

By: Swinford

H.B. No. 24

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reorganization of, efficiency in, and other reform
3 measures applying to state government; making an appropriation.

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

5 ARTICLE 1. TELECONFERENCE MEETING OF LEGISLATIVE BUDGET BOARD

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

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

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

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

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

24 (3) must be open to the public and shall be audible to

1 the public at the location specified in the notice of the meeting as
2 the location of the meeting; and

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

5 ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

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

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

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14 repealed.

15 ARTICLE 3. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

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

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

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

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

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

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

13 ARTICLE 4. OVERSIGHT OF REGIONAL PLANNING COMMISSIONS

14 SECTION 4.01. The heading to Section 391.009, Local
15 Government Code, is amended to read as follows:

16 Sec. 391.009. ROLE OF STATE AUDITOR, GOVERNOR, AND STATE
17 AGENCIES.

18 SECTION 4.02. Section 391.009, Local Government Code, is
19 amended by amending Subsection (a) and adding Subsections (a-1) and
20 (a-2) to read as follows:

21 (a) To protect the public interest and [~~or~~] promote the
22 efficient use of public funds, the governor, with the technical
23 assistance of the state auditor, may draft and [~~shall~~] adopt:

24 (1) rules relating to the operation and oversight of a
25 commission;

26 (2) rules relating to the receipt or expenditure of
27 funds by a commission, including:

1 (A) restrictions on the expenditure of any
2 portion of commission funds for certain classes of expenses; and

3 (B) restrictions on the maximum amount of or
4 percentage of commission funds that may be expended on a class of
5 expenses, including indirect costs or travel expenses;

6 (3) annual reporting requirements for a commission;

7 (4) annual audit requirements on funds received or
8 expended by a commission from any source;

9 (5) rules relating to the establishment and use of
10 standards by which the productivity and performance of each
11 commission can be evaluated; and

12 (6) guidelines that commissions and governmental
13 units shall follow in carrying out the provisions of this chapter
14 relating to review and comment procedures.

15 (a-1) The governor may draft and adopt rules under
16 Subsection (a) using negotiated rulemaking procedures under
17 Chapter 2008, Government Code.

18 (a-2) Based on a risk assessment performed by the state
19 auditor and subject to the legislative audit committee's approval
20 for inclusion in the audit plan under Section 321.013, Government
21 Code, the state auditor's office shall assist the governor as
22 provided by Subsection (a).

23 SECTION 4.03. Section 391.0095, Local Government Code, as
24 amended by Senate Bill No. 19, Acts of the 78th Legislature, Regular
25 Session, 2003, is amended to read as follows:

26 Sec. 391.0095. AUDIT AND REPORTING REQUIREMENTS. (a) The
27 audit and reporting requirements under Section 391.009(a) shall

1 include a requirement that a commission annually report to the
2 state auditor [~~governor~~]:

3 (1) the amount and source of funds received by the
4 commission;

5 (2) the amount and source of funds expended by the
6 commission;

7 (3) an explanation of any method used by the
8 commission to compute an expense of the commission, including
9 computation of any indirect cost of the commission;

10 (4) a report of the commission's productivity and
11 performance during the annual reporting period;

12 (5) a projection of the commission's productivity and
13 performance during the next annual reporting period;

14 (6) the results of an audit of the commission's affairs
15 prepared by an independent certified public accountant; and

16 (7) a report of any assets disposed of by the
17 commission.

18 (b) The annual audit of a commission may be commissioned [~~by~~
19 ~~the governor's office or~~] by the commission or at the direction of
20 the governor's office, as determined by the governor's office, and
21 shall be paid for from the commission's funds.

22 (c) A commission shall submit any other report or an audit
23 to the state auditor and [~~required by~~] the governor.

24 (d) If a commission fails to submit a report or audit
25 required under this section or is determined by the state auditor
26 [~~governor~~] to have failed to comply with a rule, requirement, or
27 guideline adopted under Section 391.009, the state auditor shall

1 report the failure to the governor's office. The governor may,
2 until the failure is corrected:

3 (1) appoint a receiver to operate or oversee the
4 commission; or

5 (2) withhold any appropriated funds of the commission.

6 (e) A commission shall send to the governor, the state
7 auditor, the comptroller, and the Legislative Budget Board a copy
8 of each report and audit required under this section or under
9 Section 391.009. The state auditor may review each audit and
10 report, subject to a risk assessment performed by the state auditor
11 and to the legislative audit committee's approval of including the
12 review in the audit plan under Section 321.013, Government Code. If
13 the state auditor reviews the audit or report, the state auditor
14 must be given access to working papers and other supporting
15 documentation that the state auditor determines is necessary to
16 perform the review. If the state auditor finds significant issues
17 involving the administration or operation of a commission or its
18 programs, the state auditor shall report its findings and related
19 recommendations to the legislative audit committee, the governor,
20 and the commission. The governor and the legislative audit
21 committee may direct the commission to prepare a corrective action
22 plan or other response to the state auditor's findings or
23 recommendations. The legislative audit committee may direct the
24 state auditor to perform any additional audit or investigative work
25 that the committee determines is necessary.

26 SECTION 4.04. Section 391.0117(e), Local Government Code,
27 is amended to read as follows:

1 (e) A commission shall submit to the state auditor
2 [~~governor~~] the commission's salary schedule, including the
3 salaries of all exempt positions, not later than the 45th day before
4 the date of the beginning of the commission's fiscal year. If the
5 state auditor, subject to the legislative audit committee's
6 approval for inclusion in the audit plan under Section 321.013,
7 Government Code, has recommendations to improve [~~governor objects~~
8 ~~to~~] a commission's salary schedule or a portion of the schedule, the
9 state auditor shall report the recommendations to the governor's
10 office. The governor's office may not allow the portion of the
11 schedule for which [~~that~~] the state auditor has recommendations to
12 [~~governor objects to may not~~] go into effect until revisions or
13 explanations are given that are satisfactory to the governor based
14 on recommendations from the state auditor [~~and the governor~~
15 ~~approves that portion of the schedule~~].

16 SECTION 4.05. On the effective date of this Act, a rule,
17 requirement, or guideline adopted by the governor relating to the
18 oversight of regional planning commissions remains in effect until
19 amended or repealed by the governor.

20 ARTICLE 5. COMMISSIONER OF INSURANCE

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

23 Sec. 31.023. QUALIFICATIONS. The commissioner must:

- 24 (1) be a competent and experienced administrator;
- 25 (2) be well informed and qualified in the field of
26 insurance and insurance regulation; and
- 27 (3) have at least 10 years of experience as an

1 executive in the administration of business or government or as a
2 practicing attorney or certified public accountant[, ~~with at least~~
3 ~~five years of that experience in the field of insurance or insurance~~
4 ~~regulation~~].

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

12 ARTICLE 6. PARDONS AND PAROLES

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

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

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

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

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

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

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

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

6 (2) is ineligible for membership under Section
7 508.033;

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

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

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

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

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

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

1 exists[, ~~and~~

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

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

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

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

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

22 (d) The presiding officer may:

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

26 (2) appoint advisory committees from the membership of
27 the board or from parole commissioners to further the efficient

1 administration of board business; and

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

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

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

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

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

22 (1) develop and implement policies that clearly
23 separate the policy-making responsibilities of the board and the
24 management responsibilities of the board administrator, parole
25 commissioners, and the staff of the board [~~adopt rules relating to~~
26 ~~the decision-making processes used by the board and parole panels];~~

27 (2) establish caseloads and required work hours for

1 members of the board and parole commissioners [~~assign duties to~~
2 ~~members of the policy board that are in addition to the duties those~~
3 ~~members have in handling a caseload~~];

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

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

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

21 (b) The board shall:

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

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

27 (3) comply with federal and state laws related to

1 program and facility accessibility; and

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

7 (c) The board administrator shall prepare and maintain a
8 written plan that describes how a person who does not speak English
9 can be provided reasonable access to the board's programs and
10 services.

