

BILL ANALYSIS

Senate Research Center
78S10550 MTB-F

C.S.H.B. 53
By: Swinford (Ellis)
Government Organization
7/15/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.H.B. 53 relates to the reorganization of, efficiency in, and other reform measures applying to state government. This bill also makes certain appropriations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 21.01 (Section 361.034, Health and Safety Code), to the Texas State Library and Archives Commission in SECTION 22.03 (Section 441.103, Government Code), and to the commissioner of education in SECTION 27.01 (Section 33.102, Education Code) of this bill.

Rulemaking authority is transferred from the Texas Board of Pardons and Paroles Policy Board to the Texas Board of Pardons and Paroles in SECTION 7.14 (Section 508.082, Government Code) of this bill.

Rulemaking authority is transferred from the State Aircraft Pooling Board to the Texas Department of Public Safety in SECTION 10.12 (Section 2205.043, Government Code) and SECTION 10.18 of this bill.

Rulemaking authority is transferred from the Texas Commission on Private Security to the Texas Private Security Board in SECTION 11.07 of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TELECONFERENCE MEETING OF LEGISLATIVE BUDGET BOARD

SECTION 1.01. Amends Section 322.003, Government Code, by adding Subsections (d) and (e), as follows:

- (d) Authorizes, any number of the other members of the Legislative Budget Board (LBB), as an exception to Chapter 551 (Open Meetings) and other law, if the LBB chairman and vice chairman are physically present at an LBB meeting, to attend the meeting by use of telephone call, video conference call, or other similar telecommunication device. Provides that this subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing an LBB member to otherwise fully participate in any LLB meeting.
- (e) Sets forth requirements of a meeting held by use of telephone conference call, video conference call, or other similar telecommunication device.

ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

SECTION 2.01. Amends Section 401.046(a), Government Code, to require the governor to deliver a copy of the governor's budget to each member of the legislature before the governor gives the message to the legislature required by Section 9 (Governor's Message and Recommendations; Accounting for Public Money; Estimates of Money Required), Article IV, Texas Constitution, at the commencement of each regular legislative session. Deletes text requiring the copy of the budget to be delivered no later than the sixth day of each regular

legislative session.

SECTION 2.02. Repealer: Section 401.047 (Penalty), Government Code.

ARTICLE 3. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

SECTION 3.01. Amends Section 72.101, Property Code, by adding Subsections (c) and (d), as follows:

(c) Provides that property distributable in the course of a demutualization or related reorganization of an insurance company is presumed abandoned on the first anniversary of the date the property becomes distributable if, at the time of the first distribution, the last known address of the owner according to the records of the holder of the property is known to be incorrect or the distribution of statements related to the distribution are returned by the post office as undeliverable and the owner has not performed certain actions.

(d) Provides that property distributable in the course of a demutualization or related reorganization of an insurance company that is not subject to Subsection (c) is presumed abandoned as otherwise provided by this section.

SECTION 3.02. Effective date of this article: upon passage or November 1, 2003.

ARTICLE 4. MEMBERS OF TEXAS VETERANS COMMISSION

SECTION 4.01. Amends Section 434.003(c), Government Code, to delete the stipulation that not more than one member of the Texas Veterans Commission may be from a senatorial district composed of a single county.

ARTICLE 5. COMMISSIONER OF INSURANCE

SECTION 5.01. Amends Section 31.023, Insurance Code, to delete the requirement that the commissioner of insurance have at least five years of experience in the field of insurance or insurance regulation.

SECTION 5.02. Makes application of the change in law made by this article to Section 31.023, Insurance Code, prospective.

ARTICLE 6. MEMBERS OF PARKS AND WILDLIFE COMMISSION

SECTION 6.01. Amends Section 11.012(d), Parks and Wildlife Code, to require the governor, in making appointments under this section, to consider the Texas Parks and Wildlife Commission (commission) in terms of geography and appropriate representation of both rural and urban areas, and to authorize the governor to include persons with interest and knowledge of certain issues.

SECTION 6.02. (a) Requires the governor, as soon as possible on or after November 1, 2003, to appoint nine members to the commission under Section 11.012, Parks and Wildlife Code, as amended by this article. Sets forth the required commission designations.

(b) Authorizes the governor to reappoint a person who served as a member of the commission before November 1, 2003.

(c) Provides that the position of a member of the commission serving immediately before November 1, 2003, is abolished at the time five or more of the newly appointed directors qualify for office. Provides that until the abolition of the members' positions occurs under this section, the members serving immediately before November 1, 2003, have the same powers and duties that the members had immediately before that date and the commission continues to be composed in the way it was composed before that date, and the former law is continued in effect for that purpose.

