



TEXAS HOUSE OF REPRESENTATIVES
JAMES E. "PETE" LANEY
SPEAKER

June 21, 1993

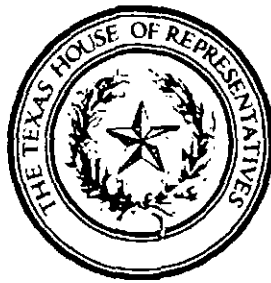
To: House Members

From: Speaker Pete Laney

Attached is a listing of some of the major legislative accomplishments of the 73rd Regular Session.

The *Highlights of Legislation Passed* does not include all of the 1,070 bills and joint resolutions enacted into law. But the 221 measures listed are representative of the outstanding work performed by the House and the Senate this year.

In reviewing this list, I think you will agree that we have much to be proud of. Again, I congratulate you on your work this session and thank you for all of your efforts on behalf of the people of Texas.



TEXAS HOUSE OF REPRESENTATIVES

James E. "Pete" Laney, Speaker

Highlights of Legislation Passed

73rd Legislature, Regular Session

January 12 - May 31, 1993

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HIGHLIGHTS OF LEGISLATION PASSED
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Agriculture

Veterinary Medicine (SB 623, Rep. Layton Black) The Sunset bill for the State Board of Veterinary Medical Examiners continues its operations. Additionally, it regulates the practice of veterinary medicine and the administration of drugs to animals.

Boll Weevil Eradication (SB 30, Rep. Pete Patterson) Establishes the Boll Weevil Eradication Foundation.

Agricultural Finance (HB 1878, Rep. Robert Junell) Increases from \$25 million to \$100 million the amount of bonds that can be sold by the Texas Agricultural Finance Authority Board.

Agricultural Diversification (HB 1687, Rep. Jerry Johnson) Increases to \$50,000 the grant amounts for the administration of agricultural diversification and micro-enterprise support programs.

Agricultural Finance Board (HB 1309, Rep. David Counts) Increases from four to seven the number of governor appointed members of the Texas Agricultural Finance Board and specifies the professions the members represent. It also caps the aggregate loan amount for each eligible agricultural business to \$2 million, although a two-thirds vote of the board may raise the limit to \$5 million.

Farm and Ranch Finance (HB 1684, Rep. Pete Patterson) Transfers administration of the Farm and Ranch Finance Program from the Texas Veteran's Land Board to the Texas Agriculture Finance Authority.

Pesticides (SB 609, Rep. David Swinford) Amends the Agriculture Code to provide that local governments are pre-empted by state law from being able to regulate pesticides.

Organic Food and Fiber (HB 2446, Rep. Debra Danburg) Requires the Texas Department of Agriculture to certify producers, distributors and processors of organic food and fiber.

Exotic Livestock (HB 608, Rep. Layton Black) Brings exotic livestock under the protection of the stray and theft laws of Texas.

Predatory Animals (HB 716, Rep. Steve Holzheuser) Provides that bounties may be paid for any animal that is not listed on a state or federal endangered species list. County commissioners' courts would be allowed to pay a bounty for a predatory animal not to exceed \$20 unless

approved by the Texas Parks and Wildlife Commission, allowing some discretion to stop serious problems of overpopulation.

Young Farmers (HB 1287, Rep. Pete Patterson) Establishes the Young Farmer's Loan Guarantee Program, replacing the direct loan program, the Young Farmer's Endowment Program.

Eggs (HB 1638, Rep. Dan Kubiak) Requires inspection of the records of out of state licensees to ensure that out of state licensees pay inspection fees equal to the percentage of out of state eggs sold in Texas and gives the Texas Department of Agriculture the ability to make rules on the labeling of egg cartons.

Citrus (HB 2105, Rep. Renato Cuellar) Sets out the circumstances under which the Texas Department of Agriculture can seize and destroy citrus plants, citrus plant products and citrus substance.

Budget

Appropriations (SB 5, Rep. Robert Junell) The general appropriations bill for 1994-95 provides \$70.1 billion for the biennium to continue funding for state agencies. This amount includes \$38.8 billion in general revenue. According to the Legislative Budget Board, the appropriations are within the constitutional limit on growth. It includes significant increases for public education, criminal justice and restores funding for essential health and human services programs.

Budget Savings (SB 82, Rep. Robert Junell) Enacts recommendations by the Comptroller to improve tax collections which will result in a \$640.6 million savings to the state budget. Recommendations include prepayment of insurance premium taxes, delayed allocation of motor fuels taxes, certification of taxes paid under protest and enhanced enforcement authorities for the Comptroller.

Emergency Appropriation (SB 171, Rep. Allen Hightower) Appropriates \$125 million from general obligation bonds and \$125 million from the Economic Stabilization Fund for projects relating to state prisons and provides an emergency appropriation to the Texas Department of Criminal Justice for the operation of state prisons and intermediate sanction facilities, discretionary grants and payments to counties.

Budget Savings (SB 380, Rep. Robert Junell) Delays the August 1995 distribution of the Foundation School Fund and higher-education appropriations until 1996 and limits funding for graduate programs for a total savings to the general revenue fund of \$488.2 million.

Clean Air (SB 278, Rep. Mark Stiles) Makes an emergency appropriation of approximately \$2.93 million to the Texas Air Control Board from the Clean Air fund to finance highly sophisticated field emission inventory studies in the upper Gulf coast region of the state.

Early Retirement (SB 81, Rep. Robert Junell) Encourages eligible state employees and peace

officers to retire in the next biennium, which would save money and could avoid laying off other state employees.

Business and Economic Development

"Smart Jobs" (SB 130, Rep. Rene Oliveira) The "Smart Jobs" bill establishes and funds an employment training program, reduces the entry level and replenishment unemployment compensation tax rates and imposes an assessment for employment training purposes.

Products Liability (SB 4, Rep. Curtis Seidlits) The Products Liability bill limits the liability of manufacturers and sellers for damages caused by a number of problems: manufacturers of an inherently unsafe product are not liable for damages if the danger of the product is common knowledge; retailers, wholesalers and distributors who sell a defective product but did not design, manufacture or alter it are immune from suit; and in design defect cases, the burden is placed on the plaintiff to prove there was a safer alternative design, that the defect was a producing cause of the injury and the safer design must have been economically and technologically feasible when the product left the manufacturer's or seller's control.

Foreign Lawsuits (SB 2, Rep. Robert Junell) The "Alfaro" bill allows a Texas court to dismiss a case using the doctrine of forum non conveniens in situations where the case would more appropriately be tried in another jurisdiction. Provides for a balancing of all interests in the forum and a procedure for changing the jurisdiction.

Department of Commerce (SB 405, Rep. Ashley Smith) The Texas Department of Commerce Sunset bill continues the agency's existence, making the following changes: the Policy Board has rulemaking authority for all programs; memos of understanding are required between the TDOC and other agencies involved in cooperative planning and budgeting; TDOC is required to recoup expenses incurred in providing direct technical assistance and management training services when possible; certification of disadvantaged businesses is transferred to the General Services Commission; the enterprise zone program is continued and cost/benefit analysis is required; and the Office of Rural Affairs has been created to assist the needs of rural businesses and communities.

DFW Airport (SB 348, Rep. Kim Brimer) Allows Dallas-Fort Worth Airport to add runways 5000 feet east and west of the current outside runways.

Trucking Reform (SB 1313, Rep. Curtis Seidlits) Increases trucking competition through decreased regulation and allowing market forces to work while maintaining safeguards for rural service and a reasonable phase-in over time for the new provisions.

Safety Inspection (HB 945, Rep. Keith Oakley) Updates the Texas commercial motor safety inspection requirements to be in compliance with federal standards so that Texas motor carriers will require only one inspection.

Utility Bills (HB 670, Rep. Senfronia Thompson) Requires public or private utility companies to grant a 25-day penalty-free delay in bill payment to persons age 60 and over.

Caller Identification (SB 73, Rep. Robert Saunders) Permits Caller ID (name and number) for incoming calls with the consent of the customer and authorizes blocking calls from certain numbers if requested.

Elevator Safety (HB 154, Rep. Ken Yarbrough) Assures safety of elevators in public buildings throughout the state. Adopts minimum safety standards, creates the Elevator Advisory Board to oversee and regulate the industry and provides for annual inspection of elevators, escalators and related equipment.

Residential Construction Liability (HB 1395, Rep. Robert Duncan) Defines liability of contractors to include damage to the real property on which a residence is located, provides for recovery of reasonable costs of repair, expenses of temporary housing, reduction in market value and attorney's fees and exempts contractors from liability if they relied on written information obtained from official government records.

Condominiums (HB 156, Rep. Robert Eckels) The Uniform Condominium Act rewrites or recodifies all law relating to condominiums.

"Linked Deposit" (HB 259, Rep. Helen Giddings) Creates a "linked deposit" program to encourage lending to small and minority businesses in distressed communities. The state would deposit money in banks to give them liquidity to make the loans.

Partnerships (HB 273, Rep. Steve Wolens) Rewrites and recodifies the Partnership Act, allowing broader ability to craft partnerships. It addresses suing a partnership and liquidation of a partnership.

Deceptive Trade Practices (HB 362, Rep. Billy Clemons) Provides that failing to disclose information relating to fees and furnishing false information in a report are deceptive trade practices.

Late Penalty Charges (HB 606, Rep. Talmadge Heflin) Removes the cap on late penalty charges on installment loans made by auto dealers and allows a late penalty to be assessed after 15 days, instead of 10 days.

Installment Sales (HB 813, Rep. Ken Marchant) Updates the Consumer Credit Code to enable buyers and dealers to include in installment sales contracts products such as anti-theft window etching and certain types of insurance products that the buyer might not otherwise be able to afford.

Buying a House (HB 1081, Rep. Kim Brimer) Provides direct communication from a seller of a single family residence to a buyer regarding the condition of the home is to the best of the

seller's knowledge and belief.

Leases of Goods (HB 1113, Rep. Jim Rudd) Rewrites the Business and Commerce Code to cover leases of goods.

Banking Holidays (HB 1170, Rep. Roberto Gutierrez) Allows Texas banks to remain open and compete with national banks by repealing the list of required bank closing days.

Limited Liability (HB 1239, Rep. Kim Brimer) Helps Texas remain competitive with other states by modifying, clarifying and simplifying the laws of limited liability for corporations and limited partnerships.

Department of Insurance (HB 1461, Rep. David Counts) Continues the Texas Department of Insurance and the Office of Public Insurance Counsel. Major changes include: elimination of three member board, replacing it with a single commissioner appointed by the Governor; rate and disciplinary hearings are transferred to the State Office of Administrative Hearings; insurance statistical agents may continue to collect data and furnish rate information to certain companies; creating a task force to study further rate deregulation; increasing administrative penalties on insurance companies; lengthening the time allowed for rehabilitating a financially impaired insurance company; and partially deregulating commercial auto rates.

Non-Profit Corporations (HB 1494, Rep. Sylvester Turner) Rewrites the Texas Non-Profit Corporation Act.

Interstate Carriers (HB 1590, Rep. Clyde Alexander) Brings Texas into compliance with federal law requiring interstate carriers to apply only in the state in which they are domiciled for the authority to operate in interstate commerce.

Signs (HB 1803, Rep. Kevin Brady) Disallows a commissioners court from regulating on-premise signs in counties adjacent to their own, returning the sign permitting authority to the commissioners court that represents the affected area.

Bankruptcy (HB 1828, Rep. Allen Place) Prohibits the avoidance of any liens, security interests or other encumbrances on the grounds that the property is exempt property under bankruptcy laws.

Bankruptcy (HB 1876, Rep. Will Hartnett) Allows for automatic cancellation of judgements and judgement liens against debtors following a bankruptcy action when an abstract of judgement is recorded on or after 9/1/93.

