

By: Swinford

H.B. No. 24

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the organization and operations of, and fiscal matters  
3 affecting, certain state entities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. PUBLIC INFORMATION AND BUDGETARY WORKING PAPERS

6 SECTION 1.01. Subchapter C, Chapter 401, Government Code,  
7 is amended by adding Section 401.0446 to read as follows:

8 Sec. 401.0446. BUDGETARY WORKING PAPERS. (a) In this  
9 section "budgetary working paper" means information, other than a  
10 uniform budget estimate form, that is created, received,  
11 considered, or otherwise used by a governmental body in estimating  
12 revenues or in considering or preparing a draft or final biennial  
13 state fiscal budget, including a draft, a working paper, supporting  
14 material, research material, or an internal or external  
15 communication relating to that budget.

16 (b) A budgetary working paper that is collected, assembled,  
17 or maintained by the governor, lieutenant governor, comptroller,  
18 speaker of the house of representatives, Legislative Budget Board,  
19 senate finance committee, senate state affairs committee, house  
20 appropriations committee, or house ways and means committee is  
21 excepted from required public disclosure under Chapter 552 or any  
22 other law of this state. Section 552.022 does not apply to  
23 information excepted from required public disclosure by this  
24 section.

1 ARTICLE 2. TELECONFERENCE MEETING OF THE LEGISLATIVE BUDGET BOARD

2 SECTION 2.01. Section 322.003, Government Code, is amended  
3 by adding Subsections (d) and (e) to read as follows:

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

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

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

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

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

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

25 ARTICLE 3. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

26 SECTION 3.01. Subchapter A, Chapter 1702, Occupations Code,  
27 is amended by adding Section 1702.005 to read as follows:

1           Sec. 1702.005. COMMISSION ABOLISHED AND FUNCTIONS  
2 TRANSFERRED. (a) The commission is abolished, and all powers,  
3 duties, personnel, property, assets, and obligations of the  
4 commission are transferred to the Department of Public Safety of  
5 the State of Texas. The validity of a prior action of the  
6 commission is not affected by the abolishment.

7           (b) All rules of the commission relating to a transferred  
8 power or duty remain in effect as rules of the Department of Public  
9 Safety of the State of Texas until amended or repealed by the  
10 Department of Public Safety of the State of Texas.

11           (c) A reference in this chapter or another law to the  
12 commission means the Department of Public Safety of the State of  
13 Texas.

14           ARTICLE 4. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

15           SECTION 4.01. Section 72.101, Property Code, is amended by  
16 adding Subsections (c) and (d) to read as follows:

17           (c) Property distributable in the course of a  
18 demutualization, rehabilitation, or related reorganization of an  
19 insurance company is presumed abandoned on the first anniversary of  
20 the date the property becomes distributable if, on that date:

21                 (1) the last known address of the owner according to  
22 the records of the holder of the property is known to be incorrect  
23 or the distribution or statements related to the distribution are  
24 returned by the post office as undeliverable; and

25                 (2) the owner has not:

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

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

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

8           SECTION 4.02. Section 74.301, Property Code, is amended by  
9 amending Subsection (a), as amended by House Bill No. 826, Acts of  
10 the 78th Legislature, Regular Session, 2003, and adding Subsection  
11 (d) to read as follows:

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

18           (d) If the property subject to delivery under Subsection (a)  
19 is proceeds from the demutualization, rehabilitation, or related  
20 reorganization of an insurance company, the holder shall deliver  
21 the property and required report to the comptroller on or before the  
22 following August 1.

23           SECTION 4.03. This article takes effect September 1, 2003,  
24 if this Act receives a vote of two-thirds of all the members elected  
25 to each house, as provided by Section 39, Article III, Texas  
26 Constitution. If this Act does not receive the vote necessary for  
27 this article to take effect on that date, this article takes effect

1 November 1, 2003.

2 ARTICLE 5. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION

3 SECTION 5.01. Subchapter C, Chapter 61, Education Code, is  
4 amended by adding Section 61.0515 to read as follows:

5 Sec. 61.0515. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION.

6 (a) The board shall perform a review of the organization and  
7 operations of each university system office to:

8 (1) identify appropriate organizational structures  
9 for university systems and system offices;

10 (2) identify and quantify workforce and other  
11 resources at each system office used to provide services and  
12 functions common to each system office; and

13 (3) determine the extent to which system  
14 administration employees are performing services and functions  
15 that are also provided by employees of individual component  
16 institutions of each university system.

17 (b) In the review, the board shall identify the number and  
18 types of administrative and executive positions in the  
19 administration of each university system, and shall examine each  
20 major function, service, or activity performed by university system  
21 offices, including:

22 (1) central administration;

23 (2) academic affairs coordination and support;

24 (3) general counsel and other legal services;

25 (4) budgeting, accounting, and data reporting;

26 (5) fiscal management;

27 (6) facilities planning and construction;

- 1           (7) governmental relations;
- 2           (8) audit services;
- 3           (9) real estate management;
- 4           (10) information technology services; and
- 5           (11) aircraft operation and usage.

6           (c) Not later than November 1, 2004, the board shall prepare  
7 a report of the review and deliver the report to the governor,  
8 lieutenant governor, speaker of the house of representatives,  
9 Legislative Budget Board, and chair of the standing committee of  
10 each house of the legislature with primary jurisdiction over higher  
11 education. In the report, the board shall state its findings and  
12 identify opportunities for legislative and administrative action  
13 relating to:

- 14           (1) the reorganization of university system offices  
15 and functions;
- 16           (2) the consolidation or reorganization of university  
17 systems; and
- 18           (3) the consolidation or centralization of functions,  
19 services, or activities of university system offices.

