

1-1 By: Swinford (Senate Sponsor - Ellis) H.B. No. 53
1-2 (In the Senate - Received from the House July 11, 2003;
1-3 July 14, 2003, read first time and referred to Committee on
1-4 Government Organization; July 16, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6, Nays
1-6 0; July 16, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 53 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reorganization of, efficiency in, and other reform
1-11 measures applying to state government; making appropriations.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. TELECONFERENCE MEETING OF LEGISLATIVE BUDGET BOARD

1-14 SECTION 1.01. Section 322.003, Government Code, is amended
1-15 by adding Subsections (d) and (e) to read as follows:

1-16 (d) As an exception to Chapter 551 and other law, if the
1-17 chairman and vice chairman of the board are physically present at a
1-18 meeting, then any number of the other members of the board may
1-19 attend a meeting of the board by use of telephone conference call,
1-20 video conference call, or other similar telecommunication device.
1-21 This subsection applies for purposes of constituting a quorum, for
1-22 purposes of voting, and for any other purpose allowing a member of
1-23 the board to otherwise fully participate in any meeting of the
1-24 board. This subsection applies without exception with regard to
1-25 the subject of the meeting or topics considered by the members.

1-26 (e) A meeting held by use of telephone conference call,
1-27 video conference call, or other similar telecommunication device:

1-28 (1) is subject to the notice requirements applicable
1-29 to other meetings;

1-30 (2) must specify in the notice of the meeting the
1-31 location of the meeting;

1-32 (3) must be open to the public and shall be audible to
1-33 the public at the location specified in the notice of the meeting as
1-34 the location of the meeting; and

1-35 (4) must provide two-way audio communication between
1-36 all parties attending the meeting during the entire meeting.

1-37 ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

1-38 SECTION 2.01. Subsection (a), Section 401.046, Government
1-39 Code, is amended to read as follows:

1-40 (a) The governor shall deliver a copy of the governor's
1-41 budget to each member of the legislature before the governor gives
1-42 the message to the legislature required by Section 9, Article IV,
1-43 Texas Constitution, at the commencement ~~[not later than the sixth~~
1-44 ~~day]~~ of each regular legislative session.

1-45 SECTION 2.02. Section 401.047, Government Code, is
1-46 repealed.

1-47 ARTICLE 3. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

1-48 SECTION 3.01. Section 72.101, Property Code, is amended by
1-49 adding Subsections (c) and (d) to read as follows:

1-50 (c) Property distributable in the course of a
1-51 demutualization or related reorganization of an insurance company
1-52 is presumed abandoned on the first anniversary of the date the
1-53 property becomes distributable if, at the time of the first
1-54 distribution, the last known address of the owner according to the
1-55 records of the holder of the property is known to be incorrect or
1-56 the distribution or statements related to the distribution are
1-57 returned by the post office as undeliverable and the owner has not:

1-58 (1) communicated in writing with the holder of the
1-59 property or the holder's agent regarding the interest; or

1-60 (2) otherwise communicated with the holder regarding
1-61 the interest as evidenced by a memorandum or other record on file
1-62 with the holder or its agents.

1-63 (d) Property distributable in the course of a

2-1 demutualization or related reorganization of an insurance company
2-2 that is not subject to Subsection (c) is presumed abandoned as
2-3 otherwise provided by this section.

2-4 SECTION 3.02. This article takes effect immediately if this
2-5 Act receives a vote of two-thirds of all the members elected to each
2-6 house, as provided by Section 39, Article III, Texas Constitution.
2-7 If this Act does not receive the vote necessary for immediate
2-8 effect, this article takes effect November 1, 2003.

2-9 ARTICLE 4. MEMBERS OF TEXAS VETERANS COMMISSION

2-10 SECTION 4.01. Subsection (c), Section 434.003, Government
2-11 Code, is amended to read as follows:

2-12 (c) A person having a less than honorable discharge from
2-13 military service is not eligible to be a member. No two members may
2-14 reside in the same senatorial district~~[, and not more than one~~
2-15 ~~member may be from a senatorial district composed of a single~~
2-16 ~~county].~~

2-17 ARTICLE 5. COMMISSIONER OF INSURANCE

2-18 SECTION 5.01. Section 31.023, Insurance Code, is amended to
2-19 read as follows:

2-20 Sec. 31.023. QUALIFICATIONS. The commissioner must:

- 2-21 (1) be a competent and experienced administrator;
- 2-22 (2) be well informed and qualified in the field of
- 2-23 insurance and insurance regulation; and
- 2-24 (3) have at least 10 years of experience as an
- 2-25 executive in the administration of business or government or as a
- 2-26 practicing attorney or certified public accountant~~[, with at least~~
2-27 ~~five years of that experience in the field of insurance or insurance~~
2-28 ~~regulation].~~

2-29 SECTION 5.02. The change in law made by this article to
2-30 Section 31.023, Insurance Code, applies only to the appointment of
2-31 the commissioner of insurance on or after the effective date of this
2-32 article. A commissioner of insurance appointed before the
2-33 effective date of this article is governed by the law as it existed
2-34 immediately before that date, and that law is continued in effect
2-35 for this purpose.

2-36 ARTICLE 6. MEMBERS OF PARKS AND WILDLIFE COMMISSION

2-37 SECTION 6.01. Subsection (d), Section 11.012, Parks and
2-38 Wildlife Code, is amended to read as follows:

2-39 (d) In making appointments under this section, the
2-40 governor:

- 2-41 (1) shall:
- 2-42 (A) attempt to include persons with expertise in
- 2-43 diverse fields, including fields such as historic preservation,
- 2-44 conservation, and outdoor recreation; and
- 2-45 (B) consider the commission's composition in
- 2-46 terms of:

2-47 (i) the geographical areas represented by
2-48 members of the commission; and

2-49 (ii) the appropriate balance of
2-50 representatives from rural and urban areas; and

2-51 (2) may include persons who have an interest in and
2-52 knowledge of hunting, fishing, wildlife, environmental concerns,
2-53 land or water use issues, or water quality issues.

2-54 SECTION 6.02. (a) As soon as possible on or after November
2-55 1, 2003, the governor shall appoint nine members to the Parks and
2-56 Wildlife Commission under Section 11.012, Parks and Wildlife Code,
2-57 as amended by this article. The governor shall designate:

- 2-58 (1) three members, including one public member, for
- 2-59 terms expiring February 1, 2005;
- 2-60 (2) three members, including one public member, for
- 2-61 terms expiring February 1, 2007; and
- 2-62 (3) three members, including one public member, for
- 2-63 terms expiring February 1, 2009.

2-64 (b) The governor may reappoint a person who served as a
2-65 member of the Parks and Wildlife Commission before November 1,
2-66 2003.

2-67 (c) The position of a member of the Parks and Wildlife
2-68 Commission serving immediately before November 1, 2003, is
2-69 abolished at the time five or more of the newly appointed directors

3-1 qualify for office. Until the abolition of the members' positions
 3-2 occurs under this section, the members serving immediately before
 3-3 November 1, 2003, have the same powers and duties that the members
 3-4 had immediately before that date and the commission continues to be
 3-5 composed in the way it was composed before that date, and the former
 3-6 law is continued in effect for that purpose.

ARTICLE 7. PARDONS AND PAROLES

3-8 SECTION 7.01. Section 508.001, Government Code, is amended
 3-9 by amending Subdivision (8) and adding Subdivision (10) to read as
 3-10 follows:

3-11 (8) "Parole commissioner" means a person employed by
 3-12 the board to perform the duties described by Section 508.0441
 3-13 ["Policy board" means the Board of Pardons and Paroles Policy
 3-14 Board].

3-15 (10) "Presiding officer" means the presiding officer
 3-16 of the Board of Pardons and Paroles.

3-17 SECTION 7.02. Subsection (a), Section 508.031, Government
 3-18 Code, is amended to read as follows:

3-19 (a) The board consists of seven [~~18~~] members appointed by
 3-20 the governor with the advice and consent of the senate.

3-21 SECTION 7.03. Section 508.034, Government Code, is amended
 3-22 to read as follows:

3-23 Sec. 508.034. GROUNDS FOR REMOVAL. (a) It is a ground for
 3-24 removal from the board that a member:

3-25 (1) does not have at the time of taking office the
 3-26 qualification required by Section 508.032(b) for appointment to the
 3-27 board;

3-28 (2) is ineligible for membership under Section
 3-29 508.033;

3-30 (3) is unable to discharge the member's duties for a
 3-31 substantial part of the term for which the member is appointed
 3-32 because of illness or disability; or

3-33 (4) is absent from more than half of the regularly
 3-34 scheduled board or panel meetings that the member is eligible to
 3-35 attend during each calendar year, except when the absence is
 3-36 excused by [~~majority vote of~~] the presiding officer [~~board~~].

3-37 (b) [~~It is a ground for removal from the board and the policy~~
 3-38 ~~board if a member of the policy board is absent from more than half~~
 3-39 ~~of the regularly scheduled policy board meetings that the member is~~
 3-40 ~~eligible to attend during each calendar year.~~

3-41 [(c)] The board administrator or the board administrator's
 3-42 designee shall provide to members of the board[, ~~to members of the~~
 3-43 ~~policy board,~~] and to employees, as often as necessary, information
 3-44 regarding their qualification for office or employment under this
 3-45 chapter and their responsibilities under applicable laws relating
 3-46 to standards of conduct for state officers or employees.

3-47 (c) [~~(d)~~] The validity of an action of [~~+~~
 3-48 [~~(1)~~] the board or panel is not affected by the fact
 3-49 that the action is taken when a ground for removal of a board member
 3-50 exists[, ~~and~~

3-51 [~~(2)~~ the policy board is not affected by the fact that
 3-52 the action is taken when a ground for removal of a member of the
 3-53 policy board exists].

3-54 (d) [~~(e)~~] If the general counsel to the board has knowledge
 3-55 that a potential ground for removal exists, the general counsel
 3-56 shall notify the presiding officer of the board of the potential
 3-57 ground. The presiding officer shall notify the governor and the
 3-58 attorney general that a potential ground for removal exists. If the
 3-59 potential ground for removal involves the presiding officer, the
 3-60 general counsel to the board shall notify the governor and the
 3-61 attorney general that a potential ground for removal exists.

3-62 (e) [~~(f)~~] It is a ground for removal from the board that a
 3-63 member fails to comply with policies or rules adopted by the
 3-64 [~~policy~~] board.

3-65 SECTION 7.04. Section 508.035, Government Code, is amended
 3-66 by amending Subsection (c) and adding Subsection (d) to read as
 3-67 follows:

3-68 (c) The presiding officer reports directly to the governor
 3-69 and serves as the administrative head of the [~~policy board and the~~

4-1 board.

4-2 (d) The presiding officer may:

4-3 (1) delegate responsibilities and authority to other
4-4 members of the board, to parole commissioners, or to employees of
4-5 the board;

4-6 (2) appoint advisory committees from the membership of
4-7 the board or from parole commissioners to further the efficient
4-8 administration of board business; and

4-9 (3) establish policies and procedures to further the
4-10 efficient administration of the business of the board.

4-11 SECTION 7.05. Section 508.036, Government Code, as amended
4-12 by Section 31.01, Senate Bill No. 287, Acts of the 78th Legislature,
4-13 Regular Session, 2003, is amended to read as follows:

4-14 Sec. 508.036. [~~POLICY BOARD: COMPOSITION,~~] GENERAL
4-15 ADMINISTRATIVE DUTIES. (a) The presiding officer [~~governor shall~~
4-16 ~~designate seven members of the board to serve as the Board of~~
4-17 ~~Pardons and Paroles Policy Board. The governor shall designate the~~
4-18 ~~presiding officer of the board as one of the seven members of the~~
4-19 ~~policy board, and the presiding officer of the board shall serve as~~
4-20 ~~presiding officer of the policy board. Service on the policy board~~
4-21 ~~is an additional duty of office for members appointed to the policy~~
4-22 ~~board.~~

4-23 [~~(b) Members of the board designated as members of the~~
4-24 ~~policy board serve on the policy board for six-year terms that are~~
4-25 ~~concurrent with their six-year terms on the board, with the service~~
4-26 ~~of two or three members expiring February 1 of each odd-numbered~~
4-27 ~~year.~~

4-28 [~~(c) The policy board~~] shall:

4-29 (1) develop and implement policies that clearly
4-30 separate the policy-making responsibilities of the board and the
4-31 management responsibilities of the board administrator, parole
4-32 commissioners, and the staff of the board [~~adopt rules relating to~~
4-33 ~~the decision-making processes used by the board and parole panels];~~

4-34 (2) establish caseloads and required work hours for
4-35 members of the board and parole commissioners [~~assign duties to~~
4-36 ~~members of the policy board that are in addition to the duties those~~
4-37 ~~members have in handling a caseload];~~

4-38 (3) update parole guidelines, assign precedential
4-39 value to previous decisions of the board relating to the granting of
4-40 parole and the revocation of parole or mandatory supervision, and
4-41 develop policies to ensure that members of the board and parole
4-42 commissioners use guidelines and previous decisions of the board
4-43 and parole commissioners in making decisions under this chapter;

4-44 (4) require members of the board and parole
4-45 commissioners to file activity reports [~~, on forms provided by the~~
4-46 ~~policy board,]~~ that provide information on release decisions made
4-47 by members of the board and parole commissioners, the workload and
4-48 hours worked of the members of the board and parole commissioners,
4-49 and the use of parole guidelines by members of the board and parole
4-50 commissioners; and

4-51 (5) report at least annually to the governor and the
4-52 legislature on the [~~board~~] activities of the board and parole
4-53 commissioners, parole release decisions, and the use of parole
4-54 guidelines by the board and parole commissioners.

4-55 (b) The board shall:

4-56 (1) adopt rules relating to the decision-making
4-57 processes used by the board and parole panels;

4-58 (2) prepare information of public interest describing
4-59 the functions of the board and make the information available to the
4-60 public and appropriate state agencies;

4-61 (3) comply with federal and state laws related to
4-62 program and facility accessibility; and

4-63 (4) prepare annually a complete and detailed written
4-64 report that meets the reporting requirements applicable to
4-65 financial reporting provided in the General Appropriations Act and
4-66 accounts for all funds received and disbursed by the board during
4-67 the preceding fiscal year.

4-68 (c) The board administrator shall prepare and maintain a
4-69 written plan that describes how a person who does not speak English

5-1 can be provided reasonable access to the board's programs and
5-2 services.

5-3 (d) The board, in performing its duties, is subject to the
5-4 open meetings law, Chapter 551, and the administrative procedure
5-5 law, Chapter 2001. This subsection does not affect the provisions
5-6 of Section 2001.223 exempting hearings and interviews conducted by
5-7 the board or the division from Section 2001.038 and Subchapters
5-8 C-H, Chapter 2001.

5-9 SECTION 7.06. Section 508.0362, Government Code, is amended
5-10 to read as follows:

5-11 Sec. 508.0362. TRAINING REQUIRED. (a)(1) A person who is
5-12 appointed to and qualifies for office as a member of the board [~~or~~
5-13 ~~the policy board~~] may not vote, deliberate, or be counted as a
5-14 member in attendance at a meeting of the board [~~or policy board~~]
5-15 until the person completes at least one course of a training program
5-16 that complies with this section.

5-17 (2) A parole commissioner employed by the board may
5-18 not vote or deliberate on a matter described by Section 508.0441
5-19 until the person completes at least one course of a training program
5-20 that complies with this section.

5-21 (b) A training program must provide information to the
5-22 person regarding:

5-23 (1) the enabling legislation that created the board
5-24 [~~and the policy board~~];

5-25 (2) the programs operated by the board;

5-26 (3) the role and functions of the board and parole
5-27 commissioners;

5-28 (4) the rules of the board;

5-29 (5) the current budget for the board;

5-30 (6) the results of the most recent formal audit of the
5-31 board;

5-32 (7) the requirements of the:

5-33 (A) open meetings law, Chapter 551;

5-34 (B) open records law, Chapter 552; and

5-35 (C) administrative procedure law, Chapter 2001;

5-36 (8) the requirements of the conflict of interest laws
5-37 and other laws relating to public officials; and

5-38 (9) any applicable ethics policies adopted by the
5-39 [~~policy~~] board or the Texas Ethics Commission.

5-40 (c) A person appointed to the board [~~or policy board~~] is
5-41 entitled to reimbursement, as provided by the General
5-42 Appropriations Act, for the travel expenses incurred in attending
5-43 the training program regardless of whether the attendance at the
5-44 program occurs before or after the person qualifies for office.

5-45 SECTION 7.07. Subsection (a), Section 508.040, Government
5-46 Code, is amended to read as follows:

5-47 (a) The presiding officer is responsible for the employment
5-48 and supervision of [~~policy board shall employ and supervise~~]:

5-49 (1) parole commissioners;

5-50 (2) a general counsel to the board;

5-51 (3) [~~(2)~~] a board administrator to manage the
5-52 day-to-day activities of the board;

5-53 (4) [~~(3)~~] hearing officers;

5-54 (5) [~~(4)~~] personnel to assist in clemency and hearing
5-55 matters; and

5-56 (6) [~~(5)~~] secretarial or clerical personnel.

5-57 SECTION 7.08. Section 508.041, Government Code, is amended
5-58 to read as follows:

5-59 Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) The
5-60 [~~policy~~] board shall develop and implement:

5-61 (1) a training program that each newly hired employee
5-62 of the board designated to conduct hearings under Section 508.281
5-63 must complete before conducting a hearing without the assistance of
5-64 a board member or experienced parole commissioner or designee; and

5-65 (2) a training program to provide an annual update to
5-66 designees of the board on issues and procedures relating to the
5-67 revocation process.

5-68 (b) The [~~policy~~] board shall prepare and biennially update a
5-69 procedural manual to be used by designees of the board. The

6-1 [~~policy~~] board shall include in the manual:

6-2 (1) descriptions of decisions in previous hearings
6-3 determined by the [~~policy~~] board to have value as precedents for
6-4 decisions in subsequent hearings;

6-5 (2) laws and court decisions relevant to decision
6-6 making in hearings; and

6-7 (3) case studies useful in decision making in
6-8 hearings.

6-9 (c) The [~~policy~~] board shall prepare and update as necessary
6-10 a handbook to be made available to participants in hearings under
6-11 Section 508.281, such as defense attorneys, persons released on
6-12 parole or mandatory supervision, and witnesses. The handbook must
6-13 describe in plain language the procedures used in a hearing under
6-14 Section 508.281.

6-15 SECTION 7.09. Section 508.042, Government Code, is amended
6-16 to read as follows:

6-17 Sec. 508.042. TRAINING PROGRAM FOR MEMBERS AND PAROLE
6-18 COMMISSIONERS. (a) The [~~policy~~] board shall develop for board
6-19 members and parole commissioners a comprehensive training and
6-20 education program on the criminal justice system, with special
6-21 emphasis on the parole process.

6-22 (b)(1) A new member may not participate in a vote of the
6-23 board or a panel, deliberate, or be counted as a member in
6-24 attendance at a meeting of the board [~~or policy board~~] until the
6-25 member completes the program.

6-26 (2) A new parole commissioner may not participate in a
6-27 vote of a panel until the commissioner completes the program. This
6-28 subdivision does not apply to a new parole commissioner who as a
6-29 board member completed the program.