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

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

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

25 (2) A parole commissioner employed by the board may
26 not vote or deliberate on a matter described by Section 508.0441
27 until the person completes at least one course of a training program

1 that complies with this section.

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

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

6 (2) the programs operated by the board;

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

9 (4) the rules of the board;

10 (5) the current budget for the board;

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

13 (7) the requirements of the:

14 (A) open meetings law, Chapter 551;

15 (B) open records law, Chapter 552; and

16 (C) administrative procedure law, Chapter 2001;

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

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

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

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

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

3 (1) parole commissioners;

4 (2) a general counsel to the board;

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

7 (4) [~~(3)~~] hearing officers;

8 (5) [~~(4)~~] personnel to assist in clemency and hearing
9 matters; and

10 (6) [~~(5)~~] secretarial or clerical personnel.

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

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

15 (1) a training program that each newly hired employee
16 of the board designated to conduct hearings under Section 508.281
17 must complete before conducting a hearing without the assistance of
18 a board member or experienced parole commissioner or designee; and

19 (2) a training program to provide an annual update to
20 designees of the board on issues and procedures relating to the
21 revocation process.

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

25 (1) descriptions of decisions in previous hearings
26 determined by the [~~policy~~] board to have value as precedents for
27 decisions in subsequent hearings;

1 (2) laws and court decisions relevant to decision
2 making in hearings; and

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

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

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

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

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

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

26 SECTION 6.10. Subchapter B, Chapter 508, Government Code,
27 is amended by amending Section 508.044 and adding Section 508.0441

1 to read as follows:

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

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

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

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

11 (2) conditions of parole or mandatory supervision,
12 including special conditions;

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

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

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

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

23 (1) a parole decision; or

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

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

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

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

5 (3) conditions to be imposed on a releasee.

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

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

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

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

18 (1) release on parole;

19 (2) release to mandatory supervision; and

20 (3) revocation of parole or mandatory supervision.

21 (b) The presiding officer [~~of the board~~] shall designate the
22 composition of each panel, and may designate panels composed only
23 of board members, composed only of parole commissioners, or
24 composed of any combination of members and parole commissioners.

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

27 (a) The members of the [~~policy~~] board shall meet at least

1 once in each quarter of the calendar year at a site determined by
2 the presiding officer.

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

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

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

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

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

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

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

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

26 (B) an employee of the board; or

27 (C) an employee of the department.

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

4 (g) The [~~policy~~] board shall adopt a policy establishing the
5 date on which the board may reconsider for release an inmate who has
6 previously been denied release. The policy must require the board
7 to reconsider for release an inmate serving a sentence for an
8 offense listed in Section 508.149(a) during a month designated by
9 the parole panel that denied release. The designated month must
10 begin after the first anniversary of the date of the denial and end
11 before the fifth anniversary of the date of the denial. The policy
12 must require the board to reconsider for release an inmate other
13 than an inmate serving a sentence for an offense listed in Section
14 508.149(a) as soon as practicable after the first anniversary of
15 the date of the denial.

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

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

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

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

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

27 (b) If more than one person is entitled to appear in person

1 before the board members or parole commissioners, only the person
2 chosen by all persons entitled to appear as the persons' sole
3 representative may appear [~~before the board members~~].

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

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

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

16 (2) is arrested after an ineligible release.

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

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

23 (1) the governor;

24 (2) a member of the board or a parole commissioner;

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

27 (4) an eligible entity requesting information for a

1 law enforcement, prosecutorial, correctional, clemency, or
2 treatment purpose.

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

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

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

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

23 (b) Of the new members of the Board of Pardons and Paroles,
24 the governor shall appoint two to serve terms expiring February 1,
25 2005, two to serve terms expiring February 1, 2007, and three to
26 serve terms expiring February 1, 2009. On the expiration of the
27 terms of the initial members of the new board, the term of a member

1 appointed by the governor is six years.

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

4 ARTICLE 7. DESIGNATION OF PRESIDING OFFICERS

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

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

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

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

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

20 (c) This section does not apply to:

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

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

25 (3) a river authority whose governing body is elected;

26 or

27 (4) a junior college district.

ARTICLE 8. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

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

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

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

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

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

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

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

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

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

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

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

[~~(C)~~ is not employed by a person who employs

1 ~~another member of the commission;~~

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

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

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

8 (4) one member who ~~[:~~

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

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

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

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

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

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

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

23 SECTION 8.04. Section 1702.025, Occupations Code, as
24 amended by S.B. 287, Acts of the 78th Legislature, Regular Session,
25 2003, and Section 1702.026, Occupations Code, are amended to read
26 as follows:

27 Sec. 1702.025. TERMS; VACANCIES. (a) The board ~~[appointed~~

1 ~~commission~~] members serve staggered six-year terms, with the terms
2 of two or three [~~appointed~~] members expiring on January 31 of each
3 odd-numbered year.

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

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

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

17 (c) The presiding officer of the board [~~commission~~] or, in
18 the absence of the presiding officer, the assistant presiding
19 officer shall preside at each board [~~commission~~] meeting and
20 perform the other duties prescribed by this chapter.

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

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

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

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

3 and

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

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

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

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

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

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

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

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

1 Private Security is transferred to the Texas Private Security
2 Board.

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

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

14 ARTICLE 9. REPORTS

15 SECTION 9.01. Subsection (a), Section 363.064, Health and
16 Safety Code, is amended to read as follows:

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

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

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

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

27 (4) make recommendations for encouraging and

1 achieving a greater degree of waste minimization and waste reuse or
2 recycling in the geographic area covered by the plan;

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

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

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

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

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

19 (A) creation and use of community composting
20 centers;

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

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

27 (10) include an inventory of municipal solid waste

1 landfill units, including:

2 (A) landfill units no longer in operation;

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

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

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

10 (E) the current use of the land;

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

12 and

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

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

17 SECTION 9.02. The heading to Section 5.178, Water Code, is
18 amended to read as follows:

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

21 SECTION 9.03. Subsection (b), Section 5.178, Water Code, is
22 amended to read as follows:

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

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

27 (2) the following reports:

1 (A) the assessments and reports required by
2 Section [~~Sections~~] 361.0219(c) [~~, 361.0232, 361.510, 371.063, and~~
3 ~~382.141~~], Health and Safety Code;

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

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

9 SECTION 9.04. (a) Sections 361.020, 361.0201, 361.0232,
10 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063,
11 382.141, Health and Safety Code, are repealed.

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

13 ARTICLE 10. PERMITS OF THE TEXAS COMMISSION ON ENVIRONMENTAL
14 QUALITY

15 SECTION 10.01. (a) It is the policy of this state to be
16 effective and efficient with public funds, to provide for effective
17 and efficient management of natural resources, and to serve the
18 people of Texas by making the government more visible, accessible,
19 coherent, consistent, and accountable to the people of Texas. The
20 legislature finds that the Texas Commission on Environmental
21 Quality's procedures for processing permits is cumbersome,
22 confusing, lengthy, and inefficient for citizens, business,
23 political subdivisions, and the commission.

24 (b) The Texas Commission on Environmental Quality's
25 permitting processes warrant, and the legislature directs, an
26 in-depth evaluation, including the identification of problems,
27 potential options, and solutions. The evaluation must solicit and

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

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

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

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

12 (4) all stakeholder concerns are considered.

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

21 (1) three appointees of the lieutenant governor;

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

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

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

1 assessment.

2 ARTICLE 11. CONSIDERATIONS BY THE BOARD OF
3 PARDONS AND PAROLES REGARDING CLEMENCY MATTERS

4 SECTION 11.01. Subsection (b), Section 508.047, Government
5 Code, is amended to read as follows:

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

9 SECTION 11.02. Section 551.124, Government Code, is amended
10 to read as follows:

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

18 SECTION 11.03. Chapter 48, Code of Criminal Procedure, is
19 amended by adding Article 48.011 to read as follows:

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

25 (b) The Board of Pardons and Paroles shall deliberate
26 privately, but at the conclusion of deliberations each board member
27 shall announce publicly the member's individual decision as to

1 whether to recommend clemency and shall sign the member's name with
2 the member's written recommendation and reasons for that
3 recommendation.

