

Amend CSSB 22 by striking all below the enacting clause and substituting the following:

ARTICLE 1. TELECONFERENCE MEETING OF
LEGISLATIVE BUDGET BOARD

SECTION 1.01. Section 322.003, Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) As an exception to Chapter 551 and other law, if the chairman and vice chairman of the board are physically present at a meeting, then any number of the other members of the board may attend a meeting of the board by use of telephone conference call, video conference call, or other similar telecommunication device. This subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of the board to otherwise fully participate in any meeting of the board. This subsection applies without exception with regard to the subject of the meeting or topics considered by the members.

(e) A meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

(1) is subject to the notice requirements applicable to other meetings;

(2) must specify in the notice of the meeting the location of the meeting;

(3) must be open to the public and shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting; and

(4) must provide two-way audio communication between all parties attending the meeting during the entire meeting.

ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

SECTION 2.01. Subsection (a), Section 401.046, Government Code, is amended to read as follows:

(a) The governor shall deliver a copy of the governor's budget to each member of the legislature before the governor gives the message to the legislature required by Section 9, Article IV, Texas Constitution, at the commencement [~~not later than the sixth day~~] of each regular legislative session.

SECTION 2.02. Section 401.047, Government Code, is repealed.

ARTICLE 3. ABANDONMENT OF PROCEEDS
ON DEMUTUALIZATION

SECTION 3.01. Section 72.101, Property Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Property distributable in the course of a demutualization or related reorganization of an insurance company is presumed abandoned on the first anniversary of the date the property becomes distributable if, at the time of the first distribution, the last known address of the owner according to the records of the holder of the property is known to be incorrect or the distribution or statements related to the distribution are returned by the post office as undeliverable and the owner has not:

(1) communicated in writing with the holder of the property or the holder's agent regarding the interest; or

(2) otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agents.

(d) Property distributable in the course of a demutualization or related reorganization of an insurance company that is not subject to Subsection (c) is presumed abandoned as otherwise provided by this section.

SECTION 3.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect November 1, 2003.

ARTICLE 4. MEMBERS OF TEXAS VETERANS COMMISSION

SECTION 4.01. Subsection (c), Section 434.003, Government Code, is amended to read as follows:

(c) A person having a less than honorable discharge from military service is not eligible to be a member. No two members may reside in the same senatorial district~~[, and not more than one member may be from a senatorial district composed of a single county]~~.

ARTICLE 5. COMMISSIONER OF INSURANCE

SECTION 5.01. Section 31.023, Insurance Code, is amended to read as follows:

Sec. 31.023. QUALIFICATIONS. The commissioner must:

- (1) be a competent and experienced administrator;
- (2) be well informed and qualified in the field of insurance and insurance regulation; and
- (3) have at least 10 years of experience as an executive in the administration of business or government or as a practicing attorney or certified public accountant~~[, with at least five years of that experience in the field of insurance or insurance regulation]~~.

SECTION 5.02. The change in law made by this article to Section 31.023, Insurance Code, applies only to the appointment of the commissioner of insurance on or after the effective date of this article. A commissioner of insurance appointed before the effective date of this article is governed by the law as it existed immediately before that date, and that law is continued in effect for this purpose.

ARTICLE 6. PARDONS AND PAROLES

SECTION 6.01. Section 508.001, Government Code, is amended by amending Subdivision (8) and adding Subdivision (10) to read as follows:

(8) "Parole commissioner" means a person employed by the board to perform the duties described by Section 508.0441 [~~"Policy board" means the Board of Pardons and Paroles Policy Board~~].

(10) "Presiding officer" means the presiding officer of the Board of Pardons and Paroles.

SECTION 6.02. Subsection (a), Section 508.031, Government Code, is amended to read as follows:

(a) The board consists of seven [~~18~~] members appointed by the governor with the advice and consent of the senate.

SECTION 6.03. Section 508.034, Government Code, is amended to read as follows:

Sec. 508.034. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualification required by Section 508.032(b) for appointment to the board;

(2) is ineligible for membership under Section 508.033;

(3) is unable to discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(4) is absent from more than half of the regularly scheduled board or panel meetings that the member is eligible to attend during each calendar year, except when the absence is excused by ~~[majority vote of]~~ the presiding officer ~~[board]~~.

~~(b) [It is a ground for removal from the board and the policy board if a member of the policy board is absent from more than half of the regularly scheduled policy board meetings that the member is eligible to attend during each calendar year.]~~

~~[(c)]~~ The board administrator or the board administrator's designee shall provide to members of the board~~[, to members of the policy board,]~~ and to employees, as often as necessary, information regarding their qualification for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(c) ~~[(d)]~~ The validity of an action of~~[+~~

~~[(1)]~~ the board or panel is not affected by the fact that the action is taken when a ground for removal of a board member exists~~[, and~~

~~[(2) the policy board is not affected by the fact that the action is taken when a ground for removal of a member of the policy board exists].~~

(d) ~~[(e)]~~ If the general counsel to the board has knowledge that a potential ground for removal exists, the general counsel shall notify the presiding officer of the board of the potential ground. The presiding officer shall notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the general counsel to the board shall notify the governor and the attorney general that a potential ground for removal exists.

(e) ~~[(f)]~~ It is a ground for removal from the board that a member fails to comply with policies or rules adopted by the ~~[policy]~~ board.

SECTION 6.04. Section 508.035, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The presiding officer reports directly to the governor and serves as the administrative head of the ~~[policy board and the]~~ board.

(d) The presiding officer may:

(1) delegate responsibilities and authority to other members of the board, to parole commissioners, or to employees of the board;

(2) appoint advisory committees from the membership of the board or from parole commissioners to further the efficient administration of board business; and

(3) establish policies and procedures to further the efficient administration of the business of the board.

SECTION 6.05. Section 508.036, Government Code, as amended by Section 31.01, Senate Bill No. 287, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 508.036. ~~[POLICY BOARD: COMPOSITION,]~~ GENERAL ADMINISTRATIVE DUTIES. (a) The presiding officer ~~[governor shall designate seven members of the board to serve as the Board of Pardons and Paroles Policy Board. The governor shall designate the presiding officer of the board as one of the seven members of the policy board, and the presiding officer of the board shall serve as presiding officer of the policy board. Service on the policy board is an additional duty of office for members appointed to the policy board.]~~

~~[(b) Members of the board designated as members of the policy board serve on the policy board for six-year terms that are concurrent with their six-year terms on the board, with the service of two or three members expiring February 1 of each odd-numbered year.]~~

~~[(c) The policy board] shall:~~

(1) develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the board administrator, parole commissioners, and the staff of the board ~~[adopt rules relating to~~

~~the decision-making processes used by the board and parole panels];~~

(2) establish caseloads and required work hours for members of the board and parole commissioners ~~[assign duties to members of the policy board that are in addition to the duties those members have in handling a caseload];~~

(3) update parole guidelines, assign precedential value to previous decisions of the board relating to the granting of parole and the revocation of parole or mandatory supervision, and develop policies to ensure that members of the board and parole commissioners use guidelines and previous decisions of the board and parole commissioners in making decisions under this chapter;

(4) require members of the board and parole commissioners to file activity reports~~[, on forms provided by the policy board,]~~ that provide information on release decisions made by members of the board and parole commissioners, the workload and hours worked of the members of the board and parole commissioners, and the use of parole guidelines by members of the board and parole commissioners; and

(5) report at least annually to the governor and the legislature on the [board] activities of the board and parole commissioners, parole release decisions, and the use of parole guidelines by the board and parole commissioners.

