

1 AN ACT

2 relating to state and local government fiscal management, including
3 various matters related to increasing administrative efficiency in
4 state government; making related appropriations.

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

6 ARTICLE 1. WORKERS' COMPENSATION RESEARCH

7 SECTION 1.01. Subtitle A, Title 5, Labor Code, is amended by
8 adding Chapter 405 to read as follows:

9 CHAPTER 405. WORKERS' COMPENSATION RESEARCH

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

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

15 (1) the delivery of benefits;

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

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

19 (4) rehabilitation and reemployment of injured
20 workers;

21 (5) workplace health and safety issues;

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

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

1 (b) The department may apply for and spend grant funds to
2 implement this chapter.

3 (c) The department shall ensure that all research reports
4 prepared under this chapter or by the former Research and Oversight
5 Council on Workers' Compensation are accessible to the public
6 through the Internet to the extent practicable.

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

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

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

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

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

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

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

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

15 (f) Section 403.095, Government Code, does not apply in
16 relation to amounts received under this section or to any special
17 account into which the amounts are deposited.

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

22 (1) the commission;

23 (2) the Texas Workforce Commission;

24 (3) the Texas Department of Human Services;

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

26 (5) other state agencies.

27 (b) A state agency shall assist and cooperate in providing

1 information to the department.

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

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

9 SECTION 1.02. (a) Chapter 404 and Section 413.021(f),
10 Labor Code, are repealed.

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

21 (c) The Texas Department of Insurance shall assume
22 responsibility for any obligation incurred or contract entered into
23 by the Research and Oversight Council on Workers' Compensation
24 before the effective date of this article.

25 (d) The Texas Department of Insurance shall enter into an
26 interagency agreement with the Texas Workers' Compensation
27 Commission to share the costs of continued participation in the

1 Workers' Compensation Research Institute's CompScope multistate
2 report series.

3 SECTION 1.03. The special account established under Section
4 404.003, Labor Code, as that section existed before being repealed
5 by this Act, is re-created and transferred to the Texas Department
6 of Insurance's General Revenue and Insurance Companies Maintenance
7 Tax and Insurance Department Fees Account to be used for the
8 purposes described by Section 405.003, Labor Code, as added by this
9 Act.

10 SECTION 1.04. The Sunset Advisory Commission, as part of
11 its current review of the Texas Workers' Compensation Commission,
12 shall study and make recommendations to the legislature regarding
13 whether it would be advisable to create a separate independent
14 agency the primary purpose of which would be to study issues
15 relating to workers' compensation. The Texas Workers' Compensation
16 Commission, the Texas Department of Insurance, and any other
17 relevant state agency shall on request promptly provide information
18 and any necessary support to the Sunset Advisory Commission to
19 assist the Sunset Advisory Commission in performing the study.

20 ARTICLE 2. TEXAS COMMISSION ON PRIVATE SECURITY

21 SECTION 2.01. Section 1702.002, Occupations Code, is
22 amended by adding Subdivisions (1-a) and (5-a) to read as follows:

23 (1-a) "Board" means the Texas Private Security Board.

24 (5-a) "Department" means the Department of Public
25 Safety of the State of Texas.

26 SECTION 2.02. Subchapter A, Chapter 1702, Occupations Code,
27 is amended by adding Sections 1702.005 and 1702.006 to read as

1 follows:

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

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

7 Sec. 1702.006. TEXAS DEPARTMENT OF HEALTH. (a) In this
8 section, "personal emergency response system" means an alarm system
9 that is:

10 (1) installed in the residence of a person;

11 (2) monitored by an alarm systems company;

12 (3) designed only to permit the person to signal the
13 occurrence of a medical or personal emergency on the part of the
14 person so that the company may dispatch appropriate aid; and

15 (4) not part of a combination of alarm systems that
16 includes a burglar alarm or fire alarm.

17 (b) Notwithstanding the other provisions of this chapter,
18 the Texas Department of Health shall administer the provisions of
19 this chapter that are applicable to the following persons:

20 (1) an alarm systems company that sells, installs,
21 services, monitors, or responds to only personal emergency response
22 systems;

23 (2) an alarm systems installer who installs,
24 maintains, or repairs only personal emergency response systems;

25 (3) a manager or branch office manager of an alarm
26 systems company described by Subdivision (1);

27 (4) a security salesperson who is employed by an alarm

1 systems company described by Subdivision (1) to sell services
2 offered by the company; and

3 (5) an owner, officer, partner, or shareholder of an
4 alarm systems company described by Subdivision (1).