ARTICLE 7. PARDONS AND PAROLES

SECTION 7.01. Amends Section 508.001, Government Code, by amending Subdivision (8) and adding Subdivision (10), as follows:

(8) Redefines “parole commissioner.”

(10) Defines “presiding officer.”

SECTION 7.02. Amends Section 508.031(a), Government Code, to reduce the number of Texas Board of Pardons and Paroles (TBPP) members from 18 to seven.

SECTION 7.03. Amends Section 508.034, Government Code, as follows:

Sec. 508.034. **GROUND FOR REMOVAL.** (a) Provides that it is a ground for removal from TBPP that a member is absent from more than half of the regularly scheduled board or panel meetings that the member is eligible to attend during each calendar year, except when the absence is excused by the presiding officer, rather than by majority vote of TPBB.

(b) Deletes a reference to Board of Pardons and Paroles Policy Board (policy board). Deletes text setting forth a ground for removal from the policy board.

(c) Redesignates this subsection from Subsection (d). Deletes text referring to the validity of an action of the policy board. Makes nonsubstantive changes.

(d) Redesignates this subsection from Subsection (e).

(e) Redesignates this subsection from Subsection (f). Provides that it is a ground for removal from TBPP that member fails to comply with policies or rules adopted by TBPP, rather than by the policy board.

SECTION 7.04. Amends Section 508.035, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes a conforming change.

(d) Sets forth the authorized actions of the presiding officer.

SECTION 7.05. Amends Section 508.036, Government Code, as amended by Section 31.01, S.B. 287, Acts of the 78th Legislature, Regular Session, as follows:

Sec. 508.036. **NEW HEADING: GENERAL ADMINISTRATIVE DUTIES.** (a) Sets forth the required duties of the presiding officer, rather than the policy board. Deletes text that sets forth the governor’s requirement to designate the composition of the policy board. Makes conforming changes.

(b) Sets forth TPBB’s required duties.

(c) Requires the TPBB administrator to prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to TPBB programs and services.

(d) Provides that TPBB, in performing its duties, is subject to the open meetings law, Chapter 551 (Open Meetings), and the administrative procedure law, Chapter 2001 (Administrative Procedure). Provides that this subsection does not affect the provisions of Section 2001.223 (Exceptions From Declaratory Judgment, Court Enforcement, and Contested Case Provisions) exempting hearings and interviews conducted by TPBB or the pardons and paroles division (division) from Section

2001.038 (Declaratory Judgment) and Subchapters C-H, Chapter 2001 (Administrative Procedure).

SECTION 7.06. Amends Section 508.0362, Government Code, as follows:

Sec. 508.0362. TRAINING REQUIRED. (a)(1) Makes conforming changes.

(2) Prohibits a parole commissioner employed by TBPP from voting or deliberating on a matter described by Section 508.0441 until the person completes at least one course of a training program that complies with this section.

(b) Requires a training program to provide information to the person regarding the role and functions of TBPP and parole commissioners, among other issues. Makes conforming changes.

(c) Makes a conforming change.

SECTION 7.07. Amends Section 508.040(a), Government Code, to provide that the presiding officer, rather than the policy board, is responsible for the employment and supervision of parole commissioners and personnel to assist in clemency and hearing matters, as well as other positions. Makes nonsubstantive changes.

SECTION 7.08. Amends Section 508.041, Government Code, as follows:

Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) Requires TPBB, rather than the policy board, to develop and implement a training program that each newly hired employee of TPBB designated to conduct hearings under Section 508.281 (Hearing) must complete before conducting a hearing without the assistance of a TPBB member or experienced parole commissioner or designee, as well as another training program.

(b) and (c) Make conforming changes.

SECTION 7.09. Amends Section 508.042, Government Code, as follows:

Sec. 508.042. New heading: TRAINING PROGRAM FOR MEMBERS AND PAROLE COMMISSIONERS. (a) Includes parole commissioners, along with TBPP members, as persons for whom TBPP is required to develop a comprehensive training and education program on the criminal justice system, with special emphasis on the parole process. Makes a conforming change.

(b)(1) Creates this subdivision from existing text. Makes a conforming change.

(2) Prohibits a new parole commissioner from participating in a vote of a panel until the parole commissioner completes the program. Provides that this subdivision does not apply to a new parole commissioner who as a TBPP member completed the program.

SECTION 7.10. Amends Subchapter B, Chapter 508, Government Code, by amending Section 508.044 and adding Section 508.0441, as follows:

Sec. 508.044. POWERS AND DUTIES OF BOARD. Requires a TBPP member to give full time to the duties of the member's office, including duties imposed on TBPP by the Texas Constitution and other law. Makes nonsubstantive changes.