(b) The board shall:

(1) adopt rules relating to the decision-making processes used by the board and parole panels;

(2) prepare information of public interest describing the functions of the board and make the information available to the public and appropriate state agencies;

(3) comply with federal and state laws related to program and facility accessibility; and

(4) prepare annually a complete and detailed written report that meets the reporting requirements applicable to financial reporting provided in the General Appropriations Act and accounts for all funds received and disbursed by the board during the preceding fiscal year.

(c) The board administrator shall prepare and maintain a written plan that describes how a person who does not speak English

can be provided reasonable access to the board's programs and services.

(d) The board, in performing its duties, is subject to the open meetings law, Chapter 551, and the administrative procedure law, Chapter 2001. This subsection does not affect the provisions of Section 2001.223 exempting hearings and interviews conducted by the board or the division from Section 2001.038 and Subchapters C-H, Chapter 2001.

SECTION 6.06. Section 508.0362, Government Code, is amended to read as follows:

Sec. 508.0362. TRAINING REQUIRED. (a)(1) A person who is appointed to and qualifies for office as a member of the board [~~or the policy board~~] may not vote, deliberate, or be counted as a member in attendance at a meeting of the board [~~or policy board~~] until the person completes at least one course of a training program that complies with this section.

(2) A parole commissioner employed by the board may not vote or deliberate on a matter described by Section 508.0441 until the person completes at least one course of a training program that complies with this section.

(b) A training program must provide information to the person regarding:

(1) the enabling legislation that created the board [~~and the policy board~~];

(2) the programs operated by the board;

(3) the role and functions of the board and parole commissioners;

(4) the rules of the board;

(5) the current budget for the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of the:

(A) open meetings law, Chapter 551;

(B) open records law, Chapter 552; and

(C) administrative procedure law, Chapter 2001;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the [~~policy~~] board or the Texas Ethics Commission.

(c) A person appointed to the board [~~or policy board~~] is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 6.07. Subsection (a), Section 508.040, Government Code, is amended to read as follows:

(a) The presiding officer is responsible for the employment and supervision of [~~policy board shall employ and supervise~~]:

- (1) parole commissioners;
- (2) a general counsel to the board;
- (3) [~~(2)~~] a board administrator to manage the day-to-day activities of the board;
- (4) [~~(3)~~] hearing officers;
- (5) [~~(4)~~] personnel to assist in clemency and hearing matters; and
- (6) [~~(5)~~] secretarial or clerical personnel.

SECTION 6.08. Section 508.041, Government Code, is amended to read as follows:

Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) The [~~policy~~] board shall develop and implement:

- (1) a training program that each newly hired employee of the board designated to conduct hearings under Section 508.281 must complete before conducting a hearing without the assistance of a board member or experienced parole commissioner or designee; and
- (2) a training program to provide an annual update to designees of the board on issues and procedures relating to the revocation process.

(b) The [~~policy~~] board shall prepare and biennially update a procedural manual to be used by designees of the board. The [~~policy~~] board shall include in the manual:

- (1) descriptions of decisions in previous hearings determined by the [~~policy~~] board to have value as precedents for decisions in subsequent hearings;
- (2) laws and court decisions relevant to decision

making in hearings; and

(3) case studies useful in decision making in hearings.

(c) The [~~policy~~] board shall prepare and update as necessary a handbook to be made available to participants in hearings under Section 508.281, such as defense attorneys, persons released on parole or mandatory supervision, and witnesses. The handbook must describe in plain language the procedures used in a hearing under Section 508.281.

SECTION 6.09. Section 508.042, Government Code, is amended to read as follows:

Sec. 508.042. TRAINING PROGRAM FOR MEMBERS AND PAROLE COMMISSIONERS. (a) The [~~policy~~] board shall develop for board members and parole commissioners a comprehensive training and education program on the criminal justice system, with special emphasis on the parole process.

(b)(1) A new member may not participate in a vote of the board or a panel, deliberate, or be counted as a member in attendance at a meeting of the board [~~or policy board~~] until the member completes the program.

(2) A new parole commissioner may not participate in a vote of a panel until the commissioner completes the program. This subdivision does not apply to a new parole commissioner who as a board member completed the program.

SECTION 6.10. Subchapter B, Chapter 508, Government Code, is amended by amending Section 508.044 and adding Section 508.0441 to read as follows:

Sec. 508.044. POWERS AND DUTIES OF BOARD. [~~(a)~~] A board member shall give full time to the duties of the member's office, including [~~-~~

~~(b) In addition to performing the~~] duties imposed on the board by the Texas Constitution and other law.

Sec. 508.0441. RELEASE AND REVOCATION DUTIES. (a) Board~~board~~ members and parole commissioners shall determine:

(1) which inmates are to be released on parole or mandatory supervision;

(2) conditions of parole or mandatory supervision,

including special conditions;

(3) the modification and withdrawal of conditions of parole or mandatory supervision;

(4) which releasees may be released from supervision and reporting; and

(5) the continuation, modification, and revocation of parole or mandatory supervision.

(b) [~~(c)~~] The [~~policy~~] board shall develop and implement a policy that clearly defines circumstances under which a board member or parole commissioner should disqualify himself or herself from voting on:

(1) a parole decision; or

(2) a decision to revoke parole or mandatory supervision.

(c) [~~(d)~~] The [~~policy~~] board may adopt reasonable rules as [~~the policy board considers~~] proper or necessary relating to:

(1) the eligibility of an inmate for release on parole or release to mandatory supervision;

(2) the conduct of a parole or mandatory supervision hearing; or

(3) conditions to be imposed on a releasee.

(d) [~~(e)~~] The presiding officer [~~policy board~~] may provide a written plan for the administrative review of actions taken by a parole panel by a review panel [~~the entire membership or by a subset of the entire membership of the board~~].

(e) [~~(f)~~] Board members and parole commissioners shall, at the direction of the presiding officer, file activity reports on duties performed under this chapter.

SECTION 6.11. Subsections (a) and (b), Section 508.045, Government Code, are amended to read as follows:

(a) Except as provided by Section 508.046, board members and parole commissioners shall act in panels composed of three [~~persons each~~] in matters of:

(1) release on parole;

(2) release to mandatory supervision; and

(3) revocation of parole or mandatory supervision.

(b) The presiding officer [~~of the board~~] shall designate the

composition of each panel, and may designate panels composed only of board members, composed only of parole commissioners, or composed of any combination of members and parole commissioners.

SECTION 6.12. Subsection (a), Section 508.047, Government Code, is amended to read as follows:

(a) The members of the [~~policy~~] board shall meet at least once in each quarter of the calendar year at a site determined by the presiding officer.

SECTION 6.13. Section 508.049, Government Code, is amended to read as follows:

Sec. 508.049. MISSION STATEMENT. (a) The [~~policy~~] board, after consultation with the governor and the Texas Board of Criminal Justice, shall adopt a mission statement that reflects the responsibilities for the operation of the parole process that are assigned to the [~~policy board, the~~] board, the division, the department, or the Texas Board of Criminal Justice.

(b) The [~~policy~~] board shall include in the mission statement a description of specific locations at which the board intends to conduct business related to the operation of the parole process.

SECTION 6.14. Section 508.082, Government Code, is amended to read as follows:

Sec. 508.082. RULES. The [~~policy~~] board shall adopt rules relating to:

(1) the submission and presentation of information and arguments to the board, a parole panel, and the department for and in behalf of an inmate; and

(2) the time, place, and manner of contact between a person representing an inmate and:

(A) a member of the board or a parole commissioner;

(B) an employee of the board; or

(C) an employee of the department.

