

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

By: Bivins

S.R. No. 133

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 78th
2 Legislature, 3rd Called Session, 2003, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 28, relating to state and local government fiscal management,
6 including various matters related to increasing administrative
7 efficiency in state government; making related appropriations, to
8 consider and take action on the following matters:

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

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

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

20 (2) Senate Rules 12.03(3) and (4) are suspended to permit
21 the committee to add a new Article 8 to the bill to read as follows:

22 ARTICLE 8. B-ON-TIME PROGRAM

23 SECTION 8.01. (a) Section 56.465(a), Education Code, as
24 added by Chapter 779, Acts of the 78th Legislature, Regular

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

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

11 (b) The change in law made by this section to Section
12 56.465(a), Education Code, applies only to a semester or term that
13 begins on or after the effective date of this Act.

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

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

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

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

1 ARTICLE 9. FINANCING PROVIDED UNDER PRODUCT DEVELOPMENT

2 AND SMALL BUSINESS INCUBATOR PROGRAM

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

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

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

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

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

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

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

27 (e) The board may appoint an advisory committee of experts

1 in the areas of semiconductors, nanotechnology, biotechnology, and
2 biomedicine to review projects and businesses seeking financing
3 from the bank.

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

10 SECTION 9.02. Section 489.213(f), Government Code, as added
11 by Chapter 814, Acts of the 78th Legislature, Regular Session,
12 2003, is repealed.

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

19 (4) Senate Rules 12.03(3) and (4) are suspended to permit
20 the committee to add a new Article 10 to the bill to read as follows:

21 ARTICLE 10. REVENUE BONDS FOR TEXAS TECH UNIVERSITY

22 HEALTH SCIENCES CENTER

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

25 Sec. 55.1749. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL
26 REVENUE BONDS. (a) In addition to the other authority granted by
27 this subchapter, the board of regents of the Texas Tech University

1 System may acquire, purchase, construct, improve, renovate,
2 enlarge, or equip property, buildings, structures, or other
3 facilities, including roads and related infrastructure, for the
4 Texas Tech University Health Sciences Center for an academic
5 building to support the center's educational programs in the city
6 of El Paso, to be financed by the issuance of bonds in accordance
7 with this subchapter, including bonds issued in accordance with a
8 systemwide revenue financing program and secured as provided by
9 that program, in an aggregate principal amount not to exceed \$45
10 million.

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

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

25 (d) Any portion of the proceeds of bonds authorized by this
26 section that is not required for the academic building described by
27 Subsection (a) may be used by the Texas Tech University System to

1 renovate existing structures and facilities of the Texas Tech
2 University Health Sciences Center.

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

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

8 ARTICLE 11. REVENUE BONDS FOR TEXAS SOUTHERN UNIVERSITY;
9 RECOVERY FROM TROPICAL STORM ALLISON

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

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

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

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

1 Allison.

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

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

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

8 Sec. 32.070. ELLIS COUNTY. (a) Notwithstanding Section
9 659.012, the Commissioners Court of Ellis County may budget for and
10 pay the judges of the district courts having jurisdiction in the
11 county an annual salary paid by the commissioners court for
12 services rendered and for performing 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 12.02. Subchapter A, Chapter 32, Government Code,
17 is amended by adding Section 32.109 to read as follows:

18 Sec. 32.109. HILL COUNTY. (a) Notwithstanding Section
19 659.012, the Commissioners Court of Hill County may budget for and
20 pay the judges of the district courts having jurisdiction in the
21 county an annual salary paid by the commissioners court for
22 services rendered and for performing administrative duties.

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

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

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

1 Sec. 32.246. WILLIAMSON COUNTY. (a) Notwithstanding
2 Section 659.012, the Commissioners Court of Williamson County may
3 budget for and pay the judges of the district courts having
4 jurisdiction in the county an annual salary paid by the
5 commissioners court for services rendered and for performing
6 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 12.04. A committee of the house of representatives
11 designated by the speaker and a committee of the senate designated
12 by the lieutenant governor, or a joint committee named by the
13 speaker and the lieutenant governor, shall study and report to the
14 79th and 80th legislatures on the advisability of continuing in
15 effect Sections 32.070, 32.109, and 32.246, Government Code, as
16 added by this Act.

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

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

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

26 ARTICLE 13. ELECTRONIC BENEFITS AND ENROLLMENT SYSTEM

27 SECTION 13.01. Subchapter F, Chapter 2054, Government Code,

1 is amended by adding Section 2054.131 to read as follows:

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

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

8 (2) flexible spending accounts; or

9 (3) savings or retirement benefits.

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

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

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

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

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

25 (D) terminate participation in a voluntary plan;

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

1 (F) obtain information regarding plan benefits;

2 and

3 (G) communicate with the plan administrator; and

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

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

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

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

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

14 (E) transmit and receive information regarding
15 the plan.

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

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

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

1 project that:

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

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

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

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

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

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

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

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

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

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

26 (B) a telephone call center.

27 SECTION 13.02. If the electronic infrastructure under

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

8 Explanation: It is necessary to add this article to allow for
9 the establishment, if cost savings will result, of a single common
10 electronic infrastructure for all state agencies that administer a
11 work site benefits plan, including retirement system agencies,
12 through which the participants in a benefits plan administered by
13 any retirement system or other state agency will conduct business
14 with the appropriate retirement system or other state agency that
15 administers the benefits plan.

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

19 ARTICLE 14. EFFECTIVE DATE

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

27 Explanation: It is necessary to alter the effective date

S.R. No. 133

1 article to conform to the separate effective date provision found
2 in Article 12 of the bill.