
 - △ Local phone companies, referred to as local exchange carriers or LECs, provide intrastate services, including local phone service and service within LATAs within the state. (LATAs were created by the 1983 court decision that broke up AT&T into separate local and long distance companies. A LATA is a geographical area in which a particular local phone company operates. Some calls within a LATA will be local calls for which the subscriber pays a flat monthly fee. Other calls within the LATA could be long-distance calls. For example, the Austin LATA includes Austin and other surrounding towns such as Bastrop and San Marcos. Calls from Austin to those towns would be long distance (or toll) calls and would be charged in addition to a monthly bill. All these calls would be handled by a local carrier, such as Southwestern Bell or GTE. A call from Austin to Houston would be between two LATAs and would therefore have to be transported by a long distance, or interexchange, carrier.)

Telecommunications

- △ Because LECs are monopolies, they have traditionally had their rates and income strictly regulated by the Public Utility Commission. However, new technology has allowed some competition to develop. H.B. 2128 provides for some deregulation of local phone companies, so that they may have flexible rates to meet this new competition. However, the LECs still have a huge percentage of the local market and remain the dominant carrier; therefore, the bill also provides some "competitive safeguards" to ensure that the LECs' new rate flexibility does not allow them to unfairly compete. The purpose of H.B. 2128 is to encourage competition in the local telephone service market, and at the same time protect the public interest inherent in the rates and services of public telecommunications utilities.
 - △ The bill declares that it shall be state policy to promote diversity of providers and interconnectivity and to encourage a fully competitive telecommunications marketplace, while at the same time protecting and maintaining the wide availability of high quality, interoperable services at affordable rates.
- △ The bill contains the following major provisions:
 - △ Continues the Public Utility Commission (commission) and the Office of Public Utility Council (OPUC) until September 1, 2001.
 - △ Substantially deregulates small LECs. Texas has 57 local exchange carriers, ranging in size from Southwestern Bell's seven million lines to Panhandle Telephone Cooperative's 36 lines. Carriers with fewer than 31,000 lines may offer extended or new services or make minor changes in rates by notifying and filing a statement of intent with the commission and by notifying customers. Sets out notice and filing requirements. Provides that any change in a basic local access line rate under this section may not result in an increase of more than 10 percent.
 - △ Provides that a LEC that is a cooperative may vote to partially deregulate by sending a ballot to each cooperative member. After a majority of members have voted to deregulate, the cooperative may offer extended local service, offer new services, or make changes in its rates upon providing notice to affected customers and municipalities and filing certain notices with the commission.
 - △ Provides that a LEC that is designated or de facto authorized to receive "0+" and "1+" intraLATA calls is exclusively designated to receive those calls, except that a telecommunications utility that has a certificate of operating authority, or a service provider certificate of operating authority, is also de facto authorized to receive "0+" and "1+" calls. Also declares that, at such time that federal law authorizes a LEC to provide interLATA (long distance) services, the commission shall ensure that customers may designate a provider of their choice to carry their "0+" and "1+" calls and that equal access in the public network is implemented so that the provider may carry such calls.

Telecommunications

- Δ Provides that no person may provide local telephone service or switched access service without a certificate of convenience and necessity (CCN), certificate of operating authority (COA), or a service provider certificate of operating authority (SPCOA). In addition, the bill prohibits a municipality or municipal electric system from providing telephone service.
- Δ Creates two new methods for obtaining authority from the state to provide telecommunications services: the certificate of operating authority and the service provider certificate of operating authority. These types of authorization apply to new competitors who wish to compete with the incumbent local telephone company. Traditionally, a local telephone company applies for a certificate of convenience and necessity. A CCN requires the holder of the certificate to serve all customers in its area and is the type of authorization local phone monopolies currently have.
- Δ Certificate of operating authority provisions:
 - Provides that the certificate applies to large long distance companies, AT&T, MCI, and Sprint, that wish to compete with incumbent LECs to supply local service.
 - Requires the applicant to lay out a proposed build-out plan demonstrating how the applicant will deploy its facilities throughout its certificated area over a six-year period. (Build-out means that a company must build its own telecommunications infrastructure -- lines, switches, etc. -- instead of buying time on the infrastructure owned by the LEC.)
 - Requires 10 percent of the designated service area to be served with facilities not belonging to the incumbent LEC by the end of the first year.
 - Requires 50 percent of the designated service area to be served with facilities not belonging to the incumbent LEC by the end of the third year.
 - Requires all of the designated service area to be served with facilities not belonging to the incumbent LEC by the end of the sixth year.
 - Prohibits a build-out plan from utilizing more than 40 percent resale of the LECs facilities in order to fulfill the requirements of the build-out plan. (Resale means buying time on the LEC's network to provide service.) Sets out other provisions relating to resale and prohibits a provider from using commercial mobile telecommunications service to fulfill the build-out requirement. Permits an applicant to use PCS (personal communications services, which is a new wireless technology) to meet the requirement.

Telecommunications

- Provides that an application for a COA may be granted only for an area or areas that are contiguous and reasonably compact and cover an area of at least 27 square miles. There are special considerations and requirements for areas served by a LEC that has fewer than 31,000 lines.
 - Provides that six years after an application has been granted for a particular area, or when the new applicant has completed its build-out plan, the commission may waive build-out requirements for other applicants.
 - Provides that, if the federal government removes prohibitions on a LEC's providing long distance service, build-out provisions are eliminated in service areas served by an incumbent LEC having more than one million lines.
- Δ Service provider certificate of operating authority provisions:
- Provides that certificates are granted only to companies with less than six percent of the long distance market.
 - Authorizes applicants to provide service by means of resale. A provider may obtain services under resale tariffs (prices) order by the commission, and may obtain for resale the basic flat rate local telephone service of an incumbent LEC at a five percent discount.
 - Requires the incumbent LEC to also sell any feature service (such as call control options and caller ID) in conjunction with basic service at a five percent discount to the tariffed rate.
 - Authorizes providers and the incumbent LEC to agree to rates lower than the five percent discounted rates.
 - Sets forth other resale rules and restrictions, lay out other LEC requirements, and prohibits any provider from having two types of certificates for the same area.
- Δ Requires the commission to conduct a proceeding to establish a transitional flexible rate plan for an incumbent LEC that operates in an area where the possibility of competition is established by granting a competitor a COA or SPCOA, or the commission determines a competitor does not need a certificate. However, the LEC may not increase basic rates for four years or until a build-out plan is completed.