SECTION 6.15. Subsection (g), Section 508.141, Government Code, as added by Senate Bill No. 917, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(g) The [~~policy~~] board shall adopt a policy establishing the

date on which the board may reconsider for release an inmate who has previously been denied release. The policy must require the board to reconsider for release an inmate serving a sentence for an offense listed in Section 508.149(a) during a month designated by the parole panel that denied release. The designated month must begin after the first anniversary of the date of the denial and end before the fifth anniversary of the date of the denial. The policy must require the board to reconsider for release an inmate other than an inmate serving a sentence for an offense listed in Section 508.149(a) as soon as practicable after the first anniversary of the date of the denial.

SECTION 6.16. Subsection (b), Section 508.144, Government Code, is amended to read as follows:

(b) If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:

(1) produce a brief written statement describing the circumstances regarding the departure from the guidelines; and

(2) place a copy of the statement in the file of the inmate for whom the parole decision was made.

SECTION 6.17. Subsection (b), Section 508.153, Government Code, is amended to read as follows:

(b) If more than one person is entitled to appear in person before the board members or parole commissioners, only the person chosen by all persons entitled to appear as the persons' sole representative may appear [~~before the board members~~].

SECTION 6.18. Subsection (a), Section 508.281, Government Code, is amended to read as follows:

(a) A releasee, a person released although ineligible for release, or a person granted a conditional pardon is entitled to a hearing before a parole panel or a designated agent of the board under the rules adopted by the [~~policy~~] board and within a period that permits a parole panel, a designee of the board, or the department to dispose of the charges within the periods established by Sections 508.282(a) and (b) if the releasee or person:

(1) is accused of a violation of the releasee's parole or mandatory supervision or the person's conditional pardon, on

information and complaint by a peace officer or parole officer; or

- (2) is arrested after an ineligible release.

SECTION 6.19. Subsection (c), Section 508.313, Government Code, as amended by Section 3, Senate Bill No. 519, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(c) The department, on request or in the normal course of official business, shall provide information that is confidential and privileged under Subsection (a) to:

- (1) the governor;
- (2) a member of the board or a parole commissioner;
- (3) the Criminal Justice Policy Council in performing duties of the council under Section 413.017; or
- (4) an eligible entity requesting information for a law enforcement, prosecutorial, correctional, clemency, or treatment purpose.

SECTION 6.20. Section 492.0131, Government Code, is amended to read as follows:

Sec. 492.0131. PAROLE RULES, POLICIES, PROCEDURES. The board and the presiding officer of the Board of Pardons and Paroles [~~Policy Board~~] shall jointly review all rules, policies, and procedures of the department and the Board of Pardons and Paroles that relate to or affect the operation of the parole process. The board and the presiding officer of the Board of Pardons and Paroles [~~policy board~~] shall identify areas of inconsistency between the department and the Board of Pardons and Paroles and shall amend rules or change policies and procedures as necessary for consistent operation of the parole process.

SECTION 6.21. Section 508.0361, Government Code, is repealed.

SECTION 6.22. (a) The governor shall appoint new members to the Board of Pardons and Paroles on or before January 1, 2004, and the terms of members serving on December 31, 2003, expire on the appointment of the new members. The governor may appoint but is not required to appoint as new members persons who served on the board before January 1, 2004.

(b) Of the new members of the Board of Pardons and Paroles, the governor shall appoint two to serve terms expiring February 1,

2005, two to serve terms expiring February 1, 2007, and three to serve terms expiring February 1, 2009. On the expiration of the terms of the initial members of the new board, the term of a member appointed by the governor is six years.

(c) On November 1, 2003, a rule of the Board of Pardons and Paroles Policy Board is a rule of the Board of Pardons and Paroles.

ARTICLE 7. DESIGNATION OF PRESIDING OFFICERS

SECTION 7.01. Chapter 651, Government Code, is amended by adding Section 651.010 to read as follows:

Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY GOVERNOR. (a) In this section, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including:

(1) a university system or institution of higher education as defined by Section 61.003, Education Code; and

(2) a river authority as defined by Section 30.003, Water Code.

(b) Notwithstanding other law, the governor may designate a member of the governing body of each state agency as the presiding officer of that governing body to serve in that capacity at the pleasure of the governor.

(c) The governor may designate as the presiding officer only a member of the governing body who has been confirmed by the senate. If no member of the governing body has been confirmed by the senate and the legislature is not in session, the governor may designate as the presiding officer a member who has not yet been confirmed by the senate but who is subject to senate confirmation.

(d) This section does not apply to:

(1) a state agency that is headed by one or more statewide-elected officials;

(2) a state agency for which a majority of the governing body members are not subject to confirmation by the senate;

(3) an entity that advises or reports to a state agency headed by one or more statewide-elected officials;

(4) a river authority whose governing body is elected;

or

(5) a junior college district.

ARTICLE 8. ABOLITION OF TEXAS COMMISSION ON
PRIVATE SECURITY

SECTION 8.01. Section 1702.002, Occupations Code, is amended by adding Subdivisions (1-a) and (5-a) to read as follows:

(1-a) "Board" means the Texas Private Security Board.

(5-a) "Department" means the Department of Public Safety of the State of Texas.

SECTION 8.02. Subchapter A, Chapter 1702, Occupations Code, is amended by adding Section 1702.005 to read as follows:

Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY. (a) The board created under Section 1702.021 is a part of the department. The department shall administer this chapter through the board.

(b) A reference in this chapter or another law to the Texas Commission on Private Security means the board.

SECTION 8.03. Subsection (a), Section 1702.021, Occupations Code, as amended by S.B. No. 287, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) The Texas [~~Commission on~~] Private Security Board consists of seven [~~eight~~] members appointed by the governor with the advice and consent of the senate as follows:

(1) four public members, each of whom is a citizen of the United States;

(2) one member who [~~+~~]
[~~(A)~~] is licensed under this chapter as a private investigator;

[~~(B) has been engaged as a private investigator for at least the five years preceding appointment; and~~

[~~(C) is not employed by a person who employs another member of the commission;~~]

(3) one member who is licensed under this chapter as an alarm systems company; and [~~who+~~

[~~(A) has been engaged as an alarm systems company for at least the five years preceding appointment; and~~

[~~(B) is not employed by a person who employs another member of the commission;~~]

(4) one member who [+

~~[(A)] is licensed under this chapter as the owner or operator of a guard company [+~~

~~[(B) has been the owner or operator of the guard company for at least the five years preceding appointment, and~~

~~[(C) is not employed by a person who employs another member of the commission, and~~

~~[(5) one member who:~~

~~[(A) holds a license, security officer commission, or registration under this chapter,~~

~~[(B) has been engaged in activity regulated by the commission under this chapter for at least the five years preceding appointment, and~~

~~[(C) is not employed by a person who employs another member of the commission].~~

SECTION 8.04. Section 1702.025, Occupations Code, as amended by S.B. 287, Acts of the 78th Legislature, Regular Session, 2003, and Section 1702.026, Occupations Code, are amended to read as follows:

Sec. 1702.025. TERMS; VACANCIES. (a) The board ~~[appointed commission]~~ members serve staggered six-year terms, with the terms of two or three ~~[appointed]~~ members expiring on January 31 of each odd-numbered year.

(b) If a vacancy occurs during the term of a board ~~[an appointed commission]~~ member, the governor shall appoint a new member to fill the unexpired term.

