

Suspending limitations on conference committee  
jurisdiction, H.B. No. 28 (McCall/Bivins)

By: Heflin

H.R. No. 348

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 78th Legislature, 3rd Called Session, 2003, That House Rule  
3 13, Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 28, relating to state and  
6 local government fiscal management, including various matters  
7 related to increasing administrative efficiency in state  
8 government; making related appropriations, to consider and take  
9 action on the following matters:

10 (1) House Rule 13, Section 9(a)(1), is suspended to permit  
11 the committee to alter text in the article of the bill that provides  
12 for the repayment of cash transferred from funds outside of the  
13 state treasury, so that Section 4.02 of the bill reads as follows:

14 SECTION 4.02. Not more than \$5,000,000 of the appropriation  
15 made by Section 4.01 of this Act may be used to allocate earned  
16 interest to a fund outside the state treasury under Section  
17 403.092(a), Government Code.

18 Explanation: It is necessary to replace a reference to  
19 Section 1 of the Act with a reference to Section 4.01 of the Act so  
20 that the reference is correct.

21 (2) House Rule 13, Sections 9(a)(3) and (4), are suspended  
22 to permit the committee to add a new Article 8 to the bill to read as  
23 follows:

24 ARTICLE 8. B-ON-TIME PROGRAM

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

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

13 (b) The change in law made by this section to Section  
14 56.465(a), Education Code, applies only to a semester or term that  
15 begins on or after the effective date of this Act.

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

19 (f-1) In its review, the committee shall evaluate whether  
20 students enrolled in private and independent institutions of higher  
21 education should remain eligible to receive Texas B-On-time loans  
22 under Subchapter Q, Chapter 56, Education Code. The committee  
23 shall include the results of its evaluation in the report required  
24 by Subsection (i) of this section.

25 Explanation: It is necessary to add this article to make  
26 necessary changes regarding financing and evaluating the B-On-time  
27 loan program.

1           (3) House Rule 13, Sections 9(a)(3) and (4), are suspended  
2 to permit the committee to add a new Article 9 to the bill to read as  
3 follows:

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 Explanation: It is necessary to add this article to give  
17 appropriate support to the semiconductor and nanotechnology  
18 industries under the product development and small business  
19 incubator program and to remove a restriction that limited the  
20 amount a recipient may receive under the program to 10 percent of  
21 the amount of bonds issued.

22 (4) House Rule 13, Sections 9(a)(3) and (4), are suspended  
23 to permit the committee to add a new Article 10 to the bill to read  
24 as follows:

25 ARTICLE 10. REVENUE BONDS FOR TEXAS TECH UNIVERSITY

26 HEALTH SCIENCES CENTER

27 SECTION 10.01. Subchapter B, Chapter 55, Education Code, is

1 amended by adding Section 55.1749 to read as follows:

2 Sec. 55.1749. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL  
3 REVENUE BONDS. (a) In addition to the other authority granted by  
4 this subchapter, the board of regents of the Texas Tech University  
5 System may acquire, purchase, construct, improve, renovate,  
6 enlarge, or equip property, buildings, structures, or other  
7 facilities, including roads and related infrastructure, for the  
8 Texas Tech University Health Sciences Center for an academic  
9 building to support the center's educational programs in the city  
10 of El Paso, to be financed by the issuance of bonds in accordance  
11 with this subchapter, including bonds issued in accordance with a  
12 systemwide revenue financing program and secured as provided by  
13 that program, in an aggregate principal amount not to exceed \$45  
14 million.

15 (b) The board may pledge irrevocably to the payment of the  
16 bonds authorized by Subsection (a) all or any part of the revenue  
17 funds of Texas Tech University or the Texas Tech University Health  
18 Sciences Center, including student tuition charges. The amount of  
19 a pledge made under this subsection may not be reduced or abrogated  
20 while the bonds for which the pledge is made, or bonds issued to  
21 refund those bonds, are outstanding.

22 (c) If sufficient funds are not available to the board to  
23 meet its obligations under this section, the board may transfer  
24 funds between Texas Tech University and the Texas Tech University  
25 Health Sciences Center to ensure the most equitable and efficient  
26 allocation of available resources for Texas Tech University and the  
27 Texas Tech University Health Sciences Center to carry out their

1 duties and purposes.

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

7 Explanation: It is necessary to add this article to provide  
8 necessary revenue bonding authority to the Texas Tech University  
9 System in connection with its El Paso facilities.

10 (5) House Rule 13, Sections 9(a)(3) and (4), are suspended  
11 to permit the committee to add a new Article 11 to the bill to read  
12 as follows:

13 ARTICLE 11. REVENUE BONDS FOR TEXAS SOUTHERN UNIVERSITY;

14 RECOVERY FROM TROPICAL STORM ALLISON

15 SECTION 11.01. Subchapter B, Chapter 55, Education Code, is  
16 amended by adding Section 55.17491 to read as follows:

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

24 (b) The board may pledge irrevocably to the payment of those  
25 bonds all or any part of the revenue funds of Texas Southern  
26 University, including student tuition charges. The amount of a  
27 pledge made under this subsection may not be reduced or abrogated

1 while the bonds for which the pledge is made, or bonds issued to  
2 refund those bonds, are outstanding.

3 Explanation: It is necessary to add this article to provide  
4 necessary revenue bonding authority to Texas Southern University in  
5 connection with the university's recovery from Tropical Storm  
6 Allison.

7 (6) House Rule 13, Sections 9(a)(3) and (4), are suspended  
8 to permit the committee to add a new Article 12 to the bill to read  
9 as follows:

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

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

14 Sec. 32.070. ELLIS COUNTY. (a) Notwithstanding Section  
15 659.012, the Commissioners Court of Ellis County may budget for and  
16 pay the judges of the district courts having jurisdiction in the  
17 county an annual salary paid by the commissioners court for  
18 services rendered and for performing administrative duties.

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

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

22 SECTION 12.02. Subchapter A, Chapter 32, Government Code,  
23 is amended by adding Section 32.109 to read as follows:

24 Sec. 32.109. HILL COUNTY. (a) Notwithstanding Section  
25 659.012, the Commissioners Court of Hill County may budget for and  
26 pay the judges of the district courts having jurisdiction in the  
27 county an annual salary paid by the commissioners court for

1 services rendered and for performing administrative duties.

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

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

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

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

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

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

16 SECTION 12.04. A committee of the house of representatives  
17 designated by the speaker and a committee of the senate designated  
18 by the lieutenant governor, or a joint committee named by the  
19 speaker and the lieutenant governor, shall study and report to the  
20 79th and 80th legislatures on the advisability of continuing in  
21 effect Sections 32.070, 32.109, and 32.246, Government Code, as  
22 added by this Act.

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

25 Explanation: It is necessary to add this article to give the  
26 commissioners courts of Ellis, Hill, and Williamson counties the  
27 authority to supplement the salaries of the district judges in the



1 respective counties without regard to the limitations prescribed by  
2 Section 659.012, Government Code.

3 (7) House Rule 13, Sections 9(a)(3) and (4), are suspended  
4 to permit the committee to add a new Article 13 to the bill to read  
5 as follows:

6 ARTICLE 13. ELECTRONIC BENEFITS AND ENROLLMENT SYSTEM

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

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

13 (1) insurance, including health, life, and disability  
14 insurance and health benefits plans;

15 (2) flexible spending accounts; or

16 (3) savings or retirement benefits.

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

24 (1) require its work site benefits plan participants  
25 to electronically:

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

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

2 (C) sign any payroll deduction agreements to  
3 implement a contribution made to a plan in which the participant  
4 enrolls;

5 (D) terminate participation in a voluntary plan;

6 (E) initiate account investment changes and  
7 withdrawals in a retirement plan;

8 (F) obtain information regarding plan benefits;

9 and

10 (G) communicate with the plan administrator; and

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

13 (A) enroll new plan participants and, when  
14 appropriate, terminate plan participation;

15 (B) generate eligibility and enrollment reports  
16 for plan participants;

17 (C) link plan administration with payroll  
18 administration to facilitate payroll deductions for a plan;

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

21 (E) transmit and receive information regarding  
22 the plan.

23 (c) The electronic infrastructure established under  
24 Subsection (a) may include TexasOnline, the Internet, intranets,  
25 extranets, and wide area networks.

26 (d) If the State Council on Competitive Government  
27 implements an electronic infrastructure project under this

1 section, the State Council on Competitive Government shall select  
2 and contract with a single private vendor to implement the project.  
3 The contract must require the application of the project to all  
4 state agencies without cost to the state until the project is  
5 initially implemented.

6 (e) The private vendor selected under Subsection (d) must  
7 offer existing information resources technology for use in the  
8 project that:

9 (1) will be available to all state agencies, including  
10 retirement systems;

11 (2) includes each agency's work site benefits plan  
12 participants;

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

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

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

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

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

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

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

4                 (A) laptop and desktop enrollment and  
5 administration capabilities; and

6                 (B) a telephone call center.

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

15           Explanation: It is necessary to add this article to allow for  
16 the establishment, if cost savings will result, of a single common  
17 electronic infrastructure for all state agencies that administer a  
18 work site benefits plan, including retirement system agencies,  
19 through which the participants in a benefits plan administered by  
20 any retirement system or other state agency will conduct business  
21 with the appropriate retirement system or other state agency that  
22 administers the benefits plan.

23           (8) House Rule 13, Section 9(a)(1), is suspended to permit  
24 the committee to alter text in the article of the bill that provides  
25 for an effective date for the bill so that the article reads as  
26 follows:

27                                 ARTICLE 14. EFFECTIVE DATE

1           SECTION 14.01. Except as otherwise provided by this Act,  
2 this Act takes effect immediately if it receives a vote of  
3 two-thirds of all the members elected to each house, as provided by  
4 Section 39, Article III, Texas Constitution. If this Act does not  
5 receive the vote necessary for immediate effect, this Act takes  
6 effect on the 91st day after the last day of the legislative  
7 session.

8           Explanation: It is necessary to alter the effective date  
9 article to conform to the separate effective date provision found  
10 in Article 12 of the bill.