20           (d) In the report, the board shall identify potential  
21 reductions in personnel and other cost savings associated with each  
22 legislative or administrative action the board identifies under  
23 Subsection (c).

24           (e) This section expires September 1, 2005.

25           ARTICLE 6. GOVERNOR'S BUDGET AUTHORITY

26           SECTION 6.01. Section 401.0445(b), Government Code, is  
27 amended to read as follows:

1 (b) In the budget, the governor shall show:

2 (1) the list of appropriations for the current year  
3 preceding the biennium for which appropriations are sought and  
4 recommended;

5 (2) expenditures for [~~each of~~] the year [~~two full~~  
6 ~~years~~] preceding the current year; and

7 (3) the amounts requested by the various agencies and  
8 the amounts recommended by the governor for each of the years of the  
9 biennium.

10 SECTION 6.02. Section 401.046(a), Government Code, is  
11 amended to read as follows:

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

17 SECTION 6.03. Section 401.047 and Chapter 2053, Government  
18 Code, are repealed.

19 ARTICLE 7. COMMISSIONER OF INSURANCE

20 SECTION 7.01. Section 31.022(a), Insurance Code, is amended  
21 to read as follows:

22 (a) The governor, with the advice and consent of the senate,  
23 shall appoint the commissioner. The commissioner serves a one-year  
24 [~~two-year~~] term that expires on February 1 [~~of each odd-numbered~~  
25 ~~year~~].

26 SECTION 7.02. Section 31.023, Insurance Code, is amended to  
27 read as follows:

1           Sec. 31.023. QUALIFICATIONS. The commissioner must:

2                   (1) be a competent and experienced administrator;

3                   (2) be well informed and qualified in the fields  
4 ~~[field]~~ of insurance and insurance regulation; and

5                   (3) have ~~[at least 10 years of]~~ experience ~~[as an~~  
6 ~~executive]~~ in the administration of business or government ~~[or as a~~  
7 ~~practicing attorney or certified public accountant, with at least~~  
8 ~~five years of that experience in the field of insurance or insurance~~  
9 ~~regulation]~~.

10           ARTICLE 8. MEMBERS OF PARKS AND WILDLIFE COMMISSION

11           SECTION 8.01. Section 11.012(d), Parks and Wildlife Code,  
12 is amended to read as follows:

13           (d) In making appointments under this section, the  
14 governor:

15                   (1) shall:

16                           (A) attempt to include persons with expertise in  
17 diverse fields, including fields such as historic preservation,  
18 conservation, and outdoor recreation; and

19                           (B) consider the commission's composition in  
20 terms of:

21                                   (i) the geographical areas represented by  
22 members of the commission; and

23                                   (ii) the appropriate balance of  
24 representatives from rural and urban areas; and

25                           (2) may include persons who have an interest in and  
26 knowledge of hunting, fishing, wildlife, environmental concerns,  
27 land or water use issues, or water quality issues.



1 SECTION 8.02. (a) As soon as possible on or after November  
2 1, 2003, the governor shall appoint nine members to the Parks and  
3 Wildlife Commission under Section 11.012, Parks and Wildlife Code,  
4 as amended by this Act. The governor shall designate:

5 (1) three members, including one public member, for  
6 terms expiring February 1, 2005;

7 (2) three members, including one public member, for  
8 terms expiring February 1, 2007; and

9 (3) three members, including one public member, for  
10 terms expiring February 1, 2009.

11 (b) The governor may reappoint a person who served as a  
12 member of the Parks and Wildlife Commission before November 1,  
13 2003.

14 (c) The position of a member of the Parks and Wildlife  
15 Commission serving immediately before November 1, 2003, is  
16 abolished at the time five or more of the newly appointed directors  
17 qualify for office. Until the abolition of the members' positions  
18 occurs under this section, the members serving immediately before  
19 November 1, 2003, have the same powers and duties that the members  
20 had immediately before that date and the commission continues to be  
21 composed in the way it was composed before that date, and the former  
22 law is continued in effect for that purpose.

23 ARTICLE 9. DESIGNATION OF PRESIDING OFFICERS

24 SECTION 9.01. Chapter 651, Government Code, is amended by  
25 adding Section 651.010 to read as follows:

26 Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY  
27 GOVERNOR. (a) In this section, "state agency" means a department,

1 commission, board, office, council, authority, or other agency in  
2 the executive branch of state government that is created by the  
3 constitution or a statute of this state, including:

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

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

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

12 ARTICLE 10. REPORTS

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

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

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

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

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

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

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

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

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

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

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

17                   (A) creation and use of community composting  
18 centers;

19                   (B) adoption of the "Don't Bag It" program for  
20 lawn clippings developed by the Texas Agricultural Extension  
21 Service; and

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

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

27                   (A) landfill units no longer in operation;

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

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

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

8 (E) the current use of the land;

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

10 and

11 (12) include a public education program[~~, and~~

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

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

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

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

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

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

25 (2) the following reports:

26 (A) the assessments and reports required by  
27 Section [~~Sections~~] 361.0219(c) [~~, 361.0232, 361.510, 371.063, and~~

1 ~~382.141~~], Health and Safety Code;

2 (B) the reports required by Section 26.0135(d)  
3 [~~of this code~~] and Section 5.02, Chapter 133, Acts of the 69th  
4 Legislature, Regular Session, 1985; and

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

7 SECTION 10.04. (a) Sections 361.020, 361.0201, 361.0232,  
8 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063,  
9 382.141, Health and Safety Code, are repealed.

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

11 ARTICLE 11. EFFECTIVE DATE

12 SECTION 11.01. Except as otherwise provided by this Act,  
13 this Act takes effect November 1, 2003.