5 (c) A reference in this chapter or another law to the Texas
6 Commission on Private Security in connection with a person
7 described by Subsection (b) means the Texas Department of Health.

8 SECTION 2.03. Section 1702.021(a), Occupations Code, as
9 amended by Chapter 1170, Acts of the 78th Legislature, Regular
10 Session, 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

1 ~~another member of the commission;~~

2 (4) one member who ~~+~~

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

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

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

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

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

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

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

17 SECTION 2.04. Section 1702.025, Occupations Code, as
18 amended by Chapter 1170, Acts of the 78th Legislature, Regular
19 Session, 2003, and Section 1702.026, Occupations Code, are amended
20 to read as follows:

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

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

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

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

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

15 SECTION 2.05. Subchapter D, Chapter 1702, Occupations Code,
16 is amended by adding Section 1702.0615 to read as follows:

17 Sec. 1702.0615. PLACEMENT OF PRIORITY ON PROCESSING CERTAIN
18 APPLICATIONS. (a) In performing its functions and duties under
19 this chapter, the board shall place a high priority on processing
20 applications for licenses, security officer commissions, and
21 registrations filed by persons who provide protection for critical
22 infrastructure, as defined by Section 421.001, Government Code.

23 (b) The board shall act on an application described by
24 Subsection (a) as expeditiously as possible but not later than the
25 60th day after the date the board receives the application.

26 (c) This section expires December 1, 2005.

27 SECTION 2.06. Section 1702.022, Occupations Code, is

1 repealed.

2 SECTION 2.07. Not later than February 1, 2004, the governor
3 shall appoint the members of the Texas Private Security Board, as
4 required under Section 1702.021, Occupations Code, as amended by
5 this article. In appointing the initial members of the board under
6 this section, the governor shall appoint:

- 7 (1) two members for terms expiring January 31, 2005;
8 (2) two members for terms expiring January 31, 2007;
9 and
10 (3) three members for terms expiring January 31, 2009.

11 SECTION 2.08. (a) On February 1, 2004:

12 (1) all functions and activities performed by the
13 Texas Commission on Private Security immediately before that date
14 are transferred to the Texas Private Security Board of the
15 Department of Public Safety of the State of Texas or the Texas
16 Department of Health, as applicable;

17 (2) a rule or form adopted by the Texas Commission on
18 Private Security is a rule or form of the Texas Private Security
19 Board or the Texas Department of Health, as applicable, and remains
20 in effect until amended or replaced by that board or department;

21 (3) a reference in law or an administrative rule to the
22 Texas Commission on Private Security means the Texas Private
23 Security Board or the Texas Department of Health, as applicable;

24 (4) a complaint, investigation, or other proceeding
25 before the Texas Commission on Private Security is transferred
26 without change in status to the Texas Private Security Board or the
27 Texas Department of Health, as determined by a memorandum of

1 understanding between the Department of Public Safety of the State
2 of Texas and the Texas Department of Health, and the Texas Private
3 Security Board or the Texas Department of Health, as applicable,
4 assumes, as appropriate and without a change in status, the
5 position of the Texas Commission on Private Security in an action or
6 proceeding to which the Texas Commission on Private Security is a
7 party;

8 (5) all property in the custody of the Texas
9 Commission on Private Security is transferred to the Texas Private
10 Security Board or the Texas Department of Health, as determined by a
11 memorandum of understanding between the Department of Public Safety
12 of the State of Texas and the Texas Department of Health; and

13 (6) the unexpended and unobligated balance of any
14 money appropriated by the legislature for the Texas Commission on
15 Private Security is transferred to the Texas Private Security Board
16 or the Texas Department of Health, as determined by a memorandum of
17 understanding between the Department of Public Safety of the State
18 of Texas and the Texas Department of Health.

