

Suspending limitations on conference committee
jurisdiction, H.B. No. 28

By: Bivins

S.R. No. 133

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, 3rd Called Session, 2003, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 28, relating to state and local government fiscal management, including various matters related to increasing administrative efficiency in state government; making related appropriations, to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to alter text in the article of the bill that provides for the repayment of cash transferred from funds outside of the state treasury, so that SECTION 4.02 of the bill reads as follows:

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

Explanation: It is necessary to replace a reference to SECTION 1 of the Act with a reference to SECTION 4.01 of the Act so that the reference is correct.

(2) Senate Rules 12.03(3) and (4) are suspended to permit

the committee to add a new ARTICLE 8 to the bill to read as follows:

ARTICLE 8. B-ON-TIME PROGRAM

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

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

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

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

(f-1) In its review, the committee shall evaluate whether students enrolled in private and independent institutions of higher education should remain eligible to receive Texas B-On-time loans under Subchapter Q, Chapter 56, Education Code. The committee shall include the results of its evaluation in the

report required by Subsection (i) of this section.

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

(3) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE 9 to the bill to read as follows:

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

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

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

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

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

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

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

(5) applicants who are residents of this state doing business in this state and performing financed activities predominantly in this state.

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

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

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

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

(4) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE 10 to the bill to read as

follows:

ARTICLE 10. REVENUE BONDS FOR TEXAS TECH UNIVERSITY

HEALTH SCIENCES CENTER

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

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

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

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer

funds between Texas Tech University and the Texas Tech University Health Sciences Center to ensure the most equitable and efficient allocation of available resources for Texas Tech University and the Texas Tech University Health Sciences Center to carry out their duties and purposes.

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

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

(5) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE 11 to the bill to read as follows:

ARTICLE 11. REVENUE BONDS FOR TEXAS SOUTHERN UNIVERSITY;

RECOVERY FROM TROPICAL STORM ALLISON

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

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

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

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

(6) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE 12 to the bill to read as follows:

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

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

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

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

(c) This section expires September 1, 2007.

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

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

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

(c) This section expires September 1, 2007.

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

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

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

(c) This section expires September 1, 2007.

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

SECTION 12.05. This article takes effect on the 91st day

after the last day of the legislative session.

Explanation: It is necessary to add this article to give the commissioners courts of Ellis, Hill, and Williamson counties the authority to supplement the salaries of the district judges in the respective counties without regard to the limitations prescribed by Section 659.012, Government Code.

(7) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE 13 to the bill to read as follows:

ARTICLE 13. ELECTRONIC BENEFITS AND ENROLLMENT SYSTEM

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

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

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

(2) flexible spending accounts; or

(3) savings or retirement benefits.

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

shall:

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

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

(B) add, change, or delete benefits;

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

(D) terminate participation in a voluntary plan;

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

(F) obtain information regarding plan benefits; and

(G) communicate with the plan administrator;
and

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

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

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

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

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

(E) transmit and receive information regarding the plan.

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

(d) If the State Council on Competitive Government implements an electronic infrastructure project under this section, the State Council on Competitive Government shall select and contract with a single private vendor to implement the project. The contract must require the application of the project to all state agencies without cost to the state until the project is initially implemented.

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

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

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

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

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

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

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

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

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

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

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

(B) a telephone call center.

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

Explanation: It is necessary to add this article to allow for the establishment, if cost savings will result, of a single common electronic infrastructure for all state agencies that administer a work site benefits plan, including retirement system agencies, through which the participants in a benefits plan administered by any retirement system or other state agency

will conduct business with the appropriate retirement system or other state agency that administers the benefits plan.

(8) Senate Rule 12.03(1) is suspended to permit the committee to alter text in the article of the bill that provides for an effective date for the bill so that the article reads as follows:

ARTICLE 14. EFFECTIVE DATE

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

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on October 10, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate