

1-1 By: Swinford, et al. (Senate Sponsor - Ogden) H.B. No. 7
1-2 (In the Senate - Received from the House September 17, 2003;
1-3 September 17, 2003, read first time and referred to Committee on
1-4 Finance; September 22, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 4;
1-6 September 22, 2003, sent to printer.)

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

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

1-10 relating to the organization, board membership, and functions of
1-11 certain governmental agencies and to the transfer of certain
1-12 functions to other governmental agencies.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. TELECONFERENCE MEETING OF LEGISLATIVE BUDGET BOARD

1-15 SECTION 1.01. Section 322.003, Government Code, is amended
1-16 by adding Subsections (d) and (e) to read as follows:

1-17 (d) As an exception to Chapter 551 and other law, if the
1-18 joint chairs of the board are physically present at a meeting, then
1-19 any number of the other members of the board may attend a meeting of
1-20 the board by use of telephone conference call, video conference
1-21 call, or other similar telecommunication device. This subsection
1-22 applies for purposes of constituting a quorum, for purposes of
1-23 voting, and for any other purpose allowing a member of the board to
1-24 otherwise fully participate in any meeting of the board. This
1-25 subsection applies without exception with regard to the subject of
1-26 the meeting or topics considered by the members.

1-27 (e) A meeting held by use of telephone conference call,
1-28 video conference call, or other similar telecommunication device:

1-29 (1) is subject to the notice requirements applicable
1-30 to other meetings;

1-31 (2) must specify in the notice of the meeting the
1-32 location of the meeting;

1-33 (3) must be open to the public and shall be audible to
1-34 the public at the location specified in the notice of the meeting as
1-35 the location of the meeting; and

1-36 (4) must provide two-way audio communication between
1-37 all parties attending the meeting during the entire meeting.

1-38 ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

1-39 SECTION 2.01. Subsection (a), Section 401.046, Government
1-40 Code, is amended to read as follows:

1-41 (a) The governor shall deliver a copy of the governor's
1-42 budget to each member of the legislature before the governor gives
1-43 the message to the legislature required by Section 9, Article IV,
1-44 Texas Constitution, at the commencement [not later than the sixth
1-45 day] of each regular legislative session.

1-46 SECTION 2.02. Section 401.047, Government Code, is
1-47 repealed.

1-48 ARTICLE 3. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

1-49 SECTION 3.01. Section 72.101, Property Code, is amended by
1-50 adding Subsections (c) and (d) to read as follows:

1-51 (c) Property distributable in the course of a
1-52 demutualization or related reorganization of an insurance company
1-53 is presumed abandoned on the first anniversary of the date the
1-54 property becomes distributable if, at the time of the first
1-55 distribution, the last known address of the owner according to the
1-56 records of the holder of the property is known to be incorrect or
1-57 the distribution or statements related to the distribution are
1-58 returned by the post office as undeliverable and the owner has not:

1-59 (1) communicated in writing with the holder of the
1-60 property or the holder's agent regarding the interest; or

1-61 (2) otherwise communicated with the holder regarding
1-62 the interest as evidenced by a memorandum or other record on file
1-63 with the holder or its agents.

2-1 (d) Property distributable in the course of a
 2-2 demutualization or related reorganization of an insurance company
 2-3 that is not subject to Subsection (c) is presumed abandoned as
 2-4 otherwise provided by this section.

2-5 SECTION 3.02. This article takes effect immediately if this
 2-6 Act receives a vote of two-thirds of all the members elected to each
 2-7 house, as provided by Section 39, Article III, Texas Constitution.
 2-8 If this Act does not receive the vote necessary for immediate
 2-9 effect, this article takes effect on the 91st day after the last day
 2-10 of the legislative session.

2-11 ARTICLE 4. MEMBERS OF TEXAS VETERANS COMMISSION

2-12 SECTION 4.01. Subsection (c), Section 434.003, Government
 2-13 Code, is amended to read as follows:

2-14 (c) A person having a less than honorable discharge from
 2-15 military service is not eligible to be a member. No two members may
 2-16 reside in the same senatorial district[, and not more than one
 2-17 member may be from a senatorial district composed of a single
 2-18 county].

2-19 ARTICLE 5. COMMISSIONER OF INSURANCE

2-20 SECTION 5.01. Section 31.023, Insurance Code, is amended to
 2-21 read as follows:

2-22 Sec. 31.023. QUALIFICATIONS. The commissioner must:

2-23 (1) be a competent and experienced administrator;
 2-24 (2) be well informed and qualified in the field of
 2-25 insurance and insurance regulation; and
 2-26 (3) have at least 10 years of experience as an
 2-27 executive in the administration of business or government or as a
 2-28 practicing attorney or certified public accountant[, with at least
 2-29 five years of that experience in the field of insurance or insurance
 2-30 regulation].

2-31 SECTION 5.02. The change in law made by this article to
 2-32 Section 31.023, Insurance Code, applies only to the appointment of
 2-33 the commissioner of insurance on or after the effective date of this
 2-34 article. A commissioner of insurance appointed before the
 2-35 effective date of this article is governed by the law as it existed
 2-36 immediately before that date, and that law is continued in effect
 2-37 for this purpose.

2-38 ARTICLE 6. PARDONS AND PAROLES

2-39 SECTION 6.01. Section 508.001, Government Code, is amended
 2-40 by amending Subdivision (8) and adding Subdivision (10) to read as
 2-41 follows:

2-42 (8) "Parole commissioner" means a person employed by
 2-43 the board to perform the duties described by Section 508.0441
 2-44 ["Policy board" means the Board of Pardons and Paroles Policy
 2-45 Board].

2-46 (10) "Presiding officer" means the presiding officer
 2-47 of the Board of Pardons and Paroles.

2-48 SECTION 6.02. Subsection (a), Section 508.031, Government
 2-49 Code, is amended to read as follows:

2-50 (a) The board consists of seven [~~18~~] members appointed by
 2-51 the governor with the advice and consent of the senate.

2-52 SECTION 6.03. Section 508.034, Government Code, is amended
 2-53 to read as follows:

2-54 Sec. 508.034. GROUNDS FOR REMOVAL. (a) It is a ground for
 2-55 removal from the board that a member:

2-56 (1) does not have at the time of taking office the
 2-57 qualification required by Section 508.032(b) for appointment to the
 2-58 board;

2-59 (2) is ineligible for membership under Section
 2-60 508.033;

2-61 (3) is unable to discharge the member's duties for a
 2-62 substantial part of the term for which the member is appointed
 2-63 because of illness or disability; or

2-64 (4) is absent from more than half of the regularly
 2-65 scheduled board or panel meetings that the member is eligible to
 2-66 attend during each calendar year, except when the absence is
 2-67 excused by [~~majority vote of~~] the presiding officer [~~board~~].

2-68 (b) [~~It is a ground for removal from the board and the policy~~
 2-69 ~~board if a member of the policy board is absent from more than half~~

3-1 of the regularly scheduled policy board meetings that the member is
 3-2 eligible to attend during each calendar year.

3-3 [~~(e)~~] The board administrator or the board administrator's
 3-4 designee shall provide to members of the board[, to members of the
 3-5 policy board,] and to employees, as often as necessary, information
 3-6 regarding their qualification for office or employment under this
 3-7 chapter and their responsibilities under applicable laws relating
 3-8 to standards of conduct for state officers or employees.

3-9 (c) [~~(d)~~] The validity of an action of[+
 3-10 [(1+)] the board or panel is not affected by the fact
 3-11 that the action is taken when a ground for removal of a board member
 3-12 exists[+, and

3-13 [~~(2)~~ the policy board is not affected by the fact that
 3-14 the action is taken when a ground for removal of a member of the
 3-15 policy board exists].

3-16 (d) [~~(e)~~] If the general counsel to the board has knowledge
 3-17 that a potential ground for removal exists, the general counsel
 3-18 shall notify the presiding officer of the board of the potential
 3-19 ground. The presiding officer shall notify the governor and the
 3-20 attorney general that a potential ground for removal exists. If the
 3-21 potential ground for removal involves the presiding officer, the
 3-22 general counsel to the board shall notify the governor and the
 3-23 attorney general that a potential ground for removal exists.

3-24 (e) [~~(f)~~] It is a ground for removal from the board that a
 3-25 member fails to comply with policies or rules adopted by the
 3-26 [policy] board.

3-27 SECTION 6.04. Section 508.035, Government Code, is amended
 3-28 by amending Subsection (c) and adding Subsection (d) to read as
 3-29 follows:

3-30 (c) The presiding officer reports directly to the governor
 3-31 and serves as the administrative head of the [policy board and the]
 3-32 board.

3-33 (d) The presiding officer may:
 3-34 (1) delegate responsibilities and authority to other
 3-35 members of the board, to parole commissioners, or to employees of
 3-36 the board;
 3-37 (2) appoint advisory committees from the membership of
 3-38 the board or from parole commissioners to further the efficient
 3-39 administration of board business; and
 3-40 (3) establish policies and procedures to further the
 3-41 efficient administration of the business of the board.

3-42 SECTION 6.05. Section 508.036, Government Code, as amended
 3-43 by Section 31.01, Chapter 1170, Acts of the 78th Legislature,
 3-44 Regular Session, 2003, is amended to read as follows:

3-45 Sec. 508.036. [~~POLICY BOARD: COMPOSITION,~~] GENERAL
 3-46 ADMINISTRATIVE DUTIES. (a) The presiding officer [~~governor shall~~
 3-47 ~~designate seven members of the board to serve as the Board of~~
 3-48 ~~Pardons and Paroles Policy Board. The governor shall designate the~~
 3-49 ~~presiding officer of the board as one of the seven members of the~~
 3-50 ~~policy board, and the presiding officer of the board shall serve as~~
 3-51 ~~presiding officer of the policy board. Service on the policy board~~
 3-52 ~~is an additional duty of office for members appointed to the policy~~
 3-53 ~~board.~~

3-54 [~~(b)~~ Members of the board designated as members of the
 3-55 policy board serve on the policy board for six-year terms that are
 3-56 concurrent with their six-year terms on the board, with the service
 3-57 of two or three members expiring February 1 of each odd-numbered
 3-58 year.

3-59 [(c) The policy board] shall:
 3-60 (1) develop and implement policies that clearly
 3-61 separate the policy-making responsibilities of the board and the
 3-62 management responsibilities of the board administrator, parole
 3-63 commissioners, and the staff of the board [~~adopt rules relating to~~
 3-64 ~~the decision-making processes used by the board and parole panels];~~

3-65 (2) establish caseloads and required work hours for
 3-66 members of the board and parole commissioners [~~assign duties to~~
 3-67 ~~members of the policy board that are in addition to the duties those~~
 3-68 ~~members have in handling a caseload];~~

3-69 (3) update parole guidelines, assign precedential

4-1 value to previous decisions of the board relating to the granting of
 4-2 parole and the revocation of parole or mandatory supervision, and
 4-3 develop policies to ensure that members of the board and parole
 4-4 commissioners use guidelines and previous decisions of the board
 4-5 and parole commissioners in making decisions under this chapter;
 4-6 (4) require members of the board and parole
 4-7 commissioners to file activity reports~~[, on forms provided by the~~
 4-8 ~~policy board,]~~ that provide information on release decisions made
 4-9 by members of the board and parole commissioners, the workload and
 4-10 hours worked of the members of the board and parole commissioners,
 4-11 and the use of parole guidelines by members of the board and parole
 4-12 commissioners; and

4-13 (5) report at least annually to the governor and the
 4-14 legislature on the [board] activities of the board and parole
 4-15 commissioners, parole release decisions, and the use of parole
 4-16 guidelines by the board and parole commissioners.

4-17 (b) The board shall:

4-18 (1) adopt rules relating to the decision-making
 4-19 processes used by the board and parole panels;

4-20 (2) prepare information of public interest describing
 4-21 the functions of the board and make the information available to the
 4-22 public and appropriate state agencies;

4-23 (3) comply with federal and state laws related to
 4-24 program and facility accessibility; and

4-25 (4) prepare annually a complete and detailed written
 4-26 report that meets the reporting requirements applicable to
 4-27 financial reporting provided in the General Appropriations Act and
 4-28 accounts for all funds received and disbursed by the board during
 4-29 the preceding fiscal year.

4-30 (c) The board administrator shall prepare and maintain a
 4-31 written plan that describes how a person who does not speak English
 4-32 can be provided reasonable access to the board's programs and
 4-33 services.

4-34 (d) The board, in performing its duties, is subject to the
 4-35 open meetings law, Chapter 551, and the administrative procedure
 4-36 law, Chapter 2001. This subsection does not affect the provisions
 4-37 of Section 2001.223 exempting hearings and interviews conducted by
 4-38 the board or the division from Section 2001.038 and Subchapters
 4-39 C-H, Chapter 2001.

4-40 SECTION 6.06. Section 508.0362, Government Code, is amended
 4-41 to read as follows:

4-42 Sec. 508.0362. TRAINING REQUIRED. (a)(1) A person who is
 4-43 appointed to and qualifies for office as a member of the board [~~or~~
 4-44 ~~the policy board]~~ may not vote, deliberate, or be counted as a
 4-45 member in attendance at a meeting of the board [~~or policy board]~~
 4-46 until the person completes at least one course of a training program
 4-47 that complies with this section.

4-48 (2) A parole commissioner employed by the board may
 4-49 not vote or deliberate on a matter described by Section 508.0441
 4-50 until the person completes at least one course of a training program
 4-51 that complies with this section.

4-52 (b) A training program must provide information to the
 4-53 person regarding:

4-54 (1) the enabling legislation that created the board
 4-55 [~~and the policy board~~];

4-56 (2) the programs operated by the board;

4-57 (3) the role and functions of the board and parole
 4-58 commissioners;

4-59 (4) the rules of the board;

4-60 (5) the current budget for the board;

4-61 (6) the results of the most recent formal audit of the
 4-62 board;

4-63 (7) the requirements of the:

4-64 (A) open meetings law, Chapter 551;

4-65 (B) open records law, Chapter 552; and

4-66 (C) administrative procedure law, Chapter 2001;

4-67 (8) the requirements of the conflict of interest laws
 4-68 and other laws relating to public officials; and

4-69 (9) any applicable ethics policies adopted by the

5-1 [~~policy~~] board or the Texas Ethics Commission.

5-2 (c) A person appointed to the board [~~or policy board~~] is
5-3 entitled to reimbursement, as provided by the General
5-4 Appropriations Act, for the travel expenses incurred in attending
5-5 the training program regardless of whether the attendance at the
5-6 program occurs before or after the person qualifies for office.

5-7 SECTION 6.07. Subsection (a), Section 508.040, Government
5-8 Code, is amended to read as follows:

5-9 (a) The presiding officer is responsible for the employment
5-10 and supervision of [~~policy board shall employ and supervise~~]:

5-11 (1) parole commissioners;

5-12 (2) a general counsel to the board;

5-13 (3) [~~(2)~~] a board administrator to manage the
5-14 day-to-day activities of the board;

5-15 (4) [~~(3)~~] hearing officers;

5-16 (5) [~~(4)~~] personnel to assist in clemency and hearing
5-17 matters; and

5-18 (6) [~~(5)~~] secretarial or clerical personnel.

5-19 SECTION 6.08. Section 508.041, Government Code, is amended
5-20 to read as follows:

5-21 Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) The
5-22 [~~policy~~] board shall develop and implement:

5-23 (1) a training program that each newly hired employee
5-24 of the board designated to conduct hearings under Section 508.281
5-25 must complete before conducting a hearing without the assistance of
5-26 a board member or experienced parole commissioner or designee; and

5-27 (2) a training program to provide an annual update to
5-28 designees of the board on issues and procedures relating to the
5-29 revocation process.

5-30 (b) The [~~policy~~] board shall prepare and biennially update a
5-31 procedural manual to be used by designees of the board. The
5-32 [~~policy~~] board shall include in the manual:

5-33 (1) descriptions of decisions in previous hearings
5-34 determined by the [~~policy~~] board to have value as precedents for
5-35 decisions in subsequent hearings;

5-36 (2) laws and court decisions relevant to decision
5-37 making in hearings; and

5-38 (3) case studies useful in decision making in
5-39 hearings.

5-40 (c) The [~~policy~~] board shall prepare and update as necessary
5-41 a handbook to be made available to participants in hearings under
5-42 Section 508.281, such as defense attorneys, persons released on
5-43 parole or mandatory supervision, and witnesses. The handbook must
5-44 describe in plain language the procedures used in a hearing under
5-45 Section 508.281.

5-46 SECTION 6.09. Section 508.042, Government Code, is amended
5-47 to read as follows:

5-48 Sec. 508.042. TRAINING PROGRAM FOR MEMBERS AND PAROLE
5-49 COMMISSIONERS. (a) The [~~policy~~] board shall develop for board
5-50 members and parole commissioners a comprehensive training and
5-51 education program on the criminal justice system, with special
5-52 emphasis on the parole process.

5-53 (b)(1) A new member may not participate in a vote of the
5-54 board or a panel, deliberate, or be counted as a member in
5-55 attendance at a meeting of the board [~~or policy board~~] until the
5-56 member completes the program.

5-57 (2) A new parole commissioner may not participate in a
5-58 vote of a panel until the commissioner completes the program. This
5-59 subdivision does not apply to a new parole commissioner who as a
5-60 board member completed the program.

5-61 SECTION 6.10. Subchapter B, Chapter 508, Government Code,
5-62 is amended by amending Section 508.044 and adding Section 508.0441
5-63 to read as follows:

5-64 Sec. 508.044. POWERS AND DUTIES OF BOARD. [~~(a)~~] A board
5-65 member shall give full time to the duties of the member's office,
5-66 including[-

5-67 [~~(b) In addition to performing the~~] duties imposed on the
5-68 board by the Texas Constitution and other law.

5-69 Sec. 508.0441. RELEASE AND REVOCATION DUTIES. (a) Board[-

6-1 ~~board]~~ members and parole commissioners shall determine:

6-2 (1) which inmates are to be released on parole or
6-3 mandatory supervision;

6-4 (2) conditions of parole or mandatory supervision,
6-5 including special conditions;

6-6 (3) the modification and withdrawal of conditions of
6-7 parole or mandatory supervision;

6-8 (4) which releasees may be released from supervision
6-9 and reporting; and

6-10 (5) the continuation, modification, and revocation of
6-11 parole or mandatory supervision.

6-12 (b) ~~[(c)]~~ The ~~[policy]~~ board shall develop and implement a
6-13 policy that clearly defines circumstances under which a board
6-14 member or parole commissioner should disqualify himself or herself
6-15 from voting on:

6-16 (1) a parole decision; or

6-17 (2) a decision to revoke parole or mandatory
6-18 supervision.

6-19 (c) ~~[(d)]~~ The ~~[policy]~~ board may adopt reasonable rules as
6-20 ~~[the policy board considers]~~ proper or necessary relating to:

6-21 (1) the eligibility of an inmate for release on parole
6-22 or release to mandatory supervision;

6-23 (2) the conduct of a parole or mandatory supervision
6-24 hearing; or

6-25 (3) conditions to be imposed on a releasee.

6-26 (d) ~~[(e)]~~ The presiding officer ~~[policy board]~~ may provide
6-27 a written plan for the administrative review of actions taken by a
6-28 parole panel by a review panel ~~[the entire membership or by a subset~~
6-29 ~~of the entire membership of the board]~~.

6-30 (e) ~~[(f)]~~ Board members and parole commissioners shall, at
6-31 the direction of the presiding officer, file activity reports on
6-32 duties performed under this chapter.

6-33 SECTION 6.11. Subsections (a) and (b), Section 508.045,
6-34 Government Code, are amended to read as follows:

6-35 (a) Except as provided by Section 508.046, board members and
6-36 parole commissioners shall act in panels composed of three ~~[persons~~
6-37 ~~each]~~ in matters of:

6-38 (1) release on parole;

6-39 (2) release to mandatory supervision; and

6-40 (3) revocation of parole or mandatory supervision.

6-41 (b) The presiding officer ~~[of the board]~~ shall designate the
6-42 composition of each panel, and may designate panels composed only
6-43 of board members or composed of any combination of members and
6-44 parole commissioners.

6-45 SECTION 6.12. Subsection (a), Section 508.047, Government
6-46 Code, is amended to read as follows:

6-47 (a) The members of the ~~[policy]~~ board shall meet at least
6-48 once in each quarter of the calendar year at a site determined by
6-49 the presiding officer.

6-50 SECTION 6.13. Section 508.049, Government Code, is amended
6-51 to read as follows:

6-52 Sec. 508.049. MISSION STATEMENT. (a) The ~~[policy]~~ board,
6-53 after consultation with the governor and the Texas Board of
6-54 Criminal Justice, shall adopt a mission statement that reflects the
6-55 responsibilities for the operation of the parole process that are
6-56 assigned to the ~~[policy board, the]~~ board, the division, the
6-57 department, or the Texas Board of Criminal Justice.

6-58 (b) The ~~[policy]~~ board shall include in the mission
6-59 statement a description of specific locations at which the board
6-60 intends to conduct business related to the operation of the parole
6-61 process.

6-62 SECTION 6.14. Section 508.082, Government Code, is amended
6-63 to read as follows:

6-64 Sec. 508.082. RULES. The ~~[policy]~~ board shall adopt rules
6-65 relating to:

6-66 (1) the submission and presentation of information and
6-67 arguments to the board, a parole panel, and the department for and
6-68 in behalf of an inmate; and

6-69 (2) the time, place, and manner of contact between a

7-1 person representing an inmate and:

7-2 (A) a member of the board or a parole
7-3 commissioner;

7-4 (B) an employee of the board; or

7-5 (C) an employee of the department.

7-6 SECTION 6.15. Subsection (g), Section 508.141, Government
7-7 Code, as added by Chapter 349, Acts of the 78th Legislature, Regular
7-8 Session, 2003, is amended to read as follows:

7-9 (g) The [~~policy~~] board shall adopt a policy establishing the
7-10 date on which the board may reconsider for release an inmate who has
7-11 previously been denied release. The policy must require the board
7-12 to reconsider for release an inmate serving a sentence for an
7-13 offense listed in Section 508.149(a) during a month designated by
7-14 the parole panel that denied release. The designated month must
7-15 begin after the first anniversary of the date of the denial and end
7-16 before the fifth anniversary of the date of the denial. The policy
7-17 must require the board to reconsider for release an inmate other
7-18 than an inmate serving a sentence for an offense listed in Section
7-19 508.149(a) as soon as practicable after the first anniversary of
7-20 the date of the denial.

7-21 SECTION 6.16. Subsection (b), Section 508.144, Government
7-22 Code, is amended to read as follows:

7-23 (b) If a board member or parole commissioner deviates from
7-24 the parole guidelines in voting on a parole decision, the member or
7-25 parole commissioner shall:

7-26 (1) produce a brief written statement describing the
7-27 circumstances regarding the departure from the guidelines; and

7-28 (2) place a copy of the statement in the file of the
7-29 inmate for whom the parole decision was made.

7-30 SECTION 6.17. Subsection (b), Section 508.153, Government
7-31 Code, is amended to read as follows:

7-32 (b) If more than one person is entitled to appear in person
7-33 before the board members or parole commissioners, only the person
7-34 chosen by all persons entitled to appear as the persons' sole
7-35 representative may appear [~~before the board members~~].

7-36 SECTION 6.18. Subsection (a), Section 508.281, Government
7-37 Code, is amended to read as follows:

7-38 (a) A releasee, a person released although ineligible for
7-39 release, or a person granted a conditional pardon is entitled to a
7-40 hearing before a parole panel or a designated agent of the board
7-41 under the rules adopted by the [~~policy~~] board and within a period
7-42 that permits a parole panel, a designee of the board, or the
7-43 department to dispose of the charges within the periods established
7-44 by Sections 508.282(a) and (b) if the releasee or person:

7-45 (1) is accused of a violation of the releasee's parole
7-46 or mandatory supervision or the person's conditional pardon, on
7-47 information and complaint by a peace officer or parole officer; or

7-48 (2) is arrested after an ineligible release.

7-49 SECTION 6.19. Subsection (c), Section 508.313, Government
7-50 Code, as amended by Section 3, Chapter 6, Acts of the 78th
7-51 Legislature, Regular Session, 2003, is amended to read as follows:

7-52 (c) The department, on request or in the normal course of
7-53 official business, shall provide information that is confidential
7-54 and privileged under Subsection (a) to:

7-55 (1) the governor;

7-56 (2) a member of the board or a parole commissioner;

7-57 (3) the Criminal Justice Policy Council in performing
7-58 duties of the council under Section 413.017; or

7-59 (4) an eligible entity requesting information for a
7-60 law enforcement, prosecutorial, correctional, clemency, or
7-61 treatment purpose.

7-62 SECTION 6.20. Section 492.0131, Government Code, is amended
7-63 to read as follows:

7-64 Sec. 492.0131. PAROLE RULES, POLICIES, PROCEDURES. The
7-65 board and the presiding officer of the Board of Pardons and Paroles
7-66 [~~Policy Board~~] shall jointly review all rules, policies, and
7-67 procedures of the department and the Board of Pardons and Paroles
7-68 that relate to or affect the operation of the parole process. The
7-69 board and the presiding officer of the Board of Pardons and Paroles

8-1 [~~policy board~~] shall identify areas of inconsistency between the
8-2 department and the Board of Pardons and Paroles and shall amend
8-3 rules or change policies and procedures as necessary for consistent
8-4 operation of the parole process.

8-5 SECTION 6.21. Section 508.0361, Government Code, is
8-6 repealed.

8-7 SECTION 6.22. (a) The governor shall appoint new members
8-8 to the Board of Pardons and Paroles on or before February 1, 2004,
8-9 and the terms of members serving on January 31, 2004, expire on the
8-10 appointment of the new members. The governor may appoint but is not
8-11 required to appoint as new members persons who served on the board
8-12 before February 1, 2004.

8-13 (b) Of the new members of the Board of Pardons and Paroles,
8-14 the governor shall appoint two to serve terms expiring February 1,
8-15 2005, two to serve terms expiring February 1, 2007, and three to
8-16 serve terms expiring February 1, 2009. On the expiration of the
8-17 terms of the initial members of the new board, the term of a member
8-18 appointed by the governor is six years.

8-19 (c) On the effective date of this article, a rule of the
8-20 Board of Pardons and Paroles Policy Board is a rule of the Board of
8-21 Pardons and Paroles.

8-22 ARTICLE 7. DESIGNATION OF PRESIDING OFFICERS

8-23 SECTION 7.01. Chapter 651, Government Code, is amended by
8-24 adding Section 651.010 to read as follows:

8-25 Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY
8-26 GOVERNOR. (a) In this section, "state agency" means a department,
8-27 commission, board, office, council, authority, or other agency in
8-28 the executive branch of state government that is created by the
8-29 constitution or a statute of this state, including:

8-30 (1) a university system or institution of higher
8-31 education as defined by Section 61.003, Education Code; and

8-32 (2) a river authority as defined by Section 30.003,
8-33 Water Code.

8-34 (b) Notwithstanding other law, the governor may designate a
8-35 member of the governing body of each state agency as the presiding
8-36 officer of that governing body to serve in that capacity at the
8-37 pleasure of the governor.

8-38 (c) The governor may designate as the presiding officer only
8-39 a member of the governing body who has been confirmed by the senate.
8-40 If no member of the governing body has been confirmed by the senate
8-41 and the legislature is not in session, the governor may designate as
8-42 the presiding officer a member who has not yet been confirmed by the
8-43 senate but who is subject to senate confirmation.

8-44 (d) This section does not apply to:

8-45 (1) a state agency that is headed by one or more
8-46 statewide-elected officials;

8-47 (2) a state agency for which a majority of the
8-48 governing body members are not subject to confirmation by the
8-49 senate;

8-50 (3) an entity that advises or reports to a state agency
8-51 headed by one or more statewide-elected officials;

8-52 (4) a river authority whose governing body is elected;

8-53 or

8-54 (5) a junior college district.

8-55 ARTICLE 8. REPORTS

8-56 SECTION 8.01. Subsection (a), Section 363.064, Health and
8-57 Safety Code, is amended to read as follows:

8-58 (a) A regional or local solid waste management plan must:

8-59 (1) include a description and an assessment of current
8-60 efforts in the geographic area covered by the plan to minimize
8-61 production of municipal solid waste, including sludge, and efforts
8-62 to reuse or recycle waste;

8-63 (2) identify additional opportunities for waste
8-64 minimization and waste reuse or recycling;

8-65 (3) include a description and assessment of existing
8-66 or proposed community programs for the collection of household
8-67 hazardous waste;

8-68 (4) make recommendations for encouraging and
8-69 achieving a greater degree of waste minimization and waste reuse or

9-1 recycling in the geographic area covered by the plan;
9-2 (5) encourage cooperative efforts between local
9-3 governments in the siting of landfills for the disposal of solid
9-4 waste;
9-5 (6) consider the need to transport waste between
9-6 municipalities, from a municipality to an area in the jurisdiction
9-7 of a county, or between counties, particularly if a technically
9-8 suitable site for a landfill does not exist in a particular area;
9-9 (7) allow a local government to justify the need for a
9-10 landfill in its jurisdiction to dispose of the solid waste
9-11 generated in the jurisdiction of another local government that does
9-12 not have a technically suitable site for a landfill in its
9-13 jurisdiction;
9-14 (8) establish recycling rate goals appropriate to the
9-15 area covered by the plan;
9-16 (9) recommend composting programs for yard waste and
9-17 related organic wastes that may include:
9-18 (A) creation and use of community composting
9-19 centers;
9-20 (B) adoption of the "Don't Bag It" program for
9-21 lawn clippings developed by the Texas Agricultural Extension
9-22 Service; and
9-23 (C) development and promotion of education
9-24 programs on home composting, community composting, and the
9-25 separation of yard waste for use as mulch;
9-26 (10) include an inventory of municipal solid waste
9-27 landfill units, including:
9-28 (A) landfill units no longer in operation;
9-29 (B) the exact boundaries of each former landfill
9-30 unit or, if the exact boundaries are not known, the best
9-31 approximation of each unit's boundaries;
9-32 (C) a map showing the approximate boundaries of
9-33 each former landfill unit, if the exact boundaries are not known;
9-34 (D) the current owners of the land on which the
9-35 former landfill units were located; and
9-36 (E) the current use of the land;
9-37 (11) assess the need for new waste disposal capacity;
9-38 and
9-39 (12) include a public education program~~;~~ and
9-40 ~~[(13) include waste reduction in accordance with the~~
9-41 ~~goal established under Section 361.0201(d), to the extent that~~
9-42 ~~funds are available].~~
9-43 SECTION 8.02. The heading to Section 5.178, Water Code, is
9-44 amended to read as follows:
9-45 Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES
9-46 ~~[APPENDIXES]~~.
9-47 SECTION 8.03. Subsection (b), Section 5.178, Water Code, is
9-48 amended to read as follows:
9-49 (b) The report due by December 1 of an even-numbered year
9-50 shall include, in addition:
9-51 (1) the commission's recommendations for necessary and
9-52 desirable legislation; and
9-53 (2) the following reports:
9-54 (A) the assessments and reports required by
9-55 Section ~~[Sections]~~ 361.0219(c) ~~[, 361.0232, 361.510, 371.063, and~~
9-56 ~~382.141]~~, Health and Safety Code;
9-57 (B) the reports required by Section 26.0135(d)
9-58 ~~[of this code]~~ and Section 5.02, Chapter 133, Acts of the 69th
9-59 Legislature, Regular Session, 1985; and
9-60 (C) a summary of the analyses and assessments
9-61 required by Section 5.1773 ~~[of this code]~~.
9-62 SECTION 8.04. (a) Sections 361.020, 361.0201, 361.0232,
9-63 361.0233, 361.0234, Subsection (d), Section 361.040, Subsection
9-64 (c), Section 361.0871, and Sections 361.510, 371.063, 382.141,
9-65 Health and Safety Code, are repealed.
9-66 (b) Subsection (c), Section 5.178, Water Code, is repealed.
9-67 ARTICLE 9. PERMITS OF THE TEXAS COMMISSION ON ENVIRONMENTAL
9-68 QUALITY
9-69 SECTION 9.01. (a) It is the policy of this state to be

10-1 effective and efficient with public funds, to provide for effective
 10-2 and efficient management of natural resources, and to serve the
 10-3 people of Texas by making the government more visible, accessible,
 10-4 coherent, consistent, and accountable to the people of Texas. The
 10-5 legislature finds that the Texas Commission on Environmental
 10-6 Quality's procedures for processing permits is cumbersome,
 10-7 confusing, lengthy, and inefficient for citizens, business,
 10-8 political subdivisions, and the commission.