19 (b) Before February 1, 2004, the Texas Commission on Private
20 Security may agree with the Department of Public Safety of the State
21 of Texas and the Texas Department of Health to transfer any property
22 of the Texas Commission on Private Security to the Department of
23 Public Safety of the State of Texas or the Texas Department of
24 Health to implement the transfer required by this article.

25 (c) During the period beginning on the effective date of
26 this article and ending on February 1, 2004, the Texas Commission on
27 Private Security shall continue to perform functions and activities

1 under Chapter 1702, Occupations Code, as if that chapter had not
2 been amended by this article, and the former law is continued in
3 effect for that purpose.

4 ARTICLE 3. EQUITABLE USE OF REVENUE AND UNIFORMITY IN RELATION TO
5 SCHOOL DISTRICT PROPERTY VALUES

6 SECTION 3.01. Section 403.302, Government Code, is amended
7 by adding Subsection (c-1) to read as follows:

8 (c-1) Notwithstanding Subsection (c), if after conducting
9 the annual study for the year 2002 the comptroller determines that
10 the local value for a school district is invalid and the local value
11 exceeds the state value for the school district determined by the
12 comptroller under Subsections (a) and (b), the taxable value for
13 the school district for that year is the district's state value as
14 established by the comptroller. This subsection expires September
15 30, 2004.

16 SECTION 3.02. Section 403.302(m), Government Code, as added
17 by Chapter 1183, Acts of the 78th Legislature, Regular Session,
18 2003, is repealed.

19 SECTION 3.03. The commissioner of education shall compute
20 the amount of funding under Chapters 42 and 46, Education Code, to
21 which each school district is entitled for the 2003-2004 school
22 year, and the wealth per student of each school district for
23 purposes of Chapter 41, Education Code, for the 2003-2004 school
24 year, without regard to Chapter 1183, Acts of the 78th Legislature,
25 Regular Session, 2003. If a school district received an
26 underallocation or overallocation of state funds because a payment
27 made before the effective date of this Act was computed in

1 accordance with Chapter 1183, Acts of the 78th Legislature, Regular
2 Session, 2003, the commissioner shall adjust the computation of the
3 amount of the payments made to the school district for the remainder
4 of the 2003-2004 school year or take other action so that the total
5 payments made to that school district for that school year equal the
6 amount the school district would have received for that school year
7 had none of the payments been computed in accordance with Chapter
8 1183, Acts of the 78th Legislature, Regular Session, 2003.

9 ARTICLE 4. REPAYMENT OF CASH TRANSFERRED
10 FROM FUNDS OUTSIDE OF STATE TREASURY

11 SECTION 4.01. For the state fiscal biennium beginning
12 September 1, 2003, the comptroller is appropriated from the general
13 revenue fund the amount needed to return any available cash that was
14 transferred to that fund from a fund outside the state treasury and
15 to maintain the equity of the fund from which the transfer was made,
16 as required by Section 403.092, Government Code, as amended by
17 Section 19, Chapter 1310, Acts of the 78th Legislature, Regular
18 Session, 2003.

19 SECTION 4.02. Not more than \$5,000,000 of the appropriation
20 made by Section 4.01 of this Act may be used to allocate earned
21 interest to a fund outside the state treasury under Section
22 403.092(a), Government Code.

23 SECTION 4.03. During the state fiscal biennium beginning
24 September 1, 2003, the comptroller shall return available cash that
25 has been transferred from a fund outside the state treasury to a
26 fund within the state treasury under Section 403.092(a), Government
27 Code, together with the earned interest on the transferred amount,

1 to the fund from which the available cash was transferred within 14
2 days after the date on which the available cash was transferred.

3 ARTICLE 5. APPROPRIATION OF VETOED FUNDS; CLARIFICATION OF USE
4 OF BUDGET EXECUTION PROCESS FOR STATE FISCAL RELIEF

5 SECTION 5.01. (a) Section 11.28, Article IX, Chapter 1330,
6 Acts of the 78th Legislature, Regular Session, 2003 (the General
7 Appropriations Act), is amended by amending Subsection (a) and
8 adding Subsections (c) and (d) to read as follows:

9 (a) Notwithstanding other provisions of this Act, based
10 upon the passage of federal legislation that provides federal funds
11 for the purpose of state fiscal relief, such funds are
12 appropriated[~~, after the implementation of Section 11.15,~~
13 ~~Contingency Appropriation Reduction and Contingency~~
14 ~~Appropriation,~~] to the Comptroller of Public Accounts in the fiscal
15 year in which the funds are received for the purpose of transferring
16 funds to state agencies for state fiscal relief, as directed by the
17 Governor and Legislative Budget Board acting under Chapter 317,
18 Government Code, and in accordance with [~~provided by~~] subsection
19 (b) of this section.

20 (c) Notwithstanding Section 11.15(b) of this article, an
21 amount equal to the sum of the General Revenue Fund and general
22 revenue dedicated account appropriations contained in this Act that
23 are vetoed by the Governor under Section 14, Article IV, Texas
24 Constitution, is appropriated out of the General Revenue Fund or
25 appropriate general revenue dedicated account to the Comptroller of
26 Public Accounts for the state fiscal biennium beginning September
27 1, 2003, for the purpose of transferring funds to state agencies for

1 state fiscal relief, as directed by the Governor and Legislative
2 Budget Board acting under Chapter 317, Government Code, and in
3 accordance with subsection (b) of this section.

4 (d) This section does not prohibit the Governor and the
5 Legislative Budget Board, acting under Chapter 317, Government
6 Code, from making an emergency transfer of money appropriated by
7 this section, based on need, to an agency or for a purpose that is
8 not described by subsection (b) of this section.

9 (b) In the event of a conflict between this Act and another
10 Act enacted by the 78th Legislature, 3rd Called Session, 2003, that
11 becomes law and that amends Section 11.28, Article IX, Chapter
12 1330, Acts of the 78th Legislature, Regular Session, 2003 (the
13 General Appropriations Act), this Act controls.

14 SECTION 5.02. The heading to Section 11.28, Article IX,
15 Chapter 1330, Acts of the 78th Legislature, Regular Session, 2003
16 (the General Appropriations Act), is amended to read as follows:

17 Sec. 11.28. Appropriation of State Fiscal Relief Federal
18 Funds and Reappropriation for State Fiscal Relief of Vetoed General
19 Revenue Appropriations.

20 ARTICLE 6. REPEAL OF TECHNOLOGY ADVANCEMENT APPROPRIATION
21 TO SUPREME COURT OF TEXAS

22 SECTION 6.01. Rider 5 following the appropriation to the
23 Supreme Court of Texas on page IV-2, Chapter 1330, Acts of the 78th
24 Legislature, Regular Session, 2003 (the General Appropriations
25 Act), is repealed.

26 ARTICLE 7. DEDICATION OF PERMIT FEE REVENUE

27 SECTION 7.01. Notwithstanding Chapter 1296, Acts of the

1 78th Legislature, Regular Session, 2003, the permit fee revenue
2 collected under and dedicated to the state highway fund by Chapter
3 786, Acts of the 78th Legislature, Regular Session, 2003, is
4 rededicated to the state highway fund for the purposes described by
5 Chapter 786.

6 ARTICLE 8. B-ON-TIME PROGRAM

7 SECTION 8.01. (a) Section 56.465(a), Education Code, as
8 added by Chapter 779, Acts of the 78th Legislature, Regular
9 Session, 2003, is amended to read as follows:

10 (a) The governing board of each institution of higher
11 education shall cause to be set aside five percent of the amount of
12 the tuition charged to a resident undergraduate student at the
13 institution under Section 54.0513 [~~that is~~] in excess of \$46 per
14 semester credit hour. The amount of a student's tuition set aside
15 under this subsection is considered a part of the amount required to
16 be set aside from that tuition under Section 56.011 [~~the amount that~~
17 ~~would have been charged to the student under that section for the~~
18 ~~same semester or term in the 2002-2003 academic year~~].

19 (b) The change in law made by this section to Section
20 56.465(a), Education Code, applies only to a semester or term that
21 begins on or after the effective date of this Act.

22 SECTION 8.02. Section 8.02, Chapter 1266, Acts of the 78th
23 Legislature, Regular Session, 2003, is amended by adding Subsection
24 (f-1) to read as follows:

25 (f-1) In its review, the committee shall evaluate whether
26 students enrolled in private and independent institutions of higher
27 education should remain eligible to receive Texas B-On-time loans

1 under Subchapter Q, Chapter 56, Education Code. The committee
2 shall include the results of its evaluation in the report required
3 by Subsection (i) of this section.

4 ARTICLE 9. FINANCING PROVIDED UNDER PRODUCT DEVELOPMENT
5 AND SMALL BUSINESS INCUBATOR PROGRAM

6 SECTION 9.01. Section 489.213, Government Code, as added by
7 Chapter 814, Acts of the 78th Legislature, Regular Session, 2003,
8 is amended by amending Subsections (b) and (e) and adding
9 Subsection (h) to read as follows:

10 (b) In determining eligible products and ~~[small]~~
11 businesses, the bank shall give special preference to products or
12 businesses in the areas of semiconductors, nanotechnology,
13 biotechnology, and biomedicine that have the greatest likelihood of
14 commercial success, job creation, and job retention in this state.
15 The bank shall give further preference to providing financing to
16 projects or businesses that are:

17 (1) grantees under the small business innovation
18 research program established under 15 U.S.C. Section 638, as
19 amended;

20 (2) companies formed in this state to commercialize
21 research funded at least in part with state funds;

22 (3) applicants that have acquired other sources of
23 financing;

24 (4) companies formed in this state and receiving
25 assistance from designated state small business development
26 centers; or

27 (5) applicants who are residents of this state doing

1 business in this state and performing financed activities
2 predominantly in this state.

3 (e) The board may appoint an advisory committee of experts
4 in the areas of semiconductors, nanotechnology, biotechnology, and
5 biomedicine to review projects and businesses seeking financing
6 from the bank.

7 (h) Any business in this state is eligible for funding
8 distributed through the small business incubator fund if it is
9 determined that the business is substantially likely to develop and
10 expand the opportunities for small businesses in the semiconductor,
11 nanotechnology, biotechnology, or biomedicine industry in this
12 state.

13 SECTION 9.02. Section 489.213(f), Government Code, as added
14 by Chapter 814, Acts of the 78th Legislature, Regular Session,
15 2003, is repealed.

16 ARTICLE 10. REVENUE BONDS FOR TEXAS TECH UNIVERSITY

17 HEALTH SCIENCES CENTER

18 SECTION 10.01. Subchapter B, Chapter 55, Education Code, is
19 amended by adding Section 55.1749 to read as follows:

20 Sec. 55.1749. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL
21 REVENUE BONDS. (a) In addition to the other authority granted by
22 this subchapter, the board of regents of the Texas Tech University
23 System may acquire, purchase, construct, improve, renovate,
24 enlarge, or equip property, buildings, structures, or other
25 facilities, including roads and related infrastructure, for the
26 Texas Tech University Health Sciences Center for an academic
27 building to support the center's educational programs in the city

1 of El Paso, to be financed by the issuance of bonds in accordance
2 with this subchapter, including bonds issued in accordance with a
3 systemwide revenue financing program and secured as provided by
4 that program, in an aggregate principal amount not to exceed \$45
5 million.

6 (b) The board may pledge irrevocably to the payment of the
7 bonds authorized by Subsection (a) all or any part of the revenue
8 funds of Texas Tech University or the Texas Tech University Health
9 Sciences Center, including student tuition charges. The amount of
10 a pledge made under this subsection may not be reduced or abrogated
11 while the bonds for which the pledge is made, or bonds issued to
12 refund those bonds, are outstanding.

13 (c) If sufficient funds are not available to the board to
14 meet its obligations under this section, the board may transfer
15 funds between Texas Tech University and the Texas Tech University
16 Health Sciences Center to ensure the most equitable and efficient
17 allocation of available resources for Texas Tech University and the
18 Texas Tech University Health Sciences Center to carry out their
19 duties and purposes.

20 (d) Any portion of the proceeds of bonds authorized by this
21 section that is not required for the academic building described by
22 Subsection (a) may be used by the Texas Tech University System to
23 renovate existing structures and facilities of the Texas Tech
24 University Health Sciences Center.