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

6 SECTION 11.04. (a) The changes in law made by this article
7 apply only to a consideration by the Board of Pardons and Paroles
8 regarding a clemency matter in a capital case that occurs on or
9 after December 1, 2004.

10 (b) The Board of Pardons and Paroles shall adopt the rules
11 required by Subsection (c), Article 48.011, Code of Criminal
12 Procedure, as added by this article, not later than December 1,
13 2004.

14 ARTICLE 12. CERTAIN AGREEMENTS OF THE
15 TEXAS DEPARTMENT OF TRANSPORTATION

16 SECTION 12.01. Subchapter C, Chapter 201, Transportation
17 Code, is amended by adding Section 201.1055 to read as follows:

18 Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES.
19 Notwithstanding any other law, including Subchapter A, Chapter
20 2254, Government Code, Chapters 2165, 2166, and 2167, Government
21 Code, and Sections 202.052, 202.053, 203.051, 203.052, and 223.001
22 of this code, the department and a private entity that offers the
23 best value to the state may enter into an agreement that includes:

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

27 (2) a lease of department-owned real property in a

1 district that includes a county with a population of 3.3 million or
2 more to the private entity;

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

6 (4) a provision under which the department agrees to
7 enter into an agreement to lease with an option or options to
8 purchase a building constructed on property leased to the entity
9 under Subdivision (2).

10 ARTICLE 13. ORGANIZATION OF CERTAIN LEGISLATIVE AGENCIES

11 SECTION 13.01. Section 321.002(e), Government Code, is
12 amended to read as follows:

13 (e) The committee shall have a chairman and vice-chairman as
14 presiding officers. The chairmanship and vice-chairmanship must
15 alternate every two years between the members of the committee from
16 the senate and the members of the committee from the house of
17 representatives. The chairman and vice-chairman may not be from
18 the same house of the legislature. The lieutenant governor shall
19 designate a presiding officer from the committee members from the
20 senate, and the speaker shall designate the other presiding officer
21 from the committee members from the house of representatives. A
22 designation made under this subsection expires on September 1 of
23 each odd-numbered year. For the purposes of this subsection, the
24 lieutenant governor is considered to be a member of the committee
25 from the senate. The committee shall elect ~~[organize by electing]~~
26 one member to serve as ~~[chairman and one member to serve as]~~
27 secretary.

1 SECTION 13.02. Chapter 321, Government Code, is amended by
2 adding Section 321.0138 to read as follows:

3 Sec. 321.0138. AUDIT OF STATE TAX SETTLEMENT. (a) This
4 section applies to a settlement of:

5 (1) a claim for a tax, penalty, or interest imposed by
6 Title 2, Tax Code, if the amount the taxpayer is required to pay
7 under the settlement is more than \$10,000 less than the amount the
8 comptroller claimed the taxpayer owed before the date of the
9 settlement;

10 (2) a claim for a refund or credit of a tax, penalty,
11 or interest imposed by Title 2, Tax Code, if the amount of the
12 refund or credit under the settlement exceeds \$10,000; or

13 (3) a taxpayer suit under Chapter 112, Tax Code, in
14 which the amount to be paid to or refunded or credited to the
15 taxpayer under the settlement exceeds \$10,000.

16 (b) The state auditor may audit a tax settlement to which
17 this section applies. In determining whether this section applies
18 and in conducting the audit, the state auditor is entitled to access
19 to information related to the settlement to the same extent the
20 state auditor would be entitled under Section 321.013 if the
21 information were in a department or entity that is subject to audit.

22 (c) Notwithstanding any other law, including Sections
23 111.006, 151.027, and 171.206, Tax Code, the legislative audit
24 committee may release the name of a taxpayer that is subject to a
25 settlement to which this section applies and the amount of the
26 relief the taxpayer received as a result of the settlement. The
27 legislative audit committee may not release any other information

1 made confidential by those laws or other law.

2 SECTION 13.03. Chapter 321, Government Code, is amended by
3 adding Section 321.024 to read as follows:

4 Sec. 321.024. PERFORMANCE REVIEW OF SCHOOL DISTRICTS. (a)

5 The committee may periodically review the effectiveness and
6 efficiency of the operations of school districts. A review of a
7 school district may be initiated by the committee at its discretion
8 or on the request of the school district. A review may be initiated
9 by a school district only by resolution adopted by a majority of the
10 members of the board of trustees of the district.

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

14 (c) The committee shall:

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

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

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

24 SECTION 13.04. Section 322.001(b), Government Code, is
25 amended to read as follows:

26 (b) The board shall have a chairman and vice-chairman as
27 presiding officers. The chairmanship and vice-chairmanship must

1 alternate every two years between the members of the board from the
2 senate and the members of the board from the house of
3 representatives. The chairman and vice-chairman may not be from
4 the same house of the legislature. The lieutenant governor shall
5 designate a presiding officer from the board members from the
6 senate, and the speaker shall designate the other presiding officer
7 from the board members from the house of representatives. A
8 designation made under this subsection expires on September 1 of
9 each odd-numbered year. For the purposes of this subsection, the
10 lieutenant governor is considered to be a member of the board from
11 the senate. [~~The lieutenant governor is the chairman of the board~~
12 and the speaker is the vice-chairman.]

13 SECTION 13.05. Section 322.003, Government Code, is amended
14 by amending Subsections (a) and (b) and adding Subsection (d) to
15 read as follows:

16 (a) A majority of the members of the board from each house
17 constitutes a quorum to transact business. If a quorum is present,
18 the board may act on any matter that is within its jurisdiction by a
19 majority vote.

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

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

26 SECTION 13.06. Section 323.001(b), Government Code, as
27 amended by Senate Bill No. 1418, Acts of the 78th Legislature,

1 Regular Session, 2003, is amended to read as follows:

2 (b) The council consists of:

3 (1) the lieutenant governor;

4 (2) the speaker of the house of representatives;

5 (3) the chairman of the house administration
6 committee;

7 (4) five senators from various areas of the state
8 appointed by the president of the senate; and

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

12 SECTION 13.07. Section 323.001(c), Government Code, is
13 amended to read as follows:

14 (c) The lieutenant governor and the speaker are joint chairs
15 [~~is the chairman~~] of the council [~~and the speaker is the~~
16 ~~vice-chairman~~].

17 SECTION 13.08. Section 323.005(c), Government Code, is
18 amended to read as follows:

19 (c) The certificate of either of the joint chairs of the
20 council [~~chairman or vice-chairman~~] is sufficient evidence of the
21 validity of a claim. On certification, the comptroller shall issue
22 warrants on the treasury to pay each claim for mileage and per diem
23 expenses, salaries of employees, and other authorized expenses.

24 SECTION 13.09. Sections 323.008(a)-(d), Government Code,
25 are amended to read as follows:

26 (a) If the council determines a need exists, the joint
27 chairs [~~chairman~~] of the council may appoint statutory revision

1 advisory committees to advise the council on matters relating to
2 the revision of particular subjects of the law.

3 (b) Advisory committees consist of seven members appointed
4 by the joint chairs [~~chairman~~] of the council. Advisory committee
5 members serve for a period of two years from the date of
6 appointment.

7 (c) In appointing an advisory committee, the joint chairs
8 [~~chairman~~] shall include representatives of the:

- 9 (1) State Bar of Texas;
10 (2) judiciary; and
11 (3) Texas law schools.

12 (d) An advisory committee shall meet at the call of either
13 of the joint chairs [~~chairman~~] of the council.