10-9 (b) The Texas Commission on Environmental Quality's
 10-10 permitting processes warrant, and the legislature directs, an
 10-11 in-depth evaluation, including the identification of problems,
 10-12 potential options, and solutions. The evaluation must solicit and
 10-13 consider input from all stakeholders, including public hearings and
 10-14 the opportunity for submission of written and oral comments. The
 10-15 solutions identified in the final assessment of the commission's
 10-16 permitting processes must ensure that:

10-17 (1) all relevant environmental protection standards
 10-18 are maintained at a level that at least equals the current level;

10-19 (2) the commission's permitting processes are
 10-20 streamlined;

10-21 (3) the commission's permitting processes are
 10-22 user-friendly to citizens and promote sound economic development;
 10-23 and

10-24 (4) all stakeholder concerns are considered.

10-25 (c) A joint committee of the Senate Natural Resources
 10-26 Committee and House Environmental Regulation Committee shall
 10-27 conduct the evaluation and final assessment required by Subsection
 10-28 (b) of this section and submit its findings not later than November
 10-29 1, 2004, to the governor, the speaker of the house of
 10-30 representatives, and the Texas Commission on Environmental
 10-31 Quality.

10-32 (d) It is the intent of the legislature to effectuate the
 10-33 appropriate solutions through legislation at the earliest
 10-34 opportunity subsequent to receipt of the study committee's final
 10-35 assessment.

10-36 ARTICLE 10. ORGANIZATION OF CERTAIN STATE AGENCIES; TRANSFER OF
 10-37 CERTAIN FUNCTIONS

10-38 SECTION 10.01. Section 321.002(e), Government Code, is
 10-39 amended to read as follows:

10-40 (e) The lieutenant governor and the speaker are joint chairs
 10-41 of the committee. The committee shall elect ~~[organize by electing]~~
 10-42 one member to serve as ~~[chairman and one member to serve as]~~
 10-43 secretary.

10-44 SECTION 10.02. Sections 321.018(b) and (c), Government
 10-45 Code, are amended to read as follows:

10-46 (b) Each subpoena must be signed by either of the joint
 10-47 chairs of the committee ~~[chairman]~~ or the secretary of the
 10-48 committee.

10-49 (c) On the request of either of the joint chairs of the
 10-50 committee ~~[chairman]~~ or the secretary of the committee, the
 10-51 sergeant at arms or an assistant sergeant at arms of either house of
 10-52 the legislature or any peace officer shall serve the subpoena in the
 10-53 manner prescribed for service of a district court subpoena.

10-54 SECTION 10.03. Section 322.001(b), Government Code, is
 10-55 amended to read as follows:

10-56 (b) The lieutenant governor ~~[is the chairman of the board]~~
 10-57 and the speaker are joint chairs of the board ~~[is the~~
 10-58 ~~vice-chairman]~~.

10-59 SECTION 10.04. Sections 322.003(a) and (b), Government
 10-60 Code, are amended to read as follows:

10-61 (a) A majority of the members of the board from each house
 10-62 constitutes a quorum to transact business. If a quorum is present,
 10-63 the board may act on any matter that is within its jurisdiction by a
 10-64 majority vote.

10-65 (b) The board shall meet as often as necessary to perform
 10-66 its duties. Meetings may be held at any time at the request ~~[at the~~
 10-67 ~~call]~~ of either of the joint chairs of the board ~~[chairman]~~ or on
 10-68 written petition of a majority of the members of the board from each
 10-69 house.

11-1 SECTION 10.05. Section 322.006, Government Code, is amended
11-2 to read as follows:

11-3 Sec. 322.006. APPROVAL OF EXPENSES. Before payment may be
11-4 made on an item of expense for the board, one of the joint chairs of
11-5 the board [~~chairman~~] must approve the expense.

11-6 SECTION 10.06. Section 322.009, Government Code, is amended
11-7 to read as follows:

11-8 Sec. 322.009. INSPECTION COMMITTEES. Either of the joint
11-9 chairs of the board [~~The chairman~~], with the approval of the board,
11-10 may appoint a committee to visit, inspect, and report on any state
11-11 institution, department, agency, officer, or employee.

11-12 SECTION 10.07. Section 322.013(d), Government Code, is
11-13 amended to read as follows:

11-14 (d) For purposes of carrying out its duties, the board may
11-15 administer oaths and issue subpoenas, signed by either of the joint
11-16 chairs of the board [~~chairman or vice-chairman~~], to compel the
11-17 attendance of witnesses and the production of books, records, and
11-18 documents. A subpoena of the board shall be served by a peace
11-19 officer in the manner in which district court subpoenas are served.
11-20 On application of the board, a district court of Travis County shall
11-21 compel compliance with a subpoena issued by the board in the same
11-22 manner as for district court subpoenas.

11-23 SECTION 10.08. Sections 322.001 through 322.014,
11-24 Government Code, are designated as Subchapter A, Chapter 322,
11-25 Government Code, and a heading to that subchapter is added to read
11-26 as follows:

11-27 SUBCHAPTER A. GENERAL PROVISIONS

11-28 SECTION 10.09. Subchapter A, Chapter 322, Government Code,
11-29 as designated by this Act, is amended by adding Sections 322.015
11-30 through 322.018 to read as follows:

11-31 Sec. 322.015. REVIEW OF INTERSCHOLASTIC COMPETITION. The
11-32 board may periodically review and analyze the effectiveness and
11-33 efficiency of the policies, management, fiscal affairs, and
11-34 operations of an organization that is a component or part of a state
11-35 agency or institution and that sanctions or conducts
11-36 interscholastic competition. The board shall report the findings
11-37 to the governor and the legislature. The legislature may consider
11-38 the board's reports in connection with the legislative
11-39 appropriations process.

11-40 Sec. 322.016. PERFORMANCE REVIEW OF SCHOOL DISTRICTS. (a)
11-41 The board may periodically review the effectiveness and efficiency
11-42 of the operations of school districts. A review of a school
11-43 district may be initiated by the board at its discretion or on the
11-44 request of the school district. A review may be initiated by a
11-45 school district only by resolution adopted by a majority of the
11-46 members of the board of trustees of the district.

11-47 (b) If a review is initiated on the request of the school
11-48 district, the district shall pay 25 percent of the cost incurred in
11-49 conducting the review.

11-50 (c) The board shall:

11-51 (1) prepare a report showing the results of each
11-52 review conducted under this section;

11-53 (2) file the report with the school district, the
11-54 governor, the lieutenant governor, the speaker of the house of
11-55 representatives, the chairs of the standing committees of the
11-56 senate and the house of representatives with jurisdiction over
11-57 public education, and the commissioner of education; and

11-58 (3) make the entire report and a summary of the report
11-59 available to the public on the Internet.

11-60 Sec. 322.017. EFFICIENCY REVIEW OF STATE AGENCIES. (a) In
11-61 this section, "state agency" has the meaning assigned by Section
11-62 2056.001.

11-63 (b) The board periodically may review and analyze the
11-64 effectiveness and efficiency of the policies, management, fiscal
11-65 affairs, and operations of state agencies.

11-66 (c) The board shall report the findings of the review and
11-67 analysis to the governor and the legislature.

11-68 (d) The legislature may consider the board's reports in
11-69 connection with the legislative appropriations process.

12-1 Sec. 322.018. RECORDS MANAGEMENT REVIEW. (a) In this
 12-2 section, "state agency" has the meaning assigned by Section
 12-3 2056.001.

12-4 (b) The board may periodically review and analyze the
 12-5 effectiveness and efficiency of the policies and management of a
 12-6 state governmental committee or state agency that is involved in:

12-7 (1) analyzing and recommending improvements to the
 12-8 state's system of records management; and

12-9 (2) preserving the essential records of this state,
 12-10 including records relating to financial management information.

12-11 SECTION 10.10. Section 323.001(b), Government Code, as
 12-12 amended by Chapter 1328, Acts of the 78th Legislature, Regular
 12-13 Session, 2003, is amended to read as follows:

12-14 (b) The council consists of:

12-15 (1) the lieutenant governor;

12-16 (2) the speaker of the house of representatives;

12-17 (3) the chairman of the house administration
 12-18 committee;

12-19 (4) six [~~five~~] senators from various areas of the
 12-20 state appointed by the president of the senate; and

12-21 (5) five [~~nine~~] other members of the house of
 12-22 representatives from various areas of the state appointed by the
 12-23 speaker.

12-24 SECTION 10.11. Section 323.001(c), Government Code, is
 12-25 amended to read as follows:

12-26 (c) The lieutenant governor and the speaker are joint chairs
 12-27 [~~is the chairman~~] of the council [~~and the speaker is the~~
 12-28 ~~vice-chairman~~].

12-29 SECTION 10.12. Chapter 323, Government Code, is amended by
 12-30 adding Section 323.002 to read as follows:

12-31 Sec. 323.002. EXECUTIVE DIRECTOR. The council shall
 12-32 appoint an executive director to serve at the will of the council.

12-33 SECTION 10.13. Sections 323.003(a) and (b), Government
 12-34 Code, are amended to read as follows:

12-35 (a) The council shall meet as often as necessary to perform
 12-36 its duties. Meetings may be held at any time at the request of
 12-37 either of the joint chairs of the council.

12-38 (b) A majority of the [~~Twelve~~] members of the council from
 12-39 each house of the legislature constitutes [~~including the chairman~~
 12-40 ~~and vice-chairman constitute~~] a quorum. If a quorum is present, the
 12-41 council may act on any matter that is within its jurisdiction by a
 12-42 majority vote.

12-43 SECTION 10.14. Section 323.005(c), Government Code, is
 12-44 amended to read as follows:

12-45 (c) The certificate of either of the joint chairs of the
 12-46 council [~~chairman or vice-chairman~~] is sufficient evidence of the
 12-47 validity of a claim. On certification, the comptroller shall issue
 12-48 warrants on the treasury to pay each claim for mileage and per diem
 12-49 expenses, salaries of employees, and other authorized expenses.

12-50 SECTION 10.15. Sections 323.008(a)-(d), Government Code,
 12-51 are amended to read as follows:

12-52 (a) If the council determines a need exists, either of the
 12-53 joint chairs [~~chairman~~] of the council may appoint statutory
 12-54 revision advisory committees to advise the council on matters
 12-55 relating to the revision of particular subjects of the law.

12-56 (b) Advisory committees consist of seven members appointed
 12-57 by a joint chair [~~the chairman~~] of the council. Advisory committee
 12-58 members serve for a period of two years from the date of
 12-59 appointment.

12-60 (c) In appointing an advisory committee, a joint chair [~~the~~
 12-61 ~~chairman~~] shall include representatives of the:

12-62 (1) State Bar of Texas;

12-63 (2) judiciary; and

12-64 (3) Texas law schools.

12-65 (d) An advisory committee shall meet at the call of either
 12-66 of the joint chairs [~~chairman~~] of the council.

12-67 SECTION 10.16. Section 323.011(b), Government Code, is
 12-68 amended to read as follows:

12-69 (b) A subpoena must be signed by either of the joint chairs

13-1 [~~chairman~~] of the council [~~or the vice-chairman~~].

13-2 SECTION 10.17. Section 323.012(b), Government Code, is
13-3 amended to read as follows:

13-4 (b) On the request of either of the joint chairs [~~chairman~~]
13-5 of the council [~~or the vice-chairman~~], the attorney general shall
13-6 render opinions and give advice and assistance to the council.