Telecommunications

- Δ Authorizes the commission to grant price deregulation of a specific service in a particular geographic market if the LEC or COA holder in that market is no longer dominant in that service. Once it is determined that sufficient competition exists, a provider may set any rate for the service that is above the service's long run incremental cost (LRIC); that is, the service provider may not engage in predatory pricing. Requires the commission to find that an effective competitive alternative exists and that the LEC or other provider that is dominant does not have sufficient market power to control the price of the service within that particular market.
- Δ Sets forth new regulations governing pay telephones and caller ID services.
- Δ Authorizes LECs to be regulated under **incentive regulation**, rather than rate of return regulation, if they so choose. (Rate of return is the way LECs are currently regulated. The commission determines prices the LECs may charge by calculating their costs plus a rate of return on their investments. Incentive regulation gives LECs pricing flexibility in return for the company's investment in telecommunications infrastructure.) Incentive regulation involves classifying the services a LEC may provide into one of three "baskets":
 - Basket I includes basic network services. Examples of a basic service include flat rate residential and business local telephone service, lifeline and tel-assistance services, switched access service, and access to 9-1-1 service. If an incumbent LEC elects incentive regulation, it may not increase rates for basic services for four years and only with commission approval. It may decrease the price of basic services to a floor above LRIC.
 - Basket II includes discretionary services (services that are optional to a subscriber). These services include such services as call waiting, call forwarding, caller ID, PBX-type services, and integrated services digital network services (ISDN). The commission sets a price ceiling and floor for Basket II services. The ceiling is required to be a "reasonable price above LRIC cost" but may not be set below or above the rate in effect on September 1, 1995. Within the prescribed price range, an electing LEC may change the price of a service without commission approval.
 - Basket III includes competitive services, those services for which effective competition already exists. Examples of competitive services are WATS line services, paging services and mobile services, and special access service. An electing company may price these services at any price above LRIC.
 - Authorizes the commission to reclassify a service from one basket to another based on criteria set out in this Act.

Telecommunications

- △ Requires LECs electing to be regulated under incentive regulation to make certain **infrastructure investments**. One of the state's goals is to facilitate and promote the deployment of an advanced telecommunications infrastructure in order to spur economic development throughout Texas. Requires the commission to act, in the absence of competition, to ensure that certain infrastructure goals are met. Lists the investments electing LECs are required to make.
 - Requires an electing company also to provide broadband digital service to certain public entities such as libraries, schools, and hospitals. Charges for these services must be no higher than five percent above LRIC. Sets out detailed requirements that an electing company must fulfill in assisting public institutions with telecommunications services.
 - Provides that an incumbent LEC serving less than five percent of the access lines that has not elected incentive regulation may present an infrastructure plan for rate of return companies. Sets out the infrastructure requirements for such companies.
- △ Establishes certain competitive safeguards, in accordance with the state goal of ensuring that competition is fair. Requires the commission to ensure that the rates and regulations of an incumbent LEC are not unreasonably preferential, prejudicial, or discriminatory. The commission has jurisdiction to implement the following safeguards:
 - *Unbundling*. (Unbundling refers to separating basic network functions provided by a LEC and offering these services for resale at their individual cost, plus a reasonable return.) Requires a LEC to, at a minimum, unbundle its network to the extent ordered by the Federal Communications Commission. Requires the commission, before adopting pricing rules required under this Act, to hold a hearing and adopt an order on the issue of requiring further unbundling. Authorizes the commission to assign unbundled components to the appropriate basket.
 - *Resale*. Requires an incumbent LEC serving one million lines or more, or a LEC electing incentive regulation, to file a usage sensitive loop resale tariff by September 1, 1995. (Usage sensitive refers to a buyer paying for the amount of services used rather than a flat rate. The loop is the line facility for each subscriber that transmits between the residence or business and the local switch.) Other LECs must file a resale tariff after a competitor is granted a COA or SPCOA in an LEC's service area. Requires the commission to eliminate all resale prohibitions in the tariffs of an electing company of one million or more access lines at such time that LECs are permitted to provide interLATA services.

Telecommunications

- *Imputation.* (Imputation refers to the price that a LEC imputes, or "charges," itself or its affiliates for a network service or function that it sells to others.) Declares that imputation is a regulatory policy the commission shall apply to prevent an incumbent LEC from selling a service or function to another telecommunications utility at a price that is higher than the rate the incumbent LEC implicitly includes in services it provides to its retail customers. Sets out how and when the commission shall require imputation.
 - *Number portability.* Number portability allows an existing telephone number to be retained when changing from one provider to another. Requires the commission to adopt guidelines governing telecommunications number portability and the assignment of telephone numbers in a competitively neutral manner. Sets forth measures the commission is required to take to ensure portability.
 - *Expanded interconnection.* Requires the commission to adopt rules for expanded interconnection.
 - *Costing and pricing.* Requires the commission to complete a price rulemaking by April 1, 1997. Requires an adopted pricing rule to ensure that prices for monopoly services remain affordable and ensure that prices for competitive services are not unreasonably preferential, subsidized by noncompetitive services, or predatory. Rules must also require that each service recover the appropriate cost of any facilities and functions used to provide the service.
- Δ Establishes broadcaster safeguards and electronic publishing provisions:
- Restricts a telecommunications utility's use of customer proprietary network information (CPNI). CPNI refers to customer information gathered by a telephone company that could be used for commercial or other purposes. Specifies that a telecommunications utility may not use specific CPNI for commercial purposes other than the sale, provision, or billing and collection of telecommunications services.
 - Prohibits an incumbent LEC from providing audio or video programming, but does allow a separate corporate affiliate of a LEC to provide such programming. Sets forth affiliate programming regulations.
 - Prohibits an incumbent LEC from selling advertising agency services to nonaffiliates. A LEC may engage in activities promoting its own services.
 - Requires each incumbent LEC that provides video programming transmission to permit local broadcast station access to the services at tariffed rates.