6-30 SECTION 7.10. Subchapter B, Chapter 508, Government Code,
6-31 is amended by amending Section 508.044 and adding Section 508.0441
6-32 to read as follows:

6-33 Sec. 508.044. POWERS AND DUTIES OF BOARD. [~~(a)~~] A board
6-34 member shall give full time to the duties of the member's office,
6-35 including [

6-36 [~~(b) In addition to performing the~~] duties imposed on the
6-37 board by the Texas Constitution and other law.

6-38 Sec. 508.0441. RELEASE AND REVOCATION DUTIES. (a) Board[
6-39 board] members and parole commissioners shall determine:

6-40 (1) which inmates are to be released on parole or
6-41 mandatory supervision;

6-42 (2) conditions of parole or mandatory supervision,
6-43 including special conditions;

6-44 (3) the modification and withdrawal of conditions of
6-45 parole or mandatory supervision;

6-46 (4) which releasees may be released from supervision
6-47 and reporting; and

6-48 (5) the continuation, modification, and revocation of
6-49 parole or mandatory supervision.

6-50 (b) [~~(c)~~] The [~~policy~~] board shall develop and implement a
6-51 policy that clearly defines circumstances under which a board
6-52 member or parole commissioner should disqualify himself or herself
6-53 from voting on:

6-54 (1) a parole decision; or

6-55 (2) a decision to revoke parole or mandatory
6-56 supervision.

6-57 (c) [~~(d)~~] The [~~policy~~] board may adopt reasonable rules as
6-58 [~~the policy board considers~~] proper or necessary relating to:

6-59 (1) the eligibility of an inmate for release on parole
6-60 or release to mandatory supervision;

6-61 (2) the conduct of a parole or mandatory supervision
6-62 hearing; or

6-63 (3) conditions to be imposed on a releasee.

6-64 (d) [~~(e)~~] The presiding officer [~~policy board~~] may provide
6-65 a written plan for the administrative review of actions taken by a
6-66 parole panel by a review panel [~~the entire membership or by a subset~~
6-67 ~~of the entire membership of the board~~].

6-68 (e) [~~(f)~~] Board members and parole commissioners shall, at
6-69 the direction of the presiding officer, file activity reports on

7-1 duties performed under this chapter.

7-2 SECTION 7.11. Subsections (a) and (b), Section 508.045,
7-3 Government Code, are amended to read as follows:

7-4 (a) Except as provided by Section 508.046, board members and
7-5 parole commissioners shall act in panels composed of three [~~persons~~
7-6 ~~each~~] in matters of:

7-7 (1) release on parole;

7-8 (2) release to mandatory supervision; and

7-9 (3) revocation of parole or mandatory supervision.

7-10 (b) The presiding officer [~~of the board~~] shall designate the
7-11 composition of each panel, and may designate panels composed only
7-12 of board members, composed only of parole commissioners, or
7-13 composed of any combination of members and parole commissioners.

7-14 SECTION 7.12. Subsection (a), Section 508.047, Government
7-15 Code, is amended to read as follows:

7-16 (a) The members of the [~~policy~~] board shall meet at least
7-17 once in each quarter of the calendar year at a site determined by
7-18 the presiding officer.

7-19 SECTION 7.13. Section 508.049, Government Code, is amended
7-20 to read as follows:

7-21 Sec. 508.049. MISSION STATEMENT. (a) The [~~policy~~] board,
7-22 after consultation with the governor and the Texas Board of
7-23 Criminal Justice, shall adopt a mission statement that reflects the
7-24 responsibilities for the operation of the parole process that are
7-25 assigned to the [~~policy board, the~~] board, the division, the
7-26 department, or the Texas Board of Criminal Justice.

7-27 (b) The [~~policy~~] board shall include in the mission
7-28 statement a description of specific locations at which the board
7-29 intends to conduct business related to the operation of the parole
7-30 process.

7-31 SECTION 7.14. Section 508.082, Government Code, is amended
7-32 to read as follows:

7-33 Sec. 508.082. RULES. The [~~policy~~] board shall adopt rules
7-34 relating to:

7-35 (1) the submission and presentation of information and
7-36 arguments to the board, a parole panel, and the department for and
7-37 in behalf of an inmate; and

7-38 (2) the time, place, and manner of contact between a
7-39 person representing an inmate and:

7-40 (A) a member of the board or a parole
7-41 commissioner;

7-42 (B) an employee of the board; or

7-43 (C) an employee of the department.

7-44 SECTION 7.15. Subsection (g), Section 508.141, Government
7-45 Code, as added by Senate Bill No. 917, Acts of the 78th Legislature,
7-46 Regular Session, 2003, is amended to read as follows:

7-47 (g) The [~~policy~~] board shall adopt a policy establishing the
7-48 date on which the board may reconsider for release an inmate who has
7-49 previously been denied release. The policy must require the board
7-50 to reconsider for release an inmate serving a sentence for an
7-51 offense listed in Section 508.149(a) during a month designated by
7-52 the parole panel that denied release. The designated month must
7-53 begin after the first anniversary of the date of the denial and end
7-54 before the fifth anniversary of the date of the denial. The policy
7-55 must require the board to reconsider for release an inmate other
7-56 than an inmate serving a sentence for an offense listed in Section
7-57 508.149(a) as soon as practicable after the first anniversary of
7-58 the date of the denial.

7-59 SECTION 7.16. Subsection (b), Section 508.144, Government
7-60 Code, is amended to read as follows:

7-61 (b) If a board member or parole commissioner deviates from
7-62 the parole guidelines in voting on a parole decision, the member or
7-63 parole commissioner shall:

7-64 (1) produce a brief written statement describing the
7-65 circumstances regarding the departure from the guidelines; and

7-66 (2) place a copy of the statement in the file of the
7-67 inmate for whom the parole decision was made.

7-68 SECTION 7.17. Subsection (b), Section 508.153, Government
7-69 Code, is amended to read as follows:

8-1 (b) If more than one person is entitled to appear in person
8-2 before the board members or parole commissioners, only the person
8-3 chosen by all persons entitled to appear as the persons' sole
8-4 representative may appear [~~before the board members~~].

8-5 SECTION 7.18. Subsection (a), Section 508.281, Government
8-6 Code, is amended to read as follows:

8-7 (a) A releasee, a person released although ineligible for
8-8 release, or a person granted a conditional pardon is entitled to a
8-9 hearing before a parole panel or a designated agent of the board
8-10 under the rules adopted by the [~~policy~~] board and within a period
8-11 that permits a parole panel, a designee of the board, or the
8-12 department to dispose of the charges within the periods established
8-13 by Sections 508.282(a) and (b) if the releasee or person:

8-14 (1) is accused of a violation of the releasee's parole
8-15 or mandatory supervision or the person's conditional pardon, on
8-16 information and complaint by a peace officer or parole officer; or

8-17 (2) is arrested after an ineligible release.

8-18 SECTION 7.19. Subsection (c), Section 508.313, Government
8-19 Code, as amended by Section 3, Senate Bill No. 519, Acts of the 78th
8-20 Legislature, Regular Session, 2003, is amended to read as follows:

8-21 (c) The department, on request or in the normal course of
8-22 official business, shall provide information that is confidential
8-23 and privileged under Subsection (a) to:

8-24 (1) the governor;

8-25 (2) a member of the board or a parole commissioner;

8-26 (3) the Criminal Justice Policy Council in performing
8-27 duties of the council under Section 413.017; or

8-28 (4) an eligible entity requesting information for a
8-29 law enforcement, prosecutorial, correctional, clemency, or
8-30 treatment purpose.

8-31 SECTION 7.20. Section 492.0131, Government Code, is amended
8-32 to read as follows:

8-33 Sec. 492.0131. PAROLE RULES, POLICIES, PROCEDURES. The
8-34 board and the presiding officer of the Board of Pardons and Paroles
8-35 [~~Policy Board~~] shall jointly review all rules, policies, and
8-36 procedures of the department and the Board of Pardons and Paroles
8-37 that relate to or affect the operation of the parole process. The
8-38 board and the presiding officer of the Board of Pardons and Paroles
8-39 [~~policy board~~] shall identify areas of inconsistency between the
8-40 department and the Board of Pardons and Paroles and shall amend
8-41 rules or change policies and procedures as necessary for consistent
8-42 operation of the parole process.

8-43 SECTION 7.21. Section 508.0361, Government Code, is
8-44 repealed.

8-45 SECTION 7.22. (a) The governor shall appoint new members
8-46 to the Board of Pardons and Paroles on or before January 1, 2004,
8-47 and the terms of members serving on December 31, 2003, expire on the
8-48 appointment of the new members. The governor may appoint but is
8-49 not required to appoint as new members persons who served on the
8-50 board before January 1, 2004.

8-51 (b) Of the new members of the Board of Pardons and Paroles,
8-52 the governor shall appoint two to serve terms expiring February 1,
8-53 2005, two to serve terms expiring February 1, 2007, and three to
8-54 serve terms expiring February 1, 2009. On the expiration of the
8-55 terms of the initial members of the new board, the term of a member
8-56 appointed by the governor is six years.

8-57 (c) On November 1, 2003, a rule of the Board of Pardons and
8-58 Paroles Policy Board is a rule of the Board of Pardons and Paroles.

8-59 ARTICLE 8. ADMINISTRATION OF TEXAS BUILDING AND PROCUREMENT
8-60 COMMISSION

8-61 SECTION 8.01. Section 2152.051, Government Code, is amended
8-62 to read as follows:

8-63 Sec. 2152.051. COMPOSITION OF COMMISSION. (a) The
8-64 commission consists of five members appointed by the governor.

8-65 (b) Subsection (a) governs the composition of the
8-66 commission after January 31, 2007. On or before that date, this
8-67 subsection governs the composition of the commission. The
8-68 commission consists of seven members, of whom[+]

8-69 [~~1~~] three members are appointed by the governor, [+]

9-1 ~~[(2)]~~ two additional members are appointed by the
 9-2 governor from a list of nominees submitted by the speaker of the
 9-3 house of representatives, ~~[+]~~ and

9-4 ~~[(3)]~~ two members are appointed by the lieutenant
 9-5 governor. The members serving on the commission immediately before
 9-6 the effective date of the Act of the 78th Legislature, 1st Called
 9-7 Session, 2003, that amended this section and added this subsection
 9-8 are entitled to continue to serve on the commission for the terms
 9-9 for which they were appointed if they are otherwise qualified for
 9-10 their positions. Notwithstanding Section 2152.057, for the period
 9-11 in which the commission consists of seven members under this
 9-12 subsection, two or three members' terms expire on January 31 of each
 9-13 odd-numbered year. If, on or before January 31, 2007, the term of
 9-14 any position on the commission expires or a vacancy is created in
 9-15 any position on the commission, the governor shall appoint a person
 9-16 to fill the position. However, the two positions on the commission
 9-17 that are filled by appointment by the governor from a list submitted
 9-18 by the speaker are abolished on the expiration of the positions'
 9-19 terms on January 31, 2007. This subsection expires September 1,
 9-20 2009.

9-21 ~~[(b) In making an appointment under Subsection (a)(2), the~~
 9-22 ~~governor may reject one or more of the nominees on a list submitted~~
 9-23 ~~by the speaker of the house of representatives and request a new~~
 9-24 ~~list of different nominees.]~~

9-25 SECTION 8.02. Subsection (b), Section 2152.052, Government
 9-26 Code, is amended to read as follows:

9-27 (b) In making appointments under this section, the governor
 9-28 ~~[and lieutenant governor]~~ shall attempt to appoint women and
 9-29 members of different minority groups, including African Americans,
 9-30 Hispanic Americans, Native Americans, and Asian Americans.

9-31 SECTION 8.03. Section 2152.057, Government Code, is amended
 9-32 to read as follows:

9-33 Sec. 2152.057. TERMS. Commission members serve staggered
 9-34 six-year terms with one or two ~~[or three]~~ members' terms expiring
 9-35 January 31 of each odd-numbered year.

9-36 ARTICLE 9. DESIGNATION OF PRESIDING OFFICERS

9-37 SECTION 9.01. Chapter 651, Government Code, is amended by
 9-38 adding Section 651.010 to read as follows:

9-39 Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY
 9-40 GOVERNOR. (a) In this section, "state agency" means a department,
 9-41 commission, board, office, council, authority, or other agency in
 9-42 the executive branch of state government that is created by the
 9-43 constitution or a statute of this state, including:

9-44 (1) a university system or institution of higher
 9-45 education as defined by Section 61.003, Education Code; and

9-46 (2) a river authority as defined by Section 30.003,
 9-47 Water Code.

9-48 (b) Notwithstanding other law, the governor may designate a
 9-49 member of the governing body of each state agency as the presiding
 9-50 officer of that governing body to serve in that capacity at the
 9-51 pleasure of the governor.

9-52 (c) This section does not apply to a state agency that is
 9-53 headed by one or more statewide-elected officials or to an entity
 9-54 that advises or reports to a state agency headed by one or more
 9-55 statewide-elected officials.

9-56 ARTICLE 10. STATE AIRCRAFT POOLING BOARD

9-57 SECTION 10.01. The heading to Subchapter A, Chapter 2205,
 9-58 Government Code, is amended to read as follows:

9-59 SUBCHAPTER A. STATE AIRCRAFT POOLING ~~[BOARD]~~; GENERAL PROVISIONS

9-60 SECTION 10.02. Subdivision (1), Section 2205.002,
 9-61 Government Code, is amended to read as follows:

9-62 (1) "Department ~~[Board]~~" means the Texas Department of
 9-63 Transportation ~~[State Aircraft Pooling Board].~~

9-64 SECTION 10.03. Section 2205.032, Government Code, is
 9-65 amended to read as follows:

9-66 Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND
 9-67 MAINTENANCE. (a) The department ~~[board]~~ shall operate a pool for
 9-68 the custody, control, operation, and maintenance of all aircraft
 9-69 owned or leased by the state.

10-1 (b) The department [~~board~~] may purchase aircraft with funds
10-2 appropriated for that purpose.

10-3 (c) As part of the strategic plan that the department
10-4 [~~board~~] develops and submits under Chapter 2056, the department
10-5 [~~board~~] shall develop a long-range plan for its pool of aircraft.
10-6 The department [~~board~~] shall include appropriate portions of the
10-7 long-range plan in its legislative appropriations request. The
10-8 long-range plan must include estimates of future aircraft
10-9 replacement needs and other fleet management needs, including any
10-10 projected need to increase or decrease the number of aircraft in the
10-11 pool. In developing the long-range plan, the department [~~board~~]
10-12 shall consider at a minimum for each aircraft in the pool:

10-13 (1) how much the aircraft is used and the purposes for
10-14 which it is used;

10-15 (2) the cost of operating the aircraft and the revenue
10-16 generated by the aircraft; and

10-17 (3) the demand for the aircraft or for that type of
10-18 aircraft.

10-19 SECTION 10.04. Section 2205.034, Government Code, is
10-20 amended to read as follows:

10-21 Sec. 2205.034. FACILITIES. (a) The department [~~board~~] may
10-22 acquire appropriate facilities for the accommodation of all
10-23 aircraft owned or leased by the state. The facilities may be
10-24 purchased or leased as determined by the department [~~board~~] to be
10-25 most economical for the state and as provided by legislative
10-26 appropriations. The facilities may include adequate hangar space,
10-27 an indoor passenger waiting area, a flight-planning area,
10-28 communications facilities, and other related and necessary
10-29 facilities.

10-30 (b) A state agency that operates an aircraft may not use a
10-31 facility in Austin other than a facility operated by the department
10-32 [~~board~~] for the storage, parking, fueling, or maintenance of the
10-33 aircraft, whether or not the aircraft is based in Austin. In a
10-34 situation the department [~~board~~] determines to be an emergency, the
10-35 department [~~board~~] may authorize a state agency to use a facility in
10-36 Austin other than a department [~~board~~] facility for the storage,
10-37 parking, fueling, or maintenance of an aircraft.

10-38 SECTION 10.05. Section 2205.035, Government Code, is
10-39 amended to read as follows:

10-40 Sec. 2205.035. AIRCRAFT LEASES. (a) The department
10-41 [~~board~~] by interagency contract may lease state-owned aircraft to a
10-42 state agency.

10-43 (b) A state agency that is the prior owner or lessee of an
10-44 aircraft has the first option to lease that aircraft from the
10-45 department [~~board~~].

10-46 (c) The lease may provide for operation or maintenance by
10-47 the department [~~board~~] or the state agency.

10-48 (d) A state agency may not expend appropriated funds for the
10-49 lease of an aircraft unless the department [~~board~~] executes the
10-50 lease or approves the lease by department [~~board~~] order.

10-51 (e) A state agency may not use money appropriated by the
10-52 legislature to rent or lease aircraft except from the department
10-53 [~~board~~] or as provided by Subsection (f). For purposes of this
10-54 subsection and Subsection (f), payments of mileage reimbursements
10-55 provided for by the General Appropriations Act are not rentals or
10-56 leases of aircraft.

10-57 (f) If the department [~~board~~] determines that no
10-58 state-owned aircraft is available to meet a transportation need
10-59 that has arisen or that a rental or lease of aircraft would reduce
10-60 the state's transportation costs, the department [~~board~~] shall
10-61 authorize a state agency to expend funds for the rental or lease of
10-62 aircraft, which may include a helicopter.

10-63 SECTION 10.06. Section 2205.036, Government Code, is
10-64 amended to read as follows:

10-65 Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The
10-66 department [~~board~~] shall provide aircraft transportation, to the
10-67 extent that its aircraft are available, to:

10-68 (1) state officers and employees who are traveling on
10-69 official business according to the coordinated passenger

11-1 scheduling system and the priority scheduling system developed as
 11-2 part of the aircraft operations manual under Section 2205.038;

11-3 (2) persons in the care or custody of state officers or
 11-4 employees described by Subdivision (1); and

11-5 (3) persons whose transportation furthers official
 11-6 state business.

11-7 (b) The department [~~board~~] may not provide aircraft
 11-8 transportation to a passenger if the passenger is to be transported
 11-9 to or from a place where the passenger:

11-10 (1) will make or has made a speech not related to
 11-11 official state business;

11-12 (2) will attend or has attended an event sponsored by a
 11-13 political party;

11-14 (3) will perform a service or has performed a service
 11-15 for which the passenger is to receive an honorarium, unless the
 11-16 passenger reimburses the board for the cost of transportation;

11-17 (4) will attend or has attended an event at which money
 11-18 is raised for private or political purposes; or

11-19 (5) will attend or has attended an event at which an
 11-20 audience was charged an admission fee to see or hear the passenger.

11-21 (c) The department [~~board~~] may not provide aircraft
 11-22 transportation to a destination unless:

11-23 (1) the destination is not served by a commercial
 11-24 carrier;

11-25 (2) the time required to use a commercial carrier
 11-26 interferes with passenger obligations; or

11-27 (3) the number of passengers traveling makes the use
 11-28 of state aircraft cost-effective.

11-29 (d) The department shall monitor and ensure compliance with
 11-30 the requirements of this section.

11-31 SECTION 10.07. Section 2205.038, Government Code, is
 11-32 amended to read as follows:

11-33 Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The
 11-34 department [~~board~~] shall:

11-35 (1) prepare a manual that establishes minimum
 11-36 standards for the operation of aircraft by state agencies; and

11-37 (2) adopt procedures for the distribution of the
 11-38 manual to state agencies.

11-39 (b) The manual must include provisions for:

11-40 (1) pilot certification standards, including medical
 11-41 requirements for pilots;

11-42 (2) recurring training programs for pilots;

11-43 (3) general operating and flight rules;

11-44 (4) coordinated passenger scheduling; and

11-45 (5) other issues the department [~~board~~] determines are
 11-46 necessary to ensure the efficient and safe operation of aircraft by
 11-47 a state agency.