13-7 SECTION 10.18. Sections 325.003(a), (d), and (j),
13-8 Government Code, are amended to read as follows:

13-9 (a) The Sunset Advisory Commission consists of five [~~four~~]
13-10 members of the senate and one public member appointed by the
13-11 lieutenant governor and five [~~four~~] members of the house of
13-12 representatives and one public member appointed by the speaker of
13-13 the house. Each appointing authority may designate himself as one
13-14 of the legislative appointees.

13-15 (d) Legislative members serve four-year terms, with terms
13-16 staggered so that the terms of as near to one-half of the
13-17 legislative members appointed by the lieutenant governor as
13-18 possible and the terms of as near to one-half of the legislative
13-19 members appointed by the speaker as possible expire September 1 of
13-20 each odd-numbered year. If the lieutenant governor or the speaker
13-21 serves on the commission, he continues to serve until resignation
13-22 from the commission or until he ceases to hold the office. Public
13-23 members serve two-year terms expiring September 1 of each
13-24 odd-numbered year.

13-25 (j) Seven [~~Six~~] members of the commission constitute a
13-26 quorum. A final action or recommendation may not be made unless
13-27 approved by a record vote of a majority of the commission's full
13-28 membership.

13-29 SECTION 10.19. The following laws are repealed:

- 13-30 (1) Section 403.020, Government Code;
- 13-31 (2) Section 403.0205, Government Code;
- 13-32 (3) Section 403.022, Government Code; and
- 13-33 (4) Section 403.024, Government Code.

13-34 SECTION 10.20. (a) If, on the effective date of this
13-35 article, more than five members of the house of representatives
13-36 appointed under Section 323.001(b)(5), Government Code, as amended
13-37 by this article, are serving as members of the Texas Legislative
13-38 Council:

13-39 (1) those members' terms on the council expire on the
13-40 effective date of this article; and

13-41 (2) the speaker of the house of representatives, as
13-42 soon as possible on or after the effective date of this article,
13-43 shall appoint five members of the house to serve as members of the
13-44 Texas Legislative Council under Section 323.001(b)(5), Government
13-45 Code, as amended by this article.

13-46 (b) The lieutenant governor, as soon as possible on or after
13-47 the effective date of this article, shall appoint an additional
13-48 senator to serve as a member of the Texas Legislative Council under
13-49 Section 323.001(b)(4), Government Code, as amended by this article.

13-50 SECTION 10.21. The lieutenant governor and the speaker of
13-51 the house of representatives, as soon as possible on or after the
13-52 effective date of the section of this article that amends Section
13-53 325.003, Government Code, shall appoint a member of the senate or
13-54 the house of representatives, respectively, to serve initial terms
13-55 on the Sunset Advisory Commission under Section 325.003, Government
13-56 Code, as amended by this article, expiring September 1, 2005.

13-57 SECTION 10.22. On the effective date of this article:

13-58 (1) all records and other property of the comptroller
13-59 of public accounts that relate to a review of interscholastic
13-60 competition, a performance review of school districts, an
13-61 efficiency review of a state agency, or a records management review
13-62 are transferred to the Legislative Budget Board;

13-63 (2) all unexpended and unobligated appropriations of
13-64 the comptroller of public accounts relating to the comptroller's
13-65 review of interscholastic competition, performance review of
13-66 school districts, efficiency review of a state agency, or records
13-67 management review are transferred to the Legislative Budget Board;

13-68 (3) all employees of the comptroller of public
13-69 accounts whose primary functions relate to the review of

14-1 interscholastic competition, performance review of school
 14-2 districts, efficiency review of state agencies, or records
 14-3 management review become employees of the Legislative Budget Board;
 14-4 and

14-5 (4) any reference in law to the comptroller of public
 14-6 accounts that relates to the review of interscholastic competition,
 14-7 performance review of school districts, efficiency review of state
 14-8 agencies, or records management review means the Legislative Budget
 14-9 Board.

14-10 SECTION 10.23. The section of this article that amends
 14-11 Section 325.003, Government Code, takes effect immediately if this
 14-12 Act receives a vote of two-thirds of all the members elected to each
 14-13 house, as provided by Section 39, Article III, Texas Constitution.
 14-14 If this Act does not receive the vote necessary for immediate
 14-15 effect, that section takes effect on the 91st day after the last day
 14-16 of the legislative session.

14-17 ARTICLE 11. UNCLAIMED PROPERTY

14-18 SECTION 11.01. Subsection (a), Section 72.101, Property
 14-19 Code, is amended to read as follows:

14-20 (a) Except as provided by this section and Sections 72.1015
 14-21 and [Section] 72.102, personal property is presumed abandoned if,
 14-22 for longer than three years:

14-23 (1) the existence and location of the owner of the
 14-24 property is unknown to the holder of the property; and

14-25 (2) according to the knowledge and records of the
 14-26 holder of the property, a claim to the property has not been
 14-27 asserted or an act of ownership of the property has not been
 14-28 exercised.

14-29 SECTION 11.02. Subchapter B, Chapter 72, Property Code, is
 14-30 amended by adding Section 72.1015 to read as follows:

14-31 Sec. 72.1015. UNCLAIMED WAGES. (a) In this section,
 14-32 "wages" has the meaning assigned by Section 61.001, Labor Code.

14-33 (b) An amount of unclaimed wages is presumed abandoned if,
 14-34 for longer than one year:

14-35 (1) the existence and location of the person to whom
 14-36 the wages are owed is unknown to the holder of the wages; and

14-37 (2) according to the knowledge and records of the
 14-38 holder of the wages, a claim to the wages has not been asserted or an
 14-39 act of ownership of the wages has not been exercised.

14-40 SECTION 11.03. Subsection (a), Section 74.001, Property
 14-41 Code, as amended by Chapter 465, Acts of the 78th Legislature,
 14-42 Regular Session, 2003, is amended to read as follows:

14-43 (a) Except as provided by Subsection (b), this chapter
 14-44 applies to a holder of property that is presumed abandoned under ~~+~~

14-45 ~~[(1)] Chapter 72, Chapter 73, or Chapter 75 [of this~~
 14-46 ~~code, or~~

14-47 ~~[(2) Subchapter G, Chapter 61, Labor Code].~~

14-48 SECTION 11.04. Subsection (a), Section 74.101, Property
 14-49 Code, as amended by Chapter 465, Acts of the 78th Legislature,
 14-50 Regular Session, 2003, is amended to read as follows:

14-51 (a) Each holder who on June 30 holds property that is
 14-52 presumed abandoned under Chapter 72, 73, or 75 of this code or
 14-53 under [7] Chapter 154, Finance Code, [or Subchapter G, Chapter 61,
 14-54 Labor Code,] shall file a report of that property on or before the
 14-55 following November 1. The comptroller may require the report to be
 14-56 in a particular format, including a format that can be read by a
 14-57 computer.

14-58 SECTION 11.05. Subsection (a), Section 74.301, Property
 14-59 Code, as amended by Chapter 465, Acts of the 78th Legislature,
 14-60 Regular Session, 2003, is amended to read as follows:

14-61 (a) Except as provided by Subsection (c), each holder who on
 14-62 June 30 holds property that is presumed abandoned under Chapter 72,
 14-63 73, or 75 ~~[of this code or Subchapter G, Chapter 61, Labor Code,]~~
 14-64 shall deliver the property to the comptroller on or before the
 14-65 following November 1 accompanied by the report required to be filed
 14-66 under Section 74.101.

14-67 SECTION 11.06. Subchapter G, Chapter 61, Labor Code, as
 14-68 added by Chapter 465, Acts of the 78th Legislature, Regular
 14-69 Session, 2003, is repealed.

15-1 SECTION 11.07. This article takes effect immediately if
 15-2 this Act receives a vote of two-thirds of all the members elected to
 15-3 each house, as provided by Section 39, Article III, Texas
 15-4 Constitution. If this Act does not receive the vote necessary for
 15-5 immediate effect, this article takes effect on the 91st day after
 15-6 the last day of the legislative session.

15-7 ARTICLE 12. TRANSFER AND USE OF CERTAIN REAL PROPERTY

15-8 SECTION 12.01. Section 4, Chapter 38, General Laws, Acts of
 15-9 the 35th Legislature, Regular Session, 1917, is amended to read as
 15-10 follows:

15-11 Sec. 4: If any portion greater than one-tenth of one acre of
 15-12 said property be used by said city for any purpose except public
 15-13 park and recreational purposes and purposes incident thereto, title
 15-14 to said property shall revert to the State of Texas free from all
 15-15 claims of said city of Austin. Sections 253.001(b) and (d), Local
 15-16 Government Code, Chapter 272, Local Government Code, Chapter 26,
 15-17 Parks and Wildlife Code, any similar charter provision of said
 15-18 city, and any use restriction imposed by this Act do not apply to
 15-19 the sale, conveyance, or lease of a portion of said property to an
 15-20 owner of an interest in adjoining property if the portion of said
 15-21 property is less than one-tenth of one acre. A lease, sale, or
 15-22 conveyance of any interest in land described by Section 1 or 2 of
 15-23 this Act shall be submitted to the commissioner of the General Land
 15-24 Office for review and comment before the completion of the
 15-25 transaction. If more than one portion of said property is used for
 15-26 a purpose other than a purpose described by Section 2 of this Act,
 15-27 the aggregate of those portions of said property may not exceed
 15-28 one-tenth of one acre.

15-29 ARTICLE 13. CERTAIN GOVERNMENTAL CONTRACTS TO BE PERFORMED

15-30 IN NONATTAINMENT AREAS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS

15-31 SECTION 13.01. Subsection (a), Section 2155.451,
 15-32 Government Code, as added by Section 19, Chapter 1331, Acts of the
 15-33 78th Legislature, Regular Session, 2003, is amended to read as
 15-34 follows:

15-35 (a) This section applies only to a contract to be performed,
 15-36 wholly or partly, in a nonattainment area or in an affected county,
 15-37 as those terms are [~~that term is~~] defined by Section 386.001, Health
 15-38 and Safety Code.

15-39 SECTION 13.02. Subsection (b), Section 271.907, Local
 15-40 Government Code, as added by Section 20, Chapter 1331, Acts of the
 15-41 78th Legislature, Regular Session, 2003, is amended to read as
 15-42 follows:

15-43 (b) This section applies only to a contract to be performed,
 15-44 wholly or partly, in a nonattainment area or in an affected county,
 15-45 as those terms are [~~that term is~~] defined by Section 386.001, Health
 15-46 and Safety Code.

15-47 SECTION 13.03. This article takes effect immediately if
 15-48 this Act receives a vote of two-thirds of all the members elected to
 15-49 each house, as provided by Section 39, Article III, Texas
 15-50 Constitution. If this Act does not receive the vote necessary for
 15-51 immediate effect, this article takes effect on the 91st day after
 15-52 the last day of the legislative session.