Sec. 508.0441. RELEASE AND REVOCATION DUTIES. (a) Requires TBPP members and parole commissioners to make certain determinations.

(b) and (c) Make conforming and nonsubstantive changes.

(d) Redesignated from Subsection (e). Authorizes the presiding officer, rather than the policy board, to provide a written plan for the administrative review of actions taken by a parole panel by a review panel, rather than by the entire membership of TBPP or a subset thereof.

(e) Redesignated from Subsection (f). Makes a conforming change.

SECTION 7.11. Amends Sections 508.045(a) and (b), Government Code, as follows:

(a) Makes conforming and nonsubstantive changes.

(b) Authorizes the presiding officer to designate panels composed only of TBPP members, composed only of parole commissioners, or composed of any combination of members and parole commissioners. Makes a conforming change.

SECTION 7.12. Amends Section 508.047(a), Government Code, to make a conforming change.

SECTION 7.13. Amends Section 508.049, Government Code, to make conforming changes.

SECTION 7.14. Amends Section 508.082, Government Code, to make conforming changes.

SECTION 7.15. Amends Section 508.141(g), Government Code, as added by S.B. 917, Acts of the 78th Legislature, Regular Session, to make a conforming change.

SECTION 7.16. Amends Section 508.144(b), Government Code, to make conforming changes.

SECTION 7.17. Amends Section 508.153(b), Government Code, to make conforming changes.

SECTION 7.18. Amends Section 508.281, Government Code, to make conforming changes.

SECTION 7.19. Amends Section 508.313(c), Government Code, as amended by S.B. 519, Acts of the 78th Legislature, Regular Session, to make a conforming change.

SECTION 7.20. Amends Section 492.0131, Government Code, to make conforming changes.

SECTION 7.21. Repealer: Section 508.0361 (Policy Board: General Administrative Provisions), Government Code.

SECTION 7.22. (a) Requires the governor to appoint new members to TBPP on or before January 1, 2004, and provides that the terms of members serving on December 31, 2003, expire on the appointment of new members. Authorizes, but does not require the governor to appoint as new members persons who served on TBPP before January 1, 2004.

(b) Requires the governor, of the new members of TBPP, to appoint two to serve terms expiring February 1, 2005, two to serve terms expiring February 1, 2007, and two to serve terms expiring February 1, 2009. Provides that on the expiration of the terms of the initial member members of the new TBPP, the term of a member appointed by the governor is six years.

(c) Provides that on November 1, 2003, a rule of the policy board is a rule of TBPP.

ARTICLE 8. ADMINISTRATION OF TEXAS BUILDING AND PROCUREMENT COMMISSION

SECTION 8.01. Amends Section 2152.051, Government Code, as follows:

Sec. 2152.051. COMPOSITION OF COMMISSION. (a) Provides that the Texas Building and Procurement Commission (TBPC) consists of five members appointed by the governor.

(b) Provides that Subsection (a) governs the composition of TBPC after January 31, 2007. Provides that on or before that date, this subsection governs the composition of TBPC. Provides that TPBC consists of seven members and sets forth the composition thereof. Entitles the members serving on TBPC immediately before the effective date of the Act of the 78th Legislature, 1st Called Session, that amended this section and added this subsection to continue to serve on TBPC for the terms for which they were appointed if they are otherwise qualified for their positions. Provides that, notwithstanding Section 2152.057, for the period in which TBPC consists of seven members under this subsection, two or three members' terms expire on January 31 of each odd-numbered year. Requires the governor, if, on or before January 31, 2007, the term of any position on TBPC expires of a vacancy is created in any position on TBPC, to appoint a person to fill the position. Provides that, however, the two positions on TBPC that are filled by appointment by the governor from a list submitted by the speaker are abolished on the expiration of the positions' terms on January 31, 2007. Provides that this subsection expires September 1, 2009. Deletes text referring to the governor's authority to reject certain nominees.

SECTION 8.02. Amends Section 2152.052(b), Government Code, to delete the lieutenant governor's responsibility to appoint members under this section.

SECTION 8.03. Amends Section 2152.057, Government Code, to decrease the number of members' six-year staggered terms expiring January 31st of each odd-numbered year from two or three members' terms to one or two members' terms.

ARTICLE 9. DESIGNATION OF PRESIDING OFFICERS

SECTION 9.01. Amends Chapter 651, Government Code, by adding Section 651.010, as follows:

Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY GOVERNOR. (a) Defines "state agency."

(b) Authorizes the governor, notwithstanding other law, to designate a member of the governing body of each state agency as the presiding officer of that governing body to serve in that capacity at the pleasure of the governor.