11-48 (c) The department [~~board~~] shall confer with and solicit the
 11-49 written advice of state agencies the department [~~board~~] determines
 11-50 are principal users of aircraft operated by the department [~~board~~]
 11-51 and, to the extent practicable, incorporate that advice in the
 11-52 development of the manual and subsequent changes to the manual.

11-53 (d) The department [~~board~~] shall give an officer normally
 11-54 elected by statewide election priority in the scheduling of
 11-55 aircraft. The department [~~board~~] by rule may require a 12-hour
 11-56 notice by the officer to obtain the priority in scheduling.

11-57 SECTION 10.08. Section 2205.039, Government Code, is
 11-58 amended to read as follows:

11-59 Sec. 2205.039. TRAVEL LOG. (a) The Legislative Budget
 11-60 Board, in cooperation with the department [~~board~~], shall prescribe:

11-61 (1) a travel log form for gathering information about
 11-62 the use of state-operated aircraft;

11-63 (2) procedures to ensure that individuals who travel
 11-64 as passengers on or operate state-operated aircraft provide in a
 11-65 legible manner the information requested of them by the form; and

11-66 (3) procedures for each state agency that operates an
 11-67 aircraft for sending the form to the department [~~board~~] and the
 11-68 Legislative Budget Board.

11-69 (b) The travel log form must request the following

12-1 information about a state-operated aircraft each time the aircraft
12-2 is flown:

12-3 (1) a mission statement, which may appear as a
12-4 selection to be identified from general categories appearing on the
12-5 form;

12-6 (2) the name, state agency represented, destination,
12-7 and signature of each person who is a passenger or crew member of
12-8 the aircraft;

12-9 (3) the date of each flight;

12-10 (4) a detailed and specific description of the
12-11 official business purpose of each flight; and

12-12 (5) other information determined by the Legislative
12-13 Budget Board and the department [~~board~~] to be necessary to monitor
12-14 the proper use of the aircraft.

12-15 (c) A state agency other than the department [~~board~~] shall
12-16 send travel logs to the department [~~board~~] each month in which the
12-17 agency operates an aircraft.

12-18 (d) The department shall monitor and ensure compliance by
12-19 state agencies with the requirements of this section.

12-20 (e) The department shall annually report to the Legislative
12-21 Budget Board on air travel information received under this section.

12-22 SECTION 10.09. Section 2205.040, Government Code, is
12-23 amended to read as follows:

12-24 Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) The
12-25 department [~~board~~] shall adopt rates for interagency aircraft
12-26 services that are sufficient to recover [~~, in the aggregate and to~~
12-27 ~~the extent possible,~~] all expenses incurred under this chapter
12-28 [direct costs for the services provided], including current
12-29 obligations for capital equipment financed under the Texas Public
12-30 Finance Authority's master lease purchase program and aircraft
12-31 replacement costs [a state agency's pro rata share of major
12-32 maintenance, overhauls of equipment and facilities, and pilots'
12-33 salaries].

12-34 (b) The department shall deposit all revenue received under
12-35 this chapter to the credit of the state highway fund. Money
12-36 deposited to the credit of the state highway fund under this chapter
12-37 is exempt from the application of Section 403.095, Government Code
12-38 [Legislative Budget Board, in cooperation with the board and the
12-39 state auditor, shall prescribe a billing procedure for passenger
12-40 travel on state-operated aircraft].

12-41 (c) The department may spend money from the state highway
12-42 fund for expenses incurred under this chapter.

12-43 (d) It is the intent of the legislature that receipts and
12-44 expenditures that relate to the state highway fund under this
12-45 chapter be balanced over time so that, to the extent practicable,
12-46 the receipts and expenditures do not result in a net gain or net
12-47 loss to the fund.

12-48 SECTION 10.10. Subsection (a), Section 2205.041,
12-49 Government Code, is amended to read as follows:

12-50 (a) The Legislative Budget Board, in cooperation with the
12-51 department [~~board~~], shall prescribe:

12-52 (1) an annual aircraft use form for gathering
12-53 information about the use of state-operated aircraft, including the
12-54 extent to which and the methods by which the goal provided by
12-55 Section 2205.031(b) is being met; and

12-56 (2) procedures for each state agency that operates an
12-57 aircraft for sending the form to the department [~~board~~] and the
12-58 Legislative Budget Board.

12-59 SECTION 10.11. Section 2205.042, Government Code, is
12-60 amended to read as follows:

12-61 Sec. 2205.042. PILOTS. An individual who is not a pilot
12-62 employed by the department [~~board~~] may not operate a state-operated
12-63 aircraft unless the department [~~board~~] grants the individual a
12-64 specific exemption from that requirement.

12-65 SECTION 10.12. Subsection (b), Section 2205.043,
12-66 Government Code, is amended to read as follows:

12-67 (b) The department [~~board~~] shall adopt rules, consistent
12-68 with federal regulations and Subtitle A, Title 11 [Article 6139f,
12-69 Revised Statutes], governing the color, size, and location of marks

13-1 of identification required by this section.

13-2 SECTION 10.13. Section 2205.044, Government Code, is
13-3 amended to read as follows:

13-4 Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The
13-5 department [~~board~~] may contract with a state or federal
13-6 governmental agency or a political subdivision to provide aircraft
13-7 fuel or to provide aircraft maintenance services.

13-8 SECTION 10.14. Subsection (a), Section 2205.045,
13-9 Government Code, is amended to read as follows:

13-10 (a) The department [~~board~~] may purchase insurance to
13-11 protect the department [~~board~~] from loss caused by damage, loss,
13-12 theft, or destruction of aircraft owned or leased by the state and
13-13 shall purchase liability insurance to protect the officers and
13-14 employees of each state agency from loss arising from the operation
13-15 of state-owned aircraft.

13-16 SECTION 10.15. Section 2205.046, Government Code, is
13-17 amended to read as follows:

13-18 Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a)
13-19 The department [~~board~~] may transfer aircraft to a public technical
13-20 institute or other public postsecondary educational institution
13-21 for use in the institution's flight training program. Except as
13-22 provided by this section, the department [~~board~~] has no
13-23 responsibility for continued maintenance of aircraft transferred
13-24 under this section.

13-25 (b) As a condition to the transfer of the aircraft, the
13-26 institution must certify in writing to the department [~~board~~] that
13-27 the institution will accept full responsibility for maintenance of
13-28 the aircraft and that it will be properly maintained while in the
13-29 custody and control of the institution. The department [~~board~~] is
13-30 entitled to inspect the aircraft without notice for the purpose of
13-31 insuring that the aircraft are properly maintained.

13-32 (c) The department [~~board~~] may immediately reassume custody
13-33 and control of a transferred aircraft on a finding by the department
13-34 [~~board~~] that:

- 13-35 (1) the aircraft is not being properly maintained;
13-36 (2) the aircraft is being used for a purpose other than
13-37 flight training; or
13-38 (3) the institution has discontinued its flight
13-39 training program.

13-40 SECTION 10.16. Section 2205.047, Government Code, is
13-41 amended to read as follows:

13-42 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The
13-43 department [~~board~~] shall post information related to travel and
13-44 other services provided by the department under this chapter
13-45 [~~board~~] on an Internet site maintained by or for the department
13-46 [~~board~~]. The site must be generally accessible to state agencies,
13-47 persons who use the department's [~~board's~~] services, and, to the
13-48 extent appropriate, the general public.

13-49 SECTION 10.17. Sections 2205.003-2205.019, Government
13-50 Code, are repealed.

13-51 SECTION 10.18. On the effective date of this article:

13-52 (1) the State Aircraft Pooling Board is abolished. All
13-53 powers, duties, obligations, rights, contracts, bonds,
13-54 appropriations, records, and real or personal property, and
13-55 personnel of the State Aircraft Pooling Board are transferred to
13-56 the Texas Department of Transportation;

13-57 (2) a rule, policy, procedure, or decision of the
13-58 State Aircraft Pooling Board continues in effect as a rule, policy,
13-59 procedure, or decision of the Texas Department of Transportation
13-60 until superseded by an act of the Texas Department of
13-61 Transportation;

13-62 (3) a reference in law to the State Aircraft Pooling
13-63 Board means the Texas Department of Transportation; and

13-64 (4) the number of full-time equivalent positions
13-65 intended to be allocated to the State Aircraft Pooling Board by H.B.
13-66 No. 1, Acts of the 78th Legislature, Regular Session, 2003, is
13-67 reduced by 39 for fiscal years 2004 and 2005, and the number of
13-68 full-time equivalent positions allocated to the Texas Department of
13-69 Transportation is increased by 39 for fiscal years 2004 and 2005 for

14-1 the purpose of administering Chapter 2205, Government Code.

14-2 SECTION 10.19. (a) All money collected by the Texas
 14-3 Department of Transportation under Chapter 2205, Government Code,
 14-4 during the state fiscal biennium beginning September 1, 2003, is
 14-5 appropriated to the Texas Department of Transportation for that
 14-6 biennium for the purpose of administering Chapter 2205, Government
 14-7 Code.

14-8 (b) The unexpended balance of the appropriation to the State
 14-9 Aircraft Pooling Board for all or part of the state fiscal biennium
 14-10 ending August 31, 2003, is appropriated to the Texas Department of
 14-11 Transportation for the state fiscal biennium beginning September 1,
 14-12 2003, for the purpose of administering Chapter 2205, Government
 14-13 Code.

14-14 (c) For the purpose of administering Chapter 2205,
 14-15 Government Code, the Texas Department of Transportation is
 14-16 appropriated \$3,741,068 from the state highway fund for fiscal year
 14-17 2004 and \$3,660,494 from the state highway fund for fiscal year
 14-18 2005. It is the intent of the legislature that, to the extent
 14-19 possible, the appropriations under this subsection shall be funded
 14-20 from money collected under Chapter 2205, Government Code, and that
 14-21 any expenditures not immediately offset by money collected under
 14-22 Chapter 2205, Government Code, be repaid from money collected under
 14-23 Chapter 2205, Government Code, in the future.

14-24 SECTION 10.20. Before March 1, 2004, the Texas Department
 14-25 of Transportation shall file with the governor, the lieutenant
 14-26 governor, the speaker of the house of representatives, and the
 14-27 Legislative Budget Board a complete and detailed report on the
 14-28 transfer of powers and duties from the State Aircraft Pooling Board
 14-29 to the Texas Department of Transportation.

14-30 SECTION 10.21. This article takes effect September 1, 2003,
 14-31 if this Act receives a vote of two-thirds of all the members elected
 14-32 to each house, as provided by Section 39, Article III, Texas
 14-33 Constitution. If this Act does not receive the vote necessary for
 14-34 this article to take effect on that date, this article takes effect
 14-35 November 1, 2003.

14-36 ARTICLE 11. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

14-37 SECTION 11.01. Section 1702.002, Occupations Code, is
 14-38 amended by adding Subdivisions (1-a) and (5-a) to read as follows:

14-39 (1-a) "Board" means the Texas Private Security Board.

14-40 (5-a) "Department" means the Department of Public
 14-41 Safety of the State of Texas.

14-42 SECTION 11.02. Subchapter A, Chapter 1702, Occupations
 14-43 Code, is amended by adding Section 1702.005 to read as follows:

14-44 Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY. (a) The board
 14-45 created under Section 1702.021 is a part of the department. The
 14-46 department shall administer this chapter through the board.

14-47 (b) A reference in this chapter or another law to the Texas
 14-48 Commission on Private Security means the board.

14-49 SECTION 11.03. Subsection (a), Section 1702.021,
 14-50 Occupations Code, as amended by S.B. No. 287, Acts of the 78th
 14-51 Legislature, Regular Session, 2003, is amended to read as follows:

14-52 (a) The Texas [~~Commission on~~] Private Security Board
 14-53 consists of seven [~~eight~~] members appointed by the governor with
 14-54 the advice and consent of the senate as follows:

14-55 (1) four public members, each of whom is a citizen of
 14-56 the United States;

14-57 (2) one member who [~~+~~
 14-58 [~~(A)~~] is licensed under this chapter as a private
 14-59 investigator;

14-60 [~~(B) has been engaged as a private investigator~~
 14-61 ~~for at least the five years preceding appointment, and~~

14-62 [~~(C) is not employed by a person who employs~~
 14-63 ~~another member of the commission,]~~

14-64 (3) one member who is licensed under this chapter as an
 14-65 alarm systems company; and [~~who+~~

14-66 [~~(A) has been engaged as an alarm systems company~~
 14-67 ~~for at least the five years preceding appointment, and~~

14-68 [~~(B) is not employed by a person who employs~~
 14-69 ~~another member of the commission,]~~

15-1 (4) one member who [+
15-2 [~~(A)~~] is licensed under this chapter as the owner
15-3 or operator of a guard company [+

15-4 [~~(B) has been the owner or operator of the guard
15-5 company for at least the five years preceding appointment; and~~

15-6 [~~(C) is not employed by a person who employs
15-7 another member of the commission; and~~

15-8 [~~(5) one member who:
15-9 [(A) holds a license, security officer
15-10 commission, or registration under this chapter;~~

15-11 [~~(B) has been engaged in activity regulated by
15-12 the commission under this chapter for at least the five years
15-13 preceding appointment; and~~

15-14 [~~(C) is not employed by a person who employs
15-15 another member of the commission].~~

15-16 SECTION 11.04. Section 1702.025, Occupations Code, as
15-17 amended by S.B. 287, Acts of the 78th Legislature, Regular Session,
15-18 2003, and Section 1702.026, Occupations Code, are amended to read
15-19 as follows:

15-20 Sec. 1702.025. TERMS; VACANCIES. (a) The board [~~appointed
15-21 commission~~] members serve staggered six-year terms, with the terms
15-22 of two or three [~~appointed~~] members expiring on January 31 of each
15-23 odd-numbered year.

15-24 (b) If a vacancy occurs during the term of a board [~~an
15-25 appointed commission~~] member, the governor shall appoint a new
15-26 member to fill the unexpired term.

15-27 Sec. 1702.026. OFFICERS. (a) The governor shall designate
15-28 one board [~~commission~~] member as presiding officer to serve in that
15-29 capacity at the will of the governor. The governor shall designate
15-30 the presiding officer without regard to race, creed, color,
15-31 disability, sex, religion, age, or national origin.

15-32 (b) The board [~~commission, including the representative of
15-33 the director of the Texas Department of Public Safety if one is
15-34 designated,~~] shall elect from among its members an assistant
15-35 presiding officer and a secretary to serve two-year terms beginning
15-36 on September 1 of each odd-numbered year.

15-37 (c) The presiding officer of the board [~~commission~~] or, in
15-38 the absence of the presiding officer, the assistant presiding
15-39 officer shall preside at each board [~~commission~~] meeting and
15-40 perform the other duties prescribed by this chapter.

15-41 SECTION 11.05. Section 1702.022, Occupations Code, is
15-42 repealed.

15-43 SECTION 11.06. Not later than January 1, 2004, the governor
15-44 shall appoint the members of the Texas Private Security Board, as
15-45 required under Section 1702.021, Occupations Code, as amended by
15-46 this article. In appointing the initial members of the board under
15-47 this section, the governor shall appoint:

15-48 (1) two members for terms expiring January 31, 2005;
15-49 (2) two members for terms expiring January 31, 2007;
15-50 and

15-51 (3) three members for terms expiring January 31, 2009.

15-52 SECTION 11.07. (a) On January 1, 2004:
15-53 (1) all functions and activities performed by the
15-54 Texas Commission on Private Security immediately before that date
15-55 are transferred to the Texas Private Security Board of the
15-56 Department of Public Safety of the State of Texas;

15-57 (2) a rule or form adopted by the Texas Commission on
15-58 Private Security is a rule or form of the Texas Private Security
15-59 Board and remains in effect until amended or replaced by that board;

15-60 (3) a reference in law or an administrative rule to the
15-61 Texas Commission on Private Security means the Texas Private
15-62 Security Board;

15-63 (4) a complaint, investigation, or other proceeding
15-64 before the Texas Commission on Private Security is transferred
15-65 without change in status to the Texas Private Security Board, and
15-66 the Texas Private Security Board assumes, as appropriate and
15-67 without a change in status, the position of the Texas Commission on
15-68 Private Security in an action or proceeding to which the Texas
15-69 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.

(d) Of the fees collected during the state fiscal biennium beginning September 1, 2003, by the Texas Commission on Private Security or the Texas Private Security Board of the Department of Public Safety of the State of Texas under Chapter 1702, Occupations Code, \$1 million is appropriated to the Department of Public Safety of the State of Texas for the Texas Commission on Private Security and the Texas Private Security Board for the state fiscal biennium beginning September 1, 2003, for the purpose of administering Chapter 1702.

SECTION 11.08. This article takes effect November 1, 2003, except that Subsection (d), Section 11.07, of 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, Subsection (d), Section 11.07, of this article takes effect November 1, 2003.

ARTICLE 12. TEXAS INNOCENCE COMMISSION

SECTION 12.01. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.27 to read as follows:

Art. 43.27. TEXAS INNOCENCE COMMISSION

Sec. 1. CREATION. The governor may create the Texas Innocence Commission as provided by Sections 2-9 of this article.

Sec. 2. COMPOSITION. (a) The commission is composed of nine members. The governor shall appoint two members, one of whom must be a dean of a law school and one of whom must be a law enforcement officer. The attorney general shall appoint a member who must be an attorney who represents the state in the prosecution of felonies. The chair of the criminal justice committee of the senate shall appoint one member who may be a member of the legislature. The chair of the criminal jurisprudence committee of the house of representatives shall appoint one member who may be a member of the legislature. The chief justice of the supreme court shall appoint one member who must be a member of the judiciary. The chancellor of The University of Texas System shall appoint two members, one who must be a law professor and one who must work in the forensic science field. The Texas Criminal Defense Lawyers Association shall appoint one member who must be a criminal defense lawyer.

(b) Each member serves a two-year term.

(c) The governor shall designate a member to serve as presiding officer.

Sec. 3. POWERS AND DUTIES. (a) The commission may administer oaths and issue subpoenas, signed by the presiding officer, to compel the production of documents and other evidence and the attendance of witnesses. A subpoena of the commission shall be served by a peace officer in the manner in which district court subpoenas are served. On application of the commission, a district court of Travis County shall compel compliance with the subpoena in the same manner as for district court subpoenas.

(b) The commission shall investigate thoroughly post-conviction exonerations of the innocent, including any

17-1 convictions vacated by a court or nullified by an official pardon.
 17-2 The commission may also investigate other selected cases that, in
 17-3 the commission's discretion, are reasonably likely to have resulted
 17-4 in wrongful conviction, including convictions vacated based on a
 17-5 plea to time served. The commission shall conduct any
 17-6 investigations it considers necessary to:

17-7 (1) ascertain errors and defects in the criminal
 17-8 procedure used to prosecute the defendant's case at issue;

17-9 (2) identify errors and defects in the criminal
 17-10 justice process in this state generally;

17-11 (3) develop solutions and methods to correct the
 17-12 identified errors and defects; and

17-13 (4) identify procedures and programs to prevent future
 17-14 wrongful convictions.

17-15 (c) The commission may enter into contracts for research
 17-16 services as considered necessary to complete the investigation of a
 17-17 particular case, including forensic testing.

17-18 Sec. 4. REPORT. (a) The commission shall compile a
 17-19 detailed annual report of its findings and recommendations,
 17-20 including any proposed legislation to implement procedures and
 17-21 programs to prevent future wrongful convictions.