Wine (HB 2088, Rep. Delwin Jones) Allows a winery to give out promotional bottles of wine in a civic or convention center.

Car Rental (HB 2480, Rep. Harold Dutton) Allows a car rental company to hold a renter

responsible for the theft of a vehicle if the renter made the theft easier by leaving the keys in the ignition of an unattended vehicle.

Credit Bureaus (HB 2747, Rep. Kim Brimer) Requires credit bureaus to provide information they have on a consumer to that consumer.

Workers' Compensation (HB 2858, Rep. David Counts) Helps smooth the transition from the assigned risk pool to the Workers' Compensation Insurance Fund. It also temporarily increases the fund's capacity to write policies and assists the Workers' Comp facility in combatting abuse and obtaining better contracts with its servicing carriers.

Stocks and Bonds (HJR 57, Rep. Anna Mowery) Proposes a constitutional amendment repealing the constitutional provision limiting the consideration for which stock and bonds of a corporation may be issued.

Plumbers (SB 137, Rep. Hugo Berlanga) Provides for continuing education requirements for plumbers, including education in health protection and energy and water conservation.

Real Estate Brokers (SB 314, Rep. Curtis Seidlits) Allows real estate brokers to act as an agent for more than one party to a transaction if certain conditions are met.

Debt Collectors (SB 400, Rep. Kim Brimer) Requires third party debt collectors to obtain a surety bond of \$10,000 with a copy filed with the Secretary of State. The debt-collector must provide forms for an individual to use to dispute claims and, if notified of an inaccuracy, the inaccuracy must be investigated.

Veterans (SB 819, Rep. David Counts) Enhances a veterans' financial assistance program financed by revenue bonds issued by the Veterans Land Board. It will assist veterans in buying land and homes.

Assistance to Veterans (SJR 34, Rep. David Counts) Proposes a constitutional amendment to provide financial assistance to veterans of the state through augmentation of the Veterans' Land Fund and the Veterans' Housing Assistance Fund and funding of the Veterans' Housing Assistance Fund II.

Courts and Prisons

Penal Code (SB 1067, Rep. Allen Place) This is the recodification of the Penal Code, which establishes a new felony category, reclassifies offenses based on their nature and severity, reconfigures the probation system and revamps eligibility for parole. The new code will ease prison and county jail overcrowding, while lengthening hard time for violent offenders.

Prison Construction (SJR 45, Rep. Allen Hightower) Proposes a constitutional amendment providing for the issuance of up to \$1 billion in bonds to acquire, build and equip new

corrections institutions and for major repair and renovation of existing facilities.

Construction Funding (SB 1068, Rep. Allen Hightower) Authorizes the issuance of up to \$1 billion for acquiring, constructing and equipping new facilities or repairing existing facilities of corrections institutions, including youth corrections and mental health and mental retardation institutions.

State Jail System (SB 532, Rep. Allen Hightower) Contains agency implementation provisions for the state jail felony concept, which will result in the construction of at least 20,000 new state jail felony beds in the next two years. It creates a jail division within TDCJ and clarifies the authority and responsibility of the Community Justice Assistance Division of TDCJ and Community Supervision and Institutional Divisions.

Prison Tents (HB 1116, Rep. Mark Stiles) Allows temporary housing (tents or tent-like structures) for inmates of the institutional division of the Texas Department of Criminal Justice. The inmates would have to be involved in correctional programs such as camps for work, wilderness, forestry or boot camps.

County Jail Tents (SB 175, Rep. Allen Hightower) Sets up strict criteria for authorization by a county commissioners' court to house inmates in tents or some other facility on a temporary basis.

Juvenile Truancy (HB 681, Rep. Fred Hill) Allows justice courts greater flexibility and authority in dealing with juvenile truancy cases.

Crime Victims Fund (HB 605, Rep. Charles Finnell) Requires persons who are convicted of a crime to forfeit all proceeds from the sale of a book or movie deal about their crime to the Crime Victims Fund.

Work Programs (HB 864, Rep. Jerry Johnson) Authorizes persons confined in county jails awaiting transfer to TDCJ to volunteer for work programs run by sheriffs. Those convicted of violent offenses would not be eligible.

Community Service (HB 930, Rep. Sylvester Turner) Allows a justice of the peace to order community service to satisfy a fine or court costs.

Jails Industries Program (HB 1056, Rep. Wilhelmina Delco) Creates a county jails industries program and addresses the use of county jail inmates for public works, public improvements and public maintenance projects.

Legal Services (HB 1498, Rep. Elliott Naishtat) Allows prosecutors to provide pro bono legal services to low-income Texans.

Deny Bail (HJR 23, Rep. Kent Grusendorf) Proposes a constitutional amendment which would

permit a judge to deny bail to a person accused of certain violent or sexual offenses while on probation, parole or mandatory supervision of a state or local criminal justice agency.

Protecting Jurors (SB 12, Rep. Susan Combs) Restricts access to personal information about jurors in a criminal trial to safeguard jurors from vengeful defendants or their accomplices.

Unclaimed Property (SB 191, Rep. Robert Eckels) Changes the law governing the handling of unclaimed property and contraband, allowing for "disposition" rather than sale.

Setting Bail (SB 324, Rep. Bill Siebert) Changes the rule allowing the future safety of the victim to be considered in setting bail to now require that the safety of the victim and the community be considered.

Substance Abuse Treatment (SB 338, Rep. Mark Stiles) Requires treatment or counseling for substance abuse as a condition of parole or release to mandatory supervision in certain cases.

Prisons (SB 378, Rep. Allen Hightower) Requires TDCJ to establish a managed health care system, increase federal funding for criminal justice, improve prison designs and electronic security and, to reduce costs, improve prison maintenance management and change remuneration for prisoners upon discharge.

Driver's License (SB 387, Rep. Allen Place) Provides for suspension of a driver's license upon conviction or adjudication for any offense under the Controlled Substances Act, as required by federal law.