Telecommunications

- Prohibits an incumbent LEC from engaging in the provision of electronic publishing that is disseminated by means of the LEC's basic telephone service. However, an affiliate or electronic publishing joint venture may engage in the provision of electronic publishing. Lays out separated affiliate or electronic publishing joint venture requirements.
 - Prohibits a LEC serving more than 5 million lines (Southwestern Bell) from providing management consulting or information technology systems development to customers with 50 or more access lines.
- Δ Creates the Telecommunications Infrastructure Fund (fund), with a board of directors (board), financed by telecommunications utilities and commercial mobile service providers.
- Requires the comptroller to assess and collect \$75 million annually from telecommunications utilities and \$75 million annually from commercial mobile service providers, and deposit the funds in two separate accounts.
 - Requires the board to use the money in the telecommunications utilities account to award grants and loans to fund equipment and wiring for public schools and requires the board to use the money in the commercial mobile service providers fund for any purpose authorized in this section.
- Δ Expands the Universal Service Fund requirements:
- Requires local exchange companies to establish a universal service fund (fund) to assist LECs in providing basic local telecommunications service at reasonable rates in high cost rural areas and to reimburse LECs for revenues lost as a result of providing tel-assistance and relay access service for the hearing- and speech-impaired.
 - Authorizes the commission, for LECs serving fewer than five million access lines, to adopt any mechanisms necessary to maintain reasonable rates for local telephone service. Sets out other circumstances under which the commission may alter funding mechanisms.
 - Requires the commission to determine which telecommunications providers are eligible to receive money from the fund. Requires the provider, at a minimum, to offer service to every consumer within its certificated area.

Telecommunications

Changes in State Communications Law to Conform with Current Federal Law S.B. 1319 (Died in the House)

by Senator Armbrister

- △ Would have changed state communications law to conform with current federal law.
- △ Would have provided that a person whose wire, oral, or electronic communication is intercepted, disclosed, or used in violation of state law has a civil cause of action against any person who intercepts or procures another person to perform those acts. Would have set forth the requirements for such an action.
- △ Would have provided that an authorized peace officer designated by a district or criminal attorney, rather than one designated by the Department of Public Safety, may install a trap and trace device or pen register, a device also used to identify numbers dialed or otherwise transmitted. Would have set forth requirements for the use of a device.
- △ Would have required a government agency authorized to install and use a pen register under this chapter or under any other law to use reasonably available technology to restrict the recording or decoding of electronic impulses in certain ways.
- △ Would have provided that it is an affirmative defense to prosecution that a person acting under authority of law intercepts a communication if prior oral or written consent has been given by a magistrate.
- △ States that cordless telephone communications would not have been included in the list of transmissions a person is permitted to intercept.
- △ Would have provided that a person commits an offense if the person intentionally or knowingly installs or uses a "trap or trace" or "pen register" device.
- △ Would have provided that a person who provides electronic communications service to the public commits an offense if, while an electronic communication is in transmission on that service, the person intentionally or knowingly divulges the contents of the communication to another.
- △ Would have provided that an offense under this section involving a scrambled or encrypted radio communications is a state jail felony. Provides that any other offense under this statute is a Class A misdemeanor, except that if the communication is a public land mobile radio service or a paging service communication it is a Class C misdemeanor.

Telecommunications _____

Letter of Agency to Initiate a Primary Long Distance Carrier Change - S.B. 1644 (Died in the House)

*by Senator Henderson
House Sponsor: Representative Danburg*

- Δ Would have required a telecommunications provider to obtain from the subscriber a letter of agency to initiate a primary long distance carrier (carrier) change.
 - Δ Would have provided that a letter of agency is a document, which must be signed and dated by the subscriber, authorizing a long distance carrier to initiate a carrier change.
 - Δ Would have set forth requirements for the form and content of the letter of agency.
- Δ Would have provided that a carrier is liable for any act in violation of this Act that is committed by an employee or independent contractor working for the carrier.
- Δ Would have provided that a person commits a third-degree felony if the person knowingly violates this Act.

Transportation

Trucking Deregulation - S.B. 3

by Senator Bivins

House Sponsor: Representative Seidlits

- Δ Revises the regulation of motor carriers and provides civil, administrative, and criminal penalties. Deregulates rates and entry into the market, and moves other regulation of motor carriers from the Railroad Commission to the Department of Transportation (department).
 - Δ Prohibits a motor carrier from operating a motor vehicle or tow truck in the state unless the carrier registers with the department and meets the requirements for the application.
 - Δ Requires each carrier required to register to maintain liability insurance in an amount set by the department and sets forth factors the department is required to consider in setting the amount. Requires a registered carrier to obtain workers' compensation or accidental insurance coverage for its employees.
 - Δ Requires the department annually to issue a card to be displayed in the cab when the carrier pays the registration fee for each vehicle.
 - Δ Authorizes the department to impose an administrative penalty of up to \$5,000 upon a carrier that violates any of the above.
 - Authorizes the penalty to be up to \$15,000 for a violation knowingly committed, or up to \$30,000 for multiple violations. Provides that each day of a violation is a separate offense.
 - Δ Prohibits the department from regulating prices, routes, or services provided by a carrier, except as provided in the Act.
 - Requires the department to adopt rules to protect consumers who employ household goods carriers.
 - Δ Provides that the antitrust provisions of Chapter 15, Business and Commerce Code, do not apply to a discussion or agreement between a carrier who is required to register and who transports household goods and an agent of the carrier involving certain matters.
 - Authorizes carriers who transport household goods and their agents to enter into collective agreements concerning the establishment and filing of maximum rates.
- Δ Authorizes a municipality to regulate the operation of tow trucks.

Transportation

- △ Provides that a federal motor carrier safety regulation prevails over a conflicting provision of this Act, and that a safety rule adopted under this article prevails over conflicting rules of a local government or state agency in most cases.
- △ Authorizes a certified department official to enter a motor carrier's premises to copy or verify the correctness of documents.
- △ Requires the public safety department to establish procedures for the certification of municipal peace officers to enforce this Act.
- △ Provides criminal and civil penalties for carriers that violate safety rules and inspections.
- △ Establishes bond requirements for motor transportation brokers.
- △ Establishes new provisions for carriers of alcoholic beverages.
- △ Prohibits carriers of passengers and goods for hire from limiting or restricting their liability, except under certain conditions.
- △ Requires all taxes and license, permit, and truck registration fees to be deposited in the general revenue fund, and makes other revenue-related provisions.
- △ Provides that any appropriation made to the Railroad Commission for the administration of a repealed law is transferred either to the transportation department or the public safety department, and transfers pending proceedings to the transportation department.

Recodification of the Transportation Code - S.B. 971

by Senator Cain

House Sponsor: Representative Uher

- △ Recodifies and makes nonsubstantive revisions to statutes relating to transportation, including conforming amendments, repealers, and penalties.

Authority to Contract for Environmental and Cultural Assessments of Construction Sites - S.B. 1058

by Senator West

House Sponsor: Representative Bosse

- △ Broadens the Texas Department of Transportation's (department's) authority to contract for environmental and cultural assessments of construction sites.
 - △ Authorizes the department to follow a procedure using competitive sealed proposals to procure the services of an archeologist, biologist, geologist,

Transportation

historian, or other technical expert to conduct an environmental or cultural assessment required by state or federal law for a transportation project.