17-22 (b) The report shall be made available to the public on
 17-23 request.

17-24 (c) The findings and recommendations contained in the
 17-25 report may not be used as binding evidence in a subsequent civil or
 17-26 criminal proceeding.

17-27 Sec. 5. SUBMISSION. The commission shall submit the report
 17-28 described by Section 4 to the governor, the lieutenant governor,
 17-29 and each member of the legislature not later than December 1 of each
 17-30 even-numbered year.

17-31 Sec. 6. REIMBURSEMENT. A member of the commission is not
 17-32 entitled to compensation but is entitled to reimbursement for the
 17-33 member's travel expenses as provided by Chapter 660, Government
 17-34 Code, and the General Appropriations Act.

17-35 Sec. 7. GIFTS AND GRANTS. The commission may accept gifts,
 17-36 grants, and donations to fund the commission's investigations and
 17-37 other activities under this article.

17-38 Sec. 8. ASSISTANCE. The Texas Legislative Council, the
 17-39 Legislative Budget Board, the Criminal Justice Policy Council, and
 17-40 The University of Texas System shall assist the commission in
 17-41 performing the commission's duties.

17-42 Sec. 9. OTHER LAW. The commission is not subject to Chapter
 17-43 2110, Government Code.

17-44 ARTICLE 13. REPORTS

17-45 SECTION 13.01. Subsection (a), Section 363.064, Health and
 17-46 Safety Code, is amended to read as follows:

17-47 (a) A regional or local solid waste management plan must:

17-48 (1) include a description and an assessment of current
 17-49 efforts in the geographic area covered by the plan to minimize
 17-50 production of municipal solid waste, including sludge, and efforts
 17-51 to reuse or recycle waste;

17-52 (2) identify additional opportunities for waste
 17-53 minimization and waste reuse or recycling;

17-54 (3) include a description and assessment of existing
 17-55 or proposed community programs for the collection of household
 17-56 hazardous waste;

17-57 (4) make recommendations for encouraging and
 17-58 achieving a greater degree of waste minimization and waste reuse or
 17-59 recycling in the geographic area covered by the plan;

17-60 (5) encourage cooperative efforts between local
 17-61 governments in the siting of landfills for the disposal of solid
 17-62 waste;

17-63 (6) consider the need to transport waste between
 17-64 municipalities, from a municipality to an area in the jurisdiction
 17-65 of a county, or between counties, particularly if a technically
 17-66 suitable site for a landfill does not exist in a particular area;

17-67 (7) allow a local government to justify the need for a
 17-68 landfill in its jurisdiction to dispose of the solid waste
 17-69 generated in the jurisdiction of another local government that does

18-1 not have a technically suitable site for a landfill in its
 18-2 jurisdiction;

18-3 (8) establish recycling rate goals appropriate to the
 18-4 area covered by the plan;

18-5 (9) recommend composting programs for yard waste and
 18-6 related organic wastes that may include:

18-7 (A) creation and use of community composting
 18-8 centers;

18-9 (B) adoption of the "Don't Bag It" program for
 18-10 lawn clippings developed by the Texas Agricultural Extension
 18-11 Service; and

18-12 (C) development and promotion of education
 18-13 programs on home composting, community composting, and the
 18-14 separation of yard waste for use as mulch;

18-15 (10) include an inventory of municipal solid waste
 18-16 landfill units, including:

18-17 (A) landfill units no longer in operation;

18-18 (B) the exact boundaries of each former landfill
 18-19 unit or, if the exact boundaries are not known, the best
 18-20 approximation of each unit's boundaries;

18-21 (C) a map showing the approximate boundaries of
 18-22 each former landfill unit, if the exact boundaries are not known;

18-23 (D) the current owners of the land on which the
 18-24 former landfill units were located; and

18-25 (E) the current use of the land;

18-26 (11) assess the need for new waste disposal capacity;
 18-27 and

18-28 (12) include a public education program[~~and~~

18-29 [~~(13) include waste reduction in accordance with the~~
 18-30 ~~goal established under Section 361.0201(d), to the extent that~~
 18-31 ~~funds are available].~~

18-32 SECTION 13.02. The heading to Section 5.178, Water Code, is
 18-33 amended to read as follows:

18-34 Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES
 18-35 [~~APPENDICES~~].

18-36 SECTION 13.03. Subsection (b), Section 5.178, Water Code,
 18-37 is amended to read as follows:

18-38 (b) The report due by December 1 of an even-numbered year
 18-39 shall include, in addition:

18-40 (1) the commission's recommendations for necessary and
 18-41 desirable legislation; and

18-42 (2) the following reports:

18-43 (A) the assessments and reports required by
 18-44 Section [~~Sections~~] 361.0219(c) [~~, 361.0232, 361.510, 371.063, and~~
 18-45 ~~382.141~~], Health and Safety Code;

18-46 (B) the reports required by Section 26.0135(d)
 18-47 [~~of this code~~] and Section 5.02, Chapter 133, Acts of the 69th
 18-48 Legislature, Regular Session, 1985; and

18-49 (C) a summary of the analyses and assessments
 18-50 required by Section 5.1773 [~~of this code~~].

18-51 SECTION 13.04. (a) Sections 361.020, 361.0201, 361.0232,
 18-52 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063,
 18-53 382.141, Health and Safety Code, are repealed.

18-54 (b) Section 5.178(c), Water Code, is repealed.

18-55 ARTICLE 14. PERMITS OF THE TEXAS COMMISSION ON ENVIRONMENTAL
 18-56 QUALITY

18-57 SECTION 14.01. (a) It is the policy of this state to be
 18-58 effective and efficient with public funds, to provide for effective
 18-59 and efficient management of natural resources, and to serve the
 18-60 people of Texas by making the government more visible, accessible,
 18-61 coherent, consistent, and accountable to the people of Texas. The
 18-62 legislature finds that the Texas Commission on Environmental
 18-63 Quality's procedures for processing permits is cumbersome,
 18-64 confusing, lengthy, and inefficient for citizens, business,
 18-65 political subdivisions, and the commission.

18-66 (b) The Texas Commission on Environmental Quality's
 18-67 permitting processes warrant, and the legislature directs, an
 18-68 in-depth evaluation, including the identification of problems,
 18-69 potential options, and solutions. The evaluation must solicit and

19-1 consider input from all stakeholders, including public hearings and
 19-2 the opportunity for submission of written and oral comments. The
 19-3 solutions identified in the final assessment of the commission's
 19-4 permitting processes must ensure that:

19-5 (1) all relevant environmental protection standards
 19-6 are maintained at a level that at least equals the current level;

19-7 (2) the commission's permitting processes are
 19-8 streamlined;

19-9 (3) the commission's permitting processes are
 19-10 user-friendly to citizens and promote sound economic development;
 19-11 and

19-12 (4) all stakeholder concerns are considered.

19-13 (c) A seven-member study committee shall conduct the
 19-14 evaluation and final assessment required by Subsection (b) of this
 19-15 section and submit its findings not later than November 1, 2004, to
 19-16 the governor, the lieutenant governor, the speaker of the house of
 19-17 representatives, the Texas Commission on Environmental Quality,
 19-18 and the chair of the standing committee of each house of the
 19-19 legislature with primary jurisdiction over environmental issues.
 19-20 The study committee shall consist of:

19-21 (1) three appointees of the lieutenant governor;

19-22 (2) three appointees of the speaker of the house of
 19-23 representatives; and

19-24 (3) one public member appointed by the governor.

19-25 (d) It is the intent of the legislature to effectuate the
 19-26 appropriate solutions through legislation at the earliest
 19-27 opportunity subsequent to receipt of the study committee's final
 19-28 assessment.

19-29 ARTICLE 15. CONSIDERATIONS BY THE BOARD OF

19-30 PARDONS AND PAROLES REGARDING CLEMENCY MATTERS

19-31 SECTION 15.01. Subsection (b), Section 508.047, Government
 19-32 Code, is amended to read as follows:

19-33 (b) Except as provided by Article 48.011, Code of Criminal
 19-34 Procedure, and Section 551.124, the [The] members of the board are
 19-35 not required to meet as a body to perform the members' duties in
 19-36 clemency matters.

19-37 SECTION 15.02. Section 551.124, Government Code, is amended
 19-38 to read as follows:

19-39 Sec. 551.124. BOARD OF PARDONS AND PAROLES. (a) At the
 19-40 call of the presiding officer of the Board of Pardons and Paroles,
 19-41 the board may hold a hearing on clemency matters by telephone
 19-42 conference call.

19-43 (b) The board shall deliberate privately. At the conclusion
 19-44 of deliberations, the presiding officer shall announce publicly
 19-45 individual members' decisions as to whether to recommend clemency.
 19-46 Each member shall sign the member's name with the member's written
 19-47 recommendation and reasons for the recommendation.

19-48 (c) The board shall adopt rules to implement the
 19-49 requirements of this section.

19-50 SECTION 15.03. Chapter 48, Code of Criminal Procedure, is
 19-51 amended by adding Article 48.011 to read as follows:

19-52 Art. 48.011. MEETINGS: CAPITAL CASE. (a) In a capital
 19-53 case, the members of the Board of Pardons and Paroles shall perform
 19-54 the members' duties in clemency matters by meeting as a body and
 19-55 holding a hearing open to the public or accessible to the public by
 19-56 broadcast.

19-57 (b) The public hearing shall be conducted at the
 19-58 correctional facility where the inmate is housed. The inmate shall
 19-59 be allowed to be present at the hearing, absent overriding security
 19-60 issues.

19-61 (c) The board must cause a record of the hearing to be kept.

19-62 (d) The board shall adopt rules as necessary to implement
 19-63 the requirements of this article.

19-64 SECTION 15.04. (a) The change in law made by this article
 19-65 applies only to a consideration by the Board of Pardons and Paroles
 19-66 regarding a clemency matter in a capital case that occurs on or
 19-67 after the effective date of this Act.

19-68 (b) The Board of Pardons and Paroles Policy Board shall
 19-69 adopt the rules required by Article 48.011(d), Code of Criminal

20-1 Procedure, as added by this Act, and Section 551.124, Government
20-2 Code, as amended by this Act, not later than March 1, 2004.

20-3 ARTICLE 16. CERTAIN AGREEMENTS OF THE
20-4 TEXAS DEPARTMENT OF TRANSPORTATION

20-5 SECTION 16.01. Subchapter C, Chapter 201, Transportation
20-6 Code, is amended by adding Section 201.1055 to read as follows:

20-7 Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES.

20-8 Notwithstanding any other law, including Subchapter A, Chapter
20-9 2254, Government Code, Chapters 2165, 2166, and 2167, Government
20-10 Code, and Sections 202.052, 202.053, 203.051, 203.052, and 223.001
20-11 of this code, the department and a private entity that offers the
20-12 best value to the state may enter into an agreement that includes:

20-13 (1) both design and construction of one or more of the
20-14 department's district office headquarters facilities;

20-15 (2) a lease of department-owned real property to the
20-16 private entity;

20-17 (3) a provision authorizing the private entity to
20-18 construct and retain ownership of a building on property leased to
20-19 the entity under Subdivision (2);

20-20 (4) a provision under which the department agrees to
20-21 enter into an agreement to lease with an option or options to
20-22 purchase a building constructed on property leased to the entity
20-23 under Subdivision (2); and

20-24 (5) any other provision the department considers
20-25 advantageous to the state.

20-26 ARTICLE 17. ORGANIZATION OF CERTAIN STATE AGENCIES; TRANSFER OF
20-27 CERTAIN FUNCTIONS

20-28 PART 1. CREATION OF LEGISLATIVE INFORMATION SERVICES BOARD;
20-29 ABOLITION OF TEXAS LEGISLATIVE COUNCIL AND TRANSFER OF ITS
20-30 FUNCTIONS

20-31 SECTION 17.01. Subtitle C, Title 3, Government Code, is
20-32 amended by adding Chapter 327 to read as follows:

20-33 CHAPTER 327. LEGISLATIVE INFORMATION SERVICES BOARD

20-34 Sec. 327.001. DEFINITIONS. In this chapter:

20-35 (1) "Board" means the Legislative Information
20-36 Services Board.

20-37 (2) "Director" means the director of the board.

20-38 Sec. 327.002. CREATION. The Legislative Information
20-39 Services Board is an agency of the legislative branch of state
20-40 government.

20-41 Sec. 327.003. LEGISLATIVE INFORMATION SERVICES BOARD.

20-42 (a) The board consists of:

20-43 (1) the lieutenant governor;

20-44 (2) the speaker of the house of representatives;

20-45 (3) the chairs of the senate and house administration
20-46 committees;

20-47 (4) five other senators from various areas of the
20-48 state appointed by the lieutenant governor; and

20-49 (5) five other members of the house of representatives
20-50 from various areas of the state appointed by the speaker.

20-51 (b) The lieutenant governor and the speaker of the house of
20-52 representatives serve alternate terms as the chairman and vice
20-53 chairman of the board. The terms are for two years and expire on
20-54 February 1 of each odd-numbered year.

20-55 (c) Members of the board serve without compensation but are
20-56 entitled to reimbursement for actual and necessary expenses
20-57 incurred in attending meetings and performing official functions.

20-58 (d) Actual and necessary expenses are paid from funds
20-59 appropriated to the board.

20-60 Sec. 327.004. DIRECTOR. (a) The board shall appoint a
20-61 director to serve at the pleasure of the board.

20-62 (b) The board shall set the salary of the director.

20-63 Sec. 327.005. PERSONNEL. (a) The director, with the
20-64 approval of the board, may employ professional and clerical
20-65 personnel.

20-66 (b) The board shall set the salaries of the personnel
20-67 employed by the director.

20-68 Sec. 327.006. GIFTS AND GRANTS. (a) The board may accept
20-69 gifts, grants, and donations from any organization described in

21-1 Section 501(c)(3), Internal Revenue Code of 1986, for the purposes
 21-2 of funding any activity under this chapter.

21-3 (b) All gifts, grants, and donations must be accepted in an
 21-4 open meeting by a majority of the voting members of the board and
 21-5 reported in the public record of the board with the name of the
 21-6 donor and purpose of the gift, grant, or donation.

21-7 Sec. 327.007. DUTIES. The board shall provide computer
 21-8 support services to the legislative branch of state government,
 21-9 including:

21-10 (1) installing and maintaining computer equipment;

21-11 (2) testing new software and hardware;

21-12 (3) developing custom software;

21-13 (4) maintaining a local area network; and

21-14 (5) providing computer training and assistance.

21-15 Sec. 327.008. ELECTRONIC AVAILABILITY OF LEGISLATIVE
 21-16 INFORMATION THROUGH THE INTERNET. (a) In this section:

21-17 (1) "Internet" means the largest nonproprietary
 21-18 nonprofit cooperative public computer network, popularly known as
 21-19 the Internet.

21-20 (2) "Legislative information" means:

21-21 (A) a list of all the members of each house of the
 21-22 legislature;

21-23 (B) a list of the committees of the legislature
 21-24 and their members;

21-25 (C) the full text of each bill as filed and as
 21-26 subsequently amended, substituted, engrossed, or enrolled in
 21-27 either house of the legislature;

21-28 (D) the full text of each amendment or substitute
 21-29 adopted by a legislative committee for each bill filed in either
 21-30 house of the legislature;

21-31 (E) the calendar of each house of the
 21-32 legislature, the schedule of legislative committee hearings, and a
 21-33 list of the matters pending on the floor of each house of the
 21-34 legislature;

21-35 (F) detailed procedural information about how a
 21-36 bill filed in either house of the legislature becomes law,
 21-37 including detailed timetable information concerning the times
 21-38 under the constitution or the rules of either house when the
 21-39 legislature may take certain actions on a bill;

21-40 (G) the district boundaries or other identifying
 21-41 information for the following types of districts in Texas:

21-42 (i) house of representatives districts;

21-43 (ii) senate districts;

21-44 (iii) State Board of Education districts;

21-45 and

21-46 (iv) United States congressional
 21-47 districts; and

21-48 (H) other information related to the legislative
 21-49 process that in the board's opinion should be made available
 21-50 through the Internet.

21-51 (b) The board, to the extent it considers it to be feasible
 21-52 and appropriate, may make legislative information available to the
 21-53 public through the Internet.

21-54 (c) The board may make available to the public through the
 21-55 Internet any documentation that describes the electronic digital
 21-56 formats of legislative information.

21-57 (d) The access to legislative information provided for
 21-58 under this section:

21-59 (1) is in addition to the public's access to the
 21-60 information through other electronic or print distribution of the
 21-61 information;

21-62 (2) does not alter, diminish, or relinquish any
 21-63 copyright or other proprietary interest or entitlement of the State
 21-64 of Texas or a private entity under contract with the state; and

21-65 (3) is subject to Section 327.009.

21-66 Sec. 327.009. COMPUTER ACCESS, INFORMATION, AND USE.

21-67 (a) The board shall consider each application for direct access to
 21-68 a computer under its control in which confidential information is
 21-69 stored or processed or that is connected with another computer in

22-1 which confidential information is stored or processed and solely
 22-2 shall determine whether or not to permit direct access by the
 22-3 applicant. Direct access to such a computer may not be permitted
 22-4 unless protection of confidential information is ensured.

22-5 (b) If public information of the board is stored in a
 22-6 computer-readable form, the board has exclusive authority to
 22-7 determine the form in which the information will be reproduced for
 22-8 the requestor of the information.

22-9 (c) Notwithstanding Subchapter F, Chapter 552, the board
 22-10 has exclusive authority to determine the charge for direct access
 22-11 to a computer under its control and the charge for information
 22-12 reproduced for a requestor.

22-13 (d) The board may consider the needs of persons with
 22-14 disabilities when making decisions regarding the formats in which
 22-15 information is made available under this chapter.

22-16 Sec. 327.010. COMPUTER SECURITY; PENALTY. (a) A person
 22-17 commits an offense if the person intentionally or knowingly gains
 22-18 access to information stored or maintained by a computer under the
 22-19 control of the board and the person is not authorized by the board
 22-20 to have access to that information.

22-21 (b) A person commits an offense if the person intentionally,
 22-22 knowingly, or recklessly damages, destroys, deletes, or alters or
 22-23 impairs access to or use of information stored or maintained by a
 22-24 computer under the control of the board and the person is not
 22-25 authorized by the board to do so.

22-26 (c) Subsection (b) does not apply to an interruption of
 22-27 utility service or other service that causes the damage,
 22-28 destruction, deletion, or alteration of or impairment of access to
 22-29 or use of the information unless the interruption was intended to
 22-30 have that result.

22-31 (d) An offense under this section is a Class A misdemeanor.

22-32 SECTION 17.02. The following laws are repealed:

- 22-33 (1) Section 276.008, Election Code;
- 22-34 (2) Chapter 323, Government Code;
- 22-35 (3) Section 2053.004, Government Code; and
- 22-36 (4) Section 6.14, Tax Code.

22-37 PART 2. TRANSFER OF FINANCIAL AUDIT FUNCTIONS FROM STATE AUDITOR
 22-38 TO LEGISLATIVE BUDGET BOARD

22-39 SECTION 17.03. Chapter 322, Government Code, is amended by
 22-40 adding Section 322.002 to read as follows:

22-41 Sec. 322.002. DEFINITIONS. In this chapter:

- 22-42 (1) "Board" means the Legislative Budget Board.
- 22-43 (2) "Department" includes every department, agency,
 22-44 board, bureau, institution, or commission of the state.