25 ARTICLE 11. REVENUE BONDS FOR TEXAS SOUTHERN UNIVERSITY;

26 RECOVERY FROM TROPICAL STORM ALLISON

27 SECTION 11.01. Subchapter B, Chapter 55, Education Code, is

1 amended by adding Section 55.17491 to read as follows:

2 Sec. 55.17491. TEXAS SOUTHERN UNIVERSITY; TROPICAL STORM
3 ALLISON. (a) In addition to the other authority granted by this
4 subchapter, the board of regents of Texas Southern University may
5 restore facilities and related infrastructure at Texas Southern
6 University damaged by Tropical Storm Allison, to be financed by the
7 issuance of bonds in accordance with this subchapter in an
8 aggregate principal amount not to exceed \$3,510,000.

9 (b) The board may pledge irrevocably to the payment of those
10 bonds all or any part of the revenue funds of Texas Southern
11 University, including student tuition charges. The amount of a
12 pledge made under this subsection may not be reduced or abrogated
13 while the bonds for which the pledge is made, or bonds issued to
14 refund those bonds, are outstanding.

15 ARTICLE 12. PAYMENT OF JUDICIAL SALARIES BY COMMISSIONERS COURTS
16 OF ELLIS, HILL, AND WILLIAMSON COUNTIES

17 SECTION 12.01. Subchapter A, Chapter 32, Government Code,
18 is amended by adding Section 32.070 to read as follows:

19 Sec. 32.070. ELLIS COUNTY. (a) Notwithstanding Section
20 659.012, the Commissioners Court of Ellis County may budget for and
21 pay the judges of the district courts having jurisdiction in the
22 county an annual salary paid by the commissioners court for
23 services rendered and for performing administrative duties.

24 (b) The salary is in addition to the salary paid by the state
25 and other authorized compensation.

26 (c) This section expires September 1, 2007.

27 SECTION 12.02. Subchapter A, Chapter 32, Government Code,

1 is amended by adding Section 32.109 to read as follows:

2 Sec. 32.109. HILL COUNTY. (a) Notwithstanding Section
3 659.012, the Commissioners Court of Hill County may budget for and
4 pay the judges of the district courts having jurisdiction in the
5 county an annual salary paid by the commissioners court for
6 services rendered and for performing administrative duties.

7 (b) The salary is in addition to the salary paid by the state
8 and other authorized compensation.

9 (c) This section expires September 1, 2007.

10 SECTION 12.03. Subchapter A, Chapter 32, Government Code,
11 is amended by adding Section 32.246 to read as follows:

12 Sec. 32.246. WILLIAMSON COUNTY. (a) Notwithstanding
13 Section 659.012, the Commissioners Court of Williamson County may
14 budget for and pay the judges of the district courts having
15 jurisdiction in the county an annual salary paid by the
16 commissioners court for services rendered and for performing
17 administrative duties.

18 (b) The salary is in addition to the salary paid by the state
19 and other authorized compensation.

20 (c) This section expires September 1, 2007.

21 SECTION 12.04. A committee of the house of representatives
22 designated by the speaker and a committee of the senate designated
23 by the lieutenant governor, or a joint committee named by the
24 speaker and the lieutenant governor, shall study and report to the
25 79th and 80th legislatures on the advisability of continuing in
26 effect Sections 32.070, 32.109, and 32.246, Government Code, as
27 added by this Act.

1 SECTION 12.05. This article takes effect on the 91st day
2 after the last day of the legislative session.

3 ARTICLE 13. ELECTRONIC BENEFITS AND ENROLLMENT SYSTEM

4 SECTION 13.01. Subchapter F, Chapter 2054, Government Code,
5 is amended by adding Section 2054.131 to read as follows:

6 Sec. 2054.131. ELECTRONIC BENEFITS ENROLLMENT AND
7 ADMINISTRATION SYSTEM. (a) In this section, "work site benefits
8 plan" means a plan or other arrangement to provide to officers,
9 employees, or former officers or employees:

10 (1) insurance, including health, life, and disability
11 insurance and health benefits plans;

12 (2) flexible spending accounts; or

13 (3) savings or retirement benefits.