- Δ Requires the department, in procuring services, to first determine that competitive sealed bidding or informal competitive bidding is not practical or is disadvantageous to the state.
- Δ Requires proposals to be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. After the contract is awarded, all submitted proposals are required to be open for public inspection, with exceptions.
- Δ Authorizes the department to discuss acceptable or potentially acceptable proposals with offerors in order to assess an offeror's ability to meet the requirements. After the submission of a proposal, but before making an award, the department may permit the offeror to revise the proposal in order to obtain the best final offer. Prohibits the department from disclosing any information derived from proposals submitted from competing offerors, and requires the department to provide each offeror with an equal opportunity for discussion and revision of proposals.
- Δ Requires the department to make a written contract award to the offeror whose proposal is the most advantageous, considering price and the evaluation factors in the request for proposal. Requires the department to refuse all offers if none of the offers is acceptable. Requires the contract file to state in writing the basis on which the award is made.
- Δ Provides that this article does not apply to engineering services.

Creation of the Center for Ports and Waterways - S.B. 1223

by Senator Patterson, et al.

House Sponsor: Representative Todd Hunter

- Δ Creates the Center for Ports and Waterways (center) at the Texas Transportation Institute (TTI) at Texas A&M.
 - Δ Funds the center by state appropriations and private gifts, research grants, and contracts.
 - Δ Establishes a program of research, education, and technology transfer to support the state role in the inland waterway and port system.
- Δ Establishes the Maritime/Marine Industry Council, with the members appointed by the director of TTI, to serve as a resource to the center.

Transportation

- △ Includes representatives of the Texas Waterway Operations, the Texas Ports Association, the barge industry, Texas Department of Transportation, and two registered professional engineers as members of the council.

Failure to Appear on a Fine for a Traffic Law Violation -

S.B. 1504

by Senator Montford

House Sponsor: Representative Conley

- △ Provides for the denial of a renewal of a driver's license for failure to appear on a complaint, citation, or court order to pay a fine for a traffic law violation.
 - △ Sets out the procedure for the denial of a renewal of a driver's license for a person who has so failed to appear, and provides for the collection of an administrative fee.
 - △ Allows a political subdivision to provide information to the Department of Public Safety (DPS) to deny license renewal for a person with an outstanding citation.
 - △ Requires peace officers in political subdivisions who have so contracted with the department to issue a written warning with any traffic violation citation notifying the person that failure to appear may result in the denial of the renewal of the person's driver's license.
 - △ Gives the DPS the authority to contract with a private vendor to implement this Act. Such a vendor is compensated by the political subdivisions who have contracted with the DPS.
 - △ Provides that data collected by the vendor shall not be used by any party other than the vendor, department, and political subdivision.
 - △ Provides that a cause of action may not be brought against the state or a political subdivision for damages based on the denial of the renewal of a driver's license or for any other act or omission under this Act.
 - △ Gives the DPS the same power to deny the renewal of a minor's driver's license.

Permitting of International Bridges Between Texas and

Mexico - S.B. 1633

by Senator Truan

House Sponsor: Representative Berlanga

- △ Creates a procedure for permitting and constructing international bridges between Texas and Mexico.

Transportation

- △ Requires a political subdivision to obtain approval from the Texas Transportation Commission (commission) before requesting approval from the federal government for constructing or financing a bridge.
- △ Sets out factors the commission is required to consider before approving a new bridge.
- △ Requires the political subdivision desiring to construct a bridge to submit to the commission a report detailing the feasibility, location, economic effects, environmental impact, and other information required for making a determination.
- △ Requires the commission to implement the approval process in the manner least burdensome to the applicant. Provides that if the commission fails to make a determination before the 121st day after the commission receives the request, the request is considered approved.

Placement of Vehicle Registration Stickers - H.B. 1542

by Representative Willis
Senate Sponsor: Senator Leedom

- △ Requires a vehicle registration sticker to be affixed within six inches of the inspection sticker, rather than directly above the inspection sticker.
 - △ Requires a vehicle inspection sticker for a motorcycle, moped, construction machinery, or oil well equipment to be placed on the rear license plate.
- △ Provides for the replacement of a lost, stolen, or mutilated registration sticker.

Disabled Parking Ordinances - H.B. 2083

by Representative Coleman
Senate Sponsor: Senator Brown

- △ Creates an escalating scale of fines for repeat offenders of disabled parking ordinances; specifies the disability-related information that a person first applying for a special license plate or a removable windshield identification card must provide; and authorizes a political subdivision to appoint a person with the authority to file charges against a person who commits an offense under this Act.

Highway Improvement Contracts - H.B. 2176

by Representative Price
Senate Sponsor: Senator Cain

- △ Increases from \$100,000 to \$300,000 the threshold amount of a highway improvement contract which must be advertised in a newspaper in the county in which the work is to be done.

Transportation

- △ Authorizes the Texas Highway Commission (commission) to delegate to the commission's executive director or the director's designee its authority to accept or reject bids for contracts involving less than \$300,000.

Abolishment of High-Speed Rail Authority - H.B. 2390

by Representative Black
Senate Sponsor: Senator Turner

- △ Abolishes the Texas High-Speed Rail Authority effective September 1, 1995.

Funding of Mass Transportation Projects - H.B. 2496

by Representative Kubiak
Senate Sponsor: Senator Armbrister

- △ Provides for funding of mass transportation projects from the state Public Transportation Fund.
 - △ Authorizes designated recipients to use money from the formula and discretionary programs to provide for capital improvements, planning activities, and other administrative costs.
 - △ Prohibits a metropolitan or regional authority from receiving money from the formula or discretionary program.
 - △ Authorizes a city transit department created by a municipality having a population of not more than 200,000 to receive money from the formula and discretionary program with the option to provide a local share.
 - △ Authorizes a municipality having a population of more than 200,000 to receive money from the fund to provide a certain percentage of the local share requirement for federally financed projects.

Weight of Vehicles Transporting Recyclable Materials -

H.B. 2584

by Representative Alexander
Senate Sponsor: Senator Lucio

- △ Sets the weight of loads for certain vehicles used exclusively for transporting recyclable materials in order to operate on public streets and highways.
- △ Provides that a violation of weight loads is a misdemeanor.