22-45 SECTION 17.04. Chapter 322, Government Code, is amended by
 22-46 adding Sections 322.0155 through 322.026 to read as follows:

22-47 Sec. 322.0155. FINANCIAL AND COMPLIANCE AUDITS: POWERS AND
 22-48 DUTIES. (a) The board shall conduct financial audits of all
 22-49 departments, including institutions of higher education, as
 22-50 specified in the audit plan required under Subsection (c). The
 22-51 board may conduct an audit or investigation of any entity receiving
 22-52 funds from the state.

22-53 (b) The board shall conduct the audits in accordance with
 22-54 generally accepted auditing standards as prescribed by the American
 22-55 Institute of Certified Public Accountants, the Governmental
 22-56 Accounting Standards Board, the United States General Accounting
 22-57 Office, or other professionally recognized entities that prescribe
 22-58 auditing standards.

22-59 (c) The board shall devise an audit plan for the state for
 22-60 each fiscal year. In the plan, the board shall consider
 22-61 recommendations concerning coordination of agency functions made
 22-62 by representatives of the Performance Review Commission. The board
 22-63 shall also consider the extent to which a department has received a
 22-64 significant increase in appropriations, including a significant
 22-65 increase in federal or other money passed through to the
 22-66 department, and shall review procurement activities for compliance
 22-67 with Section 2161.123. The plan shall provide for the auditing of
 22-68 federal programs at least once in each fiscal biennium and shall
 22-69 ensure that audit requirements of all bond covenants and other

23-1 credit or financial agreements are satisfied.

23-2 (d) At any time during an audit or investigation, the board
 23-3 may require the assistance of the administrative head, official,
 23-4 auditor, accountant, or other employees of the entity being audited
 23-5 or investigated.

23-6 (e) The board is entitled to access to all of the books,
 23-7 accounts, confidential or unconfidential reports, vouchers, or
 23-8 other records of information in any department or entity subject to
 23-9 audit, including access to all electronic data.

23-10 (f) The board has access to information and data the release
 23-11 of which is restricted under federal law only with the approval of
 23-12 the appropriate federal administrative agency. The board shall
 23-13 have access to copyrighted or restricted information obtained by
 23-14 the office of the comptroller under subscription agreements and
 23-15 used in the preparation of economic estimates only for audit
 23-16 purposes.

23-17 (g) The board may conduct compliance and financial audits as
 23-18 defined by Sections 322.016 and 322.017 and specified in the audit
 23-19 plan.

23-20 (h) To the extent that the performance of the powers and
 23-21 duties of the board under law is not impeded, the board shall make
 23-22 reasonable efforts to coordinate requests for employee assistance
 23-23 under Subsection (d) or requests for access to books, accounts,
 23-24 vouchers, records, or data under Subsection (e) or (f) so as not to
 23-25 hinder the daily operations of the audited entity.

23-26 (i) The board may not conduct audits of private entities
 23-27 concerning collection or remittance of taxes or fees to the state if
 23-28 the entity is subject to audit by another state agency for the taxes
 23-29 or fees.

23-30 (j) If the board determines that a change in an accounting
 23-31 system is necessary, the board shall consider the present system of
 23-32 books, records, accounts, and reports to ensure that the transition
 23-33 will be gradual and that the past and present records will be
 23-34 coordinated into the new system.

23-35 Sec. 322.016. COMPLIANCE AUDIT. A compliance audit is an
 23-36 audit to determine:

23-37 (1) whether the audited entity has obligated,
 23-38 expended, received, and used state funds in accordance with the
 23-39 purpose for which those funds have been appropriated or otherwise
 23-40 authorized by law;

23-41 (2) whether the audited entity has obligated,
 23-42 expended, received, and used state funds in accordance with any
 23-43 limitations, restrictions, conditions, or mandatory directions
 23-44 imposed by law on those obligations, expenditures, receipts, or
 23-45 uses;

23-46 (3) in the case of a local or private entity or agency,
 23-47 whether the records, books, and accounts of the audited entity
 23-48 fairly and accurately reflect the entity's financial and fiscal
 23-49 operations relating to the obligation, receipt, expenditure, and
 23-50 use of state funds or funds represented as being collected for a
 23-51 state purpose;

23-52 (4) whether the collections of state revenues and
 23-53 receipts by the audited entity are in accordance with applicable
 23-54 laws and regulations; and

23-55 (5) whether money or negotiable securities or similar
 23-56 assets handled by the audited entity on behalf of the state or
 23-57 received from the state and held in trust by the audited entity have
 23-58 been properly and legally administered.

23-59 Sec. 322.017. FINANCIAL AUDIT. A financial audit is an
 23-60 audit to determine:

23-61 (1) in the case of the state or a department, whether
 23-62 the records, books, and accounts of the audited entity accurately
 23-63 reflect its financial and fiscal operations;

23-64 (2) whether the audited entity is maintaining
 23-65 effective accounting control over revenues, obligations,
 23-66 expenditures, assets, and liabilities;

23-67 (3) whether the accounting and record-keeping of
 23-68 collections of state revenues and receipts by the audited entity
 23-69 are fair, accurate, and in accordance with law;

24-1 (4) whether the accounting and record-keeping of money
 24-2 or negotiable securities or similar assets handled by the audited
 24-3 entity on behalf of the state or received from the state and held in
 24-4 trust by the audited entity are proper, accurate, and in accordance
 24-5 with law; and

24-6 (5) whether financial reports of the audited entity
 24-7 are fairly presented.

24-8 Sec. 322.018. FINANCIAL AND COMPLIANCE AUDIT REPORTS.

24-9 (a) The board shall prepare a written report for each financial or
 24-10 compliance audit conducted by the board.

24-11 (b) The written report must include a management letter with
 24-12 comments about internal controls, compliance with state or federal
 24-13 laws, and recommendations for improving operations or program
 24-14 effectiveness, as applicable. The report must also include an
 24-15 opinion on fair presentation of financial statements if the board
 24-16 considers an opinion to be necessary.

24-17 (c) The board shall file a copy of each report prepared
 24-18 under this section with:

24-19 (1) the governor;

24-20 (2) the lieutenant governor;

24-21 (3) the speaker of the house of representatives;

24-22 (4) the secretary of state;

24-23 (5) the Legislative Reference Library;

24-24 (6) each member of the governing body and the
 24-25 administrative head of each entity that is the subject of the
 24-26 report; and

24-27 (7) members of the legislature on a committee with
 24-28 oversight responsibility for the entity or program that is the
 24-29 subject of the report.

24-30 (d) The board shall maintain a complete file containing:

24-31 (1) copies of each audit report; and

24-32 (2) audit work papers and other evidence relating to
 24-33 the work of the board.

24-34 (e) The board shall maintain the files required by
 24-35 Subsection (d) for at least eight years after the date on which the
 24-36 information is filed.

24-37 (f) Each audited department or entity shall report on the
 24-38 manner in which the department or entity addressed the findings and
 24-39 recommendations that are included in a report prepared by the board
 24-40 under this section. The board shall prescribe the form and schedule
 24-41 for a report by the department or entity under this subsection.

24-42 (g) If a department or entity does not implement a change
 24-43 recommended by the board's report, the department or entity shall
 24-44 file a report with the persons specified by Subsection (c). The
 24-45 report must:

24-46 (1) identify the recommendation the department or
 24-47 entity did not implement; and

24-48 (2) state the reason the department or entity did not
 24-49 implement the recommendation.

24-50 Sec. 322.019. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS.

24-51 (a) If in the course of an audit the board finds evidence of
 24-52 improper practices of financial administration, inadequate fiscal
 24-53 records, or uneconomical use of resources, the board, after
 24-54 consulting with the head of the department being audited, shall
 24-55 immediately report the evidence to the governor and to the
 24-56 administrative head and the chairman of the governing body of the
 24-57 affected department.

24-58 (b) If in the course of an audit the board finds evidence of
 24-59 an illegal transaction, the board, after consulting with the head
 24-60 of the department, shall immediately report the transaction to the
 24-61 governor and the appropriate legal authority.

24-62 (c) Immediately after receiving a report alleging improper
 24-63 practices of financial administration or uneconomical use of
 24-64 resources, the board shall review the report and shall consult with
 24-65 and may hold hearings with the administrative head and the chairman
 24-66 of the governing body of the affected department regarding the
 24-67 report.

24-68 (d) If the administrative head or the governing body of the
 24-69 affected department refuses to make the changes recommended by the

board at a hearing under Subsection (c) or refuses to provide any additional information or reports requested, the board shall report the refusal to the legislature.

Sec. 322.020. REVIEW AND OVERSIGHT OF FUNDS AND ACCOUNTS RECEIVING COURT COSTS. (a) The board may review each fund and account into which money collected as a court cost is directed by law to be deposited to determine whether:

(1) the money is being used for the purpose for which the money is collected; and

(2) the amount of the court cost is appropriate, considering the purpose for which the cost is collected.

(b) The board may perform reviews under this section as specified in the audit plan developed under Section 322.0155.

(c) The board shall make the findings of a review performed under this section available to the public and shall report the findings to the governor, the chief justice of the supreme court, and the presiding judge of the court of criminal appeals. The report may include the board's recommendations for legislation or policy changes.

Sec. 322.021. SUBPOENAS. (a) The board may subpoena witnesses or any books, records, or other documents reasonably necessary to conduct an examination under this chapter.

(b) Each subpoena must be signed by the chairman or the secretary of the board.

(c) On the request of the chairman or the secretary of the board, the sergeant at arms or an assistant sergeant at arms of either house of the legislature or any peace officer shall serve the subpoena in the manner prescribed for service of a district court subpoena.

(d) If the person to whom a subpoena is directed fails to comply, the board may bring suit in district court to enforce the subpoena. If the court determines that good cause exists for the issuance of the subpoena, the court shall order compliance. The court may modify the requirements of a subpoena that the court determines are unreasonable. Failure to comply with the order of the district court is punishable as contempt.

(e) The board may provide for the compensation of subpoenaed witnesses. The amount of compensation may not exceed the amount paid to a witness subpoenaed by a district court in a civil proceeding.

Sec. 322.022. INTERFERENCE WITH AUDIT OR INVESTIGATION. (a) An officer or employee of this state or of an entity subject to audit or investigation by the board commits an offense if the officer or employee:

(1) refuses to immediately permit the board to examine or have access to the books, accounts, reports, vouchers, papers, documents, or electronic data to which the board is entitled under Section 322.0155(e) or (f) or other law, or access to the cash drawer or cash from the officer's or employee's department;

(2) interferes with an examination by the board; or

(3) refuses to make a report required by this chapter.

(b) An offense under this section is a Class A misdemeanor.

Sec. 322.023. COORDINATION OF CERTAIN AUDITS.

(a) Notwithstanding any other law, a state agency, or a corporation that is dedicated to the benefit of a state agency and that meets the criteria specified by Section B, Article 2.23B, Texas Non-Profit Corporation Act (Article 1396-2.23B, Vernon's Texas Civil Statutes), may employ a private auditor to audit the state agency or corporation only if:

(1) the agency or corporation is authorized to do so by law or through a delegation of authority from the board;

(2) the scope of the proposed audit has been submitted to the board for review and comment; and

(3) the services of the private auditor are procured through a competitive selection process in a manner allowed by law.

(b) At the joint direction of the lieutenant governor and the speaker of the house of representatives, the board shall provide contract management services to the agency or corporation for an audit described by this section.

26-1 Sec. 322.024. GIFTS AND GRANTS. (a) The board may accept
 26-2 gifts, grants, and donations from any organization described in
 26-3 Section 501(c)(3), Internal Revenue Code of 1986, for the purpose
 26-4 of funding any activity under this chapter.

26-5 (b) All gifts, grants, and donations must be accepted in an
 26-6 open meeting by a majority of the voting members of the board and
 26-7 reported in the public record of the committee with the name of the
 26-8 donor and purpose of the gift, grant, or donation.

26-9 Sec. 322.025. COORDINATION OF INVESTIGATIONS. (a) If the
 26-10 administrative head of a department or entity that is subject to
 26-11 audit by the board has reasonable cause to believe that money
 26-12 received from the state by the department or entity or by a client
 26-13 or contractor of the department or entity may have been lost,
 26-14 misappropriated, or misused or that other fraudulent or unlawful
 26-15 conduct has occurred in relation to the operation of the department
 26-16 or entity, the administrative head shall report the reason and
 26-17 basis for the belief to the board. The board may investigate the
 26-18 report or may monitor any investigation conducted by the department
 26-19 or entity.

26-20 (b) The board, in consultation with state agencies and
 26-21 institutions, shall prescribe the form, content, and timing of a
 26-22 report required by this section.

26-23 (c) All records of a communication by or to the board
 26-24 relating to a report to the board under Subsection (a) are audit
 26-25 working papers of the board.

26-26 (d) In this section, "audit working papers" means all
 26-27 documentary and other information prepared or maintained in
 26-28 conducting an audit or investigation, including all intra-agency
 26-29 and interagency communications relating to an audit or
 26-30 investigation and all draft reports or portions thereof.

26-31 Sec. 322.026. SEAL. The board shall obtain a seal with
 26-32 "Legislative Budget Board, State of Texas" engraved around the
 26-33 margin and a five-pointed star in the center to be used to
 26-34 authenticate official documents issued by the board.

26-35 SECTION 17.05. Chapter 321, Government Code, is repealed.

26-36 PART 3. CREATION OF PERFORMANCE REVIEW COMMISSION; ABOLITION OF
 26-37 SUNSET ADVISORY COMMISSION AND TRANSFER OF FUNCTIONS TO PERFORMANCE
 26-38 REVIEW COMMISSION

26-39 SECTION 17.06. Section 325.002, Government Code, is amended
 26-40 to read as follows:

26-41 Sec. 325.002. DEFINITIONS. In this chapter:

26-42 (1) [~~"State agency" means an agency expressly made~~
 26-43 ~~subject to this chapter.~~

26-44 [(2)] "Advisory committee" means a committee,
 26-45 council, commission, or other entity created under state law whose
 26-46 primary function is to advise a state agency.

26-47 (2) [(3)] "Commission" means the Performance Review
 26-48 [~~Sunset Advisory~~] Commission.

26-49 (3) "Department" includes every department, agency,
 26-50 board, bureau, institution, or commission of the state.

26-51 (4) "State agency" means an agency expressly made
 26-52 subject to this chapter.

26-53 SECTION 17.07. Section 325.003, Government Code, is amended
 26-54 by amending the section heading and Subsections (a), (d), and (i) to
 26-55 read as follows:

26-56 Sec. 325.003. PERFORMANCE REVIEW [~~SUNSET ADVISORY~~]
 26-57 COMMISSION.

26-58 (a) The Performance Review [~~Sunset Advisory~~] Commission
 26-59 consists of the lieutenant governor and three other [~~four~~] members
 26-60 of the senate and one public member appointed by the lieutenant
 26-61 governor and the speaker of the house of representatives and three
 26-62 other [~~four~~] members of the house of representatives and one public
 26-63 member appointed by the speaker of the house. [~~Each appointing~~
 26-64 ~~authority may designate himself as one of the legislative~~
 26-65 ~~appointees.]~~

26-66 (d) Legislative members other than the lieutenant governor
 26-67 and the speaker of the house of representatives serve four-year
 26-68 terms, with terms staggered so that the terms of one-half of the
 26-69 legislative members appointed by the lieutenant governor and the

27-1 terms of one-half of the legislative members appointed by the
 27-2 speaker expire September 1 of each odd-numbered year. ~~The [If the]~~
 27-3 lieutenant governor ~~and [or]~~ the speaker shall serve [serves] on
 27-4 the commission~~[, he continues to serve]~~ until resignation from the
 27-5 commission or until the lieutenant governor or speaker ~~[he]~~ ceases
 27-6 to hold the office. Public members serve two-year terms expiring
 27-7 September 1 of each odd-numbered year.

27-8 (i) The speaker of the house of representatives is the
 27-9 chairman of the commission [shall have a chairman and vice-chairman
 27-10 as presiding officers. The chairmanship and vice-chairmanship must
 27-11 alternate every two years between the two membership groups
 27-12 appointed by the lieutenant governor and the speaker. The chairman
 27-13 and vice-chairman may not be from the same membership group. The
 27-14 lieutenant governor shall designate a presiding officer from his
 27-15 appointed membership group and the speaker shall designate the
 27-16 other presiding officer from his appointed membership group].

27-17 SECTION 17.08. Subsection (a), Section 325.008, Government
 27-18 Code, is amended to read as follows:

27-19 (a) Before September 1 of the even-numbered year before the
 27-20 year in which a state agency subject to this chapter and its
 27-21 advisory committees are abolished, the commission shall:

27-22 (1) review and take action necessary to verify the
 27-23 reports submitted by the agency under Section 325.007;

27-24 (2) consult the Legislative Budget Board, the
 27-25 Governor's Budget and Planning Office, ~~[the State Auditor,]~~ and the
 27-26 comptroller of public accounts, or their successors, on the
 27-27 application to the agency of the criteria provided in Section
 27-28 325.011;

27-29 (3) conduct a performance evaluation of the agency
 27-30 based on the criteria provided in Section 325.011 and prepare a
 27-31 written report; and

27-32 (4) review the implementation of commission
 27-33 recommendations contained in the reports presented to the
 27-34 legislature during the preceding legislative session.

27-35 SECTION 17.09. Chapter 325, Government Code, is amended by
 27-36 adding Sections 325.0081 through 325.0086 to read as follows:

27-37 Sec. 325.0081. OTHER POWERS AND DUTIES. (a) The
 27-38 commission shall conduct performance audits of all departments,
 27-39 including institutions of higher education, as specified in the
 27-40 audit plan developed under Subsection (c).

27-41 (b) The commission shall conduct the audits in accordance
 27-42 with generally accepted auditing standards as prescribed by the
 27-43 American Institute of Certified Public Accountants, the
 27-44 Governmental Accounting Standards Board, the United States General
 27-45 Accounting Office, or other professionally recognized entities
 27-46 that prescribe auditing standards.

27-47 (c) The commission shall develop and approve an audit plan
 27-48 for the state for each fiscal year. In devising the plan, the
 27-49 commission shall consider recommendations concerning coordination
 27-50 of agency functions made jointly by representatives of the
 27-51 commission and the Legislative Budget Board.

27-52 (d) At any time during an audit the commission may require
 27-53 the assistance of the administrative head, official, auditor,
 27-54 accountant, or other employees of the entity being audited.

27-55 (e) The commission is entitled to access to all of the
 27-56 books, accounts, confidential or unconfidential reports, vouchers,
 27-57 or other records of information in any department or entity subject
 27-58 to audit, including access to all electronic data except as
 27-59 provided by Subsection (f).

27-60 (f) The commission has access to information and data the
 27-61 release of which is restricted under federal law only with the
 27-62 approval of the appropriate federal administrative agency. The
 27-63 commission shall have access to copyrighted or restricted
 27-64 information obtained by the comptroller under subscription
 27-65 agreements and used in the preparation of economic estimates only
 27-66 for audit purposes.

27-67 (g) The commission may conduct economy and efficiency
 27-68 audits and effectiveness audits as defined by this chapter and
 27-69 specified in the audit plan.

28-1 (h) To the extent that the performance of the powers and
 28-2 duties of the commission under law is not impeded, the commission
 28-3 shall make reasonable efforts to coordinate requests for employee
 28-4 assistance under Subsection (d) or requests for access to books,
 28-5 accounts, vouchers, records, or data under Subsection (e) or (f) so
 28-6 as not to hinder the daily operations of the audited entity.