Training for Judges (HB 238, Rep. Sherri Greenberg) Requires county court and district judges who deal with cases involving family violence, sexual assault or child abuse to complete training within his or her first term in office in dealing with cases involving family violence, sexual assault and child abuse.

Wills (HB 791, Rep. Senfronia Thompson) Prohibits courts from forbidding a person from creating a new will or changing an existing will.

Education

School Finance (SB 7, Rep. Libby Linebarger) Creates an equalized system for school finance by requiring all school districts to have a wealth level per student of less than \$280,000. Districts above that level may choose one of five options for lowering their wealth. Three options require local voter approval: purchasing average daily attendance, educating non-resident students and tax base consolidation. Two options may be implemented with the approval of the schools: voluntary consolidation and detachment and annexation of property. It also reduces state mandates and paperwork and increases accountability of school districts to parents.

Teacher Retirement (HB 2711, Rep. Jerry Johnson) Makes changes in the Teacher Retirement

System: increases the monthly survivor benefit, increases the minimum monthly annuity payment for members who retired prior to Sept. 1, 1991, allows the TRS to reinstate survivor benefits terminated because of remarriage and changes the maximum number of out of service years a member may purchase.

Foreign Language (HB 45, Rep. Henry Cuellar) Provides that foreign language education programs for elementary and middle school children may be approved as innovative programs.

Education Technologies (HB 183, Rep. Ashley Smith) Allows for the discovery of new learning technologies in Texas schools by charging the Texas Education Agency with establishing demonstration projects to test the effectiveness and feasibility of education technologies not in general use in state school districts.

Peace Officers (HB 633, Rep. Christine Hernandez) Requires a school board that has commissioned peace officers to establish their law enforcement jurisdiction and duties.

Security Training (HB 634, Rep. Christine Hernandez) Clarifies the amount of training required for school district security personnel who carry weapons around school children.

Laredo State University (SB 6, Rep. Henry Cuellar) Expands Laredo State University to a four-year institution and changes its name to Texas A&M International University.

Telecommunications (HB 653, Rep. Ashley Smith) Requires the PUC to adopt rules providing reduced rates for telecommunications services directly related to distance learning activities or a telecommunications service that could be conducted by a primary, secondary or higher educational institution in the state.

Refund of Tuition (HB 691, Rep. Scott Hochberg) Addresses the refund of tuition and fees for courses dropped by students at public institutions of higher education.

Discrimination (HB 800, Rep. Pete Gallego) Prohibits school districts from sponsoring or sanctioning extracurricular activities at athletic clubs that deny anyone use of equipment or facilities because of race, color, religion, creed, national origin or sex.

Criminal History Checks (HB 1467, Rep. Steve Ogden) Authorizes private schools to conduct criminal history checks on employees or prospective employees.

East Texas State University (HB 1666, Rep. Barry Telford) Acknowledges East Texas State University at Texarkana as a separate, independent institution.

Students with Disabilities (HB 1686, Rep. Scott Hochberg) Creates a pilot program which includes students with disabilities in regular classrooms of public schools.

Expelled Students (HB 2364, Rep. Christine Hernandez) Authorizes a school district to choose

the educational setting of a previously expelled student who is attending school as a requirement of probation.

"Safe-school" Checklist (SB 213, Rep. Wilhelmina Delco) Requires the State Board of Education to develop a "safe-school" checklist to be used by school districts to determine a school's safety strengths and weaknesses.

Minority Doctoral Incentive (SB 233, Rep. Wilhelmina Delco) Creates the minority doctoral incentive program for minority students enrolled at institutions of higher education.

College Owned Retail Stores (SB 336, Rep. Mark Stiles) Prohibits university and college owned retail stores from extending the credit of the state to purchasers of goods or services. An exception would be made for books and education supplies bought on credit if the credit could be offset by a student's undistributed grant or loan funds.

Teen Pregnancy (SB 393, Rep. Libby Linebarger) Makes student parents eligible for the Foundation School Program formula weight for pregnant teens, provides a state transportation allotment for students and children participating in teen pregnancy and parenting programs, requires local registrars to notify school districts of births to school-age mothers and requires additional school districts to provide GED preparation programs for certain at-risk students.

At-risk Students (SB 454, Rep. Mark Stiles) Expands the Communities in Schools program for at-risk students to additional campuses and authorizes the set-aside of compensatory education funds totalling \$25.5 million over the next two years.

Foreign Languages and Culture (SB 487, Rep. Henry Cuellar) Establishes the Texas Academy of Foreign Languages and Culture to promote the study of foreign languages and culture in Texas, emphasizing the educational and cultural exchanges between the state and current and prospective trade partners.

Junior College Boards (SB 591, Rep. Ciro Rodriguez) Prohibits a public junior college from employing or contracting with an individual who was a member of the board of trustees of the junior college for one year after the member is off the board.

Personal Business (SB 997, Rep. Jerry Johnson) Allows employees of school districts to have two days for personal business if not already provided for by the district.

"Fresh Start" (SB 1321, Rep. Robert Earley) Creates the "Fresh Start" program to allow students who have been out of college for ten or more years to have a fresh start with respect to their GPA when they begin college again, to apply for college without having to use those past scores but may not use those courses for credit in their degree if they choose to omit them during application.

Tests (SB 1324, Rep. Wilhelmina Delco) Allows for exemption from Texas academic skills

program test for certain students at public institutions of higher education based on SAT/ACT scores.

Multimedia Communications (HB 1029, Rep. Charles Finnell) Establishes the Texas Interactive Multimedia Communications Fund to provide grants to school districts for purchasing services and equipment for long distance technology. The PUC must require phone companies to provide services to school districts at cost.

Environment and Natural Resources

Edwards Aquifer (SB 1477, Rep. Ron Lewis) Establishes a new nine-member Edwards Aquifer Authority (comprised of representatives from the counties served by the aquifer and downstream interests). The authority is granted powers to establish limits on pumping from the aquifer in order to preserve spring flows associated with the critical habitat of several endangered species located at Comal and San Marcos Springs.