Sec. 1702.026. OFFICERS. (a) The governor shall designate one board ~~[commission]~~ member as presiding officer to serve in that capacity at the will of the governor. The governor shall designate the presiding officer without regard to race, creed, color, disability, sex, religion, age, or national origin.

(b) The board ~~[commission, including the representative of the director of the Texas Department of Public Safety if one is designated,~~] shall elect from among its members an assistant presiding officer and a secretary to serve two-year terms beginning on September 1 of each odd-numbered year.

(c) The presiding officer of the board ~~[commission]~~ or, in

the absence of the presiding officer, the assistant presiding officer shall preside at each board [~~commission~~] meeting and perform the other duties prescribed by this chapter.

SECTION 8.05. Section 1702.022, Occupations Code, is repealed.

SECTION 8.06. Not later than January 1, 2004, the governor shall appoint the members of the Texas Private Security Board, as required under Section 1702.021, Occupations Code, as amended by this article. In appointing the initial members of the board under this section, the governor shall appoint:

- (1) two members for terms expiring January 31, 2005;
- (2) two members for terms expiring January 31, 2007;

and

- (3) three members for terms expiring January 31, 2009.

SECTION 8.07. (a) On January 1, 2004:

- (1) all functions and activities performed by the Texas Commission on Private Security immediately before that date are transferred to the Texas Private Security Board of the Department of Public Safety of the State of Texas;

- (2) a rule or form adopted by the Texas Commission on Private Security is a rule or form of the Texas Private Security Board and remains in effect until amended or replaced by that board;

- (3) a reference in law or an administrative rule to the Texas Commission on Private Security means the Texas Private Security Board;

- (4) a complaint, investigation, or other proceeding before the Texas Commission on Private Security is transferred without change in status to the Texas Private Security Board, and the Texas Private Security Board assumes, as appropriate and without a change in status, the position of the Texas Commission on Private Security in an action or proceeding to which the Texas Commission on Private Security is a party;

- (5) all property in the custody of the Texas Commission on Private Security is transferred to the Texas Private Security Board; and

- (6) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Commission on

Private Security is transferred to the Texas Private Security Board.

(b) Before January 1, 2004, the Texas Commission on Private Security may agree with the Department of Public Safety of the State of Texas to transfer any property of the Texas Commission on Private Security to the Department of Public Safety of the State of Texas to implement the transfer required by this article.

(c) During the period beginning on the effective date of this article and ending on January 1, 2004, the Texas Commission on Private Security shall continue to perform functions and activities under Chapter 1702, Occupations Code, as if that chapter had not been amended by this article, and the former law is continued in effect for that purpose.

ARTICLE 9. JOINT INTERIM COMMITTEE ON
POSTCONVICTION EXONERATIONS

SECTION 9.01. (a) The joint interim committee on postconviction exonerations is established to:

(1) study the causes of and investigate wrongful criminal convictions;

(2) identify appropriate improvements in the criminal justice system to prevent future wrongful convictions;

(3) recommend policies, procedures, practices, and legislation needed to prevent future wrongful convictions; and

(4) assess the procedures used by counties to ensure due process and suggest a statewide model for procedures ensuring due process.

(b) The joint interim committee is composed of the following nine members:

(1) an attorney who represents the state in the prosecution of felonies, as appointed by the attorney general;

(2) two members of the criminal justice committee of the senate who are appointed by the lieutenant governor;

(3) two members of the criminal jurisprudence committee of the house of representatives who are appointed by the speaker of the house of representatives;

(4) a member of the judiciary who is appointed by the chief justice of the supreme court;

(5) two law professors who are appointed by the chancellor of The University of Texas System, one of whom works in the forensic science field; and

(6) a criminal defense attorney who is appointed by the Texas Criminal Defense Lawyers Association.

(c) The lieutenant governor shall designate one of the members appointed to the joint interim committee as described by this section to serve as the chair of the interim committee.

(d) The joint interim committee shall meet initially at the call of the chair of the interim committee, and the interim committee shall subsequently hold meetings and public hearings at the call of the chair. To the extent that it is financially possible, the interim committee shall hold public hearings in multiple locations across this state.

(e) The joint interim committee may issue process as provided by the senate and house of representatives rules of procedure and by Section 301.024, Government Code, and has all other powers and duties provided to special committees by the senate and house of representatives rules of procedure, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the joint interim committee shall be reimbursed for expenses incurred in carrying out the provisions of this article in accordance with the senate and house of representatives rules of procedure and the policies of the senate and house committees on administration. Other necessary expenses of operation shall be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.

(g) Not later than October 1, 2004, the joint interim committee shall prepare and deliver to the governor, the lieutenant governor, and the speaker of the house of representatives copies of the report containing the interim committee's findings and recommendations.

SECTION 9.02. A person or association required by this article to appoint a member to the joint interim committee on

postconviction exonerations shall make the appointment not later than December 1, 2003.

ARTICLE 10. REPORTS

SECTION 10.01. Subsection (a), Section 363.064, Health and Safety Code, is amended to read as follows:

(a) A regional or local solid waste management plan must:

(1) include a description and an assessment of current efforts in the geographic area covered by the plan to minimize production of municipal solid waste, including sludge, and efforts to reuse or recycle waste;

(2) identify additional opportunities for waste minimization and waste reuse or recycling;

(3) include a description and assessment of existing or proposed community programs for the collection of household hazardous waste;

(4) make recommendations for encouraging and achieving a greater degree of waste minimization and waste reuse or recycling in the geographic area covered by the plan;

(5) encourage cooperative efforts between local governments in the siting of landfills for the disposal of solid waste;

(6) consider the need to transport waste between municipalities, from a municipality to an area in the jurisdiction of a county, or between counties, particularly if a technically suitable site for a landfill does not exist in a particular area;

(7) allow a local government to justify the need for a landfill in its jurisdiction to dispose of the solid waste generated in the jurisdiction of another local government that does not have a technically suitable site for a landfill in its jurisdiction;

(8) establish recycling rate goals appropriate to the area covered by the plan;

(9) recommend composting programs for yard waste and related organic wastes that may include:

(A) creation and use of community composting centers;

(B) adoption of the "Don't Bag It" program for

lawn clippings developed by the Texas Agricultural Extension Service; and

(C) development and promotion of education programs on home composting, community composting, and the separation of yard waste for use as mulch;

(10) include an inventory of municipal solid waste landfill units, including:

(A) landfill units no longer in operation;

(B) the exact boundaries of each former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries;

(C) a map showing the approximate boundaries of each former landfill unit, if the exact boundaries are not known;

(D) the current owners of the land on which the former landfill units were located; and

(E) the current use of the land;

(11) assess the need for new waste disposal capacity;

and

(12) include a public education program[~~;~~ and

~~[(13) include waste reduction in accordance with the goal established under Section 361.0201(d), to the extent that funds are available].~~

SECTION 10.02. The heading to Section 5.178, Water Code, is amended to read as follows:

Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES [~~APPENDIXES~~].

SECTION 10.03. Subsection (b), Section 5.178, Water Code, is amended to read as follows:

(b) The report due by December 1 of an even-numbered year shall include, in addition:

(1) the commission's recommendations for necessary and desirable legislation; and

(2) the following reports:

(A) the assessments and reports required by Section [~~Sections~~] 361.0219(c) [~~361.0232, 361.510, 371.063, and 382.141~~], Health and Safety Code;

(B) the reports required by Section 26.0135(d)

[~~of this code~~] and Section 5.02, Chapter 133, Acts of the 69th Legislature, Regular Session, 1985; and

(C) a summary of the analyses and assessments required by Section 5.1773 [~~of this code~~].