Transportation

Regulation of Rural and Small Urban Transportation Districts - H.B. 2588

by Representative Alexander
Senate Sponsor: Senator Armbrister

- △ Creates and sets forth regulations regarding the establishment of rural and small urban transportation districts.
- △ Defines "rural transportation district" as a political subdivision of the state that provides and coordinates rural public transportation within its boundaries.
- △ Defines "urban transit district" as a local governmental body or political subdivision that operates a public transportation system in an urbanized area with a population between 50,000 and 200,000.
- △ Provides that a public transportation provider that desires to contract with the Texas Department of Transportation (department) after September 1, 1995, to provide rural transportation services can become a rural district only if it complies with the provisions of this Act. Prohibits the exclusion of any nonurbanized portion of a county from a district.
 - △ Requires the public transportation provider to be a nonprofit entity or a local governmental body or political subdivision desiring to provide rural transportation service and receive federal and state funding through the department or the Federal Transit Administration (FTA).
 - △ Requires a county legislative body desiring designation as a rural district to convene a rural public transportation conference to evaluate the need for creation of a new rural district.
 - Authorizes the county legislative bodies of two or more neighboring counties to convene a multi-county conference.
 - Authorizes unserved rural areas to elect to join with an existing rural district through the adoption of a resolution by the county's legislative body.
 - Authorizes two or more rural districts to merge into a new rural district by means of an interlocal agreement.
- △ Provides that a public transportation provider that desires to contract with the department after September 1, 1995, to provide small urban public transportation services can become an urban district only if it complies with the provisions of this Act.

Transportation

- Δ Requires the public transportation provider to be a local governmental body or political subdivision desiring to provide small urban public transportation and receive federal and state funds through the department or FTA.
- Δ Sets forth the powers and authorized actions of rural and small urban districts.
- Δ Prohibits a person or private corporation from operating a local public passenger service within the rural district upon the effective date on which the rural district commences to perform the services, with exceptions.

Transfer of the Automobile Theft Prevention Authority -

H.B. 2845

by Representative Counts
Senate Sponsor: Senator Cain

- Δ Moves the Automobile Theft Prevention Authority (authority) from the criminal justice division of the governor's office to the Texas Department of Transportation (TXDOT). Provides that the authority is not an advisory body to TXDOT.
- Δ Authorizes the authority to employ staff in coordination with TXDOT.
- Δ Allows the authority to contract for legal, fiscal, administrative, personnel, and other services with other state agencies.
- Δ Authorizes the authority to determine the sufficiency of statutorily required fees paid by insurance companies covering motor vehicles in the state.
- Δ Provides that, if the authority is abolished on September 1, 1997, as a result of the sunset review, the comptroller may deposit money in the automobile theft prevention fund to the general revenue fund.

Audit of Certain Transit Authorities - H.B. 943

by Representative Webster Turner
Senate Sponsor: Senator Gallegos

- Δ Authorizes the state comptroller to audit a transit authority in which the main city has a population of more than 1.2 million.

Election of Rapid Transit Authority Boards - H.B. 2062

by Representative Alvarado
Senate Sponsor: Senator Madla

- Δ Requires the governing board of a rapid transit authority (created before January 1, 1980, with a main city having a population under 1.2 million) to be elected instead of appointed.

Transportation

Regulation of Overweight Vehicles - S.B. 438 (Died in the House)

by Senator Madala, et al.

House Sponsor: Representative Alexander

- NOT FINALLY PASSED**
- Δ Would have required the Texas Department of Transportation (TXDOT) to notify within 14 days each county listed in the permit application for operation of an overweight vehicle that a person intends to operate an overweight vehicle in that county.
 - Δ Would have established a base permit fee of \$75, \$50 of which is distributed to counties according to a ratio based on the number of miles of county roads each county maintains. The remaining \$25 would have been deposited in the state highway fund.
 - Δ Would have required a permit applicant to designate each county in which a vehicle will operate.
 - Would have imposed an additional fee based on the number of counties in which the overweight truck will operate.
 - The additional fee would have been distributed among the counties listed on the permit application according to a ratio based on the total number of miles of roads in the county.
 - Δ Would have required TXDOT to issue a sticker to be placed on the truck's windshield, each time a permit is issued.
 - Δ Would have provided that a person commits an offense for operating a vehicle in excess of allowable weight limits unless the person has a permit. Would have provided that failure to display the proper sticker is a Class C misdemeanor.

Children in Open Bed Vehicles - S.B. 445 (Died in the House)

by Senator Lina, et al.

House Sponsor: Representative Hernandez

- NOT FINALLY PASSED**
- Δ Would have prohibited a person from operating a vehicle with a child in an open bed of the vehicle or the open bed of a trailer being towed by the vehicle, unless the vehicle is being operated in an emergency or during a parade.

Utilities

Recodification of Public Utilities Regulation - S.B. 319

by Senator Armbrister

House Sponsor: Representative Seidlits

- Δ Recodifies and makes nonsubstantive revisions to the Public Utility Regulatory Act (PURA).
- Δ Organizes PURA into three articles: Article I, administration of the PUC; Article II, regulation of electric utilities; and Article III, regulation of telecommunications utilities.

Continuation of the Public Utility Commission and Electric Utility Regulation - S.B. 373

by Senator Armbrister

House Sponsor: Representative Seidlits

- Δ The Act consists of two articles relating to two separate issues. Article I contains provisions relating the administration of the Public Utility Commission. It makes personnel policy and organizational changes designed to make the agency more efficient. Article II deals with the regulation of electric utilities and makes significant changes in the way utilities are regulated.

Δ Article I:

- Δ Continues the Public Utility Commission (commission) and the Office of Public Utility Counsel (OPUC) until September 1, 2001.
- Δ Provides that the governor appoints a member of the commission as chairman, rather than having an election by the commissioners. Sets out qualifications for a commissioner.
- Δ Requires the commission to develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees of the commission.
- Δ Requires the commission to prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity. States what the policy statement must include.
- Δ Adds additional reporting and notification requirements.
- Δ Provides the qualifications for the chief executive officer of the office of Public Utility Counsel (counselor). Provides restrictions on who may be appointed counselor. Prohibits the counselor, within two years, or an employee within one year, from being employed by a public utility. Requires OPUC to complete a detailed report accounting for all funds received and disbursed by the office. Also sets out new personnel policies for OPUC.