14 SECTION 13.10. Section 323.011(b), Government Code, is
15 amended to read as follows:

16 (b) A subpoena must be signed by either of the joint chairs
17 [~~chairman~~] of the council [~~or the vice-chairman~~].

18 SECTION 13.11. Section 323.012(b), Government Code, is
19 amended to read as follows:

20 (b) On the request of either of the joint chairs [~~chairman~~]
21 of the council [~~or the vice-chairman~~], the attorney general shall
22 render opinions and give advice and assistance to the council.

23 SECTION 13.12. Sections 323.003(a) and (b), Government
24 Code, are amended to read as follows:

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

1 (b) A majority of the [~~Twelve~~] members of the council from
2 each house of the legislature constitutes [~~including the chairman~~
3 ~~and vice-chairman constitute~~] a quorum. If a quorum is present, the
4 council may act on any matter that is within its jurisdiction by a
5 majority vote.

6 SECTION 13.13. Sections 325.003(a), (d), and (j),
7 Government Code, are amended to read as follows:

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

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

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

1 SECTION 13.14. The following laws are repealed:

2 (1) Section 403.020, Government Code; and

3 (2) Section 403.022, Government Code.

4 SECTION 13.15. If, on the effective date of this Act, more
5 than four members of the house of representatives appointed under
6 Section 323.001(b)(5), Government Code, are serving as members of
7 the Texas Legislative Council:

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

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

15 SECTION 13.16. The lieutenant governor and the speaker of
16 the house of representatives, as soon as possible after the
17 effective date of this Act, shall appoint a member of the senate or
18 the house of representatives, respectively, to serve initial terms
19 on the Sunset Advisory Commission under Section 325.003, Government
20 Code, as amended by this Act, expiring September 1, 2005.

21 SECTION 13.17. On November 1, 2003:

22 (1) all records and other property of the comptroller
23 that relate to a performance review of school districts are
24 transferred to the Legislative Audit Committee;

25 (2) all unexpended and unobligated appropriations of
26 the comptroller relating to the comptroller's performance review of
27 school districts are transferred to the Legislative Audit

1 Committee;

2 (3) all employees of the comptroller whose primary
3 functions relate to the performance review of school districts
4 become employees of the Legislative Audit Committee; and

5 (4) any reference in law to the comptroller that
6 relates to the performance review of school districts means the
7 Legislative Audit Committee.

8 SECTION 13.18. As soon as possible on or after the effective
9 date of this Act, the presiding officers of the Legislative Audit
10 Committee shall be designated as provided by Section 321.002(e),
11 Government Code, as amended by this Act. Under that section, the
12 lieutenant governor shall designate the initial chairman, and the
13 speaker of the house of representatives shall designate the initial
14 vice-chairman.

15 SECTION 13.19. As soon as possible on or after the effective
16 date of this Act, the presiding officers of the Legislative Budget
17 Board shall be designated as provided by Section 322.001(b),
18 Government Code, as amended by this Act. Under that section, the
19 speaker of the house of representatives shall designate the initial
20 chairman, and the lieutenant governor shall designate the initial
21 vice-chairman.

22 ARTICLE 14. UNCLAIMED PROPERTY

23 SECTION 14.01. Subsection (a), Section 72.101, Property
24 Code, is amended to read as follows:

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

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

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

7 SECTION 14.02. Subchapter B, Chapter 72, Property Code, is
8 amended by adding Section 72.1015 to read as follows:

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

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

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

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

18 SECTION 14.03. Subsection (a), Section 74.001, Property
19 Code, as amended by House Bill No. 826, Acts of the 78th
20 Legislature, Regular Session, 2003, is amended to read as follows:

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

23 [~~1~~] Chapter 72, Chapter 73, or Chapter 75 [~~of this~~
24 ~~code, or~~

25 [~~2~~ Subchapter C, Chapter 61, Labor Code].

26 SECTION 14.04. Subsection (a), Section 74.101, Property
27 Code, as amended by House Bill No. 826, Acts of the 78th

1 Legislature, Regular Session, 2003, is amended to read as follows:

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

9 SECTION 14.05. Subsection (a), Section 74.301, Property
10 Code, as amended by House Bill No. 826, Acts of the 78th
11 Legislature, Regular Session, 2003, is amended to read as follows:

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

18 SECTION 14.06. Subchapter G, Chapter 61, Labor Code, as
19 added by House Bill No. 826, Acts of the 78th Legislature, Regular
20 Session, 2003, is repealed.

21 SECTION 14.07. This article takes effect September 1, 2003,
22 if this Act receives a vote of two-thirds of all the members elected
23 to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary to
25 take effect on that date, this article takes effect November 1,
26 2003.

27 ARTICLE 15. CERTAIN GOVERNMENTAL CONTRACTS TO BE PERFORMED

1 IN NONATTAINMENT AREAS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS

2 SECTION 15.01. Section 2155.451(a), Government Code, as
3 added by Section 19, H.B. No. 1365, Acts of the 78th Legislature,
4 Regular Session, 2003, is amended to read as follows:

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

9 SECTION 15.02. Section 271.907(b), Local Government Code,
10 as added by Section 20, H.B. No. 1365, Acts of the 78th Legislature,
11 Regular Session, 2003, is amended to read as follows:

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

16 SECTION 15.03. This article takes effect immediately if
17 this Act receives a vote of two-thirds of all the members elected to
18 each house, as provided by Section 39, Article III, Texas
19 Constitution. If this Act does not receive the vote necessary for
20 immediate effect, this article takes effect on the 91st day after
21 the last day of the legislative session.

22 ARTICLE 16. TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM ASSETS

23 SECTION 16.01. Section 845.301(a), Government Code, as
24 amended by H.B. No. 2240, Acts of the 78th Legislature, Regular
25 Session, 2003, is amended to read as follows:

26 (a) The assets of the retirement system shall be invested
27 and reinvested without distinction as to their source in accordance

1 with Section 67, Article XVI, Texas Constitution. For purposes of
2 the investment authority of the board of trustees under Section 67,
3 Article XVI, Texas Constitution, "securities" means any investment
4 instrument within the meaning of the term as defined by Section 4,
5 The Securities Act (Article 581-4, Vernon's Texas Civil Statutes),
6 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10).
7 Investment decisions are subject to the standard provided in the
8 Texas Trust Code by Section 117.004(b) [~~Sections 117.004(a)-(c)~~],
9 Property Code.

10 SECTION 16.02. This article takes effect January 1, 2004.

11 ARTICLE 17. PARTICIPATION OF CERTAIN GOVERNMENTAL RETIREES
12 IN CERTAIN GROUP BENEFIT PLANS

13 SECTION 17.01. Section 1551.102, Insurance Code, is amended
14 by adding Subsection (i) to read as follows:

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

18 (1) served in a position for which the individual was
19 eligible to participate in the group benefits program under Section
20 1551.101 on or before August 31, 2003; and

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

24 SECTION 17.02. Section 1551.111, Insurance Code, is amended
25 by adding Subsection (e) to read as follows:

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

1 the individual:

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

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

7 SECTION 17.03. Section 1551.112, Insurance Code, is amended
8 by adding Subsection (c) to read as follows:

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

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

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

17 SECTION 17.04. Subchapter G, Chapter 1551, Insurance Code,
18 is amended by adding Section 1551.323 to read as follows:

19 Sec. 1551.323. COST OF CERTAIN ANNUITANTS. (a) An
20 annuitant eligible to participate under Section 1551.102(i) may be
21 required to pay the total cost attributable to the participation of
22 that individual and the dependents of that individual until the
23 date the individual is 65 years of age.