Underground Storage Tanks (SB 1243, Rep. David Counts) Provides an additional \$120 million to assist petroleum storage tank owners and operators in cleaning up leaking underground storage tanks and meeting federally mandated financial assurance requirements.

Pollution Offset Credits (SB 513, Rep. Robert Eckels) Authorizes the Council of Governments in the state's four ozone non-attainment regions to form regional entities to generate and acquire air pollution offset credits to use for economic development and other purposes.

Septic Tanks (HB 1550, Rep. Nancy McDonald) Establishes strict regulation of septic tanks in the counties along the Texas-Mexico border.

Energy Policy (HB 923, Rep. Robert Earley) Creates the Texas Committee on Energy Policy to coordinate energy policy measures between state government bodies and establishes the Texas Energy Coordination Council to facilitate energy research and technology transfers in the public and private sector.

Water Development (HB 997, Rep. Rene Oliveira) Provides the Texas Water Development Board greater flexibility in receiving water/waste water infrastructure development funds from various sources to provide financial assistance to local political subdivisions, particularly in economically distressed areas.

Landfills (HB 2537, Rep. Patricia Gray) Regulates the development and use of land over a closed municipal solid waste landfill in order to protect public health and safety.

Agricultural Wastes (HB 2634, Rep. Warren Chisum) Places limitations on the Texas Water Commission's ability to regulate the discharge of agricultural wastes from a concentrated animal feeding operation into playa lakes.

Alternative Fuels (HB 2822, Rep. Keith Oakley) Creates a consumer incentive/rebate program for appliances and equipment fueled by alternative fuels.

Hunting in State Parks (SB 179, Rep. Allen Hightower) Directs the Parks and Wildlife Department to develop plans for recreational hunting in state parks when it is determined to be appropriate.

Federal Grants (SB 301, Rep. Clyde Alexander) Mandates that interest earned on federal money from Texas Parks and Wildlife's Fund 9 be accrued back to that fund, which helps Texas retain \$17 million a year in federal funding for fish and wildlife programs.

Watershed and Riverbasin Assessment (SB 502, Rep. David Counts) Authorizes the Soil/Water Conservation Board to participate in the state's regional watershed and riverbasin assessment.

Water Quality (SB 503, Rep. David Counts) Makes the Soil/Water Conservation Board the lead state agency for activities relating to abating agricultural non-point source pollution, requiring it to establish a water quality management certification program for agricultural lands.

Liquefied Natural Gas (SB 576, Rep. Edmund Kuempel) Grants the Texas Railroad Commission the authority to regulate activities related to the production, storage, sale, dispensing, transfer, transportation, use, consumption and disposal of liquefied natural gas. The measure brings the liquified natural gas industry under similar safety and licensing regulations as the compressed natural gas and liquified petroleum gas industries.

Alternative Fuels (SB 737, Rep. Robert Earley) Creates the state agency alternative fuels council to coordinate and promote programs utilizing environmentally beneficial alternative fuels.

Water Development (SB 885, Rep. David Counts) Provides for the creation of such additional state revolving funds as may be contemplated by future federal legislation creating grant programs for water development projects.

Oil Spills (SB 1049, Rep. Hugo Berlanga) Establishes a requirement for natural resource assessments for oil spill preparedness purposes and caps the liability for natural resources damages due to oil spill contamination.

Recycling (SB 1051, Rep. Robert Saunders) Provides for the reduction of municipal solid waste through the promotion of economic development activities related to recycling, including loans and grants for recycling enterprise zones; state agency purchases of recycled goods; creation of an office of waste exchange; and development of used oil and tire recycling programs.

Radioactive Waste Disposal (SB 1206, Rep. Clyde Alexander) Creates the Texas Low-level Radioactive Waste Disposal Compact between Texas, Maine and Vermont. Texas will provide for disposal of waste generated by Maine and Vermont at a site in Hudspeth County in exchange for \$25-million each from the two states.

Ocean Observation Network (SB 1392, Rep. Todd Hunter) Establishes the Texas Coastal Ocean Observation Network as a cooperative project of Texas A&M University at Corpus Christi, Lamar University, the Texas Water Development Board and the General Land Office to collect coastal management data.

Family

Commission on Children and Youth (SB 155, Rep. Allen Hightower) Creates the Texas Commission on Children and Youth to develop a comprehensive proposal to improve and coordinate public programs for children and to achieve goals set for education, health care, juvenile justice and family services.

Foster Care (HB 957, Rep. Nancy McDonald) Shortens the time a child is in foster care by increasing court involvement and establishing specific guidelines to determine the safety of the home environment.

Abused and Neglected Children (HB 1662, Rep. Libby Linebarger) Transfers court appointed volunteer advocate programs for abused and neglected children from the Office of Court Administration to the Texas Attorney General's Office.

Teenaged Parents (HB 54, Rep. Brian McCall) Establishes a parental responsibility pilot program to assist teenaged parents receiving AFDC payments to discourage teen pregnancy and encourage self-sufficiency and good parenting skills.

Domestic Violence (HB 119, Rep. Kim Brimer) Takes steps to break the chain of domestic violence by allowing courts to require, as a condition of probation, that the person convicted of family violence attend counseling for up to one year.

Adoptions (HB 196, Rep. Karyne Conley) This bill ensures that the race of the prospective adoptive family or of the adoptive child may not be considered as a primary factor in adoptions and foster care placements.

Parent-child Relationship (HB 360, Rep. Kip Averitt) Amends the Family Code to allow a suit affecting the parent-child relationship to be filed by a person with actual possession of a child for at least six months preceding the filing of the petition.

Guardianship (HB 475, Rep. Toby Goodman) Raises the age at which a minor may choose their own guardian under a request for guardianship from 12 to 14 and requires a judge approving a guardianship request to find the selection "in the best interest of the minor."

Child Support (HB 758, Rep. Toby Goodman) Changes the interest rate on overdue child support to make collection of child support payments easier.