SECTION 10.04. (a) Sections 361.020, 361.0201, 361.0232, 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063, 382.141, Health and Safety Code, are repealed.

(b) Section 5.178(c), Water Code, is repealed.

ARTICLE 11. PERMITS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

SECTION 11.01. (a) It is the policy of this state to be effective and efficient with public funds, to provide for effective and efficient management of natural resources, and to serve the people of Texas by making the government more visible, accessible, coherent, consistent, and accountable to the people of Texas. The legislature finds that the Texas Commission on Environmental Quality's procedures for processing permits is cumbersome, confusing, lengthy, and inefficient for citizens, business, political subdivisions, and the commission.

(b) The Texas Commission on Environmental Quality's permitting processes warrant, and the legislature directs, an in-depth evaluation, including the identification of problems, potential options, and solutions. The evaluation must solicit and consider input from all stakeholders, including public hearings and the opportunity for submission of written and oral comments. The solutions identified in the final assessment of the commission's permitting processes must ensure that:

(1) all relevant environmental protection standards are maintained at a level that at least equals the current level;

(2) the commission's permitting processes are streamlined;

(3) the commission's permitting processes are user-friendly to citizens and promote sound economic development; and

(4) all stakeholder concerns are considered.

(c) A seven-member study committee shall conduct the evaluation and final assessment required by Subsection (b) of this

section and submit its findings not later than November 1, 2004, to the governor, the lieutenant governor, the speaker of the house of representatives, the Texas Commission on Environmental Quality, and the chair of the standing committee of each house of the legislature with primary jurisdiction over environmental issues. The study committee shall consist of:

- (1) three appointees of the lieutenant governor;
- (2) three appointees of the speaker of the house of representatives; and
- (3) one public member appointed by the governor.

(d) It is the intent of the legislature to effectuate the appropriate solutions through legislation at the earliest opportunity subsequent to receipt of the study committee's final assessment.

ARTICLE 12. CONSIDERATIONS BY THE BOARD OF
PARDONS AND PAROLES REGARDING CLEMENCY MATTERS

SECTION 12.01. Subsection (b), Section 508.047, Government Code, is amended to read as follows:

(b) Except as provided by Article 48.011, Code of Criminal Procedure, the ~~[The]~~ members of the board are not required to meet as a body to perform the members' duties in clemency matters.

SECTION 12.02. Section 551.124, Government Code, is amended to read as follows:

Sec. 551.124. BOARD OF PARDONS AND PAROLES. At the call of the presiding officer of the Board of Pardons and Paroles, the board may hold a hearing on clemency matters by telephone conference call. Other than the deliberations of the board, the proceedings at the telephone conference call hearing shall be recorded and made available to the public in the same manner as if the members of the board had met as a body to hold the hearing.

SECTION 12.03. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.011 to read as follows:

Art. 48.011. MEETINGS: CAPITAL CASE. (a) In a capital case, the members of the Board of Pardons and Paroles shall perform the members' duties in clemency matters by meeting as a body or by participating in a telephone conference call as permitted by Section 551.124, Government Code.

(b) The Board of Pardons and Paroles shall deliberate privately, but at the conclusion of deliberations each board member shall announce publicly the member's individual decision as to whether to recommend clemency and shall sign the member's name with the member's written recommendation and reasons for that recommendation.

(c) The Board of Pardons and Paroles shall adopt rules as necessary to implement the requirements of this article.

SECTION 12.04. (a) The changes in law made by this article apply only to a consideration by the Board of Pardons and Paroles regarding a clemency matter in a capital case that occurs on or after the effective date of this article.

(b) The Board of Pardons and Paroles shall adopt the rules required by Subsection (c), Article 48.011, Code of Criminal Procedure, as added by this article, not later than October 1, 2003.

ARTICLE 13. CERTAIN AGREEMENTS OF THE
TEXAS DEPARTMENT OF TRANSPORTATION

SECTION 13.01. Subchapter C, Chapter 201, Transportation Code, is amended by adding Section 201.1055 to read as follows:

Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES.

Notwithstanding any other law, including Subchapter A, Chapter 2254, Government Code, Chapters 2165, 2166, and 2167, Government Code, and Sections 202.052, 202.053, 203.051, 203.052, and 223.001 of this code, the department and a private entity that offers the best value to the state may enter into an agreement that includes:

(1) both design and construction of a district office headquarters facility located in a county with a population of 3.3 million or more;

(2) a lease of department-owned real property in a district that includes a county with a population of 3.3 million or more to the private entity;

(3) a provision authorizing the private entity to construct and retain ownership of a building on property leased to the entity under Subdivision (2); and

(4) a provision under which the department agrees to enter into an agreement to lease with an option or options to purchase a building constructed on property leased to the entity

under Subdivision (2).

ARTICLE 14. ORGANIZATION OF CERTAIN STATE AGENCIES;

TRANSFER OF CERTAIN FUNCTIONS

SECTION 14.01. Section 322.003, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A majority of the members of the board from each house constitutes a quorum to transact business. If a quorum is present, the board may act on any matter that is within its jurisdiction by a majority vote, except as provided by Section 322.004(a).

(b) The board shall meet as often as necessary to perform its duties. Meetings may be held at any time at the request [~~at the call~~] of the chairman or vice-chairman or on written petition of a majority of the members of the board from each house.

(d) For purposes of this section, the lieutenant governor is considered to be a member of the board from the senate.

SECTION 14.02. Section 322.004(a), Government Code, is amended to read as follows:

(a) The board shall appoint a director to serve at the pleasure of the board. The appointment of the director must be approved by a majority vote of the members of the board from each house of the legislature. For purposes of this subsection, the lieutenant governor is considered to be a member of the board from the senate. The director is accountable only to the board.

SECTION 14.03. Sections 322.001-322.014, Government Code, are designated as Subchapter A, Chapter 322, Government Code, and a heading to that subchapter is added to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 14.04. Subchapter A, Chapter 322, Government Code, as designated by this Act, is amended by adding Sections 322.015-322.020 to read as follows:

Sec. 322.015. REVIEW OF INTERSCHOLASTIC COMPETITION. The board may periodically review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of an organization that is a component or part of a state agency or institution and that sanctions or conducts interscholastic competition. The board shall report the findings

to the governor and the legislature. The legislature may consider the board's reports in connection with the legislative appropriations process.

Sec. 322.016. PERFORMANCE REVIEW OF SCHOOL DISTRICTS. (a) The board may periodically review the effectiveness and efficiency of the operations of school districts. A review of a school district may be initiated by the board at its discretion or on the request of the school district. A review may be initiated by a school district only by resolution adopted by a majority of the members of the board of trustees of the district.

(b) If a review is initiated on the request of the school district, the district shall pay 25 percent of the cost incurred in conducting the review.

(c) The board shall:

(1) prepare a report showing the results of each review conducted under this section;

(2) file the report with the school district, the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the standing committees of the senate and the house of representatives with jurisdiction over public education, and the commissioner of education; and

(3) make the entire report and a summary of the report available to the public on the Internet.

Sec. 322.017. EFFICIENCY REVIEW OF STATE AGENCIES. (a) The board periodically may review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of state agencies.

(b) The board shall report the findings of the review and analysis to the governor and the legislature.

(c) The legislature may consider the board's reports in connection with the legislative appropriations process.

(d) In this section, "state agency" has the meaning assigned by Section 2056.001.