15-53 ARTICLE 14. TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM ASSETS

15-54 SECTION 14.01. Subsection (a), Section 845.301, Government
 15-55 Code, as amended by Chapter 1103, Acts of the 78th Legislature,
 15-56 Regular Session, 2003, is amended to read as follows:

15-57 (a) The assets of the retirement system shall be invested
 15-58 and reinvested without distinction as to their source in accordance
 15-59 with Section 67, Article XVI, Texas Constitution. For purposes of
 15-60 the investment authority of the board of trustees under Section 67,
 15-61 Article XVI, Texas Constitution, "securities" means any investment
 15-62 instrument within the meaning of the term as defined by Section 4,
 15-63 The Securities Act (Article 581-4, Vernon's Texas Civil Statutes),
 15-64 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10).
 15-65 Investment decisions are subject to the standard provided in the
 15-66 Texas Trust Code by Section 117.004(b) [~~Sections 117.004(a)-(c)~~],
 15-67 Property Code.

15-68 ARTICLE 15. PARTICIPATION OF CERTAIN GOVERNMENTAL EMPLOYEES
 15-69 AND RETIREES IN CERTAIN GROUP BENEFIT PLANS

16-1 SECTION 15.01. Section 1551.102, Insurance Code, is amended
 16-2 by adding Subsection (i) to read as follows:

16-3 (i) Subject to Section 1551.323, an individual and the
 16-4 individual's dependents are eligible to participate in the group
 16-5 benefits program as an annuitant and the dependents of an annuitant
 16-6 if the individual:

16-7 (1) served in a position for which the individual was
 16-8 eligible to participate in the group benefits program under Section
 16-9 1551.101 on or before August 31, 2003; and

16-10 (2) at the time of retirement meets the requirements
 16-11 for eligibility for participation in the program as an annuitant as
 16-12 those requirements existed on August 31, 2003.

16-13 SECTION 15.02. Section 1551.111, Insurance Code, is amended
 16-14 by adding Subsection (e) to read as follows:

16-15 (e) Subject to Section 1551.323, an individual and the
 16-16 individual's dependents are eligible to participate in the group
 16-17 benefits program as an annuitant and the dependents of an annuitant
 16-18 as described under this section if the individual:

16-19 (1) served as an officer or employee as described by
 16-20 Subsection (b)(1) on or before August 31, 2003; and

16-21 (2) at the time of retirement meets the requirements
 16-22 for eligibility for participation in the program as an annuitant as
 16-23 those requirements existed on August 31, 2003.

16-24 SECTION 15.03. Section 1551.112, Insurance Code, is amended
 16-25 by adding Subsection (c) to read as follows:

16-26 (c) Subject to Section 1551.323, an individual and the
 16-27 individual's dependents are eligible to participate in the group
 16-28 benefits program as an annuitant and the dependents of an annuitant
 16-29 as described under this section if the individual:

16-30 (1) served in a position described by Subsection (a)
 16-31 on or before August 31, 2003; and

16-32 (2) at the time of retirement meets the requirements
 16-33 for eligibility for participation in the program as an annuitant as
 16-34 those requirements existed on August 31, 2003.

16-35 SECTION 15.04. Subchapter G, Chapter 1551, Insurance Code,
 16-36 is amended by adding Section 1551.323 to read as follows:

16-37 Sec. 1551.323. COST OF CERTAIN ANNUITANTS. (a) An
 16-38 annuitant eligible to participate under Section 1551.102(i),
 16-39 1551.111(e), or 1551.112(c) is, except as provided by this
 16-40 subsection, required to pay the total cost, as determined by the
 16-41 board, attributable to the participation of that individual and the
 16-42 dependents of that individual until the date the individual is 65
 16-43 years of age. If the General Appropriations Act or other similar
 16-44 legislation addresses the payment of those costs, those costs shall
 16-45 be paid in the manner specified by that legislation.

16-46 (b) This section applies only to an individual who is
 16-47 eligible to participate as an annuitant under Section 1551.102(i),
 16-48 1551.111(e), or 1551.112(c) and who is not eligible to participate
 16-49 under another provision of Section 1551.102, 1551.111, or 1551.112.

16-50 SECTION 15.05. Section 1575.004, Insurance Code, as amended
 16-51 by Chapter 1231, Chapter 201, and Chapter 1276, Acts of the 78th
 16-52 Legislature, Regular Session, 2003, is reenacted and amended to
 16-53 read as follows:

16-54 Sec. 1575.004. DEFINITION OF RETIREE. (a) In this chapter,
 16-55 "retiree" means:

16-56 (1) an individual not eligible for coverage under a
 16-57 plan provided under Chapter 1551 or 1601 who:

16-58 (A) is at least 65 years of age and has taken a
 16-59 service retirement under the Teacher Retirement System of Texas
 16-60 with at least 10 years of service credit in the system, which may
 16-61 include up to five years of military service credit, but which may
 16-62 not include any other service credit purchased for equivalent or
 16-63 special service credit [~~for actual service in public schools in~~
 16-64 this state]; [~~or~~]

16-65 (B) was employed in actual service in public
 16-66 schools in this state during or before the 2003-2004 school year and
 16-67 at the time of retirement meets the requirements for eligibility as
 16-68 a retiree as those requirements existed on August 31, 2004;

16-69 (C) purchased out-of-state service credit, and:

17-1 (i) had that service credited on or before
 17-2 August 31, 2003;

17-3 (ii) retires on or before August 31, 2009;
 17-4 and

17-5 (iii) at the time of retirement, meets the
 17-6 requirements for eligibility for the group program for coverage as
 17-7 a retiree as those requirements existed on August 31, 2004,
 17-8 including using up to five years of out-of-state service toward
 17-9 retiree eligibility;

17-10 (D) has taken a service retirement under the
 17-11 Teacher Retirement System of Texas and who has at least 10 years of
 17-12 service credit in the system, which may include up to [~~for actual~~
 17-13 ~~public service in the public schools in this state or has at least~~
 17-14 ~~five years of service credit for actual public service in the public~~
 17-15 ~~schools in this state and has] five years of military service credit~~
 17-16 ~~but which may not include any other service credit purchased for~~
 17-17 ~~equivalent or special service credit [credited in the Teacher~~
 17-18 ~~Retirement System of Texas], and the sum of the individual's age and~~
 17-19 ~~amount of service credit described by this paragraph [earned for~~
 17-20 ~~service in the public schools of this state] equals or exceeds the~~
 17-21 number 80; or

17-22 (E) has taken a service retirement under the
 17-23 Teacher Retirement System of Texas on or before August 31, 2004, and
 17-24 who is enrolled in the group program on August 31, 2004; or

17-25 (2) an individual who:

17-26 (A) has taken a disability retirement under the
 17-27 Teacher Retirement System of Texas; and

17-28 (B) is entitled to receive monthly benefits from
 17-29 the Teacher Retirement System of Texas.

17-30 (b) Each year of service credit in the system that an
 17-31 individual would have received but for the individual's
 17-32 participation in the deferred retirement option plan under
 17-33 Subchapter I, Chapter 824, Government Code, is considered a year of
 17-34 service credit solely for the purpose of meeting the definition of
 17-35 "retiree" under Subsection (a)(1)(A) or (D).

17-36 (c) In this section, "public school" has the meaning
 17-37 assigned by Section 821.001, Government Code.

17-38 SECTION 15.06. Section 1575.161(b), Insurance Code, as
 17-39 added by Chapter 1231 and Chapter 201, Acts of the 78th
 17-40 Legislature, Regular Session, 2003, is reenacted and amended to
 17-41 read as follows:

17-42 (b) In addition to the enrollment periods authorized under
 17-43 Subsection (a), a retiree who:

17-44 (1) is enrolled in the group program as of August 31,
 17-45 2004, and who is 65 years of age or older on that date may select
 17-46 coverage as described by Subsections (c) and (d) on September 1,
 17-47 2004; ~~or~~

17-48 (2) is enrolled in the group program as of August 31,
 17-49 2004, and who is 65 years of age after that date may select coverage
 17-50 as described by Subsections (c) and (d) on the date that the retiree
 17-51 is 65 years of age; or

17-52 (3) enrolls in the group program on or after September
 17-53 1, 2004, and who is 65 years of age or older on or after that date
 17-54 may select coverage as described in Subsections (c) and (d) on the
 17-55 date that the retiree is 65 years of age.

17-56 SECTION 15.07. Section 1575.161, Insurance Code, as added
 17-57 by Chapter 213, Acts of the 78th Legislature, Regular Session,
 17-58 2003, is redesignated as Section 1575.170, Insurance Code.

17-59 SECTION 15.08. Section 1575.211, Insurance Code, as added
 17-60 by Chapter 1231 and Chapter 201, Acts of the 78th Legislature,
 17-61 Regular Session, 2003, is amended by adding Subsection (c) to read
 17-62 as follows:

17-63 (c) A retiree eligible to participate under Section
 17-64 1575.004(a)(1)(B) is, except as provided by this subsection,
 17-65 required to pay the total cost, as determined by the trustee,
 17-66 attributable to the participation of that individual and the
 17-67 dependents of that individual until the date the individual is
 17-68 eligible under Section 1575.004. The General Appropriations Act or
 17-69 other similar legislation may specify a different allocation of

total costs for retirees eligible to participate under Section 1575.004(a)(1)(B) and the dependents of those retirees. This subsection applies only to an individual who is eligible to participate as an annuitant under Section 1575.004(a)(1)(B) and who is not eligible to participate under another provision of Section 1575.004 at the time of retirement.

SECTION 15.09. Subchapter E, Chapter 3, Insurance Code, is amended by adding Article 3.50-8A to read as follows:

Art. 3.50-8A. ADMINISTRATION OF ACTIVE EMPLOYEE HEALTH COVERAGE OR COMPENSATION SUPPLEMENTATION. (a) In administering the program for active employee health coverage or compensation supplementation established under Article 3.50-8 of this code before September 1, 2004, in accordance with Article 3, Chapter 313, Acts of the 78th Legislature, Regular Session, 2003, each year, the Teacher Retirement System of Texas, as trustee, shall deliver to each school district, including a school district that is ineligible for state aid under Chapter 42, Education Code, each other education district that is a member of the Teacher Retirement System of Texas, each participating charter school, and each regional education service center, state funds in an amount, as determined by the trustee, equal to:

(1) the product of the number of full-time active employees employed by the district, school, or service center, other than in the capacity of administrators, multiplied by \$500 or a greater amount as provided by the General Appropriations Act for purposes of Article 3.50-8 of this code; and

(2) the product of the number of part-time active employees employed by the district, school, or service center, other than in the capacity of administrators, multiplied by \$250 or a greater amount as provided by the General Appropriations Act for purposes of Article 3.50-8 of this code.

(b) An administrator of a district, charter school, or service center described by Subsection (a) of this article is not eligible to receive state funds under the program for active employee health coverage or compensation supplementation.