Employment Assistance (HB 779, Rep. Henry Cuellar) Requires the Department of Human

Services to initiate a community work experience program and assist two-parent families whose primary wage earner is registered for work or for employment training.

Enforcement of Child Support (HB 831, Rep. Senfronia Thompson) Enacts the Uniform Interstate Family Support Act, which promotes interstate cooperation in enforcement of child support orders.

Child Care (HB 872, Rep. Libby Linebarger) Moves the responsibility for providing child care for public school students from the Department of Housing and Community Affairs to the Work and Family Policies Clearinghouse in the Texas Employment Commission.

Marital Agreements (HB 1274, Rep. Toby Goodman) Makes unconscionability and involuntary execution of property agreements the only remedies and defenses available to litigants in premarital, marital partition and marital exchange agreements. This includes common law remedies or defenses.

Court Orders (HB 1297, Rep. Sue Schechter) Requires that an appointed friend of the court represent the court to ensure compliance with child support, custody and visitation orders.

Car Seats (HB 1502, Rep. Elliott Naishtat) Allows the Department of Health to distribute to indigent people new or used child passenger safety seats.

Public Housing (HB 1547, Rep. Elliott Naishtat) Provides for the appointment and removal of municipal, regional and county housing authorities. Under this bill, a public housing resident would serve on a housing authority board.

Child Support (SB 291, Rep. Senfronia Thompson) Establishes a voluntary program by employers to assist in tracking down parents who owe child support.

Government

Lottery (HB 1587, Rep. Ron Wilson) Transfers the lottery from the Comptroller's office and bingo regulation from the TABC to the newly created State Lottery Commission.

Bingo (HB 2771, Rep. David Cain) Transfers regulation of bingo from the Alcoholic Beverage Commission to the Texas Lottery Commission effective 4/1/94.

Tax Sales (SJR 19, Rep. Robert Eckels) Proposes a constitutional amendment to shorten the time period within which a former owner of property sold for non-payment of taxes could redeem the property from a purchaser. This would encourage investors and developers to purchase land at tax sales, permit political subdivisions to more easily sell abandoned or seized structures.

Public Pension System (SJR 31, Rep. Pat Haggerty) Proposes a constitutional amendment to specify and make clear the duties and fiduciary responsibilities of trustees of those public pension

systems that do not belong to the statewide retirement systems.

Library Records (SB 360, Rep. Sue Schechter) Makes confidential a record that would identify a person who uses library services or materials.

Polling Places (HB 76, Rep. Debra Danburg) Requires all polling places be accessible to the elderly and physically disabled, including precinct conventions of political parties.

Open Meetings Act (HB 78, Rep. Debra Danburg) Requires boards or commissions of a city's governing body and committees to comply with the Open Meetings Act.

Technological Innovations (HB 211, Rep. Brian McCall) Requires state agencies to report to the Attorney General technological innovations developed by the agency that have potential commercial application or could be subject to protection under intellectual property laws.

Public Auction (HB 824, Rep. Harold Dutton) Allows cities with populations over 5,000 to sell property at public auction.

Alcoholic Beverage Commission (HB 1445, Rep. Ron Wilson) The Texas Alcoholic Beverage Commission Sunset bill continues the existence of the TABC. Among other changes, the bill permits wine sampling and storage; upon petition to TABC, cities may regulate open containers and consumption in central business districts; and removes the requirement that all retail licenses and permits must be at least 51% Texas owned except for package stores. Also, it permits establishment of brew pubs; permits the sale of alcohol on Sunday between 10-12 noon in conjunction with the sale of food; and transfers mixed beverage gross receipts tax reporting and collection to the Comptroller.

Surplus or Salvage Property (HB 2087, Rep. Hugo Berlanga) Allows a county to donate surplus or salvage property to a civic or charitable organization.

Election Recounts (HB 2468, Rep. Curtis Seidlits) Amends the Election Code to clarify the use of election recounts and who pays for the recounts, determines who has the right to hold a seat during a contested election and provides for the appointment of a master of discovery.

Highway District Offices (SB 33, Rep. Barry Telford) Keeps seven highway district offices open which had previously been targeted for closure and also opens a new district highway office in Laredo. Bill overturns 1991 bill ordering closing of six district offices.

Run-off Elections (SB 830, Rep. Ken Marchant) Allows cities and other political entities the option of holding run-off elections the same day as the anticipated run-off for the special U.S. Senate election.

PUC Sunset (SB 498, Rep. David Cain) The Public Utility Commission Sunset bill continues the existence of the PUC until September 1995.

Health and Human Services

Health Insurance (HB 2055, Rep. Mike Martin) Requires health care insurance by small employers to be based on the model by the National Association of Insurance Commissions which includes: employers with 3-50 employees qualify and employer must pay at least 75% of the premium; at least three insurance plans must be offered; employers can buy through a state or private "purchasing co-op"; policies are guaranteed renewable and "portable"; and rates are limited in the amount they can vary from one employer to another and in the amount they can swing from one year to the next.

Immunizations (SB 266, Rep. Nancy McDonald) Provides for immunization of all Texas children, including extending hours and days for immunizations at public clinics.

Charity Care (SB 427, Rep. Glen Maxey) Requires nonprofit, tax-exempt hospitals to provide charity care for indigent patients, allowing hospitals to choose from several options how to meet this financial obligation.

Indigent Care (SB 426, Rep. Renato Cuellar) Expands the Texas Family Practice Clinic program by adding three pilot projects which will provide a major source of indigent health care and will train family practice resident physicians.

Psychiatric Hospitals (SB 205, Rep. Elliott Naishtat) Provides psychiatric hospital patients with a bill of rights; establishes strict marketing and advertising requirements; strengthens civil, criminal and administrative penalties; prohibits the use of electroconvulsive therapy (ECT) on minors under sixteen and requires informal consent for the use of ECT on persons sixteen and older.

Psychiatric Hospitals (SB 207, Rep. Jack Vowell) Provides patients' rights of access to their own medical records, notification of rights, information on prescription medication and therapy and consent to treatment.