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

1 SECTION 17.05. Section 1575.004, Insurance Code, as amended
2 by S.B. No. 1369, H.B. No. 3459, and H.B. No. 3507, Acts of the 78th
3 Legislature, Regular Session, 2003, is reenacted and amended to
4 read as follows:

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

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

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

13 (B) was employed in actual service in public
14 schools in this state during or before the 2002-2003 school year, is
15 at least 55 years of age, and has taken a service retirement under
16 the Teacher Retirement System of Texas with at least 10 years of
17 service credit in the system for actual service in public schools in
18 this state; or

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

1 (2) an individual who:

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

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

6 SECTION 17.06. Section 1575.211, Insurance Code, as added
7 by S.B. No. 1369 and H.B. No. 3459, Acts of the 78th Legislature,
8 Regular Session, 2003, is amended by adding Subsection (c) to read
9 as follows:

10 (c) A retiree eligible to participate under Section
11 1575.004(1)(B) may be required to pay the total cost attributable
12 to the participation of that individual and the dependents of that
13 individual until the date the individual is 65 years of age. The
14 General Appropriations Act or other similar legislation may specify
15 a different allocation of total costs for retirees eligible to
16 participate under Section 1575.004(1)(B) and the dependents of
17 those retirees. This subsection applies only to an individual who
18 is eligible to participate as an annuitant under Section
19 1575.004(1)(B) and who is not eligible to participate under another
20 provision of Section 1575.004.

21 SECTION 17.07. This article takes effect September 1, 2003,
22 if this Act receives a vote of two-thirds of all the members elected
23 to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 effect on that date, this article takes effect November 1, 2003.

26 ARTICLE 18. PARKS AND WILDLIFE COMMISSION

27 SECTION 18.01. Section 11.012(d), Parks and Wildlife Code,

1 is amended to read as follows:

2 (d) In making appointments under this section, the
3 governor:

4 (1) shall:

5 (A) attempt to include persons with expertise in
6 diverse fields, including fields such as historic preservation,
7 conservation, and outdoor recreation; and

8 (B) consider the commission's composition in
9 terms of:

10 (i) the geographical areas represented by
11 members of the commission; and

12 (ii) the appropriate balance of
13 representatives from rural and urban areas; and

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

17 SECTION 18.02. (a) As soon as possible on or after November
18 1, 2003, the governor shall appoint nine members to the Parks and
19 Wildlife Commission under Section 11.012, Parks and Wildlife Code,
20 as amended by this Act. The governor shall designate:

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

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

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

27 (b) The governor may reappoint a person who served as a

1 member of the Parks and Wildlife Commission before November 1,
2 2003.

3 (c) The position of a member of the Parks and Wildlife
4 Commission serving immediately before November 1, 2003, is
5 abolished at the time five or more of the newly appointed directors
6 qualify for office. Until the abolition of the members' positions
7 occurs under this section, the members serving immediately before
8 November 1, 2003, have the same powers and duties that the members
9 had immediately before that date and the commission continues to be
10 composed in the way it was composed before that date, and the former
11 law is continued in effect for that purpose.

12 ARTICLE 19. ENERGY AND WATER CONSERVATION BY STATE AGENCIES

13 SECTION 19.01. Chapter 447, Government Code, is amended by
14 adding Sections 447.010 and 447.011 to read as follows:

15 Sec. 447.010. FUEL SAVINGS FOR STATE AGENCIES. (a) In this
16 section and in Section 447.011:

17 (1) "Cost-effective" means resulting in fuel
18 consumption reduction with a projected savings in fuel cost over a
19 one-year period that exceeds the cost of purchasing and using a
20 technology.

21 (2) "Fuel-saving technology" means a:

22 (A) device containing no lead metal that is
23 installed on a motor vehicle or non-road diesel and that has been
24 proven to reduce fuel consumption per mile or per hour of operation
25 by at least five percent;

26 (B) fuel additive registered in accordance with
27 40 C.F.R. Part 79 that contains no known mutagenic materials and

1 that has been proven to reduce fuel consumption per mile or per hour
2 of operation by at least five percent; or

3 (C) fuel registered in accordance with 40 C.F.R.
4 Part 79 that contains no known mutagenic materials and that has been
5 proven to reduce fuel consumption per mile or per hour of operation
6 by at least five percent.

7 (3) "Motor vehicle" and "non-road diesel" have the
8 meanings assigned by Section 386.101, Health and Safety Code.

9 (4) "Proven fuel-saving technologies" means
10 technologies shown to reduce fuel use by at least five percent in:

11 (A) an Environmental Protection Agency fuel
12 economy federal test protocol test performed at a laboratory
13 recognized by the Environmental Protection Agency;

14 (B) a fuel economy test performed in accordance
15 with protocols and at testing laboratories or facilities recognized
16 by the state energy conservation office, the Texas Commission on
17 Environmental Quality, or the Environmental Protection Agency; or

18 (C) a field demonstration performed in
19 accordance with Section 447.011.

20 (b) A state agency with 10 or more motor vehicles or
21 non-road diesels shall reduce the total fuel consumption of the
22 vehicles or diesels by at least five percent from fiscal year 2002
23 consumption levels through the use of cost-effective fuel-saving
24 technologies.

25 (c) A state agency may delay reducing fuel use as described
26 in this section until a list of proven fuel-saving technologies is
27 provided by the state energy conservation office as provided by

1 Section 447.011.

2 (d) A state agency may not purchase or use as a fuel-saving
3 technology a technology that:

4 (1) is known to increase oxides of nitrogen emissions
5 or toxic air contaminants; or

6 (2) may be reasonably concluded to degrade air quality
7 or human health or to negatively impact the environment.

8 (e) A state agency may purchase cost-effective fuel-saving
9 technologies out of the agency's fuel budget.

10 (f) A state agency shall competitively evaluate similar
11 fuel-saving technologies.

12 (g) A state agency may require a seller of a fuel-saving
13 technology to refund the cost of the technology if it is determined
14 to be ineffective at reducing fuel use by at least five percent
15 before the 91st day after the date the technology is first used by
16 the agency.

17 (h) A state agency may use fuel-saving technologies that the
18 agency determines are cost-effective and may use a fuel-saving
19 technology in applications that provide other benefits, including
20 emissions reductions.

21 (i) A state agency may establish a program for agency
22 employees to voluntarily:

23 (1) purchase fuel-saving technologies; and

24 (2) document reductions in fuel savings and air
25 emissions.

26 (j) A state agency shall annually report to the state energy
27 conservation office on a form provided by the office on the state

1 agency's efforts and progress under this section.

2 Sec. 447.011. FIELD DEMONSTRATIONS. (a) Under the
3 direction of the state energy conservation office, the Texas
4 Department of Transportation shall demonstrate the effectiveness
5 of at least four fuel-saving technologies on a combined maximum of
6 100 motor vehicles or non-road diesels in accordance with this
7 section to determine the fuel-saving technologies that may
8 cost-effectively reduce fuel consumption and save state revenue.

9 (b) Varying ages and types of motor vehicles and non-road
10 diesels shall be selected to demonstrate the fuel-saving
11 technologies. Preference shall be given to high-use motor vehicles
12 and non-road diesels in the selection.

13 (c) The Texas Department of Transportation shall
14 demonstrate the performance of fuel-saving technologies by:

15 (1) assessing a technology's performance in the normal
16 course of operations of motor vehicles or non-road diesels; and

17 (2) performing controlled field tests.

18 (d) In selecting the technologies to be evaluated, the state
19 energy conservation office shall:

20 (1) consult with governmental and business
21 organizations that are currently using fuel-saving technology;

22 (2) consider technologies that are proven fuel-saving
23 technologies that have demonstrated fuel economy benefits of five
24 percent or more in field tests or recorded use data of government
25 organizations or businesses that operate fleets; and

26 (3) determine whether each technology selected has the
27 potential to be cost-effective.

1 (e) A fuel-saving technology may be disqualified from being
2 demonstrated or used if it is known to reduce engine performance,
3 reduce the life of the engine, require additional maintenance
4 expenses, or degrade air quality.