Sec. 322.018. RECORDS MANAGEMENT REVIEW. (a) The board may periodically review and analyze the effectiveness and efficiency of the policies and management of a state governmental committee or state agency that is involved in:

(1) analyzing and recommending improvements to the state's system of records management; and

(2) preserving the essential records of this state, including records relating to financial management information.

(b) In this section, "state agency" has the meaning assigned by Section 2056.001.

Sec. 322.019. CERTAIN DUTIES. The director shall perform policy analysis and related empirical analysis and research at the direction of the board regarding issues and matters identified by the board that may affect state revenue or appropriations or that may be the subject of legislation or proposed amendments to the Texas Constitution.

Sec. 322.020. AGENCY COOPERATION. Each state agency in any branch of state government shall cooperate with the board in providing the board with the information the board requires to perform its duties under Section 322.019.

SECTION 14.05. Chapter 322, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. WORKERS' COMPENSATION RESEARCH

Sec. 322.051. WORKERS' COMPENSATION RESEARCH DUTIES OF BOARD. (a) The board shall conduct professional studies and research related to:

(1) the delivery of benefits;

(2) litigation and controversy related to workers' compensation;

(3) insurance rates and rate-making procedures;

(4) rehabilitation and reemployment of injured workers;

(5) workplace health and safety issues;

(6) the quality and cost of medical benefits; and

(7) other matters relevant to the cost, quality, and operational effectiveness of the workers' compensation system.

(b) In addition to the studies and research conducted under Subsection (a), the board shall conduct studies and research related to drugs in the workplace, giving priority to drug abuse in public and private establishments in which drug abuse could result in serious consequences to the public. The studies and research

must include a survey designed to identify future needs and current efforts of employers to counteract drug abuse and its effects in the workplace.

(c) The board shall identify, collect, maintain, and analyze the key information required to assess the operational effectiveness of the workers' compensation system. The board shall provide the information obtained under this subsection to the governor and the legislature on a quarterly basis.

(d) The board may apply for and spend grant funds to implement this chapter.

Sec. 322.052. FUNDING; MAINTENANCE TAX. (a) The board's duties under this subchapter are funded through the assessment of a maintenance tax collected annually from all insurance carriers, and from self-insurance groups that hold certificates of approval under Chapter 407A, Labor Code, except governmental entities.

(b) The board shall set the rate of the maintenance tax based on the expenditures authorized and the receipts anticipated in legislative appropriations. The tax rate for an insurance company may not exceed one-tenth of one percent of the correctly reported gross workers' compensation insurance premiums. The tax rate for a certified self-insurer may not exceed one-tenth of one percent of the total tax base of all certified self-insurers, as computed under Section 407.103(b), Labor Code. The tax rate for a self-insurance group described by Subsection (a) may not exceed one-tenth of one percent of the group's gross premium for the group's retention, excluding premium collected by the group for excess insurance.

(c) The tax imposed under Subsection (a) is in addition to all other taxes imposed on those insurance carriers for workers' compensation purposes.

(d) The tax on insurance companies and on self-insurance groups described by Subsection (a) shall be assessed, collected, and paid in the same manner and at the same time as the maintenance tax established for the support of the department under Article 5.68, Insurance Code. The tax on certified self-insurers shall be assessed, collected, and paid in the same manner and at the same time as the self-insurer maintenance tax collected under Section

407.104, Labor Code.

(e) Amounts received under this section shall be deposited in the state treasury in accordance with Article 5.68(e), Insurance Code, to be used:

(1) for the operation of the board's duties under this subchapter; and

(2) to reimburse the general revenue fund in accordance with Article 4.19, Insurance Code.

(f) Section 403.095 does not apply to the special account established under this section.

Sec. 322.053. COORDINATION WITH OTHER STATE AGENCIES; CONFIDENTIALITY. (a) As required to fulfill the board's objectives under this subchapter, the board is entitled to access to the files and records of:

(1) the Texas Workers' Compensation Commission;

(2) the Texas Workforce Commission;

(3) the Texas Department of Human Services;

(4) the State Office of Risk Management; and

(5) other state agencies.

(b) A state agency shall assist and cooperate in providing the information to the board.

(c) Information that is confidential under state law is accessible to the board under rules of confidentiality and remains confidential.

(d) The identity of an individual or entity selected to participate in a board survey or who participates in such a survey is confidential and is not subject to public disclosure under Chapter 552.

SECTION 14.06. Section 323.001(b), Government Code, as amended by Senate Bill No. 1418, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) The council consists of:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) the chairman of the house administration committee;

(4) five senators from various areas of the state

appointed by the president of the senate; and

(5) four [~~nine~~] other members of the house of representatives from various areas of the state appointed by the speaker.

SECTION 14.07. Section 323.001(c), Government Code, is amended to read as follows:

(c) The speaker of the house of representatives [~~lieutenant governor~~] is the chairman of the council and the lieutenant governor [~~speaker~~] is the vice-chairman.

SECTION 14.08. Chapter 323, Government Code, is amended by adding Section 323.002 to read as follows:

Sec. 323.002. EXECUTIVE DIRECTOR. The council shall appoint an executive director to serve at the will of the council. The appointment of the executive director must be approved by a majority vote of the members of the council from each house of the legislature. For purposes of this section, the lieutenant governor is considered to be a member of the council from the senate.

SECTION 14.09. Sections 323.003(a) and (b), Government Code, are amended to read as follows:

(a) The council shall meet as often as necessary to perform its duties. Meetings may be held at any time at the request of the chairman or vice-chairman.

(b) A majority of the [~~Twelve~~] members of the council from each house of the legislature constitutes [~~including the chairman and vice-chairman constitute~~] a quorum. If a quorum is present, the council may act on any matter that is within its jurisdiction by a majority vote, except as provided by Section 323.002. For purposes of this subsection, the lieutenant governor is considered to be a member of the council from the senate.

SECTION 14.10. Sections 325.003(a), (d), and (j), Government Code, are amended to read as follows:

(a) The Sunset Advisory Commission consists of five [~~four~~] members of the senate and one public member appointed by the lieutenant governor and five [~~four~~] members of the house of representatives and one public member appointed by the speaker of the house. Each appointing authority may designate himself as one of the legislative appointees.

(d) Legislative members serve four-year terms, with terms staggered so that the terms of as near to one-half of the legislative members appointed by the lieutenant governor as possible and the terms of as near to one-half of the legislative members appointed by the speaker as possible expire September 1 of each odd-numbered year. If the lieutenant governor or the speaker serves on the commission, he continues to serve until resignation from the commission or until he ceases to hold the office. Public members serve two-year terms expiring September 1 of each odd-numbered year.

(j) Seven [~~Six~~] members of the commission constitute a quorum. A final action or recommendation may not be made unless approved by a record vote of a majority of the commission's full membership.

SECTION 14.11. The following laws are repealed:

- (1) Section 403.020, Government Code;
- (2) Section 403.0205, Government Code;
- (3) Section 403.022, Government Code;
- (4) Section 403.024, Government Code;
- (5) Chapter 404, Labor Code; and
- (6) Section 413.021(f), Labor Code.

SECTION 14.12. If, on the effective date of this Act, more than four members of the house of representatives appointed under Section 323.001(b)(5), Government Code, are serving as members of the Texas Legislative Council:

(1) those members' terms on the council expire on the effective date of this Act; and

(2) the speaker of the house of representatives, as soon as possible after the effective date of this Act, shall appoint four members of the house to serve as members of the Texas Legislative Council under Section 323.001(b)(5), Government Code, as amended by this Act.