Utilities

- Δ Transfers the hearings division to the State Office of Administrative Hearings (SOAH) on September 1, 1995. Provides that the commission may make rules governing practice and procedure before the utility division of SOAH. Establishes the utility division within SOAH and lists the qualifications for those who may be administrative law judges in that division.
- Δ Requires the commission to adopt procedures governing the use of settlements to resolve contested cases.
- Δ Declares that the commission shall have jurisdiction over transactions between public utilities and affiliated interests to the extent those transactions are subject to the jurisdiction of the commission. Requires any accounts or records related to sales of electrical energy at wholesale by an affiliated interest to a public utility to be confidential.
- Δ Authorizes the commission to impose an administrative penalty against a person who violates this Act or a rule or order adopted under the Act.
- Δ **Article II** amends the portion of the Public Utility Regulatory Act relating to electric utilities. Declares that public utilities are by definition monopolies in many of the services they provide and are therefore regulated by public agencies. The purpose of this title is to establish a comprehensive regulatory system that is adequate to the task of regulating public utilities to assure rates, operations, and services that are just and reasonable to consumers and utilities.
- Δ Declares that the wholesale electric industry is becoming a more competitive industry which does not lend itself to traditional electric utility regulatory rules. Declares that the public interest requires that new rules, policies, and principles be formulated to protect the public interest in a more competitive marketplace, and declares that the development of a competitive wholesale market is in the public interest.
- Δ Major provisions:
 - Δ Exempts a qualifying facility, an exempt wholesale generator, a power marketer, and certain corporations from the definition of "public utility."
 - Δ Prohibits the commission from regulating the revenue requirements, rates, fuel costs, fuel charges or fuel acquisitions that are related to the generation and sale of electricity at wholesale by a river authority operating one or more steam generating plants.
 - Δ Adds a new section governing integrated resource plans (IRP). Requires each utility to develop a plan to provide electricity at the lowest reasonable cost. Requires the commission to develop an IRP planning process. Requires the commission, in addition to considering direct costs, to consider the following:

Utilities

- the effect on the rates and bills of various customers;
 - minimization of the risks of future fuel costs and regulations;
 - the appropriateness and reliability of the mix of resources; and
 - the costs of compliance with the environmental protection requirements of all applicable state and federal laws.
- Δ Requires generating public utilities, as well as non-generating public utilities planning to construct generating resources, to submit a preliminary IRP. Lists the requirements for the preliminary IRP.
- Authorizes the commission to hold a public hearing on the plan if the plan includes a proposed solicitation.
 - Requires the utility, on approval of the plan, to conduct solicitations for demand-side and supply-side resources.
 - Requires each bidder to submit copies of the bid to the commission. Sets out other bid requirements.
- Δ Requires the utility, after conducting the solicitations and negotiating contracts, to submit a proposed final IRP.
- Requires the commission to hold a public hearing on the reasonableness and cost-effectiveness of the final plan. Requires the commission to determine whether to certify the contracts. Requires the commission to issue a final order on the plan within 180 days after the hearing.
- Δ Provides that on application by a public utility, the commission may approve retail tariffs or contracts containing charges that use less than rates approved by the commission but equal to or greater than the utility's marginal cost. The changes may not be unreasonably preferential, prejudicial, discriminatory, predatory, or multi-competitive.
- Δ Adds a new section governing exempt (meaning exempt from regulation) wholesale generators (EWGs) and power marketers. Authorizes EWGs and power marketers to sell electric energy only at wholesale. Requires EWGs and power marketers that sell electric energy to register with the PUC.
- Δ Provides that an affiliate of a public utility may be an EWG or power marketer and may sell electric energy to its affiliated public utility.
- Δ Prohibits a utility from selling or transferring a facility that is regulated to an affiliate, if the facility was regulated as of the date of enactment of this section, unless the commission holds a hearing and determines that the sale or transfer will benefit ratepayers.
- Δ Authorizes the commission to require a utility, including a municipally owned utility, to provide transmission service at wholesale to another utility, a qualifying facility, an EWG, or a power marketer.

Utilities

- △ Requires a utility that owns or operates transmission facilities to provide wholesale transmission service at rates, terms of access, and conditions that are comparable to the rate, terms of access, and conditions of the utility's use of its system.
- △ Authorizes a public utility to mark up the price of purchased wholesale power, in order to reasonably compensate the utility for financial risks to the utility associated with purchased power obligations and the value added by the utility in making the purchased power available to its customers. Declares that the mark-ups and cost recovery factors, if allowed, may be those that are necessary to encourage the utility to use economical purchased power.
- △ Exempts an electric cooperative that provides retail electric utility service at distribution voltage from rate regulation if a majority of the members vote to approve the exemption.
- △ Provides for discounted rates for electric service provided to four-year state universities and colleges or upper-level institutions. Provides that an investor-owned public utility may not recover the assigned and allocated costs from this section from residential customers or any other customer class.

Electric Cooperative Deregulation - S.B. 1227

by Senator Armbrister

House Sponsor: Representative Duncan

- △ Amends the Public Utility Regulatory Act to allow an electric cooperative corporation to exempt itself from rate regulation if a majority of the members approve the exemption, and to revoke the exemption at any time.
- △ Establishes procedures for the cooperative to regulate its rates.
- △ Requires the Public Utility Commission (commission) to review a cooperative rate change, if the commission receives a request for review by at least 10 percent of the cooperative members, larger users of the energy provided by the cooperative, or an executive officer of an affected electric utility.
- △ Authorizes the commission, on its own motion, to review the rates of an electric cooperative if the commission finds that there is good cause to believe the electric cooperative is earning more than a reasonable return on overall system revenues or on revenue from a rate class.

Utilities

Interruption of Utilities - H.B. 2803

by Representative Naishtat
Senate Sponsor: Senator Barrientos

- Δ Prohibits a landlord from causing the interruption of water, wastewater, gas, or electric service furnished to a tenant by the landlord unless the interruption results from bona fide repairs, construction, or an emergency.
 - Δ Allows a landlord, under certain conditions, to interrupt electrical service furnished to a tenant by the landlord.

Heat Pumps and Energy Conservation Contracts - S.B. 744

by Senator Cain
House Sponsor: Representative Holzheuser

- Δ Permits a retail public utility to divert water to geothermal heat pumps before returning it to the water main.
- Δ Permits local governments to enter into energy conservation contracts to reduce energy consumption and operating costs of governmental facilities.