(c) For purposes of this article, an individual is an administrator of a district, charter school, or service center described by Subsection (a) of this article if:

(1) 50 or more percent of the individual's time is reported under any combination of the following role identifications in the Public Education Information Management System (PEIMS), or under any subsequently created role identifications that describe roles that are substantially similar to the ones identified in this subdivision:

- (A) central administrators:
 - (i) assistant or associate superintendent (004);
 - (ii) instructional officer (central office, 012);
 - (iii) superintendent, CAO, CEO, or president (027);
 - (iv) teacher supervisor (central office, 028);
 - (v) vocational education coordinator (central office, 032);
 - (vi) athletic director (central office, 040);
 - (vii) business manager (043);
 - (viii) tax assessor or collector (044);
 - (ix) director--personnel/human resources (045); or
 - (x) registrar (central office, 055); or

- (B) campus administrators:
 - (i) assistant principal (003);
 - (ii) instructional officer (not central office, 012);
 - (iii) principal (020);
 - (iv) teacher supervisor (not central office, 028);

19-1 (v) vocational education coordinator (not
 19-2 central office, 032);
 19-3 (vi) athletic director (not central office,
 19-4 040); or

19-5 (vii) registrar (not central office, 055);
 19-6 (2) the individual is employed by a regional education
 19-7 service center and 50 or more percent of the individual's time is
 19-8 reported under any combination of the following role
 19-9 identifications in the Public Education Information Management
 19-10 System (PEIMS), or under any subsequently created role
 19-11 identifications that describe roles that are substantially similar
 19-12 to the ones identified in this subdivision:

19-13 (A) executive director (60);
 19-14 (B) assistant, associate, or deputy executive
 19-15 director (61);

19-16 (C) component or department director (62); or
 19-17 (D) coordinator, manager, or supervisor (63); or

19-18 (3) regardless of how the individual's time is
 19-19 reported in the Public Education Information Management System
 19-20 (PEIMS), 50 or more percent of the individual's time is in a role
 19-21 that is substantially similar to a role described by Subdivision
 19-22 (1) or (2) of this subsection, as determined by the reporting entity
 19-23 or combination of entities.

19-24 (d) This article applies notwithstanding Section 2(a),
 19-25 Article 3.50-8, of this code, as that subsection existed before
 19-26 amendment by Chapter 313, Acts of the 78th Legislature, Regular
 19-27 Session, 2003, or as that subsection was amended by Section 57,
 19-28 Chapter 201, Acts of the 78th Legislature, Regular Session, 2003.

19-29 (e) Sections 2(b), (c), and (d), Article 3.50-8, of this
 19-30 code, as those sections existed before amendment by Chapter 313,
 19-31 Acts of the 78th Legislature, Regular Session, 2003, apply to the
 19-32 delivery of state funds under Subsection (a) of this article.

19-33 (f) The terms used in this article have the meanings
 19-34 assigned by Section 1, Article 3.50-8 of this code.

19-35 (g) This article expires September 1, 2004.

19-36 SECTION 15.10. (a) Except as otherwise provided by this
 19-37 section, this article takes effect immediately if this Act receives
 19-38 a vote of two-thirds of all the members elected to each house, as
 19-39 provided by Section 39, Article III, Texas Constitution. If this
 19-40 Act does not receive the vote necessary for immediate effect, this
 19-41 article takes effect on the 91st day after the last day of the
 19-42 legislative session.

19-43 (b) Sections 15.05 and 15.08 of this article take effect
 19-44 September 1, 2004.

19-45 ARTICLE 16. ENERGY AND WATER CONSERVATION BY STATE AGENCIES

19-46 SECTION 16.01. Chapter 447, Government Code, is amended by
 19-47 adding Sections 447.010 and 447.011 to read as follows:

19-48 Sec. 447.010. FUEL SAVINGS FOR STATE AGENCIES. (a) In
 19-49 this section and in Section 447.011:

19-50 (1) "Cost-effective" means resulting in fuel
 19-51 consumption reduction with a projected savings in fuel cost over a
 19-52 one-year period that exceeds the cost of purchasing and using a
 19-53 technology.

19-54 (2) "Fuel-saving technology" means a:
 19-55 (A) device containing no lead metal that is
 19-56 installed on a motor vehicle or non-road diesel and that has been
 19-57 proven to reduce fuel consumption per mile or per hour of operation
 19-58 by at least five percent;

19-59 (B) fuel additive registered in accordance with
 19-60 40 C.F.R. Part 79 that contains no known mutagenic materials and
 19-61 that has been proven to reduce fuel consumption per mile or per hour
 19-62 of operation by at least five percent; or

19-63 (C) fuel registered in accordance with 40 C.F.R.
 19-64 Part 79 that contains no known mutagenic materials and that has been
 19-65 proven to reduce fuel consumption per mile or per hour of operation
 19-66 by at least five percent.

19-67 (3) "Motor vehicle" and "non-road diesel" have the
 19-68 meanings assigned by Section 386.101, Health and Safety Code.

19-69 (4) "Proven fuel-saving technologies" means

20-1 technologies shown to reduce fuel use by at least five percent in:

20-2 (A) a United States Environmental Protection
20-3 Agency fuel economy test performed at a laboratory recognized by
20-4 that agency and under federal test protocols;

20-5 (B) a fuel economy test performed in accordance
20-6 with protocols and at testing laboratories or facilities recognized
20-7 by the state energy conservation office, the Texas Commission on
20-8 Environmental Quality, or the United States Environmental
20-9 Protection Agency; or

20-10 (C) a field demonstration performed in
20-11 accordance with Section 447.011.

20-12 (b) A state agency with 10 or more motor vehicles or
20-13 non-road diesels shall reduce the total fuel consumption of the
20-14 vehicles or diesels by at least five percent from fiscal year 2002
20-15 consumption levels through the use of cost-effective fuel-saving
20-16 technologies.

20-17 (c) A state agency may delay reducing fuel use as described
20-18 in this section until a list of proven fuel-saving technologies is
20-19 provided by the state energy conservation office as provided by
20-20 Section 447.011.

20-21 (d) A state agency may not purchase or use as a fuel-saving
20-22 technology a technology that:

20-23 (1) is known to increase engine emissions above the
20-24 levels established by the United States Environmental Protection
20-25 Agency;

20-26 (2) may be reasonably concluded to degrade air quality
20-27 or human health or to negatively impact the environment; or

20-28 (3) is known to negatively affect the manufacturer's
20-29 warranty of a motor vehicle or non-road diesel.

20-30 (e) A state agency may purchase cost-effective fuel-saving
20-31 technologies out of the agency's fuel budget.

20-32 (f) A state agency shall evaluate similar fuel-saving
20-33 technologies competitively.

20-34 (g) A state agency may condition a purchase of a fuel-saving
20-35 technology on the seller's agreement to refund the cost of the
20-36 technology if the agency determines it to be ineffective at
20-37 reducing fuel use by at least five percent before the 91st day after
20-38 the date the technology is first used by the agency.

20-39 (h) A state agency may use a fuel-saving technology that the
20-40 agency determines is cost-effective and may use a fuel-saving
20-41 technology in applications that provide other benefits, including
20-42 emissions reductions.

20-43 (i) A state agency may establish a program for agency
20-44 employees voluntarily to:

20-45 (1) purchase fuel-saving technologies; and
20-46 (2) document reductions in fuel savings and air
20-47 emissions.

20-48 (j) A state agency shall report to the state energy
20-49 conservation office annually, on a form provided by the office, on
20-50 the state agency's efforts and progress under this section.

20-51 Sec. 447.011. FIELD DEMONSTRATIONS. (a) Under the
20-52 direction of the state energy conservation office, the Texas
20-53 Department of Transportation shall demonstrate the effectiveness
20-54 of at least four fuel-saving technologies on a combined maximum of
20-55 100 motor vehicles or non-road diesels in accordance with this
20-56 section to determine the fuel-saving technologies that may
20-57 cost-effectively reduce fuel consumption and save state revenue.

20-58 (b) The Texas Department of Transportation shall select
20-59 varying ages and types of motor vehicles and non-road diesels to
20-60 demonstrate the fuel-saving technologies and shall give a
20-61 preference to high-use motor vehicles and non-road diesels in the
20-62 selection.

20-63 (c) The Texas Department of Transportation shall
20-64 demonstrate the performance of fuel-saving technologies by:

20-65 (1) assessing a technology's performance in the normal
20-66 course of operations of motor vehicles or non-road diesels; and

20-67 (2) performing controlled field tests.

20-68 (d) In selecting the technologies to be evaluated, the state
20-69 energy conservation office shall:

21-1 (1) consult with governmental and business
 21-2 organizations that are currently using fuel-saving technology;

21-3 (2) consider technologies that are proven fuel-saving
 21-4 technologies that have demonstrated fuel economy benefits of five
 21-5 percent or more in field tests or recorded use data of government
 21-6 organizations or businesses that operate fleets; and

21-7 (3) determine whether each technology selected has the
 21-8 potential to be cost-effective.

21-9 (e) A fuel-saving technology may be disqualified from being
 21-10 demonstrated or used if it is known to reduce engine performance,
 21-11 reduce the life of the engine, require additional maintenance
 21-12 expenses, or degrade air quality.

21-13 (f) The Texas Commission on Environmental Quality, The
 21-14 University of Texas Center for Transportation Research, the
 21-15 University of Houston Diesel Emissions Center, or another agency
 21-16 may be designated to assist with executing the demonstration,
 21-17 compiling the results, estimating the potential average fuel
 21-18 savings of the technologies in different applications, or preparing
 21-19 a final report.

21-20 (g) On completing the demonstration described by this
 21-21 section the state energy conservation office shall rank the
 21-22 fuel-saving technologies based on their fuel savings, other cost
 21-23 savings, and overall cost-effectiveness. The office shall:

21-24 (1) list recommended applications of the
 21-25 technologies;

21-26 (2) document other negative or positive effects; and

21-27 (3) prepare a concise report of these findings.

21-28 (h) The Texas Commission on Environmental Quality shall
 21-29 obtain information on any fuel-saving technology that appears to
 21-30 reduce particulate matter, oxides of nitrogen, carbon monoxide, or
 21-31 hydrocarbon emissions. The Texas Commission on Environmental
 21-32 Quality may use this information to fund the United States
 21-33 Environmental Protection Agency verification of a technology in
 21-34 accordance with Section 387.003, Health and Safety Code.

21-35 (i) The state energy conservation office shall provide the
 21-36 report prepared under Subsection (g) to each state agency with 10 or
 21-37 more motor vehicles or non-road diesels and to the Legislative
 21-38 Budget Board.

21-39 (j) The demonstration and associated reports described by
 21-40 this section shall be completed not later than September 1, 2004.

21-41 (k) All results of a demonstration project under this
 21-42 section shall be made public on the state energy conservation
 21-43 office's Internet website.

21-44 (l) The state energy conservation office shall provide
 21-45 quarterly an updated list of all proven fuel-saving technologies on
 21-46 its Internet website.

21-47 (m) Money from the state highway fund may not be used for the
 21-48 purchase, installation, maintenance, or operation of the
 21-49 fuel-saving technologies being assessed or subjected to controlled
 21-50 field tests under this section. Repairs to state equipment
 21-51 resulting from demonstrations of fuel-saving technologies must be
 21-52 paid from the same funds used to implement this section.

21-53 SECTION 16.02. Chapter 2113, Government Code, is amended by
 21-54 adding Subchapter E to read as follows:

21-55 SUBCHAPTER E. RESTRICTIONS ON CAPITAL EXPENDITURES

21-56 Sec. 2113.301. PREFERENCE FOR FINANCING CERTAIN CAPITAL
 21-57 EXPENDITURES WITH MONEY GENERATED BY UTILITY COST SAVINGS CONTRACT.