Psychiatric Hospitals (SB 208, Rep. Jack Vowell) Addresses insurance claim fraud by establishing six levels of offenses for persons other than health care providers and three levels for health care providers which correspond to the amount of the fraudulent claim.

Psychiatric Hospitals (SB 209, Rep. Jack Vowell) Authorizes the Attorney General to adopt rules for conducting or contracting for utilization review of crime victims benefits relating to psychological, psychiatric or other mental health services.

Psychiatric Hospitals (SB 212, Rep. Jack Vowell) Defines comprehensive medical rehabilitation facilities and requires those facilities to have a hospital license from the Health Department.

Food Stamp Fraud (HB 2557, Rep. Jack Vowell) Addresses the problem of fraudulent use of food stamps by including other forms of payment besides paper stamps, such as computer based

electronic transfers.

Mammography (HB 63, Rep. Peggy Hamric) Improves mammography systems in the state and helps ensure women who use mammograms for early detection of breast cancer receive reliable, professional screening and test results through regulation of mammography devices and certification of people who perform mammograms.

Emergency Medical Personnel (HB 241, Rep. Dan Kubiak) Adds continuing education programs and examinations of emergency medical services personnel to the certification and recertification process for emergency medical personnel.

"Good Samaritan" Law (SB 386, Rep. Robert Junell) Protects from liability hospital emergency room personnel, admitting or treating physicians administering emergency care or emergency room personnel who stop to administer care at the scene of an emergency or emergencies which occur in a hospital or health care facility.

Injury Reports (HB 343, Rep. Bob Glaze) Requires that certain injuries (spinal cord and submersion injuries, among others) must be reported to the Department of Health and authorizes department injury-prevention activities.

Drivers' License Notice (HB 502, Rep. Dianne Delisi) Allows doctors and hospitals to ascertain quickly whether a patient wants life-sustaining systems to be withheld by requiring the Department of Public Safety to provide space on the back of the driver's license for indicating whether a directive exists and the telephone number to call.

Nursing Profession (HB 756, Rep. Nancy McDonald) Promotes more effective regulation of the nursing profession. It amends nursing laws related to reporting nurse conduct, peer review, temporary permits, disciplinary proceedings, inactive status, fees and administration.

Mental Retardation (HB 771, Rep. Elliott Naishtat) Streamlines and expedites the assessment process so that mentally retarded people will receive needed treatment by allowing a physician, psychologist or an interdisciplinary team of professionals (depending on the type of service sought) to determine mental retardation for state services.

Registered Nurses (HB 2180, Rep. Layton Black) Regulates registered nurses in Texas and continues the Board of Nursing Examiners until 2005.

Health Spas (HB 2243, Rep. Helen Giddings) Prevents fraudulent health spas from offering "special grand opening" and lifetime memberships that are never fulfilled. Requires health spas to meet certain escrow and security criteria.

Retirement Communities (HB 2389, Rep. John Hirschi) Amends current law to allow health care providers to solicit, make reservations and take deposits for continuing care retirement communities without first receiving a certificate of authority. Any funds are to be kept in escrow

and protected.

Physician Assistants (HB 2498, Rep. Hugo Berlanga) Improves physician assistant regulation and reimbursement for service by creation of the Physician Assistants Licensing Act, which prohibits unlicensed practice as a physician assistant.

Medicaid Services (SB 79, Rep. Harvey Hilderbran) Provides for selective contracting for Medicaid services with certain hospitals in urban areas. This is designed to save the state \$35-38 million.

Licensing of Hospitals (SB 86, Rep. Hugo Berlanga) Establishes specific requirements for licensing of hospitals by the Department of Health and increases licensing fees from \$3 to \$10 a bed with a total fee of not less than \$200 and not more than \$10,000.

Medically Underserved Areas (SB 218, Rep. Renato Cuellar) Expands the eligibility for receiving student loan repayment assistance from the Physician's Education Loan Repayment Program to physicians who have committed to practice in rural or other medically underserved areas.

HIV/AIDS (SB 286, Rep. Debra Danburg) Creates the HIV/AIDS Interagency Council which is designed to facilitate communication among agencies, develop a plan for using and coordinating agencies' resources and report its findings to the Legislature.

Consent for Medical Treatment (SB 332, Rep. John Hirschi) Allows certain surrogate decision makers to consent for medical treatment for incapacitated or comatose patients.

Blood Donations (SB 1144, Rep. Garnett Coleman) Allows people aged 17 and older to donate blood or blood components, but not for compensation until the age of 18.

Medical Malpractice (SB 1409, Rep. Mike Martin) Amends procedures dealing with medical malpractice suits and extends the existing Medical Liability Act.

Human Rights (HB 860, Rep. Wilhelmino Delco) Amends the Texas Commission on Human Rights Act to incorporate changes mandated by the federal Civil Rights Act of 1991 and the Americans with Disabilities Act.

Treating Schizophrenia (HB 1713, Rep. Glen Maxey) Increases the number of state hospital patients the state could put on clozaril, a new drug used to treat schizophrenia.

Nursing Home Safety (SB 28, Rep. Bob Glaze) Requires the Board of Health to adopt rules for fire safety standards in nursing homes. The board is prohibited from adopting more stringent standards than those required by federal law or regulation.

MHMR (SB 160, Rep. Elliott Naishtat) Authorizes MHMR to make employment records

available to community centers and requires the MHMR Board to establish a uniform procedure for each local MHMR authority to notify consumers of the denial, reduction or termination of services and their right to appeal.

Nutrition (SB 714, Rep. Jack Vowell) Extends the Women, Infants and Children (WIC) program service hours, expands the summer food service program and authorizes outreach activities to provide better access to food for low-income families and school-aged children.

Monetary Penalties (SB 982, Rep. Jack Vowell) Authorizes the Texas Department of Human Services to assess monetary penalties against a home or community care provider.

Public Safety

Stalking (SB 25, Rep. Brian McCall) Addresses the problem of individuals who engage in "stalking" behavior and gives police officers the legal authority to intervene before a more serious crime is committed.