Index

S.B. 1	75
S.B. 3	250
S.B. 4	9
S.B. 8	9
S.B. 9	194
S.B. 10	97
S.B. 11 (Died in the House)	83
S.B. 12	195
S.B. 14	189
S.B. 15	54
S.B. 18	134
S.B. 19	160
S.B. 20	204
S.B. 21	223
S.B. 25	22
S.B. 28	23
S.B. 31	23
S.B. 32	25
S.B. 38 (Died in the House)	48
S.B. 39	46
S.B. 40 (Died in the House)	45
S.B. 44	56
S.B. 45	41
S.B. 46	46
S.B. 47	46
S.B. 48	46
S.B. 59	69
S.B. 60	50
S.B. 65 (Died in the House)	192
S.B. 68	51
S.B. 80	41
S.B. 81	105
S.B. 94	209
S.B. 95 (Died in the House)	156
S.B. 97	182
S.B. 100 (Died in the House)	77
S.B. 102	217
S.B. 103	137
S.B. 111	42
S.B. 114	78
S.B. 124	39
S.B. 126	39
S.B. 127 (Died in the House)	39
S.B. 128	35
S.B. 129	35
S.B. 130	52
S.B. 131	35
S.B. 134	36
S.B. 135	36
S.B. 141 (Died in the House)	65

S.B. 149	42
S.B. 172	152
S.B. 178	160
S.B. 189 (Died in the House)	71
S.B. 192	115
S.B. 200	167
S.B. 215 (Died in the House)	71
S.B. 222	42
S.B. 223	36
S.B. 224	36
S.B. 226 (Died in the House)	187
S.B. 242	32
S.B. 243	32
S.B. 246 (Died in the House)	216
S.B. 255	228
S.B. 267	43
S.B. 272 (Died in the House)	53
S.B. 279	56
S.B. 280 (Died in the House)	65
S.B. 284	37
S.B. 285 (Died in the House)	38
S.B. 290	161
S.B. 298 (Died in the House)	180
S.B. 301 (Died in the House)	16
S.B. 313 (Died in the House)	153
S.B. 317 (Died in the House)	156
S.B. 319	259
S.B. 329	182
S.B. 337 (Died in the House)	113
S.B. 341 (Died in the House)	29
S.B. 345	228
S.B. 357 (Died in the House)	66
S.B. 360	196
S.B. 361	197
S.B. 365	197
S.B. 366	198
S.B. 368	199
S.B. 369	199
S.B. 371	200
S.B. 372	201
S.B. 373	259
S.B. 374	201
S.B. 397	78
S.B. 399 (Died in the House)	207
S.B. 400	26
S.B. 401	228
S.B. 403	229
S.B. 406	115
S.B. 407	84
S.B. 410	9
S.B. 414	191
S.B. 417 (Died in the House)	170
S.B. 418 (Died in the House)	181

S.B. 428	229
S.B. 436	115
S.B. 438 (Died in the House)	258
S.B. 440	57
S.B. 445 (Died in the House)	258
S.B. 452	210
S.B. 489	191
S.B. 494	47
S.B. 495 (Died in the House)	66
S.B. 513	116
S.B. 524	226
S.B. 536 (Died in the House)	10
S.B. 537 (Died in the House)	11
S.B. 542	164
S.B. 569	57
S.B. 577 (Died in the House)	33
S.B. 595	155
S.B. 598	138
S.B. 600	99
S.B. 601	99
S.B. 602	100
S.B. 603 (Died in the House)	104
S.B. 604	100
S.B. 605	100
S.B. 626	177
S.B. 627	223
S.B. 628	116
S.B. 636	216
S.B. 643	229
S.B. 644	230
S.B. 654 (Died in the House)	212
S.B. 667	116
S.B. 673	118
S.B. 686	230
S.B. 693 (Died in the House)	67
S.B. 695	221
S.B. 698	57
S.B. 707	33
S.B. 720 (Died in the House)	67
S.B. 726	78
S.B. 734 (Died in the House)	215
S.B. 744	263
S.B. 752	12
S.B. 776	171
S.B. 783	230
S.B. 789	105
S.B. 793	106
S.B. 810	158
S.B. 821	231
S.B. 828 (Died in the House)	212
S.B. 833	231
S.B. 840	52
S.B. 853 (Died in the House)	67

S.B. 866 (Died in the House)	49
S.B. 867	9
S.B. 876 (Died in the House)	156
S.B. 899 (Died in the House)	190
S.B. 914	221
S.B. 933 (Died in the House)	174
S.B. 953 (Died in the House)	165
S.B. 954 (Died in the House)	157
S.B. 971	251
S.B. 977 (Died in the House)	174
S.B. 978 (Died in the House)	187
S.B. 979	120
S.B. 982	232
S.B. 1013	222
S.B. 1032	233
S.B. 1049	47
S.B. 1058	251
S.B. 1069 (Died in the House)	226
S.B. 1074	149
S.B. 1090	57
S.B. 1106 (Died in the House)	184
S.B. 1125	162
S.B. 1126	162
S.B. 1128	87
S.B. 1136	232
S.B. 1158	240
S.B. 1168	58
S.B. 1172	177
S.B. 1175	44
S.B. 1196	159
S.B. 1207 (Died in the House)	16
S.B. 1214 (Died in the House)	226
S.B. 1217	58
S.B. 1223	252
S.B. 1227	262
S.B. 1228	79
S.B. 1229	121
S.B. 1231	202
S.B. 1237 (Died in the House)	227
S.B. 1240 (Died in the House)	29
S.B. 1252	223
S.B. 1260	69
S.B. 1262	223
S.B. 1276	48
S.B. 1296	206
S.B. 1299	79
S.B. 1302	121
S.B. 1303	123
S.B. 1319 (Died in the House)	248
S.B. 1330 (Died in the House)	91
S.B. 1333 (Died in the House)	208
S.B. 1334	224
S.B. 1343 (Died in the House)	113

S.B. 1346 (Died in the House)	72
S.B. 1363	192
S.B. 1379	58
S.B. 1387	232
S.B. 1403 (Died in the House)	68
S.B. 1407	124
S.B. 1413 (Died in the House)	238
S.B. 1426 (Died in the House)	227
S.B. 1428	203
S.B. 1445	232
S.B. 1453	213
S.B. 1462 (Died in the House)	157
S.B. 1487	107
S.B. 1504	253
S.B. 1509	165
S.B. 1514	124
S.B. 1528 (Died in the House)	73
S.B. 1564 (Died in the House)	239
S.B. 1582 (Died in the House)	68
S.B. 1604	125
S.B. 1619	178
S.B. 1626 (Died in the House)	153
S.B. 1629	233
S.B. 1633	253
S.B. 1636 (Died in the House)	193
S.B. 1637	138
S.B. 1644 (Died in the House)	249
S.B. 1654	233
S.B. 1675	125
S.B. 1677 (Died in the House)	227
S.B. 1683	171
S.B. 1697 (Died in the House)	175
S.C.R. 55	101
S.C.R. 56	101
S.C.R. 57	102
S.C.R. 58	102
S.C.R. 60	102
S.J.R. 1	204
S.J.R. 4 (Died in the House)	212
S.J.R. 7	69
S.J.R. 25 (Died in the House)	16
S.J.R. 26 (Died in the House)	153
S.J.R. 36	233
S.J.R. 40	149
S.J.R. 43 (Died in the House)	49
S.J.R. 46	233
S.J.R. 47 (Died in the House)	157
S.J.R. 51	69
H.B. 1	1
H.B. 2	211
H.B. 29	79
H.B. 40	58
H.B. 43	39