28-7 Sec. 325.0082. ECONOMY AND EFFICIENCY AUDIT. An economy
 28-8 and efficiency audit is an audit to determine:

28-9 (1) whether the audited entity is managing or
 28-10 utilizing its resources, including personnel, property, equipment,
 28-11 and space, in an economical and efficient manner;

28-12 (2) causes of inefficiencies or uneconomical
 28-13 practices, including inadequacies in management information
 28-14 systems, internal and administrative procedures, organizational
 28-15 structure, use of resources, allocation of personnel, purchasing,
 28-16 policies, and equipment; and

28-17 (3) whether program and statistical reports of the
 28-18 audited entity contain useful data and are fairly presented.

28-19 Sec. 325.0083. EFFECTIVENESS AUDIT. An effectiveness audit
 28-20 is an audit to determine, according to established or designated
 28-21 program objectives, responsibilities or duties, statutes and
 28-22 regulations, program performance criteria, or program evaluation
 28-23 standards:

28-24 (1) whether the objectives and intended benefits are
 28-25 being achieved efficiently and effectively; and

28-26 (2) whether the program duplicates, overlaps, or
 28-27 conflicts with another state program.

28-28 Sec. 325.0084. IMPROPER PRACTICES AND ILLEGAL
 28-29 TRANSACTIONS. (a) If in the course of an audit the commission
 28-30 finds evidence of uneconomical use of resources or ineffective
 28-31 program performance, the commission, after consulting with the head
 28-32 of the department, shall immediately report the evidence to the
 28-33 governor and the administrative head and the chairman of the
 28-34 governing body of the affected department.

28-35 (b) If in the course of an audit the commission finds
 28-36 evidence of an illegal transaction, the commission, after
 28-37 consulting with the head of the department, shall immediately
 28-38 report the transaction to the governor and the appropriate legal
 28-39 authority.

28-40 (c) The commission shall review a report alleging
 28-41 uneconomical use of resources or ineffective program performance
 28-42 immediately. The commission shall consult with and may hold
 28-43 hearings with the administrative head and the chairman of the
 28-44 governing body of the affected department regarding the report.

28-45 (d) If the administrative head or the governing body of the
 28-46 affected department refuses to make the changes recommended by the
 28-47 commission at the hearing or provide any additional information or
 28-48 reports requested, the commission shall report the refusal to the
 28-49 legislature.

28-50 Sec. 325.0085. REVIEW OF INTERSCHOLASTIC COMPETITION. The
 28-51 commission may periodically review and analyze the effectiveness
 28-52 and efficiency of the policies, management, fiscal affairs, and
 28-53 operations of an organization that is a component or part of a state
 28-54 agency or institution and that sanctions or conducts
 28-55 interscholastic competition. The commission shall report the
 28-56 findings to the governor, lieutenant governor, and speaker of the
 28-57 house of representatives. The legislature may consider the
 28-58 commission's reports in connection with the legislative
 28-59 appropriations process.

28-60 Sec. 325.0086. RECORDS MANAGEMENT REVIEW. (a) The
 28-61 commission may periodically review and analyze the effectiveness
 28-62 and efficiency of the policies and management of a state
 28-63 governmental committee or state agency that is involved in:

28-64 (1) analyzing and recommending improvements to the
 28-65 state's system of records management; and

28-66 (2) preserving the essential records of this state,
 28-67 including records relating to financial management information.

28-68 (b) In this section, "state agency" has the meaning assigned
 28-69 by Section 2056.001.

PART 4. CREATION OF LEGISLATIVE POLICY COUNCIL

SECTION 17.10. Subtitle C, Title 3, Government Code, is amended by adding Chapter 331 to read as follows:

CHAPTER 331. LEGISLATIVE POLICY COUNCIL

Sec. 331.001. LEGISLATIVE POLICY COUNCIL. The Legislative Policy Council is an agency in the legislative branch of state government.

Sec. 331.002. MEMBERSHIP. (a) The council is composed of the lieutenant governor, four members of the senate appointed by the lieutenant governor, the speaker of the house of representatives, and four members of the house of representatives appointed by the speaker.

(b) The lieutenant governor is the chairman of the council and the speaker is the vice chairman.

Sec. 331.003. QUORUM; MEETINGS. (a) A majority of the members of the council from each house constitutes a quorum to transact business.

(b) The council shall meet at the call of the chairman or on written petition of a majority of the members of the council from each house.

(c) The council shall meet in Austin, except that if a majority of the members of the council from each house agree, the council may meet in any location determined by the council.

(d) Each member of the legislature is entitled to attend and present the member's views in any meeting of the council. A legislator who is not a member of the council may not vote.

Sec. 331.004. EXECUTIVE DIRECTOR; PERSONNEL. (a) The council may employ an executive director.

(b) The executive director, with the approval of the council, may employ necessary personnel.

Sec. 331.005. COUNCIL EXPENDITURES; SALARIES. (a) The amount of allowable expenditures for the council is determined by legislative appropriation.

(b) The council shall determine the salaries of its employees.

Sec. 331.006. GIFTS AND GRANTS. (a) The council may accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, as amended, for the purpose of funding any activity under this chapter.

(b) All gifts, grants, and donations must be accepted in an open meeting by a majority of the voting members of the council and reported in the minutes of the council meeting with the name of the donor and purpose of the gift, grant, or donation.

Sec. 331.007. DUTIES. The council staff shall perform policy analysis and related empirical analysis and research at the direction of the council regarding issues and matters identified by the council that may affect state revenue or appropriations or that may be the subject of legislation or proposed amendments to the Texas Constitution.

Sec. 331.008. AGENCY COOPERATION. Each state agency in any branch of state government shall cooperate with the council in providing the council with the information the council requires to perform its duties.

PART 5. CONFORMING AMENDMENTS

SECTION 17.11. Subsection (a), Section 81.113, Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by:

- (1) the senate;
- (2) the house of representatives;
- (3) a committee, division, department, or office of the senate or house;
- (4) ~~the Texas Legislative Council,~~
- ~~(5) the Legislative Budget Board;~~
- (5) ~~(6)~~ the Legislative Reference Library;
- ~~(7) the office of the state auditor,] or~~

30-1 (6) [~~8~~] the Performance Review [~~Sunset Advisory~~
30-2 Commission.

30-3 SECTION 17.12. Subsection (a), Section 301.021, Government
30-4 Code, is amended to read as follows:

30-5 (a) If for any reason it is necessary to obtain assistance
30-6 in addition to the services provided by the Legislative Budget
30-7 Board [~~State Auditor~~], attorney general, [~~Texas Legislative~~
30-8 ~~Council~~], or Department of Public Safety, each general
30-9 investigating committee may employ and compensate assistants to
30-10 assist in any investigation, audit, or legal matter.

30-11 SECTION 17.13. Subsection (a), Section 301.028, Government
30-12 Code, is amended to read as follows:

30-13 (a) Each standing committee, including a general
30-14 investigating committee, may request necessary assistance from all
30-15 state agencies, departments, and offices, including:

30-16 (1) the Legislative Budget Board [~~State Auditor~~];

30-17 (2) [~~the Texas Legislative Council~~;

30-18 [~~3~~] the Department of Public Safety; and

30-19 (3) [~~4~~] the attorney general.

30-20 SECTION 17.14. Subsections (a) and (d), Section 301.041,
30-21 Government Code, are amended to read as follows:

30-22 (a) A duly appointed senator's or representative's
30-23 membership on the Legislative Budget Board, Legislative Library
30-24 Board, [~~Legislative Audit Committee, Texas~~] Legislative
30-25 Information Services Board [~~Council~~], or any other interim
30-26 committee terminates if the member:

30-27 (1) resigns the membership;

30-28 (2) ceases membership in the legislature for any
30-29 reason; or

30-30 (3) fails to be nominated or elected to the
30-31 legislature for the next term.

30-32 (d) In filling a vacancy created under this section, the
30-33 lieutenant governor or the speaker may appoint a senator or
30-34 representative, as appropriate, other than a committee chairman
30-35 designated by law to serve as a member of the Legislative Budget
30-36 Board, Legislative Library Board, [~~Legislative Audit Committee,~~
30-37 ~~Texas~~] Legislative Information Services Board [~~Council~~], or any
30-38 other interim committee. An appointment made under this subsection
30-39 does not constitute an appointment to any position other than that
30-40 of a member of a board[~~, council~~] or committee covered by this
30-41 section.

30-42 SECTION 17.15. Section 302.032, Government Code, is amended
30-43 to read as follows:

30-44 Sec. 302.032. LEGISLATIVE BRIBERY: PROMISES OR THREATS. A
30-45 person commits an offense if, with the intent to influence a member
30-46 of or candidate for the house of representatives in casting a vote
30-47 for speaker of the house of representatives, the person:

30-48 (1) promises or agrees to cause:

30-49 (A) the appointment of a person to a chairmanship
30-50 or vice-chairmanship of a house committee or subcommittee;

30-51 (B) the appointment of a person to a particular
30-52 house committee or subcommittee, the Legislative Budget Board, the
30-53 [~~Texas~~] Legislative Information Services Board [~~Council~~], the
30-54 Legislative Library Board, [~~the Legislative Audit Committee~~] or
30-55 any other position the speaker appoints;

30-56 (C) preferential treatment on any legislation or
30-57 appropriation;

30-58 (D) the employment of a person; or

30-59 (E) economic benefit to a person; or

30-60 (2) threatens to cause:

30-61 (A) the failure to appoint a person to a
30-62 chairmanship or vice-chairmanship of a house committee or
30-63 subcommittee;

30-64 (B) the failure to appoint a person to a
30-65 particular house committee or subcommittee, the Legislative Budget
30-66 Board, the [~~Texas~~] Legislative Information Services Board
30-67 [~~Council~~], the Legislative Library Board, [~~the Legislative Audit~~
30-68 ~~Committee~~] or any other position the speaker appoints;

30-69 (C) unfavorable treatment on any legislation or

31-1 appropriation;
 31-2 (D) the refusal of or removal from employment of
 31-3 a person; or
 31-4 (E) the withholding of economic benefit from a
 31-5 person.

31-6 SECTION 17.16. Section 302.033, Government Code, is amended
 31-7 to read as follows:

31-8 Sec. 302.033. LEGISLATIVE BRIBERY: ACCEPTING BENEFITS. A
 31-9 member of or candidate for the house of representatives commits an
 31-10 offense if, on the representation or understanding that the member
 31-11 or candidate will cast a vote for a particular person for speaker of
 31-12 the house of representatives, the member or candidate solicits,
 31-13 accepts, or agrees to accept:

31-14 (1) the appointment of or refusal to appoint a person
 31-15 to a chairmanship or vice-chairmanship of a house committee or
 31-16 subcommittee;

31-17 (2) the appointment of or refusal to appoint a person
 31-18 to a particular house committee or subcommittee, the Legislative
 31-19 Budget Board, the [~~Texas~~] Legislative Information Services Board
 31-20 [~~Council~~], the Legislative Library Board, [~~the Legislative Audit~~
 31-21 ~~Committee~~], or any other position the speaker appoints;

31-22 (3) preferential or unfavorable treatment on any
 31-23 legislation or appropriation;

31-24 (4) the employment of, refusal of employment of, or
 31-25 removal from employment of a person; or

31-26 (5) economic benefit to or withholding of economic
 31-27 benefit from a person.

31-28 SECTION 17.17. Section 306.007, Government Code, is amended
 31-29 to read as follows:

31-30 Sec. 306.007. MINUTES AND REPORTS ELECTRONICALLY AVAILABLE
 31-31 TO LEGISLATURE. A state officer or board, commission, or other
 31-32 agency in the executive branch of state government, and an agency in
 31-33 the judicial branch of state government other than a court, shall
 31-34 make reports required by law and minutes of meetings of the agency's
 31-35 governing body available to members of the legislature and to
 31-36 agencies in the legislative branch of state government in an
 31-37 electronic format determined by the [~~Texas~~] Legislative
 31-38 Information Services Board [~~Council~~].

31-39 SECTION 17.18. Section 326.001, Government Code, is amended
 31-40 to read as follows:

31-41 Sec. 326.001. DEFINITION. In this chapter, "legislative
 31-42 agency" means:

31-43 (1) the senate;
 31-44 (2) the house of representatives;
 31-45 (3) a committee, division, department, or office of
 31-46 the senate or house;

31-47 (4) the [~~Texas~~] Legislative Information Services
 31-48 Board [~~Council~~];

31-49 (5) the Legislative Budget Board;

31-50 (6) the Legislative Reference Library; or

31-51 (7) [~~the office of the State Auditor, or~~

31-52 [~~(8)~~] any other agency in the legislative branch of
 31-53 state government.

31-54 SECTION 17.19. Subsections (a) and (b), Section 326.003,
 31-55 Government Code, are amended to read as follows:

31-56 (a) The [~~State Auditor's Office,~~] Legislative Budget
 31-57 Board[~~7~~] and the Performance Review [~~Sunset Advisory~~] Commission
 31-58 shall form a committee to make recommendations relating to the
 31-59 coordination of the agencies' functions.

31-60 (b) The committee shall meet on a regular basis at least
 31-61 quarterly. The director of the Legislative Budget Board [~~State~~
 31-62 ~~Auditor~~] shall call each meeting.

31-63 SECTION 17.20. Subsection (b), Section 468.003, Government
 31-64 Code, is amended to read as follows:

31-65 (b) The [~~Texas~~] Legislative Information Services Board
 31-66 [~~Council~~] shall provide office space and other support in Austin
 31-67 necessary for the state demographer to perform the demographer's
 31-68 duties for the legislature.

31-69 SECTION 17.21. Subsection (d), Section 531.203, Government

Code, is amended to read as follows:

(d) The committee may use staff of standing committees in the senate and house of representatives with appropriate jurisdiction, the Department of Information Resources, ~~the state auditor, the Texas Legislative Council,~~ and the Legislative Budget Board in carrying out its responsibilities.

SECTION 17.22. Subdivision (11), Section 572.002, Government Code, is amended to read as follows:

(11) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;
 (B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the ~~the~~ Texas Legislative Information Services Board [Council], ~~the State Auditor's Office,~~ and the Legislative Reference Library.

SECTION 17.23. Subsection (a), Section 660.203, Government Code, is amended to read as follows:

(a) An individual is entitled to reimbursement for the actual expense of meals and lodging incurred while performing the duties of the individual's office or employment if the individual is:

(1) a judicial officer;
 (2) a chief administrative officer of a state agency, subject to Subsection (c);

(3) ~~the executive director of the Texas Legislative Council;~~

~~(4)~~ the secretary of the senate;

(4) ~~(5)~~ a member of the Texas Natural Resource Conservation Commission, the Texas Workforce Commission, the Public Utility Commission of Texas, the Board of Pardons and Paroles, or the Sabine River Compact Administration; or

(5) ~~(6)~~ a full-time member of a board and receives a salary from the state for service on that board.

SECTION 17.24. Section 660.206, Government Code, is amended to read as follows:

Sec. 660.206. REPRESENTATION OF CERTAIN OFFICERS AND EMPLOYEES. (a) A state employee who is designated by a member of the legislature, a judicial officer, a chief administrator of a state agency, ~~the executive director of the Texas Legislative Council,~~ the secretary of the senate, or a board member to represent the designating party at a particular meeting or conference is entitled to reimbursement for the actual expense of meals and lodging on the trip.

(b) A member of the legislature, a judicial officer, a chief administrator of a state agency, ~~the executive director of the Texas Legislative Council,~~ the secretary of the senate, and a board member may authorize a state employee traveling with the authorizing party to a particular meeting or conference to receive reimbursement for the actual expense of the employee's meals and lodging on the trip.

SECTION 17.25. Subsection (a), Section 762.003, Government Code, is amended to read as follows:

(a) The commission is composed of:

(1) nine members appointed by the governor; and
 (2) ~~the executive director of the Texas Legislative Council or a person designated by the executive director, and~~

~~(3)~~ in addition to the persons described by Subdivision [Subdivisions] (1) ~~and (2)~~, residents of this state who have long service in the cause of uniformity in state legislation as shown by:

(A) at least 20 years of service representing the state as an associate member of the national conference;

(B) election as a life member of the national conference; or

(C) at least 15 years of service as a member of

33-1 the commission and at least five years of combined service as a
33-2 judge or justice of a trial or appellate court of this state.

33-3 SECTION 17.26. Section 762.011, Government Code, is amended
33-4 to read as follows:

33-5 Sec. 762.011. SUPPORT SERVICES. The [~~Texas~~] Legislative
33-6 Information Services Board [~~Council~~] shall provide accounting,
33-7 clerical, and other support services necessary for the commission
33-8 to carry out its duties.

33-9 SECTION 17.27. Subsection (c), Section 2052.0021,
33-10 Government Code, is amended to read as follows:

33-11 (c) A state agency shall make each report required by law
33-12 available to members of the legislature in an electronic format
33-13 determined by the [~~Texas~~] Legislative Information Services Board
33-14 [~~Council~~]. The agency shall promptly send a suitable printed copy
33-15 of the report to a member of the legislature at the request of the
33-16 member.

33-17 SECTION 17.28. Subsection (d), Section 2056.002,
33-18 Government Code, is amended to read as follows:

33-19 (d) A state agency shall send two copies of each plan to both
33-20 the Legislative Reference Library and the state publications
33-21 clearinghouse of the Texas State Library and one copy each to:

- 33-22 (1) the governor;
33-23 (2) the lieutenant governor;
33-24 (3) the speaker of the house of representatives;
33-25 (4) the Legislative Budget Board;
33-26 (5) the Performance Review [~~Sunset Advisory~~]
33-27 Commission; and
33-28 (6) [~~the state auditor, and~~
33-29 [~~(7)~~] the comptroller.

33-30 SECTION 17.29. Section 2056.010, Government Code, is
33-31 amended to read as follows:

33-32 Sec. 2056.010. AGENCY CONFORMANCE TO STRATEGIC PLAN. The
33-33 Performance Review Commission, the comptroller, [~~the Sunset~~
33-34 ~~Advisory Commission,~~] the [~~state auditor, the~~] Legislative Budget
33-35 Board, or another agency that conducts performance audits of a
33-36 state agency shall consider in the evaluation of an agency the
33-37 extent to which the agency conforms to the agency's strategic plan.

33-38 SECTION 17.30. Section 2102.009, Government Code, is
33-39 amended to read as follows:

33-40 Sec. 2102.009. ANNUAL REPORT. The internal auditor shall
33-41 prepare an annual report and submit the report before November 1 of
33-42 each year to the governor, the Legislative Budget Board, the
33-43 Performance Review [~~Sunset Advisory~~] Commission, the [~~state~~
33-44 ~~auditor, the~~] state agency's governing board, and the
33-45 administrator. The Legislative Budget Board [~~state auditor~~] shall
33-46 prescribe the form and content of the report [~~, subject to the~~
33-47 ~~approval of the legislative audit committee~~].

33-48 SECTION 17.31. Subsections (a) and (c), Section 2102.0091,
33-49 Government Code, are amended to read as follows:

33-50 (a) A state agency shall file with the Performance Review
33-51 [~~Sunset Advisory~~] Commission, the budget division of the governor's
33-52 office, [~~the state auditor,~~] and the Legislative Budget Board a
33-53 copy of each report submitted to the state agency's governing board
33-54 or the administrator of the state agency if the state agency does
33-55 not have a governing board by the agency's internal auditor.