SECTION 14.13. The lieutenant governor and the speaker of the house of representatives, as soon as possible after the effective date of this Act, shall appoint a member of the senate or the house of representatives, respectively, to serve initial terms on the Sunset Advisory Commission under Section 325.003, Government

Code, as amended by this Act, expiring September 1, 2005.

SECTION 14.14. On November 1, 2003:

(1) all records and other property of the comptroller that relate to a review of interscholastic competition, a performance review of school districts, an efficiency review of a state agency, or a records management review are transferred to the Legislative Budget Board;

(2) all unexpended and unobligated appropriations of the comptroller relating to the comptroller's review of interscholastic competition, performance review of school districts, efficiency review of a state agency, or records management review are transferred to the Legislative Budget Board;

(3) all employees of the comptroller whose primary functions relate to the review of interscholastic competition, performance review of school districts, efficiency review of state agencies, or records management review become employees of the Legislative Budget Board; and

(4) any reference in law to the comptroller that relates to the review of interscholastic competition, performance review of school districts, efficiency review of state agencies, or records management review means the Legislative Budget Board.

SECTION 14.15. The Research and Oversight Council on Workers' Compensation, including the council's board of directors, is abolished on the effective date of this Act. All state records and other property and unexpended and unobligated appropriations of the council on the effective date of this Act are transferred to the Legislative Budget Board. All employees of the Research and Oversight Council on Workers' Compensation become employees of the Legislative Budget Board on the effective date of this Act. Any reference in law to the Research and Oversight Council on Workers' Compensation, the council's board of directors, the Texas Workers' Compensation Research Center, or the research center's board means the Legislative Budget Board.

ARTICLE 15. UNCLAIMED PROPERTY

SECTION 15.01. Subsection (a), Section 72.101, Property Code, is amended to read as follows:

(a) Except as provided by this section and Sections 72.1015

and ~~[Section]~~ 72.102, personal property is presumed abandoned if, for longer than three years:

(1) the existence and location of the owner of the property is unknown to the holder of the property; and

(2) according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

SECTION 15.02. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.1015 to read as follows:

Sec. 72.1015. UNCLAIMED WAGES. (a) In this section, "wages" has the meaning assigned by Section 61.001, Labor Code.

(b) An amount of unclaimed wages is presumed abandoned if, for longer than one year:

(1) the existence and location of the person to whom the wages are owed is unknown to the holder of the wages; and

(2) according to the knowledge and records of the holder of the wages, a claim to the wages has not been asserted or an act of ownership of the wages has not been exercised.

SECTION 15.03. Subsection (a), Section 74.001, Property Code, as amended by House Bill No. 826, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a holder of property that is presumed abandoned under ~~[~~

~~(1)] Chapter 72, Chapter 73, or Chapter 75 [of this code, or~~

~~(2) Subchapter G, Chapter 61, Labor Code].~~

SECTION 15.04. Subsection (a), Section 74.101, Property Code, as amended by House Bill No. 826, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) Each holder who on June 30 holds property that is presumed abandoned under Chapter 72, 73, or 75 of this code or under ~~[7]~~ Chapter 154, Finance Code, ~~[or Subchapter G, Chapter 61, Labor Code,]~~ shall file a report of that property on or before the following November 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION 15.05. Subsection (a), Section 74.301, Property Code, as amended by House Bill No. 826, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on June 30 holds property that is presumed abandoned under Chapter 72, 73, or 75 [~~of this code or Subchapter G, Chapter 61, Labor Code,~~] shall deliver the property to the comptroller on or before the following November 1 accompanied by the report required to be filed under Section 74.101.

SECTION 15.06. Subchapter G, Chapter 61, Labor Code, as added by House Bill No. 826, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

SECTION 15.07. This article takes effect September 1, 2003, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary to take effect on that date, this article takes effect November 1, 2003.

ARTICLE 16. STATE PUBLICATIONS MAINTAINED BY THE TEXAS

STATE LIBRARY AND ARCHIVES COMMISSION

SECTION 16.01. Sections 441.101(2) and (4), Government Code, are amended to read as follows:

(2) "Depository library" means the Texas State Library, the Legislative Reference Library, the Library of Congress, the Center for Research Libraries, or any other library that the commission designates as a site for retaining and allowing public access to state publications [~~depository library~~].

(4) "State publication":

(A) means information in any format, including materials in print or in an electronic format, that:

(i) is produced by the authority of or at the total or partial expense of a state agency or is required to be distributed under law by the agency; and

(ii) is publicly distributed outside the agency by or for the agency; and

(B) does not include information the distribution of which is limited to:

(i) contractors with or grantees of the agency;

(ii) persons within the agency or within other government agencies; or

(iii) members of the public under a request made under the open records law, Chapter 552.

SECTION 16.02. Section 441.102(c), Government Code, is amended to read as follows:

(c) The commission shall establish and maintain a system, named the "Texas Records and Information Locator," or "TRAIL," to allow electronic access, including access through the Internet, at the Texas State Library and other depository libraries to state publications in an electronic format that have been made available to the public by or on behalf of a state agency.

SECTION 16.03. Section 441.103, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f), (g), and (h) to read as follows:

(a) A state agency shall designate one or more staff persons as agency publications liaisons [~~contact persons~~] and shall notify the Texas State Library of those persons' identities. A publications liaison [~~contact person~~] shall maintain a record of the agency's state publications and shall furnish to the Texas State Library a list of the agency's new state publications as they become available.

(b) A state agency shall furnish copies of its printed state publications to the Texas State Library in the number specified by commission rules. On the printing of or awarding of a contract for the printing of a publication, a state agency shall arrange for the required number of copies to be deposited with the Texas State Library. The commission may not require more than 75 copies of a printed state publication.

(f) A state agency shall make its printed state publications accessible from the state agency's website in an electronic format. If the state agency does not have a website, the agency shall deposit the electronic source file for each printed state publication in the manner prescribed by commission rules.

(g) A state agency shall include, for any state publication

in electronic format, regardless of its availability through the Internet, identifying and descriptive information about the state publication as specified by commission and Department of Information Resources rules.

(h) If an electronic state publication is not printed or available from the state agency's website, the state agency shall furnish the Texas State Library copies in a manner prescribed by commission rules. The commission may not require more than 75 copies of the publication.

SECTION 16.04. Section 441.104, Government Code, is amended to read as follows:

Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas State Library shall:

(1) acquire, organize, ~~[and]~~ retain, and provide access to state publications;

(2) collect state publications and distribute them to depository libraries;

(3) establish a ~~[microform]~~ program for the preservation and management of state publications and make available state publications in alternative formats ~~[microform]~~ to depository libraries and other libraries at a reasonable cost;

(4) periodically issue a list of all state publications that it has received in print or storage media to all depository libraries and other libraries on request;

(5) catalog, classify, and index all state publications that it receives and distribute the cataloging, classification, and indexing information to depository libraries and to other libraries on request;

(6) ensure that state publications are fully represented in regional and national automated library networks;

(7) index all state publications that are available on the Internet ~~[in an electronic format]~~ and make the index available on the Internet ~~[in an electronic format]~~; and

(8) ~~[provide on-line access to state publications that can be accessed on-line; and~~

~~[-9)]~~ provide other depository libraries appropriate access, at no charge, to state publications available in an

electronic format.

SECTION 16.05. Section 441.106, Government Code, is amended to read as follows:

Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS. If a state agency's printing is done by contract, an account for the printing may not be approved and a warrant may not be issued unless the agency first furnishes to the Texas Building and Procurement [~~State Purchasing and General Services~~] Commission a receipt from the state librarian for the publication or a written waiver from the state librarian exempting the publication from this subchapter.