H.B. 44	52
H.B. 85	79
H.B. 93	59
H.B. 94	51
H.B. 175	217
H.B. 176	234
H.B. 179	59
H.B. 327	30
H.B. 359	108
H.B. 366	237
H.B. 383	218
H.B. 384	219
H.B. 398	234
H.B. 399	237
H.B. 418	150
H.B. 433	108
H.B. 462	234
H.B. 647	150
H.B. 668	26
H.B. 686	83
H.B. 692	27
H.B. 699	80
H.B. 721	126
H.B. 815	80
H.B. 883	126
H.B. 943	257
H.B. 947	234
H.B. 949	59
H.B. 971	28
H.B. 981	53
H.B. 982	110
H.B. 988	127
H.B. 1001	70
H.B. 1013	88
H.B. 1020	13
H.B. 1027	71
H.B. 1028	225
H.B. 1053	37
H.B. 1086	226
H.B. 1089	141
H.B. 1090	143
H.B. 1091	144
H.B. 1108	60
H.B. 1109	110
H.B. 1111	135
H.B. 1127	235
H.B. 1155	61
H.B. 1180	60
H.B. 1193	128
H.B. 1195	150
H.B. 1204	150
H.B. 1214	80
H.B. 1243	145

H.B. 1298	13
H.B. 1320	10
H.B. 1323	110
H.B. 1336	82
H.B. 1343	61
H.B. 1345	111
H.B. 1358	238
H.B. 1367	146
H.B. 1375	32
H.B. 1399	205
H.B. 1407	185
H.B. 1433	62
H.B. 1441	167
H.B. 1457	207
H.B. 1479	82
H.B. 1487	147
H.B. 1537	235
H.B. 1542	254
H.B. 1543	14
H.B. 1551	37
H.B. 1586	21
H.B. 1620	235
H.B. 1644	172
H.B. 1649	112
H.B. 1662	111
H.B. 1687	33
H.B. 1698	129
H.B. 1728	19
H.B. 1745	129
H.B. 1785	186
H.B. 1792	82
H.B. 1863	92
H.B. 1879	151
H.B. 1957	62
H.B. 1964	183
H.B. 1988	139
H.B. 1989	180
H.B. 1991	71
H.B. 2031	33
H.B. 2042	151
H.B. 2062	257
H.B. 2065	19
H.B. 2083	254
H.B. 2085	29
H.B. 2128	240
H.B. 2133	186
H.B. 2162	63
H.B. 2168	220
H.B. 2176	254
H.B. 2197	236
H.B. 2198	185
H.B. 2245	183
H.B. 2257	207

H.B. 2268	151
H.B. 2283	219
H.B. 2296	173
H.B. 2304	214
H.B. 2307	214
H.B. 2313	82
H.B. 2330	151
H.B. 2331	152
H.B. 2355	192
H.B. 2389	64
H.B. 2390	255
H.B. 2459	87
H.B. 2460	112
H.B. 2462	85
H.B. 2473	186
H.B. 2495	83
H.B. 2496	255
H.B. 2507	83
H.B. 2523	103
H.B. 2527	15
H.B. 2529	15
H.B. 2540	215
H.B. 2569	112
H.B. 2584	255
H.B. 2587	168
H.B. 2588	256
H.B. 2610	236
H.B. 2613	237
H.B. 2614	64
H.B. 2644	103
H.B. 2698	130
H.B. 2704	136
H.B. 2732	192
H.B. 2745	15
H.B. 2766	131
H.B. 2771	64
H.B. 2793	148
H.B. 2803	263
H.B. 2845	257
H.B. 2856	95
H.B. 2859	136
H.B. 2860	237
H.B. 2875	71
H.B. 2951	151
H.B. 2987	152
H.B. 3017	65
H.B. 3021	90
H.B. 3031	91
H.B. 3086	187
H.B. 3109	10
H.B. 3111	130
H.B. 3181	155
H.B. 3189	178

H.B. 3199	206
H.B. 3200	21
H.B. 3226	179
H.J.R. 31	237
H.J.R. 34.....	10
H.J.R. 35	237
H.J.R. 50	83
H.J.R. 64	238
H.J.R. 68	238
H.J.R. 72	238
H.J.R. 73	10
H.J.R. 80	152

Constitutional Amendments

S.J.R. 1	204
S.J.R. 4 (Died in the House)	212
S.J.R. 7	69
S.J.R. 25 (Died in the House)	16
S.J.R. 26 (Died in the House)	153
S.J.R. 36	233
S.J.R. 40	149
S.J.R. 43 (Died in the House)	49
S.J.R. 46	233
S.J.R. 47 (Died in the House)	157
S.J.R. 51	69
H.J.R. 31	237
H.J.R. 34.....	10
H.J.R. 35	237
H.J.R. 50	83
H.J.R. 64	238
H.J.R. 68	238
H.J.R. 72	238
H.J.R. 73	10
H.J.R. 80	152

Gubernatorial Vetoes

S.B. 103	137
S.B. 172	152
S.B. 524	226
S.B. 695	221
S.B. 707	33
S.B. 744	263
S.B. 914	221
S.B. 1013	222
S.B. 1175	44
S.B. 1296	206
H.B. 943	257
H.B. 1013	88

Gubernatorial Vetoes Continued

H.B. 1457	207
H.B. 1586	21
H.B. 1649	112
H.B. 2062	257
H.B. 2257	207
H.B. 2331	152
H.B. 2460	112
H.B. 2732	192
H.B. 2766	131
H.B. 2856	95
H.B. 2987	152
H.B. 3181	155

Sunset Bills

S.B. 9	194
S.B. 18	134
S.B. 360	196
S.B. 361	197
S.B. 365	197
S.B. 366	198
S.B. 368	199
S.B. 369	199
S.B. 371	200
S.B. 372	201
S.B. 373	259
S.B. 374	201
H.B. 1089	141
H.B. 1090	143
H.B. 1091	144
H.B. 1399	205
H.B. 2128	240
H.B. 2245	183