5 (f) The Texas Council on Environmental Technology, The
6 University of Texas Center for Transportation Research, the
7 University of Houston Diesel Emissions Center, or another agency
8 may be designated to assist with executing the demonstration,
9 compiling the results, estimating the potential average fuel
10 savings of the technologies in different applications, or preparing
11 a final report.

12 (g) On completing the demonstration described by this
13 section the state energy conservation office shall rank the
14 fuel-saving technologies based on their fuel savings, other cost
15 savings, and overall cost-effectiveness. The office shall:

16 (1) list recommended applications of the
17 technologies;

18 (2) document other negative or positive effects; and

19 (3) prepare a concise report of these findings.

20 (h) The Texas Council on Environmental Technology shall
21 obtain information on any fuel-saving technology that appears to
22 reduce particulate matter, oxides of nitrogen, carbon monoxide, or
23 hydrocarbon emissions. The Texas Council on Environmental
24 Technology may use this information to fund the Environmental
25 Protection Agency verification of a technology in accordance with
26 Section 387.003, Health and Safety Code.

27 (i) The state energy conservation office shall provide the

1 report prepared under Subsection (g) to each state agency with 10 or
2 more motor vehicles or non-road diesels and to the Legislative
3 Budget Board.

4 (j) The demonstration and associated reports described by
5 this section shall be completed not later than September 1, 2004.

6 (k) All results of a demonstration project under this
7 section shall be made public on the state energy conservation
8 office's Internet website.

9 (l) The state energy conservation office shall provide
10 quarterly an updated list of all proven fuel-saving technologies on
11 its Internet website.

12 (m) Money from the state highway fund may not be used for the
13 purchase, installation, maintenance, or operation of the
14 fuel-saving technologies being assessed or subjected to controlled
15 field tests under this section. Repairs to state equipment
16 resulting from demonstrations of fuel-saving technologies must be
17 paid from the same funds used to implement this section.

18 SECTION 19.02. Chapter 2113, Government Code, is amended by
19 adding Subchapter E to read as follows:

20 SUBCHAPTER E. RESTRICTIONS ON CAPITAL EXPENDITURES

21 Sec. 2113.301. PREFERENCE FOR FINANCING CERTAIN CAPITAL
22 EXPENDITURES WITH MONEY GENERATED BY UTILITY COST SAVINGS CONTRACT.

23 (a) In this section:

24 (1) "State facility purpose" means a purpose related
25 to:

26 (A) the maintenance of a state-owned or
27 state-leased building or facility; or

1 (B) a project as defined by Section 2166.001,
2 including a project described by Section 2166.003.

3 (2) "Utility cost savings contract" means a contract
4 under Subchapter I, Chapter 2166, or other law that guarantees
5 utility cost savings for energy conservation measures to reduce
6 energy or water consumption or to reduce operating costs of
7 governmental facilities.

8 (b) Before a state agency may use appropriated money to make
9 a capital expenditure for a state facility purpose, the state
10 agency must determine whether the expenditure could be financed
11 with money generated by a utility cost savings contract.

12 (c) If it is practicable to do so, a state agency that is
13 using appropriated money must finance a capital expenditure for a
14 state facility purpose with money generated by a utility cost
15 savings contract.

16 (d) If it is not practicable for a state agency that is using
17 appropriated money to finance a capital expenditure for a state
18 facility purpose with money generated by a utility cost savings
19 contract, the state agency must provide justification to the
20 comptroller for the capital expenditure.

21 (e) In determining under Subsection (b) whether a capital
22 expenditure could be financed by a utility cost savings contract, a
23 state agency must consider whether utility cost savings generated
24 by any department of that agency could be a potential means of
25 financing a capital expenditure for any department of that agency.
26 Money generated by a utility cost savings in one department of a
27 state agency may be used to finance capital expenditures for a state

1 facility purpose in any department of that agency.

2 (f) This section does not apply to an institution of higher
3 education as defined by Section 61.003, Education Code.

4 (g) This section does not apply to a capital expenditure for
5 a state facility purpose that requires expeditious action to:

6 (1) prevent a hazard to life, health, safety, welfare,
7 or property; or

8 (2) avoid undue additional cost to the state.

9 (h) The Texas Building and Procurement Commission shall
10 appoint a task force to develop design recommendations that are to
11 be used for state facilities and that encourage rain harvesting and
12 water recycling by state agencies using appropriated money to
13 finance a capital expenditure for a state facility purpose.

14 ARTICLE 20. STATE AIRCRAFT POOLING BOARD

15 SECTION 20.01. The heading to Subchapter A, Chapter 2205,
16 Government Code, is amended to read as follows:

17 SUBCHAPTER A. STATE AIRCRAFT POOLING [~~BOARD~~]; GENERAL PROVISIONS

18 SECTION 20.02. Subdivision (1), Section 2205.002,
19 Government Code, is amended to read as follows:

20 (1) "Department [~~Board~~]" means the Texas Department of
21 Transportation [~~State Aircraft Pooling Board~~].

22 SECTION 20.03. Section 2205.032, Government Code, is
23 amended to read as follows:

24 Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND
25 MAINTENANCE. (a) The department [~~board~~] shall operate a pool for
26 the custody, control, operation, and maintenance of all aircraft
27 owned or leased by the state.

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

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

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

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

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

19 SECTION 20.04. Section 2205.034, Government Code, is
20 amended to read as follows:

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

1 communications facilities, and other related and necessary
2 facilities.

3 (b) A state agency that operates an aircraft may not use a
4 facility in Austin other than a facility operated by the department
5 [~~board~~] for the storage, parking, fueling, or maintenance of the
6 aircraft, whether or not the aircraft is based in Austin. In a
7 situation the department [~~board~~] determines to be an emergency, the
8 department [~~board~~] may authorize a state agency to use a facility in
9 Austin other than a department [~~board~~] facility for the storage,
10 parking, fueling, or maintenance of an aircraft.

11 SECTION 20.05. Section 2205.035, Government Code, is
12 amended to read as follows:

13 Sec. 2205.035. AIRCRAFT LEASES. (a) The department
14 [~~board~~] by interagency contract may lease state-owned aircraft to a
15 state agency.

16 (b) A state agency that is the prior owner or lessee of an
17 aircraft has the first option to lease that aircraft from the
18 department [~~board~~].

19 (c) The lease may provide for operation or maintenance by
20 the department [~~board~~] or the state agency.

21 (d) A state agency may not expend appropriated funds for the
22 lease of an aircraft unless the department [~~board~~] executes the
23 lease or approves the lease by department [~~board~~] order.

24 (e) A state agency may not use money appropriated by the
25 legislature to rent or lease aircraft except from the department
26 [~~board~~] or as provided by Subsection (f). For purposes of this
27 subsection and Subsection (f), payments of mileage reimbursements

1 provided for by the General Appropriations Act are not rentals or
2 leases of aircraft.

3 (f) If the department [~~board~~] determines that no
4 state-owned aircraft is available to meet a transportation need
5 that has arisen or that a rental or lease of aircraft would reduce
6 the state's transportation costs, the department [~~board~~] shall
7 authorize a state agency to expend funds for the rental or lease of
8 aircraft, which may include a helicopter.

9 SECTION 20.06. Section 2205.036, Government Code, is
10 amended to read as follows:

11 Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The
12 department [~~board~~] shall provide aircraft transportation, to the
13 extent that its aircraft are available, to:

14 (1) state officers and employees who are traveling on
15 official business according to the coordinated passenger
16 scheduling system and the priority scheduling system developed as
17 part of the aircraft operations manual under Section 2205.038;

18 (2) persons in the care or custody of state officers or
19 employees described by Subdivision (1); and

20 (3) persons whose transportation furthers official
21 state business.