ARTICLE 17. TRANSFER OF CERTAIN REAL PROPERTY

SECTION 17.01. Section 4, Chapter 38, General Laws, Acts of the 35th Legislature, Regular Session, 1917, is amended to read as follows:

Sec. 4: If any portion greater than one-tenth of one acre of said property be used by said city for any purpose except public park and recreational purposes and purposes incident thereto, title to said property shall revert to the State of Texas free from all claims of said city of Austin. Sections 253.001(b) and (d), Local Government Code, Chapter 272, Local Government Code, Chapter 26, Parks and Wildlife Code, any similar charter provision of said city, and any use restriction imposed by this Act do not apply to the sale, conveyance, or lease of a portion of said property to an owner of an interest in adjoining property if the portion of said property is less than one-tenth of one acre. A lease, sale, or conveyance of any interest in land described by Section 1 or 2 of this Act shall be submitted to the commissioner of the General Land Office for review and comment before the completion of the transaction. If more than one portion of said property is used for a purpose other than a purpose described by Section 2 of this Act, the aggregate of those portions of said property may not exceed one-tenth of one acre.

SECTION 17.02. (a) The facilities formerly operated by the State Aircraft Pooling Board and located at the site of the former Robert Mueller Municipal Airport, and the real property owned or under the control of the board and located adjacent to the site of the former Robert Mueller Municipal Airport, may not be

transferred, sold, or otherwise conveyed to the Texas Department of Transportation unless the General Land Office is unable to reach a reasonable agreement with either the City of Austin or Travis County for the purchase of all or part of those facilities or that property on or before September 1, 2005.

(b) The facilities or property may not be sold for less than the amount contained in the current market value assessment of the facilities or property that shall be made by the General Land Office.

(c) To the extent of a conflict between this section and another law, this section prevails.

ARTICLE 18. CERTAIN GOVERNMENTAL CONTRACTS TO BE
PERFORMED IN NONATTAINMENT AREAS FOR
NATIONAL AMBIENT AIR QUALITY STANDARDS

SECTION 18.01. Section 2155.451(a), Government Code, as added by Section 19, H.B. No. 1365, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) This section applies only to a contract to be performed, wholly or partly, in a nonattainment area or in an affected county, as those terms are [~~that term is~~] defined by Section 386.001, Health and Safety Code.

SECTION 18.02. Section 271.907(b), Local Government Code, as added by Section 20, H.B. No. 1365, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) This section applies only to a contract to be performed, wholly or partly, in a nonattainment area or in an affected county, as those terms are [~~that term is~~] defined by Section 386.001, Health and Safety Code.

SECTION 18.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

ARTICLE 19. TEXAS COUNTY AND DISTRICT
RETIREMENT SYSTEM ASSETS

SECTION 19.01. Section 845.301(a), Government Code, as

amended by H.B. No. 2240, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) The assets of the retirement system shall be invested and reinvested without distinction as to their source in accordance with Section 67, Article XVI, Texas Constitution. For purposes of the investment authority of the board of trustees under Section 67, Article XVI, Texas Constitution, "securities" means any investment instrument within the meaning of the term as defined by Section 4, The Securities Act (Article 581-4, Vernon's Texas Civil Statutes), 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10). Investment decisions are subject to the standard provided in the Texas Trust Code by Section 117.004(b) [~~Sections 117.004(a)-(c)~~], Property Code.

SECTION 19.02. This article takes effect January 1, 2004.

ARTICLE 20. PARTICIPATION OF CERTAIN GOVERNMENTAL
RETIREES IN CERTAIN GROUP BENEFIT PLANS

SECTION 20.01. Section 1551.102, Insurance Code, is amended by adding Subsection (i) to read as follows:

(i) Subject to Section 1551.323, an individual is eligible to participate in the group benefits program as an annuitant if the individual:

(1) served in a position for which the individual was eligible to participate in the group benefits program under Section 1551.101 on or before August 31, 2003; and

(2) at the time of retirement meets the requirements for eligibility for participation in the program as an annuitant as those requirements existed on August 31, 2003.

SECTION 20.02. Section 1551.111, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) An individual is eligible to participate in the group benefits program as an annuitant as described under this section if the individual:

(1) served as an officer or employee as described by Subsection (b)(1) on or before August 31, 2003; and

(2) at the time of retirement meets the requirements for eligibility for participation in the program as an annuitant as those requirements existed on August 31, 2003.

SECTION 20.03. Section 1551.112, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An individual is eligible to participate in the group benefits program as an annuitant as described under this section if the individual:

(1) served in a position described by Subsection (a) on or before August 31, 2003; and

(2) at the time of retirement meets the requirements for eligibility for participation in the program as an annuitant as those requirements existed on August 31, 2003.

SECTION 20.04. Subchapter G, Chapter 1551, Insurance Code, is amended by adding Section 1551.323 to read as follows:

Sec. 1551.323. COST OF CERTAIN ANNUITANTS. (a) An annuitant eligible to participate under Section 1551.102(i) may be required to pay the total cost attributable to the participation of that individual and the dependents of that individual until the date the individual is 65 years of age. If the General Appropriations Act or other similar legislation addresses the payment of these costs, these costs shall be paid in the manner specified by that legislation.

(b) This section applies only to an individual who is eligible to participate as an annuitant under Section 1551.102(i) and who is not eligible to participate under another provision of Section 1551.102.

SECTION 20.05. Section 1575.004, Insurance Code, as amended by S.B. No. 1369, H.B. No. 3459, and H.B. No. 3507, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

Sec. 1575.004. DEFINITION OF RETIREE. In this chapter, "retiree" means:

(1) an individual not eligible for coverage under a plan provided under Chapter 1551 or 1601 who:

(A) is at least 65 years of age and has taken a service retirement under the Teacher Retirement System of Texas with at least 10 years of service credit in the system for actual service in public schools in this state; ~~[or]~~

(B) was employed in actual service in public

schools in this state during or before the 2002-2003 school year, is at least 55 years of age, and has taken a service retirement under the Teacher Retirement System of Texas with at least 10 years of service credit in the system for actual service in public schools in this state; or

(C) has taken a service retirement under the Teacher Retirement System of Texas and who has at least 10 years of service credit for actual public service in the public schools in this state or has at least five years of service credit for actual public service in the public schools in this state and has five years of military service credited in the Teacher Retirement System of Texas, and the sum of the individual's age and amount of service credit earned for service in the public schools of this state equals or exceeds the number 80; or

(2) an individual who:

(A) has taken a disability retirement under the Teacher Retirement System of Texas; and

(B) is entitled to receive monthly benefits from the Teacher Retirement System of Texas.

SECTION 20.06. Section 1575.211, Insurance Code, as added by S.B. No. 1369 and H.B. No. 3459, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Subsection (c) to read as follows:

(c) A retiree eligible to participate under Section 1575.004(1)(B) may be required to pay the total cost attributable to the participation of that individual and the dependents of that individual until the date the individual is 65 years of age. The General Appropriations Act or other similar legislation may specify a different allocation of total costs for retirees eligible to participate under Section 1575.004(1)(B) and the dependents of those retirees. This subsection applies only to an individual who is eligible to participate as an annuitant under Section 1575.004(1)(B) and who is not eligible to participate under another provision of Section 1575.004.

SECTION 20.07. This article takes effect September 1, 2003, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas

Constitution. If this Act does not receive the vote necessary for effect on that date, this article takes effect November 1, 2003.

ARTICLE 21. EFFECTIVE DATE