14 (b) If the State Council on Competitive Government and the
15 Legislative Budget Board each determine that a cost savings may be
16 realized through a private vendor selected under this section, the
17 State Council on Competitive Government may implement a project
18 that establishes a common electronic infrastructure through which
19 each state agency, including any retirement system created by
20 statute or by the constitution, shall:

21 (1) require its work site benefits plan participants
22 to electronically:

23 (A) enroll in any work site benefits plans
24 provided to the person by the state or a state agency;

25 (B) add, change, or delete benefits;

26 (C) sign any payroll deduction agreements to
27 implement a contribution made to a plan in which the participant

1 enrolls;

2 (D) terminate participation in a voluntary plan;

3 (E) initiate account investment changes and
4 withdrawals in a retirement plan;

5 (F) obtain information regarding plan benefits;

6 and

7 (G) communicate with the plan administrator; and

8 (2) administer its work site benefits plans
9 electronically by using the project to:

10 (A) enroll new plan participants and, when
11 appropriate, terminate plan participation;

12 (B) generate eligibility and enrollment reports
13 for plan participants;

14 (C) link plan administration with payroll
15 administration to facilitate payroll deductions for a plan;

16 (D) facilitate single-source billing
17 arrangements between the agency and a plan provider; and

18 (E) transmit and receive information regarding
19 the plan.

20 (c) The electronic infrastructure established under
21 Subsection (a) may include TexasOnline, the Internet, intranets,
22 extranets, and wide area networks.

23 (d) If the State Council on Competitive Government
24 implements an electronic infrastructure project under this
25 section, the State Council on Competitive Government shall select
26 and contract with a single private vendor to implement the project.
27 The contract must require the application of the project to all

1 state agencies without cost to the state until the project is
2 initially implemented.

3 (e) The private vendor selected under Subsection (d) must
4 offer existing information resources technology for use in the
5 project that:

6 (1) will be available to all state agencies, including
7 retirement systems;

8 (2) includes each agency's work site benefits plan
9 participants;

10 (3) will use, to the extent possible, the department's
11 information technology standards, including information security,
12 privacy and disaster recovery, and Internet-based technology
13 standards;

14 (4) includes applications and a supporting platform
15 that are already developed and used in connection with the
16 electronic enrollment of work site benefits plans offered by other
17 multiple plan providers;

18 (5) is available for use with a wide variety of plan
19 and benefit providers;

20 (6) can be easily modified to permit changes in
21 benefits offered by the state or a state agency;

22 (7) provides a solution to overcome limitations caused
23 by the incompatibility of different legacy systems used by
24 different state agencies and plan providers;

25 (8) is available for use over the Internet through
26 existing or new websites or portals; and

27 (9) is supported, to the extent necessary, by:

1 (A) laptop and desktop enrollment and
2 administration capabilities; and

3 (B) a telephone call center.

4 SECTION 13.02. If the electronic infrastructure under
5 Section 2054.131, Government Code, as added by this Act, is
6 established, the State Council on Competitive Government as soon as
7 reasonably possible shall develop a timetable and procedures under
8 which each state agency shall implement the electronic
9 infrastructure project for use by all work site benefits plan
10 participants, including officers and employees and former officers
11 and employees.

12 ARTICLE 14. EFFECTIVE DATE

13 SECTION 14.01. Except as otherwise provided by this Act,
14 this Act takes effect immediately if it receives a vote of
15 two-thirds of all the members elected to each house, as provided by
16 Section 39, Article III, Texas Constitution. If this Act does not
17 receive the vote necessary for immediate effect, this Act takes
18 effect on the 91st day after the last day of the legislative
19 session.

President of the Senate

Speaker of the House

I certify that H.B. No. 28 was passed by the House on September 17, 2003, by the following vote: Yeas 83, Nays 46; that the House refused to concur in Senate amendments to H.B. No. 28 on September 29, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 28 on October 10, 2003, by the following vote: Yeas 118, Nays 5, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Chief Clerk of the House

H.B. No. 28

I certify that H.B. No. 28 was passed by the Senate, with amendments, on September 24, 2003, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 28 on October 12, 2003, by the following vote: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Secretary of the Senate

I certify that the amounts appropriated in the herein H.B. No. 28, 3rd Called Session of the 78th Legislature, are within amounts estimated to be available in the affected fund.

Certified _____

Comptroller of Public Accounts

APPROVED: _____

Date

Governor