21-58 (a) In this section:

21-59 (1) "State facility purpose" means a purpose related
 21-60 to:

21-61 (A) the maintenance of a state-owned or
 21-62 state-leased building or facility; or

21-63 (B) a project as defined by Section 2166.001,
 21-64 including a project described by Section 2166.003.

21-65 (2) "Utility cost savings contract" means a contract
 21-66 under Subchapter I, Chapter 2166, or other law that guarantees
 21-67 utility cost savings for energy conservation measures to reduce
 21-68 energy or water consumption or to reduce operating costs of
 21-69 governmental facilities.

22-1 (b) Before a state agency may use appropriated money to make
 22-2 a capital expenditure for a state facility purpose, the state
 22-3 agency must determine whether the expenditure could be financed
 22-4 with money generated by a utility cost savings contract.

22-5 (c) If it is practicable to do so, a state agency that is
 22-6 using appropriated money must finance a capital expenditure for a
 22-7 state facility purpose with money generated by a utility cost
 22-8 savings contract.

22-9 (d) If it is not practicable for a state agency that is using
 22-10 appropriated money to finance a capital expenditure for a state
 22-11 facility purpose with money generated by a utility cost savings
 22-12 contract, the state agency must provide justification to the
 22-13 comptroller for the capital expenditure.

22-14 (e) In determining under Subsection (b) whether a capital
 22-15 expenditure could be financed by a utility cost savings contract, a
 22-16 state agency must consider whether utility cost savings generated
 22-17 by any department of that agency could be a potential means of
 22-18 financing a capital expenditure for any department of that agency.
 22-19 Money generated by a utility cost savings in one department of a
 22-20 state agency may be used to finance capital expenditures for a state
 22-21 facility purpose in any department of that agency.

22-22 (f) This section does not apply to an institution of higher
 22-23 education as defined by Section 61.003, Education Code.

22-24 (g) This section does not apply to a capital expenditure for
 22-25 a state facility purpose that requires expeditious action to:

22-26 (1) prevent a hazard to life, health, safety, welfare,
 22-27 or property; or

22-28 (2) avoid undue additional cost to the state.

22-29 (h) The Texas Building and Procurement Commission shall
 22-30 appoint a task force to develop design recommendations that are to
 22-31 be used for state facilities and that encourage rain harvesting and
 22-32 water recycling by state agencies using appropriated money to
 22-33 finance a capital expenditure for a state facility purpose.

22-34 ARTICLE 17. CLOSURE OF CERTAIN PROGRAMS ON LOW-PERFORMING
 22-35 CAMPUSES

22-36 SECTION 17.01. Subsection (b), Section 39.132, Education
 22-37 Code, as amended by Chapter 342, Acts of the 78th Legislature,
 22-38 Regular Session, 2003, is amended to read as follows:

22-39 (b) If a campus has been a low-performing campus for a
 22-40 period of two consecutive years or more, the commissioner shall
 22-41 order the closure of the district or charter program on the campus
 22-42 or reconstitute the campus. In reconstituting the campus, a
 22-43 special campus intervention team shall be assembled for the purpose
 22-44 of deciding which educators may be retained at that campus. If an
 22-45 educator is not retained, the educator shall be assigned to another
 22-46 position in the district.

22-47 (1) the educator's employment with the school district
 22-48 may be terminated under Section 21.157, if applicable; or

22-49 (2) the educator may be assigned to another position
 22-50 in the district.

22-51 ARTICLE 18. PARTICIPATION IN STATE EMPLOYEE CHARITABLE CAMPAIGN

22-52 SECTION 18.01. A federation or organization that has
 22-53 participated in the state employee charitable campaign authorized
 22-54 by Subchapter I, Chapter 659, Government Code, is not barred from
 22-55 participation in the program, both in terms of actual participation
 22-56 and the purposes for which the contributions are used, solely as a
 22-57 result of changes made in the law by Sections 35, 36, 37, and 121,
 22-58 Chapter 1310, Acts of the 78th Legislature, Regular Session, 2003.
 22-59 This section is not intended to excuse a federation or organization
 22-60 from compliance with any other law, rule, or state policy.

22-61 ARTICLE 19. CERTAIN AGREEMENTS OF THE
 22-62 TEXAS DEPARTMENT OF TRANSPORTATION

22-63 SECTION 19.01. Subchapter C, Chapter 201, Transportation
 22-64 Code, is amended by adding Section 201.1055 to read as follows:

22-65 Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES.
 22-66 Notwithstanding any other law, including Subchapter A, Chapter
 22-67 2254, Government Code, Chapters 2165, 2166, and 2167, Government
 22-68 Code, and Sections 202.052, 202.053, 203.051, 203.052, and 223.001
 22-69 of this code, the department and a private entity that offers the

23-1 best value to the state may enter into an agreement that includes:

23-2 (1) both design and construction of a district office
 23-3 headquarters facility located in a county with a population of 3.3
 23-4 million or more;

23-5 (2) a lease of department-owned real property in a
 23-6 district that includes a county with a population of 3.3 million or
 23-7 more to the private entity;

23-8 (3) a provision authorizing the private entity to
 23-9 construct and retain ownership of a building on property leased to
 23-10 the entity under Subdivision (2); and

23-11 (4) a provision under which the department agrees to
 23-12 enter into an agreement to lease with an option or options to
 23-13 purchase a building constructed on property leased to the entity
 23-14 under Subdivision (2).

23-15 ARTICLE 20. ALCOHOLIC BEVERAGE REGULATION

23-16 SECTION 20.01. Section 105.07(b), Alcoholic Beverage Code,
 23-17 as added by Chapter 946, Acts of the 78th Legislature, Regular
 23-18 Session, 2003, is amended to read as follows:

23-19 (b) Notwithstanding any other provision of this code, in
 23-20 addition to any other period during which the sale and consumption
 23-21 of alcohol is authorized under this code:

23-22 (1) a licensed or permitted premises located in a
 23-23 sports venue may sell alcoholic beverages between 10 a.m. and noon;

23-24 ~~[(2) a licensed or permitted premises located in a~~
 23-25 ~~public entertainment facility that has provisions for overnight~~
 23-26 ~~camping may allow a person to bring an alcoholic beverage onto the~~
 23-27 ~~premises, consume the beverage on the premises, and remove the~~
 23-28 ~~beverage from the premises.] and~~

23-29 (2) ~~[(3)]~~ a person may consume alcoholic beverages at
 23-30 a sports venue between 10 a.m. and noon.

23-31 ARTICLE 21. APPROPRIATIONS TO TEXAS DEPARTMENT OF PUBLIC SAFETY

23-32 SECTION 21.01. Section 12.03, Article IX, Chapter 1330,
 23-33 Acts of the 78th Legislature, Regular Session, 2003 (the General
 23-34 Appropriations Act), is amended by adding Subsection (e) to read as
 23-35 follows:

23-36 (e) Regardless of the date on which an employee described by
 23-37 this subsection retires, the appropriation of the Department of
 23-38 Public Safety for fiscal year 2004 or 2005 may not be reduced under
 23-39 Subsection (a) of this section as the result of the retirement of a
 23-40 Department of Public Safety employee who is a commissioned peace
 23-41 officer and who retires as provided by Section 814.1051, Government
 23-42 Code, as added by Chapter 735, Acts of the 78th Legislature, Regular
 23-43 Session, 2003. The Department of Public Safety may use money that
 23-44 would otherwise have been reduced under Subsection (a) of this
 23-45 section only to comply with Rider 39 following the appropriation to
 23-46 the department. Lump-sum retirement incentive payments for
 23-47 employees of the Department of Public Safety who are commissioned
 23-48 peace officers and who retire as provided by Section 814.1051,
 23-49 Government Code, shall be paid in accordance with Subsections
 23-50 (b)(1) and (c) of this section.

23-51 ARTICLE 22. AUDIT OF TAX SETTLEMENT

23-52 SECTION 22.01. Chapter 321, Government Code, is amended by
 23-53 adding Section 321.0138 to read as follows:

23-54 Sec. 321.0138. AUDIT OF STATE TAX SETTLEMENT. (a) This
 23-55 section applies to a settlement of:

23-56 (1) a claim for a tax, penalty, or interest imposed by
 23-57 Title 2, Tax Code, if the amount the taxpayer is required to pay
 23-58 under the settlement is more than \$10,000 less than the amount the
 23-59 comptroller claimed the taxpayer owed before the date of the
 23-60 settlement;

23-61 (2) a claim for a refund or credit of a tax, penalty,
 23-62 or interest imposed by Title 2, Tax Code, if the amount of the
 23-63 refund or credit under the settlement exceeds \$10,000; or

23-64 (3) a taxpayer suit under Chapter 112, Tax Code, in
 23-65 which the amount to be paid to or refunded or credited to the
 23-66 taxpayer under the settlement exceeds \$10,000.

23-67 (b) The state auditor may audit a tax settlement to which
 23-68 this section applies. In determining whether this section applies
 23-69 and in conducting the audit, the state auditor is entitled to access

24-1 to information related to the settlement to the same extent the
24-2 state auditor would be entitled under Section 321.013 if the
24-3 information were in a department or entity that is subject to audit.

24-4 (c) Notwithstanding any other law, including Sections
24-5 111.006, 151.027, and 171.206, Tax Code, the legislative audit
24-6 committee may release the name of a taxpayer that is subject to a
24-7 settlement to which this section applies and the amount of the
24-8 relief the taxpayer received as a result of the settlement. The
24-9 legislative audit committee may not release any other information
24-10 made confidential by those laws or other law.

24-11 ARTICLE 23. COMPTROLLER OF PUBLIC ACCOUNTS

24-12 SECTION 23.01. Section 403.0131, Government Code, is
24-13 amended to read as follows:

24-14 Sec. 403.0131. APPROPRIATION CERTIFICATION [SUMMARY]. (a)
24-15 Not later than the 10th day, excluding Sundays, after the date on
24-16 which an act making an appropriation is reported enrolled by the
24-17 house of origin, the comptroller shall complete the evaluation and
24-18 certification of the appropriation required by Section 49a(b),
24-19 Article III, Texas Constitution.

24-20 (b) As soon as practical after the comptroller certifies the
24-21 appropriations made by the legislature in a regular or special
24-22 session, the comptroller shall prepare a summary table that details
24-23 the basis for the certification of all major funds. The table must
24-24 be similar in format and detail to the summary tables of the major
24-25 fund estimates published in the comptroller's biennial revenue
24-26 estimate and must include the biennial appropriations from all
24-27 major funds. The comptroller shall deliver a copy of each table
24-28 prepared under this section to the governor, the lieutenant
24-29 governor, the speaker of the house of representatives, each member
24-30 of the legislature, and the Legislative Budget Board.

24-31 ARTICLE 24. EFFECTIVE DATE

24-32 SECTION 24.01. Except as otherwise provided by this Act,
24-33 this Act takes effect on the 91st day after the last day of the
24-34 legislative session.

24-35 * * * * *