22 (b) The department [~~board~~] may not provide aircraft
23 transportation to a passenger if the passenger is to be transported
24 to or from a place where the passenger:

25 (1) will make or has made a speech not related to
26 official state business;

27 (2) will attend or has attended an event sponsored by a

1 political party;

2 (3) will perform a service or has performed a service
3 for which the passenger is to receive an honorarium, unless the
4 passenger reimburses the department [~~board~~] for the cost of
5 transportation;

6 (4) will attend or has attended an event at which money
7 is raised for private or political purposes; or

8 (5) will attend or has attended an event at which an
9 audience was charged an admission fee to see or hear the passenger.

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

12 (1) the destination is not served by a commercial
13 carrier;

14 (2) the time required to use a commercial carrier
15 interferes with passenger obligations; or

16 (3) the number of passengers traveling makes the use
17 of state aircraft cost-effective.

18 (d) The department shall monitor and ensure compliance with
19 the requirements of this section.

20 SECTION 20.07. Section 2205.038, Government Code, is
21 amended to read as follows:

22 Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The
23 department [~~board~~] shall:

24 (1) prepare a manual that establishes minimum
25 standards for the operation of aircraft by state agencies; and

26 (2) adopt procedures for the distribution of the
27 manual to state agencies.

1 (b) The manual must include provisions for:

2 (1) pilot certification standards, including medical
3 requirements for pilots;

4 (2) recurring training programs for pilots;

5 (3) general operating and flight rules;

6 (4) coordinated passenger scheduling; and

7 (5) other issues the department [~~board~~] determines are
8 necessary to ensure the efficient and safe operation of aircraft by
9 a state agency.

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

15 (d) The department [~~board~~] shall give an officer normally
16 elected by statewide election priority in the scheduling of
17 aircraft. The department [~~board~~] by rule may require a 12-hour
18 notice by the officer to obtain the priority in scheduling.

19 SECTION 20.08. Section 2205.039, Government Code, is
20 amended to read as follows:

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

23 (1) a travel log form for gathering information about
24 the use of state-operated aircraft;

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

1 (3) procedures for each state agency that operates an
2 aircraft for sending the form to the department [~~board~~] and the
3 Legislative Budget Board.

4 (b) The travel log form must request the following
5 information about a state-operated aircraft each time the aircraft
6 is flown:

7 (1) a mission statement, which may appear as a
8 selection to be identified from general categories appearing on the
9 form;

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

13 (3) the date of each flight;

14 (4) a detailed and specific description of the
15 official business purpose of each flight; and

16 (5) other information determined by the Legislative
17 Budget Board and the department [~~board~~] to be necessary to monitor
18 the proper use of the aircraft.

19 (c) A state agency other than the department [~~board~~] shall
20 send travel logs to the department [~~board~~] each month in which the
21 agency operates an aircraft.

22 (d) The department shall monitor and ensure compliance by
23 state agencies with the requirements of this section.

24 (e) The department shall annually report to the Legislative
25 Budget Board on air travel information received under this section.

26 SECTION 20.09. Section 2205.040, Government Code, is
27 amended to read as follows:

1 Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) The
2 department [~~board~~] shall adopt rates for interagency aircraft
3 services that are sufficient to recover[~~, in the aggregate and to~~
4 ~~the extent possible,~~] all expenses incurred under this chapter
5 [~~direct costs for the services provided~~], including current
6 obligations for capital equipment financed under the Texas Public
7 Finance Authority's master lease purchase program and aircraft
8 replacement costs [~~a state agency's pro rata share of major~~
9 ~~maintenance, overhauls of equipment and facilities, and pilots'~~
10 ~~salaries~~].

11 (b) The department shall deposit all revenue received under
12 this chapter to the credit of the state highway fund. Money
13 deposited to the credit of the state highway fund under this chapter
14 is exempt from the application of Section 403.095, Government Code
15 [~~Legislative Budget Board, in cooperation with the board and the~~
16 ~~state auditor, shall prescribe a billing procedure for passenger~~
17 ~~travel on state-operated aircraft~~].

18 (c) The department may spend money from the state highway
19 fund for expenses incurred under this chapter.

20 (d) It is the intent of the legislature that receipts and
21 expenditures that relate to the state highway fund under this
22 chapter be balanced over time so that, to the extent practicable,
23 the receipts and expenditures do not result in a net gain or net
24 loss to the fund.

25 SECTION 20.10. Subsection (a), Section 2205.041,
26 Government Code, is amended to read as follows:

27 (a) The Legislative Budget Board, in cooperation with the

1 department [~~board~~], shall prescribe:

2 (1) an annual aircraft use form for gathering
3 information about the use of state-operated aircraft, including the
4 extent to which and the methods by which the goal provided by
5 Section 2205.031(b) is being met; and

6 (2) procedures for each state agency that operates an
7 aircraft for sending the form to the department [~~board~~] and the
8 Legislative Budget Board.

9 SECTION 20.11. Section 2205.042, Government Code, is
10 amended to read as follows:

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

15 SECTION 20.12. Subsection (b), Section 2205.043,
16 Government Code, is amended to read as follows:

17 (b) The department [~~board~~] shall adopt rules, consistent
18 with federal regulations and Subtitle A, Title 11 [~~Article 6139F,~~
19 ~~Revised Statutes~~], governing the color, size, and location of marks
20 of identification required by this section.

21 SECTION 20.13. Section 2205.044, Government Code, is
22 amended to read as follows:

23 Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The
24 department [~~board~~] may contract with a state or federal
25 governmental agency or a political subdivision to provide aircraft
26 fuel or to provide aircraft maintenance services.

27 SECTION 20.14. Subsection (a), Section 2205.045,

1 Government Code, is amended to read as follows:

2 (a) The department [~~board~~] may purchase insurance to
3 protect the department [~~board~~] from loss caused by damage, loss,
4 theft, or destruction of aircraft owned or leased by the state and
5 shall purchase liability insurance to protect the officers and
6 employees of each state agency from loss arising from the operation
7 of state-owned aircraft.

8 SECTION 20.15. Section 2205.046, Government Code, is
9 amended to read as follows:

10 Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a)
11 The department [~~board~~] may transfer aircraft to a public technical
12 institute or other public postsecondary educational institution
13 for use in the institution's flight training program. Except as
14 provided by this section, the department [~~board~~] has no
15 responsibility for continued maintenance of aircraft transferred
16 under this section.

17 (b) As a condition to the transfer of the aircraft, the
18 institution must certify in writing to the department [~~board~~] that
19 the institution will accept full responsibility for maintenance of
20 the aircraft and that it will be properly maintained while in the
21 custody and control of the institution. The department [~~board~~] is
22 entitled to inspect the aircraft without notice for the purpose of
23 insuring that the aircraft are properly maintained.

24 (c) The department [~~board~~] may immediately reassume custody
25 and control of a transferred aircraft on a finding by the department
26 [~~board~~] that:

27 (1) the aircraft is not being properly maintained;

1 (2) the aircraft is being used for a purpose other than
2 flight training; or

3 (3) the institution has discontinued its flight
4 training program.

5 SECTION 20.16. Section 2205.047, Government Code, is
6 amended to read as follows:

7 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The
8 department [~~board~~] shall post information related to travel and
9 other services provided by the department under this chapter
10 [~~board~~] on an Internet site maintained by or for the department
11 [~~board~~]. The site must be generally accessible to state agencies,
12 persons who use the department's [~~board's~~] services, and, to the
13 extent appropriate, the general public.

14 SECTION 20.17. Sections 2205.003-2205.019, Government
15 Code, are repealed.

16 SECTION 20.18. On the effective date of this article:

17 (1) the State Aircraft Pooling Board is abolished.
18 Except as provided by Section 20.21 of this article, all powers,
19 duties, obligations, rights, contracts, bonds, appropriations,
20 records, and real or personal property, and personnel of the State
21 Aircraft Pooling Board are transferred to the Texas Department of
22 Transportation;

23 (2) a rule, policy, procedure, or decision of the
24 State Aircraft Pooling Board continues in effect as a rule, policy,
25 procedure, or decision of the Texas Department of Transportation
26 until superseded by an act of the Texas Department of
27 Transportation;

1 (3) a reference in law to the State Aircraft Pooling
2 Board means the Texas Department of Transportation; and

3 (4) the number of full-time equivalent positions
4 intended to be allocated to the State Aircraft Pooling Board by H.B.
5 No. 1, Acts of the 78th Legislature, Regular Session, 2003, is
6 reduced by 39 for fiscal years 2004 and 2005, and the number of
7 full-time equivalent positions allocated to the Texas Department of
8 Transportation is increased by 39 for fiscal years 2004 and 2005 for
9 the purpose of administering Chapter 2205, Government Code.

10 SECTION 20.19. (a) All money collected by the Texas
11 Department of Transportation under Chapter 2205, Government Code,
12 during the state fiscal biennium beginning September 1, 2003, is
13 appropriated to the Texas Department of Transportation for that
14 biennium for the purpose of administering Chapter 2205, Government
15 Code.

16 (b) The unexpended balance of the appropriation to the State
17 Aircraft Pooling Board for all or part of the state fiscal biennium
18 ending August 31, 2003, is appropriated to the Texas Department of
19 Transportation for the state fiscal biennium beginning September 1,
20 2003, for the purpose of administering Chapter 2205, Government
21 Code.

22 SECTION 20.20. Before March 1, 2004, the Texas Department
23 of Transportation shall file with the governor, the lieutenant
24 governor, the speaker of the house of representatives, and the
25 Legislative Budget Board a complete and detailed report on the
26 transfer of powers and duties from the State Aircraft Pooling Board
27 to the Texas Department of Transportation.

1 SECTION 20.21. (a) Notwithstanding any other law, the
2 General Land Office shall sell to the Texas Department of
3 Transportation for fair market value the approximately three-acre
4 property formerly operated by the State Aircraft Pooling Board at
5 the site of the former Robert Mueller Municipal Airport.

6 (b) The department may only:

7 (1) use the property described by Subsection (a) of
8 this section for purposes consistent with the operation of an
9 intelligent transportation system unless the City of Austin and
10 Travis County agree to a different use; and

11 (2) lease an unneeded portion of the property
12 described by Subsection (a) of this section under the procedures
13 prescribed by Subchapter C, Chapter 202, Transportation Code, if
14 the lease is approved by the City of Austin and Travis County.

15 (c) In this section, "intelligent transportation system"
16 means a traffic management system designed to enhance the
17 efficiency and safety of the transportation system in the Austin
18 regional area through the remote monitoring and broadcasting of
19 traffic information. The term does not include the maintenance of
20 vehicles, the storage of fuel, or the storage of vehicles.

21 SECTION 20.22. This article takes effect September 1, 2003,
22 if this Act receives a vote of two-thirds of all the members elected
23 to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 this article to take effect on that date, this article takes effect
26 November 1, 2003.

27 ARTICLE 21. WORKERS' COMPENSATION RESEARCH

1 SECTION 21.01. Subtitle A, Title 5, Labor Code, is amended
2 by adding Chapter 405 to read as follows:

3 CHAPTER 405. WORKERS' COMPENSATION RESEARCH

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

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

9 (1) the delivery of benefits;

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

12 (3) insurance rates and rate-making procedures;

13 (4) rehabilitation and reemployment of injured
14 workers;

15 (5) workplace health and safety issues;

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

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

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

27 (c) The department shall identify, collect, maintain, and

1 analyze the key information required to assess the operational
2 effectiveness of the workers' compensation system. The department
3 shall provide the information obtained under this subsection to the
4 governor and the legislature on a quarterly basis.

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

7 Sec. 405.003. FUNDING; MAINTENANCE TAX. (a) The
8 department's duties under this chapter are funded through the
9 assessment of a maintenance tax collected annually from all
10 insurance carriers, and self-insurance groups that hold
11 certificates of approval under Chapter 407A, except governmental
12 entities.

13 (b) The department shall set the rate of the maintenance tax
14 based on the expenditures authorized and the receipts anticipated
15 in legislative appropriations. The tax rate for insurance
16 companies may not exceed one-tenth of one percent of the correctly
17 reported gross workers' compensation insurance premiums. The tax
18 rate for certified self-insurers may not exceed one-tenth of one
19 percent of the total tax base of all certified self-insurers, as
20 computed under Section 407.103(b). The tax rate for self-insurance
21 groups described by Subsection (a) may not exceed one-tenth of one
22 percent of the group's gross premium for the group's retention,
23 excluding premium collected by the group for excess insurance.

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

27 (d) The tax on insurance companies and on self-insurance

1 groups described by Subsection (a) shall be assessed, collected,
2 and paid in the same manner and at the same time as the maintenance
3 tax established for the support of the department under Article
4 5.68, Insurance Code. The tax on certified self-insurers shall be
5 assessed, collected, and paid in the same manner and at the same
6 time as the self-insurer maintenance tax collected under Section
7 407.104.

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

11 (1) for the operation of the department's duties under
12 this chapter; and

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

15 (f) Section 403.095, Government Code, does not apply to the
16 special account established under this section.

17 Sec. 405.004. COORDINATION WITH OTHER STATE AGENCIES;
18 CONFIDENTIALITY. (a) As required to fulfill the department's
19 objectives under this chapter, the department is entitled to access
20 to the files and records of:

21 (1) the commission;

22 (2) the Texas Workforce Commission;

23 (3) the Texas Department of Human Services;

24 (4) the State Office of Risk Management; and

25 (5) other state agencies.

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

1 (c) Information that is confidential under state law is
2 accessible to the department under rules of confidentiality and
3 remains confidential.

4 (d) The identity of an individual or entity selected to
5 participate in a department survey or who participates in such a
6 survey is confidential and is not subject to public disclosure
7 under Chapter 552, Government Code.

8 SECTION 21.02. (a) Chapter 404 and Section 413.021(f),
9 Labor Code, are repealed.

10 (b) The Research and Oversight Council on Workers'
11 Compensation, including the council's board of directors, is
12 abolished on the effective date of this Act. All state records and
13 other property and unexpended and unobligated appropriations of the
14 council on the effective date of this Act are transferred to the
15 Texas Department of Insurance. All employees of the Research and
16 Oversight Council on Workers' Compensation become employees of the
17 Texas Department of Insurance on the effective date of this Act.
18 Any reference in law to the Research and Oversight Council on
19 Workers' Compensation, the council's board of directors, the Texas
20 Workers' Compensation Research Center, or the research center's
21 board means the Texas Department of Insurance or the commissioner
22 of insurance, as appropriate.

23 SECTION 21.03. (a) For each fiscal year of the state
24 fiscal biennium beginning September 1, 2003, the amount of
25 \$832,396, pursuant to the allocation made by Section 11.15(b),
26 Article IX, H.B. 1, Acts of the 78th Legislature, Regular Session,
27 2003, is allocated to the Texas Department of Insurance for the

1 purpose of performing the department's duties under Chapter 405,
2 Labor Code, as added by this Act, and the amount available for
3 transfer under Section 11.15(c), Article IX, H.B. 1, Acts of the
4 78th Legislature, Regular Session, 2003, is correspondingly
5 reduced by that amount.

6 (b) Rider 1 immediately following the appropriation to the
7 Research and Oversight Council on Workers' Compensation made by
8 H.B. 1, Acts of the 78th Legislature, Regular Session, 2003,
9 applies to the appropriation made by Subsection (a) of this
10 section.

11 (c) The special account established under Section 404.003,
12 Labor Code, as that section existed before being repealed by this
13 Act, is re-created and transferred to the Texas Department of
14 Insurance's General Revenue and Insurance Companies Maintenance
15 Tax and Insurance Department Fees Account to be used for the
16 purposes described by Section 405.003, Labor Code, as added by this
17 Act.

18 ARTICLE 22. EFFECTIVE DATE

19 SECTION 22.01. Except as otherwise provided by this Act,
20 this Act takes effect November 1, 2003.