Driver's License Revocation (SB 1, Rep. Steve Wolens) Requires suspension of driver's licenses of those persons arrested for driving while intoxicated if they fail or refuse to take a breath and blood-alcohol test.

Qualifications of Sheriffs (SJR 18, Rep. Mark Stiles) Proposes a constitutional amendment authorizing the Legislature to prescribe the qualifications of sheriffs.

Stolen Vehicles (HB 116, Rep. Eddie De La Garza) Authorizes the DPS and local law enforcement agencies to establish checkpoints to prevent theft and transportation of stolen vehicles and heavy equipment into Mexico.

Juvenile Records (HB 247, Rep. Eddie De La Garza) Addresses the growing problem of juvenile crime by amending the Family Code to expand the circumstances under which law enforcement information and records on a child may be disseminated by the state and national crime information center.

Passing a School Bus (HB 1084, Rep. Betty Denton) Increases the penalties for passing a school bus that is loading or unloading. Additionally, this charge could not be erased from a person's driving record by completing a driving safety course.

DPS (SB 510, Rep. David Counts) Provides for the continuation of the Department of Public Safety and transfers responsibility for law enforcement in the Capitol complex to the DPS.

Information Exchange (HB 23, Rep. Eddie De La Garza) Allows school officials and law enforcement agencies to legally exchange information about troublesome youth.

Anti-theft Devices (SB 26, Rep. David Counts) Provides for insurance premium discounts for

vehicles with anti-theft devices.

Apartment Security Devices (HB 1368, Rep. Elliott Naishtat) Provides greater security for apartment residents through mandated security measures for entry doors, windows and sliding glass doors.

Swimming Pools (SB 170, Rep. Ken Marchant) Cities may require property owners to repair their swimming pool enclosures or the city may repair any pool enclosures on an unoccupied property to meet pool ordinances

Background Checks (SB 536, Rep. Elliott Naishtat) Allows apartment employers/owners to obtain a thorough check of a prospective employee's criminal history.

Alcohol and Minors (SB 55, Rep. Pedro Nieto) Permits the TABC to suspend a license if it is found that, with criminal negligence, a minor was sold, served or delivered beer.

Safety Chains (HB 167, Rep. Kim Brimer) Requires safety chains on passenger vehicles towing trailers up to 3,000 pounds, exempting trailers with brakes.

Car Seats (HB 479, Rep. Dianne Delisi) Removes the residency requirement for using required child passenger restraints in a motor vehicle.

Fire Coordination (HB 842, Rep. Layton Black) Creates the Statewide Fire Contingency Fund for equipment and personnel and establishes a statewide fire coordination center. This will provide the framework to allow the Texas Forest Service to receive federal funds.

Traffic Hazards (SB 126, Rep. Kim Brimer) Allows all counties, especially small, rural counties, the authority to regulate sight distance on non-municipal county roads, which may help correct potential traffic hazards.

Vehicle Storage Lots (SB 452, Rep. Fred Bosse) Defines the responsibilities of vehicle storage lot owner, including towing and storage procedures and fees.

Tow Trucks (SB 958, Rep. Harold Dutton) Moves the regulation of tow trucks to the Railroad Commission.

Motorcycles (SB 738, Rep. Keith Oakley) Allows motorcycles to use high-occupancy vehicle lanes on highways.

"Lemon Law" (HB 941, Rep. David Cain) Reduces from \$75 to \$35 the application fee for filing a complaint under the provisions of the motor vehicle code known as the "Lemon Law," which addresses defective vehicles.

Firearms (SB 145, Rep. David Cain) Creates a Class A misdemeanor offense for recklessly

discharging a firearm inside the corporate limits of a city with a population of 100,000 or more people.

Taxes

Income Tax (SJR 49, Rep. Mark Stiles) Proposes a constitutional amendment to require that any state income tax is subject to a vote of the people, that it be used only for supporting education and reducing school property taxes and that any increases in the tax be subject to a vote.

Pollution Control Tax Exemption (HJR 86, Rep. Mark Stiles) Proposes a constitutional amendment exempting from ad valorem taxation all or part of real and personal property used, constructed, acquired or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the state or federal government.

Gas Production (HB 2723, Rep. Jim Rudd) Provides incentives in the form of tax and regulatory relief for the production of gas that is difficult or expensive to produce.

Pollution Devices (HB 1920, Rep. Mark Stiles) Exempts from property tax the real or personal property that a person owns that is used wholly or partially as a facility, device or method for the control of air, water or land pollution.

Sporting Goods Tax (HB 706, Rep. Rene Oliveira) Allocates sales taxes paid on sporting goods to the Texas Parks and Wildlife Department which could be used for acquisition, development and improvement of land and facilities, local park grants and for debt service on bonds.

Non-profit Groups (HB 1660, Rep. Mark Stiles) Clarifies which non-profit groups are entitled to sell items at fundraising events without collecting sales taxes.

Auto Dealers (SB 878, Rep. Rene Oliveira) Revises the way in which auto dealers figure their inventory for tax purposes to establish uniformity and reliability in assessing motor vehicle inventories.

Movies and Records (HB 2637, Rep. Ron Wilson) Provides tax incentives for film, video and audio recording production in Texas.

Charitable Organizations (HB 1096, Rep. Steve Ogden) Allows charitable organizations up to three years exemption from ad valorem taxation on property on which they plan to build or repair structures.

Elderly Homestead Exemptions (HB 1270, Rep. Jerry Yost) Requires elderly who pay ad valorem taxes in installments to first claim the elderly homestead exemption and to notify the taxing unit that he or she intends to pay the remaining amount in installments.

Tax Collection (HB 2050, Rep. Joe Crabb) Allows municipalities to collect attorney's fees and

penalties in the collection of delinquent hotel occupancy taxes.

Out of State Taxes (SB 17, Rep. Dan Kubiak) Exempts retirement benefits of a retiree living in Texas from state income taxes levied by the state in which the retiree earned those benefits.