33-56 (c) In addition to the requirements of Subsection (a), a
33-57 state agency shall file with the budget division of the governor's
33-58 office [~~, the state auditor,~~] and the Legislative Budget Board any
33-59 action plan or other response issued by the state agency's
33-60 governing board or the administrator of the state agency if the
33-61 state agency does not have a governing board in response to the
33-62 report of the state agency's internal auditor.

33-63 SECTION 17.32. Section 2155.203, Government Code, is
33-64 amended to read as follows:

33-65 Sec. 2155.203. PURCHASES BY LEGISLATURE AND LEGISLATIVE
33-66 AGENCIES. A house of the legislature, or an agency, council, or
33-67 committee of the legislature, including the Legislative Budget
33-68 Board, the [~~Texas~~] Legislative Information Services Board
33-69 [~~Council~~], [~~the state auditor's office,~~] and the Legislative

34-1 Reference Library, may use the commission's purchasing services for
 34-2 purchasing goods and services, including items covered by Section
 34-3 21, Article XVI, Texas Constitution.

34-4 SECTION 17.33. Section 2158.065, Government Code, is
 34-5 amended to read as follows:

34-6 Sec. 2158.065. DISTRIBUTION OF PRINTED LAWS. The secretary
 34-7 of state shall distribute the printed laws of each session of the
 34-8 legislature as follows:

34-9 (1) one copy each to:

- 34-10 (A) the governor;
- 34-11 (B) the lieutenant governor;
- 34-12 (C) the speaker of the house of representatives;
- 34-13 (D) each court of appeals; and
- 34-14 (E) each county law library;

34-15 (2) ~~[10 copies to the Texas Legislative Council,~~

34-16 ~~[(3)]~~ 15 copies to the Legislative Reference Library;

34-17 (3) ~~[(4)]~~ 30 copies to the State Law Library; and

34-18 (4) ~~[(5)]~~ 60 copies to the Texas State Library.

34-19 SECTION 17.34. Subsection (c), Section 201.403,
 34-20 Transportation Code, is amended to read as follows:

34-21 (c) Not later than February 1 of each year, the director
 34-22 shall report to the commission, each house of the legislature, and
 34-23 the Performance Review ~~[Sunset Advisory]~~ Commission on the
 34-24 department's progress in the recruitment and hiring of women and
 34-25 minority applicants.

34-26 SECTION 17.35. Subsection (c), Section 41.060, Utilities
 34-27 Code, is amended to read as follows:

34-28 (c) The commission shall prepare a report for the
 34-29 Performance Review ~~[Sunset Advisory]~~ Commission that includes
 34-30 information submitted and responses by electric cooperatives in
 34-31 accordance with the Performance Review ~~[Sunset Advisory]~~
 34-32 Commission's schedule for reviewing the commission.

34-33 SECTION 17.36. Subsection (a), Section 12, Chapter 357,
 34-34 Acts of the 64th Legislature, Regular Session, 1975 (Article
 34-35 4413(32e), Vernon's Texas Civil Statutes), is amended to read as
 34-36 follows:

34-37 (a) The ~~[Texas Legislative Council, the]~~ Legislative Budget
 34-38 Board, ~~[the Legislative Audit Committee,]~~ the Advisory Commission
 34-39 on Intergovernmental Relations, and the Division of Planning
 34-40 Coordination shall, through their respective administrative
 34-41 officers, furnish staff assistance to the committee upon request.

34-42 SECTION 17.37. Subsection (a), Section 11, Chapter 672,
 34-43 Acts of the 65th Legislature, Regular Session, 1977 (Article
 34-44 4413(42a), Vernon's Texas Civil Statutes), is amended to read as
 34-45 follows:

34-46 (a) The ~~[Texas Legislative Council, the]~~ Legislative Budget
 34-47 Board, ~~[the Legislative Audit Committee,]~~ the Texas Advisory
 34-48 Commission on Intergovernmental Relations, and the Division of
 34-49 Planning Coordination shall, through their respective
 34-50 administrative officers, furnish staff assistance to the committee
 34-51 upon request.

34-52 PART 6. TRANSITION

34-53 SECTION 17.38. (a) The Texas Legislative Council is
 34-54 abolished effective November 1, 2003.

34-55 (b) On November 1, 2003:

34-56 (1) all functions and activities assigned to or
 34-57 performed by the information systems division of the Texas
 34-58 Legislative Council immediately before that date are transferred to
 34-59 the Legislative Information Services Board;

34-60 (2) all funds, obligations, contracts, property, and
 34-61 records of the Texas Legislative Council relating to the services
 34-62 performed by the information systems division of the Texas
 34-63 Legislative Council are transferred to the Legislative Information
 34-64 Services Board;

34-65 (3) all employees of the information systems division
 34-66 of the Texas Legislative Council become employees of the
 34-67 Legislative Information Services Board;

34-68 (4) all of the property and records of the Texas
 34-69 Legislative Council relating to the services performed by the legal

35-1 and research divisions of the Texas Legislative Council are
 35-2 transferred to either the senate or the house of representatives,
 35-3 as determined by the lieutenant governor and the speaker of the
 35-4 house of representatives;

35-5 (5) all employees of the legal and research divisions
 35-6 of the Texas Legislative Council become employees of either the
 35-7 senate or house of representatives, as determined by the lieutenant
 35-8 governor and the speaker of the house of representatives; and

35-9 (6) a reference in law to the Texas Legislative
 35-10 Council that relates to the services performed by the information
 35-11 systems division of the Texas Legislative Council means the
 35-12 Legislative Information Services Board.

35-13 SECTION 17.39. (a) The office of state auditor and the
 35-14 Legislative Audit Committee are abolished but continue in effect
 35-15 until December 1, 2003, for the sole purpose of transferring to the
 35-16 Legislative Budget Board and the Performance Review Commission all
 35-17 the rights, powers, duties, and functions exercised by the state
 35-18 auditor and the Legislative Audit Committee immediately before the
 35-19 effective date of this Act. The transfer must be completed not
 35-20 later than December 1, 2003.

35-21 (b) All the funds, contracts, property, personnel, and
 35-22 records of the office of the state auditor and the Legislative Audit
 35-23 Committee are transferred to the Legislative Budget Board and the
 35-24 Performance Review Commission, as determined by the lieutenant
 35-25 governor and the speaker of the house of representatives, for the
 35-26 purpose of performing the audit functions that the state auditor
 35-27 was authorized or required to perform immediately before the
 35-28 effective date of this Act.

35-29 (c) A reference in law or in an administrative rule to the
 35-30 state auditor or the office of the state auditor or the Legislative
 35-31 Audit Committee means the Legislative Budget Board, or the
 35-32 Performance Review Commission for the purposes of administering
 35-33 Chapter 325, Government Code (Texas Sunset Act), as amended by this
 35-34 Act.

35-35 (d) A reference in law to a financial or compliance audit
 35-36 under Chapter 321, Government Code, as repealed by this Act, means
 35-37 an audit under Chapter 322, Government Code, as amended by this Act.

35-38 (e) A reference in law to an efficiency audit, an economy
 35-39 audit, or a program audit under Chapter 321, Government Code, as
 35-40 repealed by this Act, means an audit under Chapter 325, Government
 35-41 Code (Texas Sunset Act), as amended by this Act.

35-42 SECTION 17.40. (a) The Sunset Advisory Commission is
 35-43 abolished and the offices of the members of the commission serving
 35-44 on the effective date of this Act are abolished. Members of the
 35-45 commission serving immediately prior to the effective date of this
 35-46 Act are eligible for reappointment to the Performance Review
 35-47 Commission. Prior service on the Sunset Advisory Commission shall
 35-48 not disqualify a member of the legislature or a member of the public
 35-49 from appointment to the Performance Review Commission. In making
 35-50 initial appointments to the Performance Review Commission, the
 35-51 lieutenant governor and the speaker of the house of
 35-52 representatives, to comply with Chapter 325, Government Code (Texas
 35-53 Sunset Act), as amended by this Act, shall stagger the appointments
 35-54 of legislative members by specifying two-year and four-year terms
 35-55 for those members. The chairman of the Performance Review
 35-56 Commission shall be designated by the speaker of the house of
 35-57 representatives, and the vice chairman of the commission shall be
 35-58 designated by the lieutenant governor.

35-59 (b) The validity of an action taken by the Sunset Advisory
 35-60 Commission before it is abolished under Subsection (a) of this
 35-61 section is not affected by the abolishment.

35-62 SECTION 17.41. On November 1, 2003:

35-63 (1) a rule, standard, or form adopted by the Sunset
 35-64 Advisory Commission is a rule, standard, or form of the Performance
 35-65 Review Commission and remains in effect until changed by the
 35-66 Performance Review Commission;

35-67 (2) a reference in law to the Sunset Advisory
 35-68 Commission means the Performance Review Commission;

35-69 (3) all money, contracts, leases, rights, and

36-1 obligations of the Sunset Advisory Commission are transferred to
36-2 the Performance Review Commission;

36-3 (4) all property, including records, in the custody of
36-4 the Sunset Advisory Commission becomes the property of the
36-5 Performance Review Commission;

36-6 (5) all employees of the Sunset Advisory Commission
36-7 become employees of the Performance Review Commission;

36-8 (6) the executive director of the Sunset Advisory
36-9 Commission shall serve as the executive director of the Performance
36-10 Review Commission until such time as the commission convenes to
36-11 either continue the employment of that executive director or
36-12 appoint another executive director; and

36-13 (7) all funds appropriated by the legislature to the
36-14 Sunset Advisory Commission are transferred to the Performance
36-15 Review Commission.

36-16 SECTION 17.42. On November 1, 2003, the lieutenant governor
36-17 shall assume the chairmanship of the Legislative Information
36-18 Services Board and the speaker of the house of representatives
36-19 shall assume the vice chairmanship of the board. The initial terms
36-20 of the lieutenant governor and the speaker of the house of
36-21 representatives expire February 1, 2005.

36-22 ARTICLE 18. UNCLAIMED PROPERTY

36-23 SECTION 18.01. Subsection (a), Section 72.101, Property
36-24 Code, is amended to read as follows:

36-25 (a) Except as provided by this section and Sections 72.1015
36-26 and ~~[Section]~~ 72.102, personal property is presumed abandoned if,
36-27 for longer than three years:

36-28 (1) the existence and location of the owner of the
36-29 property is unknown to the holder of the property; and

36-30 (2) according to the knowledge and records of the
36-31 holder of the property, a claim to the property has not been
36-32 asserted or an act of ownership of the property has not been
36-33 exercised.

36-34 SECTION 18.02. Subchapter B, Chapter 72, Property Code, is
36-35 amended by adding Section 72.1015 to read as follows:

36-36 Sec. 72.1015. UNCLAIMED WAGES. (a) In this section,
36-37 "wages" has the meaning assigned by Section 61.001, Labor Code.

36-38 (b) An amount of unclaimed wages is presumed abandoned if,
36-39 for longer than one year:

36-40 (1) the existence and location of the person to whom
36-41 the wages are owed is unknown to the holder of the wages; and

36-42 (2) according to the knowledge and records of the
36-43 holder of the wages, a claim to the wages has not been asserted or an
36-44 act of ownership of the wages has not been exercised.

36-45 SECTION 18.03. Subsection (a), Section 74.001, Property
36-46 Code, as amended by House Bill No. 826, Acts of the 78th
36-47 Legislature, Regular Session, 2003, is amended to read as follows:

36-48 (a) Except as provided by Subsection (b), this chapter
36-49 applies to a holder of property that is presumed abandoned under ~~+~~

36-50 ~~[(1)] Chapter 72, Chapter 73, or Chapter 75 [of this~~
36-51 ~~code, or~~

36-52 ~~[(2) Subchapter C, Chapter 61, Labor Code].~~

36-53 SECTION 18.04. Subsection (a), Section 74.101, Property
36-54 Code, as amended by House Bill No. 826, Acts of the 78th
36-55 Legislature, Regular Session, 2003, is amended to read as follows:

36-56 (a) Each holder who on June 30 holds property that is
36-57 presumed abandoned under Chapter 72, 73, or 75 of this code or
36-58 under ~~[7]~~ Chapter 154, Finance Code, ~~[or Subchapter C, Chapter 61,~~
36-59 ~~Labor Code,]~~ shall file a report of that property on or before the
36-60 following November 1. The comptroller may require the report to be
36-61 in a particular format, including a format that can be read by a
36-62 computer.

36-63 SECTION 18.05. Subsection (a), Section 74.301, Property
36-64 Code, as amended by House Bill No. 826, Acts of the 78th
36-65 Legislature, Regular Session, 2003, is amended to read as follows:

36-66 (a) Except as provided by Subsection (c), each holder who on
36-67 June 30 holds property that is presumed abandoned under Chapter 72,
36-68 73, or 75 ~~[of this code or Subchapter C, Chapter 61, Labor Code,]~~
36-69 shall deliver the property to the comptroller on or before the

37-1 following November 1 accompanied by the report required to be filed
37-2 under Section 74.101.

37-3 SECTION 18.06. Subchapter G, Chapter 61, Labor Code, as
37-4 added by House Bill No. 826, Acts of the 78th Legislature, Regular
37-5 Session, 2003, is repealed.

37-6 SECTION 18.07. This article takes effect September 1, 2003,
37-7 if this Act receives a vote of two-thirds of all the members elected
37-8 to each house, as provided by Section 39, Article III, Texas
37-9 Constitution. If this Act does not receive the vote necessary to
37-10 take effect on that date, this article takes effect November 1,
37-11 2003.

37-12 ARTICLE 19. TEXAS BICYCLE TOURISM TRAILS

37-13 SECTION 19.01. Section 201.902, Transportation Code, is
37-14 amended to read as follows:

37-15 Sec. 201.902. ROAD USE BY BICYCLISTS. (a) The department
37-16 shall designate:

- 37-17 (1) a statewide bicycle coordinator; and
- 37-18 (2) a bicycle coordinator in each regional office.

37-19 (b) A bicycle coordinator shall assist the department in
37-20 developing rules and plans to enhance the use of the state highway
37-21 system by bicyclists.

37-22 (c) The commission shall adopt rules relating to use of
37-23 roads in the state highway system by bicyclists, including
37-24 provisions for:

- 37-25 (1) the specific duties of the statewide bicycle
37-26 coordinator and the regional bicycle coordinators;
- 37-27 (2) obtaining comments from bicyclists on:
 - 37-28 (A) a highway project that might affect bicycle
37-29 use;
 - 37-30 (B) the use of a highway for bicycling events;
 - 37-31 and
 - 37-32 (C) department policies affecting bicycle use of
37-33 state highways;

37-34 (3) the consideration of acceptable national bicycle
37-35 design, construction, and maintenance standards on a project in an
37-36 area with significant bicycle use; and

37-37 (4) any other matter the commission determines
37-38 necessary to enhance the use of the state highway system by
37-39 bicyclists.

37-40 (d) The statewide bicycle coordinator, with the regional
37-41 bicycle coordinators and an advisory committee established in the
37-42 department, shall advise the commission on the development of
37-43 bicycle tourism trails. The coordinator shall develop
37-44 recommendations:

37-45 (1) in consultation with the Parks and Wildlife
37-46 Department and the Texas economic development and tourism office
37-47 within the office of the governor;

37-48 (2) that reflect the geographic, scenic, historic, and
37-49 cultural diversity of the state; and

37-50 (3) that maximize federal and private sources of
37-51 funding for the construction of such trails and the development of a
37-52 bicycle tourism industry.

37-53 (e) A rule adopted under this section may not be
37-54 inconsistent with Chapter 551.

37-55 (f) In its annual report, the department shall report on the
37-56 activities of the statewide bicycle coordinator and specifically on
37-57 the bicycle tourism trails program.

37-58 SECTION 19.02. The Texas Department of Transportation shall
37-59 include the report on the activities of the statewide bicycle
37-60 coordinator and the bicycle tourism trails program required by this
37-61 article beginning with its annual report for calendar year 2004.

37-62 SECTION 19.03. This article takes effect September 1, 2003,
37-63 if this Act receives a vote of two-thirds of all the members elected
37-64 to each house, as provided by Section 39, Article III, Texas
37-65 Constitution. If this Act does not receive the vote necessary to
37-66 take effect on that date, this article takes effect November 1,
37-67 2003.

37-68 ARTICLE 20. WORKERS' COMPENSATION RESEARCH

37-69 SECTION 20.01. Subtitle A, Title 5, Labor Code, is amended

38-1 by adding Chapter 405 to read as follows:

38-2 CHAPTER 405. WORKERS' COMPENSATION RESEARCH

38-3 Sec. 405.001. DEFINITION. In this chapter, "department"
 38-4 means the Texas Department of Insurance.

38-5 Sec. 405.002. WORKERS' COMPENSATION RESEARCH DUTIES OF
 38-6 DEPARTMENT. (a) The department shall conduct professional studies
 38-7 and research related to:

38-8 (1) the delivery of benefits;
 38-9 (2) litigation and controversy related to workers'
 38-10 compensation;

38-11 (3) insurance rates and rate-making procedures;
 38-12 (4) rehabilitation and reemployment of injured
 38-13 workers;

38-14 (5) workplace health and safety issues;

38-15 (6) the quality and cost of medical benefits;

38-16 (7) the Texas Mutual Insurance Company and the impact
 38-17 of that company on the workers' compensation system; and

38-18 (8) other matters relevant to the cost, quality, and
 38-19 operational effectiveness of the workers' compensation system.

38-20 (b) In addition to the studies and research conducted under
 38-21 Subsection (a), the department shall conduct studies and research
 38-22 related to drugs in the workplace, giving priority to drug abuse in
 38-23 public and private establishments in which drug abuse could result
 38-24 in serious consequences to the public. The studies and research
 38-25 must include a survey designed to identify future needs and current
 38-26 efforts of employers to counteract drug abuse and its effects in the
 38-27 workplace.

38-28 (c) The department shall identify, collect, maintain, and
 38-29 analyze the key information required to assess the operational
 38-30 effectiveness of the workers' compensation system. The department
 38-31 shall provide the information obtained under this subsection to the
 38-32 governor and the legislature on a quarterly basis.

38-33 (d) The department may apply for and spend federal funds to
 38-34 implement this chapter.

38-35 Sec. 405.003. FUNDING; MAINTENANCE TAX. (a) The
 38-36 department's duties under this chapter are funded through the
 38-37 assessment of a maintenance tax collected annually from all
 38-38 insurance carriers except governmental entities.

38-39 (b) The department shall set the rate of the maintenance tax
 38-40 based on the expenditures authorized and the receipts anticipated
 38-41 in legislative appropriations. The tax rate for insurance
 38-42 companies may not exceed one-tenth of one percent of the correctly
 38-43 reported gross workers' compensation insurance premiums. The tax
 38-44 rate for certified self-insurers may not exceed one-tenth of one
 38-45 percent of the total tax base of all certified self-insurers, as
 38-46 computed under Section 407.103(b).

38-47 (c) The tax imposed under Subsection (a) is in addition to
 38-48 all other taxes imposed on those insurance carriers for workers'
 38-49 compensation purposes.

38-50 (d) The tax on insurance companies shall be collected and
 38-51 paid in the same manner and at the same time as the maintenance tax
 38-52 established for the support of the department under Article 5.68,
 38-53 Insurance Code. The tax on certified self-insurers shall be
 38-54 collected and paid in the same manner and at the same time as the
 38-55 self-insurer maintenance tax collected under Section 407.104.

38-56 (e) Amounts received under this section shall be deposited
 38-57 in the state treasury to the credit of a special account to be used:

38-58 (1) for the operation of the department's duties under
 38-59 this chapter; and

38-60 (2) to reimburse the general revenue fund in
 38-61 accordance with Article 4.19, Insurance Code.

38-62 (f) Section 403.095, Government Code, does not apply to the
 38-63 special account established under this section.

38-64 Sec. 405.004. COORDINATION WITH OTHER STATE AGENCIES;
 38-65 CONFIDENTIALITY. (a) As required to fulfill the department's
 38-66 objectives under this chapter, the department is entitled to access
 38-67 to the files and records of:

38-68 (1) the commission;

38-69 (2) the Texas Workforce Commission;

- 39-1 (3) the Texas Department of Human Services;
 39-2 (4) the Texas Mutual Insurance Company; and
 39-3 (5) other state agencies.

39-4 (b) A state agency shall assist and cooperate in providing
 39-5 the information to the department.

39-6 (c) Information that is confidential under state law is
 39-7 accessible to the department under rules of confidentiality and
 39-8 remains confidential.

39-9 (d) The identity of an individual or entity selected to
 39-10 participate in a department survey or who participates in such a
 39-11 survey is confidential and is not subject to public disclosure
 39-12 under Chapter 552, Government Code.

39-13 SECTION 20.02. Chapter 404 and Section 413.021(f), Labor
 39-14 Code, are repealed.

39-15 SECTION 20.03. (a) For each fiscal year of the state fiscal
 39-16 biennium beginning September 1, 2003, the amount of \$832,396
 39-17 appropriated by Section 11.15(b), Article IX, H.B. 1, Acts of the
 39-18 78th Legislature, Regular Session, 2003, is appropriated to the
 39-19 Texas Department of Insurance for the purpose of performing the
 39-20 department's duties under Chapter 405, Labor Code, as added by this
 39-21 Act, with \$804,928 appropriated each fiscal year from the
 39-22 undedicated portion of the general revenue fund and \$27,468
 39-23 appropriated each fiscal year from the special account established
 39-24 under Section 405.003, Labor Code, as added by this Act, and the
 39-25 amount available for transfer under Section 11.15(c), Article IX,
 39-26 H.B. 1, Acts of the 78th Legislature, Regular Session, 2003, is
 39-27 correspondingly reduced by that amount.

39-28 (b) Rider 1 immediately following the appropriation to the
 39-29 Research and Oversight Council on Workers' Compensation made by
 39-30 H.B. 1, Acts of the 78th Legislature, Regular Session, 2003,
 39-31 applies to the appropriation made by Subsection (a) of this
 39-32 section.

39-33 (c) The special account established under Section 404.003,
 39-34 Labor Code, as that section existed before being repealed by this
 39-35 Act, is re-created and redesignated as a special account to be used
 39-36 for the purposes described by Section 405.003, Labor Code, as added
 39-37 by this Act.

39-38 ARTICLE 21. LIQUID WASTE MANAGEMENT

39-39 SECTION 21.01. Subchapter B, Chapter 361, Health and Safety
 39-40 Code, is amended by adding Section 361.034 to read as follows:

39-41 Sec. 361.034. RECORDS AND MANIFESTS REQUIRED FOR CERTAIN
 39-42 LIQUID WASTES. (a) The commission by rule shall require a person
 39-43 who generates, collects, conveys, transports, processes, stores,
 39-44 or disposes of sewage sludge, water treatment sludge, domestic
 39-45 septage, chemical toilet waste, grit trap waste, or grease trap
 39-46 waste to keep records and use a uniform manifest as prescribed by
 39-47 commission rule to ensure that the waste is transported to an
 39-48 appropriate processing, storage, or disposal facility or site
 39-49 permitted or authorized for that purpose.

39-50 (b) The rules must require the person who generates the
 39-51 waste, the person who transports the waste, and the person who
 39-52 disposes of the waste each to retain, for not less than three years,
 39-53 a copy of a transportation manifest that records the generator,
 39-54 transporter, and disposal site and method.

39-55 (c) The rules must require that aggregate amounts of waste
 39-56 recorded on the manifests required under this section match the
 39-57 amounts of waste reported to the commission annually. The
 39-58 commission may require copies of manifests to be submitted with
 39-59 reports to the commission or at other times.

39-60 SECTION 21.02. The Texas Commission on Environmental
 39-61 Quality shall adopt rules under Section 361.034, Health and Safety
 39-62 Code, as added by this article, as soon as practicable so that the
 39-63 rules take effect not later than March 1, 2004.

39-64 SECTION 21.03. This article takes effect immediately if
 39-65 this Act receives a vote of two-thirds of all the members elected to
 39-66 each house, as provided by Section 39, Article III, Texas
 39-67 Constitution. If this Act does not receive the vote necessary for
 39-68 immediate effect, this article takes effect November 1, 2003.

39-69 ARTICLE 22. STATE PUBLICATIONS MAINTAINED BY THE TEXAS STATE

LIBRARY AND ARCHIVES COMMISSION

SECTION 22.01. 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 22.02. 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 22.03. 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 22.04. 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

41-1 access to state publications;
 41-2 (2) collect state publications and distribute them to
 41-3 depository libraries;
 41-4 (3) establish a [~~microform~~] program for the
 41-5 preservation and management of state publications and make
 41-6 available state publications in alternative formats [~~microform~~] to
 41-7 depository libraries and other libraries at a reasonable cost;
 41-8 (4) periodically issue a list of all state
 41-9 publications that it has received in print or storage media to all
 41-10 depository libraries and other libraries on request;
 41-11 (5) catalog, classify, and index all state
 41-12 publications that it receives and distribute the cataloging,
 41-13 classification, and indexing information to depository libraries
 41-14 and to other libraries on request;
 41-15 (6) ensure that state publications are fully
 41-16 represented in regional and national automated library networks;
 41-17 (7) index all state publications that are available on
 41-18 the Internet [~~in an electronic format~~] and make the index available
 41-19 on the Internet [~~in an electronic format~~]; and
 41-20 (8) [~~provide on-line access to state publications that~~
 41-21 ~~can be accessed on-line, and~~
 41-22 [~~9~~] provide other depository libraries appropriate
 41-23 access, at no charge, to state publications available in an
 41-24 electronic format.

41-25 SECTION 22.05. Section 441.106, Government Code, is amended
 41-26 to read as follows:

41-27 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.
 41-28 If a state agency's printing is done by contract, an account for the
 41-29 printing may not be approved and a warrant may not be issued unless
 41-30 the agency first furnishes to the Texas Building and Procurement
 41-31 [~~State Purchasing and General Services~~] Commission a receipt from
 41-32 the state librarian for the publication or a written waiver from the
 41-33 state librarian exempting the publication from this subchapter.

41-34 ARTICLE 23. STANDARDIZED STATE ELECTRONIC MAIL SERVICE

41-35 SECTION 23.01. Subchapter C, Chapter 2054, Government Code,
 41-36 is amended by adding Section 2054.064 to read as follows:

41-37 Sec. 2054.064. STATE ELECTRONIC MAIL SERVICE. (a) The
 41-38 department shall develop a plan to implement a standardized state
 41-39 electronic mail service. The plan must include a cost impact
 41-40 analysis.

41-41 (b) If the cost impact analysis indicates that the benefits
 41-42 of the electronic mail service outweigh the costs, the department
 41-43 shall develop a schedule to implement the service. Each state
 41-44 agency shall implement the service according to the schedule.

41-45 (c) This section expires November 1, 2007.

41-46 ARTICLE 24. TRANSFER OF CERTAIN REAL PROPERTY FOR
 41-47 MUNICIPAL PARK PURPOSES

41-48 SECTION 24.01. Section 4, Chapter 38, General Laws, Acts of
 41-49 the 35th Legislature, Regular Session, 1917, is amended to read as
 41-50 follows:

41-51 Sec. 4: If any portion greater than one-tenth of one acre of
 41-52 said property be used by said city for any purpose except public
 41-53 park and recreational purposes and purposes incident thereto, title
 41-54 to said property shall revert to the State of Texas free from all
 41-55 claims of said city of Austin. Sections 253.001(b) and (d), Local
 41-56 Government Code, Chapter 272, Local Government Code, Chapter 26,
 41-57 Parks and Wildlife Code, any similar charter provision of said
 41-58 city, and any use restriction imposed by this Act do not apply to
 41-59 the sale, conveyance, or lease of a portion of said property to an
 41-60 owner of an interest in adjoining property if the portion of said
 41-61 property is less than one-tenth of one acre. A lease, sale, or
 41-62 conveyance of any interest in land described by Section 1 or 2 of
 41-63 this Act shall be submitted to the commissioner of the General Land
 41-64 Office for review and comment before the completion of the
 41-65 transaction. If more than one portion of said property is used for
 41-66 a purpose other than a purpose described by Section 2 of this Act,
 41-67 the aggregate of those portions of said property may not exceed
 41-68 one-tenth of one acre.

ARTICLE 25. PUBLIC VOTE ON CHANGES TO GOVERNOR'S POWERS AND
DUTIES MADE BY 78TH LEGISLATURE DURING 1ST CALLED SESSION

SECTION 25.01. (a) In this section, "becomes law" has the meaning assigned by Section 2001.006, Government Code, as added by Chapter 558, Acts of the 76th Legislature, Regular Session, 1999.

(b) If a bill enacted by the 78th Legislature, 1st Called Session, 2003, becomes law and adds, deletes, or changes a power or duty of the governor, the governor and other persons may not give effect to the addition, deletion, or change or any other provision in that bill that is necessarily related to or contingent on that addition, deletion, or change unless a proposition describing the addition, deletion, or change and the other provision in accordance with this section is approved by a majority of the voters voting at a statewide election, as provided by the next section of this article. For the purposes of this section, the former law is continued in effect:

(1) before the addition, deletion, or change is approved at the statewide election; and

(2) after the statewide election if the addition, deletion, or change is not approved at the election.

(c) From among the bills enacted by the 78th Legislature, 1st Called Session, 2003, that become law, the secretary of state shall identify:

(1) all additions, deletions, or changes made by those bills to the powers and duties of the governor; and

(2) all provisions in those bills that are necessarily related to or contingent on those additions, deletions, or changes to the powers and duties of the governor.

(d) Using the information identified under Subsection (c) of this section, the secretary of state shall prepare one or more propositions that:

(1) are to be printed on the ballot of the statewide election, as required by the next section of this article;

(2) are organized on the ballot under the heading "Referendum Proposition No. 1"; and

(3) permit voters to vote for or against the additions, deletions, or changes to the powers and duties of the governor.

(e) Each proposition required by Subsection (d) of this section must include:

(1) a brief description of the addition, deletion, or change that may not be given effect unless the proposition is approved at the election;

(2) a brief description of all necessarily related or contingent provisions that may not be given effect unless the proposition is approved at the election; and

(3) the number of the bill passed by the 78th Legislature, 1st Called Session, 2003, that enacted the addition, deletion, or change included in the proposition.

(f) The secretary of state may group or organize additions, deletions, or changes to the powers and duties of the governor and related provisions into propositions required by this section in any manner that is coherent, efficient, and reasonable.

(g) In performing the secretary of state's duties under Subsection (c) of this section and in preparing the propositions required by this section, the secretary shall consult the legislative legal staff that provides legal counseling and legislative drafting services for the legislature.

SECTION 25.02. (a) This article takes effect immediately if it 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 article 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.

(b) If this article takes effect immediately, the propositions prepared by the secretary of state in accordance with this article shall be printed on the ballot for the statewide election to be held September 13, 2003. If this article does not take effect immediately, the propositions prepared by the secretary

of state in accordance with this article shall be printed on the ballot for the statewide election to be held November 4, 2003.

ARTICLE 26. CERTAIN GOVERNMENTAL CONTRACTS TO BE PERFORMED IN NONATTAINMENT AREAS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS

SECTION 26.01. 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 26.02. 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 26.03. 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 27. SCHOOL SAFETY REGULATIONS AND SAFETY TRAINING PROGRAM

SECTION 27.01. Chapter 33, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SAFETY REGULATIONS FOR CERTAIN EXTRACURRICULAR ACTIVITIES

Sec. 33.101. APPLICABILITY. This subchapter applies to each public school in this state and to any other school in this state subject to University Interscholastic League regulations.

Sec. 33.102. SAFETY TRAINING REQUIRED. (a) The commissioner by rule shall develop and adopt a safety training program as provided by this section. In developing the program, the commissioner may use materials available from the American Red Cross or another appropriate entity.

(b) The following persons must satisfactorily complete the safety training program:

(1) a coach or trainer for an extracurricular athletic activity;

(2) except as provided by Subsection (f), a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity; and

(3) a director responsible for a school marching band.

(c) The safety training program must include:

(1) certification of participants by the American Red Cross, the American Heart Association, or a similar organization, as determined by the commissioner;

(2) annual training in:

(A) emergency action planning;

(B) cardiopulmonary resuscitation if the person is not required to obtain certification under Section 33.086;

(C) communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

(D) recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

(3) at least once each school year, a safety drill that incorporates the training described by Subdivision (2) and simulates various injuries described by Subdivision (2)(D).

(d) A student participating in an extracurricular athletic activity must receive training related to:

(1) recognizing the symptoms described by Subsection (c)(2)(D); and

(2) the risks of using supplements designed or marketed to enhance athletic performance.

44-1 (e) The safety training program and the training under
 44-2 Subsection (d) may each be conducted by a school or school district
 44-3 or by an organization described by Subsection (c)(1).

44-4 (f) A physician who is employed by a school or school
 44-5 district or who volunteers to assist with an extracurricular
 44-6 athletic activity is exempt from the requirements of Subsection (b)
 44-7 if the physician attends a continuing medical education course that
 44-8 specifically addresses emergency medicine for athletic team
 44-9 physicians.

44-10 Sec. 33.103. RECOMMENDATION RELATED TO HEART SCREENING.
 44-11 The University Interscholastic League shall recommend that each
 44-12 student participating in an extracurricular athletic activity
 44-13 receive a heart screening.

44-14 Sec. 33.104. CERTAIN UNSAFE ATHLETIC ACTIVITIES
 44-15 PROHIBITED. A coach or trainer for an extracurricular athletic
 44-16 activity may not encourage or permit a student participating in the
 44-17 activity to engage in any unreasonably dangerous athletic technique
 44-18 that unnecessarily endangers the health of a student, including
 44-19 using a helmet or any other sports equipment as a weapon.

44-20 Sec. 33.105. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) A
 44-21 coach or trainer for an extracurricular athletic activity shall at
 44-22 each athletic practice or competition ensure that:

44-23 (1) each student participating in the activity is
 44-24 permitted adequate access to water;

44-25 (2) any prescribed asthma medication for a student
 44-26 participating in the activity is readily available to the student;

44-27 (3) if available at the school, a defibrillator is
 44-28 readily accessible for use at the practice or competition;

44-29 (4) emergency lanes providing access to the practice
 44-30 or competition area are open and clear; and

44-31 (5) heatstroke prevention materials are readily
 44-32 available.

44-33 (b) A referee, umpire, or other official at an
 44-34 extracurricular athletic competition may prohibit a student from
 44-35 participating in the competition if:

44-36 (1) the official observes a violation of Subsection
 44-37 (a); or

44-38 (2) the official determines that the removal would
 44-39 likely prevent the death of or serious injury to the student.

44-40 (c) If a student participating in an extracurricular
 44-41 athletic activity, including a practice or competition, is rendered
 44-42 unconscious during the activity, the student may not:

44-43 (1) return to the practice or competition during which
 44-44 the student was rendered unconscious; or

44-45 (2) continue to participate in any extracurricular
 44-46 athletic activity until the student receives written authorization
 44-47 from a physician.

44-48 Sec. 33.106. COMPLIANCE; ENFORCEMENT. (a) On request, a
 44-49 school shall make available to the public proof of compliance for
 44-50 each person enrolled in, employed by, or volunteering for the
 44-51 school who is required to receive safety training described by
 44-52 Section 33.102.

44-53 (b) The superintendent of a school district or the director
 44-54 of a school subject to this subchapter shall maintain complete and
 44-55 accurate records of the district's or school's compliance with
 44-56 Section 33.102.

44-57 (c) A school campus that is determined by the school's
 44-58 superintendent or director to be in noncompliance with Section
 44-59 33.102, 33.104, or 33.105 shall discontinue all extracurricular
 44-60 athletic activities offered by the school campus, including all
 44-61 practices and competitions, until the superintendent or director
 44-62 determines that the school campus is in compliance.

44-63 Sec. 33.107. CONTACT INFORMATION. (a) The commissioner
 44-64 shall maintain an existing telephone number and an electronic mail
 44-65 address to allow a person to report a violation of this subchapter.

44-66 (b) Each school that offers an extracurricular athletic
 44-67 activity shall prominently display at the administrative offices of
 44-68 the school the telephone number and electronic mail address
 44-69 maintained under Subsection (a).

45-1 Sec. 33.108. UNIVERSITY INTERSCHOLASTIC LEAGUE MEDICAL
45-2 ADVISORY BOARD SUBCOMMITTEE. (a) The director of the University
45-3 Interscholastic League shall appoint a subcommittee from among the
45-4 membership of the league's medical advisory board. The director or
45-5 the director's designee shall serve as the subcommittee's presiding
45-6 officer.

45-7 (b) The subcommittee shall prepare a statement of the risks
45-8 of injury resulting from participation in extracurricular athletic
45-9 activities. The University Interscholastic League shall post the
45-10 text of the statement on the league's Internet website and provide
45-11 to each student participating in an extracurricular athletic
45-12 activity and to the student's parent or guardian a copy of the
45-13 statement.

45-14 Sec. 33.109. NOTICE REQUIRED. A school that offers an
45-15 extracurricular athletic activity shall provide to each student
45-16 participating in an extracurricular athletic activity and to the
45-17 student's parent or guardian a copy of the text of Sections
45-18 33.101-33.108.

45-19 Sec. 33.110. INCORPORATION OF SAFETY REGULATIONS. The
45-20 University Interscholastic League shall incorporate the provisions
45-21 of Sections 33.103-33.108 into the league's constitution and
45-22 contest rules.

45-23 SECTION 27.02. This article applies beginning with the
45-24 2004-2005 school year, except that Sections 33.104 and 33.108,
45-25 Education Code, as added by this article, apply beginning with the
45-26 2003-2004 school year.

45-27 ARTICLE 28. TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM ASSETS

45-28 SECTION 28.01. Section 845.301(a), Government Code, as
45-29 amended by H.B. No. 2240, Acts of the 78th Legislature, Regular
45-30 Session, 2003, is amended to read as follows:

45-31 (a) The assets of the retirement system shall be invested
45-32 and reinvested without distinction as to their source in accordance
45-33 with Section 67, Article XVI, Texas Constitution. For purposes of
45-34 the investment authority of the board of trustees under Section 67,
45-35 Article XVI, Texas Constitution, "securities" means any investment
45-36 instrument within the meaning of the term as defined by Section 4,
45-37 The Securities Act (Article 581-4, Vernon's Texas Civil Statutes),
45-38 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10).
45-39 Investment decisions are subject to the standard provided in the
45-40 Texas Trust Code by Section 117.004(b) [~~Sections 117.004(a)-(c)~~],
45-41 Property Code.

45-42 SECTION 28.02. This article takes effect January 1, 2004.

45-43 ARTICLE 29. EFFECTIVE DATE

45-44 SECTION 29.01. Except as otherwise provided by this Act,
45-45 this Act takes effect November 1, 2003.

45-46 * * * * *