(c) Provides that this section does not apply to a state agency that is headed by one or more statewide-elected officials or to an entity that advises or reports to a state agency headed by one or more statewide-elected officials.

ARTICLE 10. STATE AIRCRAFT POOLING BOARD

SECTION 10.01. Amends the heading to Subchapter A, Chapter 2205, Government Code, to read as follows:

SUBCHAPTER A. STATE AIRCRAFT POOLING; GENERAL PROVISIONS

SECTION 10.02. Amends Section 2205.002(1), Government Code, to replace the definition of "board" with the definition of "department."

SECTION 10.03. Amends Section 2205.032, Government Code, to make conforming changes.

SECTION 10.04. Amends Section 2205.034, Government Code, to make conforming changes.

SECTION 10.05. Amends Section 2205.035, Government Code, to make conforming changes.

SECTION 10.06. Amends Section 2205.036, Government Code, as follows:

Section 2205.036. PASSENGER TRANSPORTATION. (a) - (c) Make conforming changes.

(d) Requires the Texas Department of Transportation (TxDOT) to monitor and ensure compliance with the requirements of this section.

SECTION 10.07. Amends Section 2205.038, Government Code, to make conforming changes.

SECTION 10.08. Amends Section 2205.039, Government Code, as follows:

Sec. 2205.039. TRAVEL LOG. (a) - (c) Make conforming changes.

(d) Requires TxDOT to monitor and ensure compliance by state agencies with the requirements of this section.

(e) Requires TxDOT annually to report to LBB on air travel information received under this section.

SECTION 10.09. Amends Section 2205.040, Government Code, as follows:

Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) Requires TxDOT to adopt rates for interagency aircraft services that are sufficient to recover all expenses incurred under this section, including current obligations for capital equipment finances under the Texas Public Finance Authority's master lease purchase program and aircraft replacement costs, rather than recovering in the aggregate and to the extent possible all direct costs for services provided, including a state agency's pro rata share of major maintenance, overhauls of equipment and facilities, and pilots' salaries.

(b) Requires TxDOT to deposit all revenue received under this chapter to the credit of the state highway fund. Provides that money deposited to the credit of the state highway fund under this chapter is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code. Deletes the requirement that LBB, in cooperation with the Texas Aircraft Pooling Board and the state auditor, prescribe a billing procedure for passenger travel on state-operated aircraft.

(c) Authorizes TxDOT to spend money from the state highway fund for expenses incurred under this chapter.

(d) Sets forth legislative intent.

SECTION 10.10. Amends Section 2205.041(a), Government Code, to make conforming changes.

SECTION 10.11. Amends Section 2205.042, Government Code, to make conforming changes.

SECTION 10.12. Amends Section 2205.043(b), Government Code, to require TxDOT to adopt rules consistent with federal regulations and Subtitle A (State Symbols and Honors), Title 11 (State Symbols and Honors; Preservation), rather than Article 6139f, V.T.C.S., governing the color, size, and location of marks of identification required by this section.

SECTION 10.13. Amends Section 2205.044, Government Code, to make a conforming change.

SECTION 10.14. Amends Section 2205.045(a), Government Code, to make conforming changes.

SECTION 10.15. Amends Section 2205.046, Government Code, to make conforming changes.

SECTION 10.16. Amends Section 2205.047, Government Code, to make conforming changes.

SECTION 10.17. Repealer: Sections 2205.003-2205.019, Government Code.

SECTION 10.18. Provides that certain actions occur on the effective date of this article, including the abolition of the State Aircraft Pooling Board.

SECTION 10.19. (a) Provides that all money collected by the Texas Department of Transportation (TxDOT) under Chapter 2205, Government Code, during the state fiscal biennium beginning September 1, 2003, is appropriated to the Texas Department of Transportation for that biennium for the purpose of administering Chapter 2205, Government Code.

(b) Provides that the unexpended balance of the appropriation to the State Aircraft Pooling Board (SAPB) for all or part of the state fiscal biennium ending August 31, 2003, is appropriated to TxDOT for the state fiscal biennium beginning September 1, 2003, for the purpose of administering Chapter 2205, Government Code.

(c) Provides that for the purpose of administering Chapter 2205, Government Code, TxDOT is appropriated \$3,741,068 from the state highway fund for fiscal year 2004 and \$3,660,494 from the state highway fund for fiscal year 2005. Provides that it is the intent of the legislature that, to the extent possible, the appropriations under this subsection shall be funded from money collected under Chapter 2205, Government Code, and that any expenditures not immediately offset by money collected under Chapter 2205, Government Code, be repaid from money collected under Chapter 2205, Government Code, in the future.

SECTION 10.20. Requires TxDOT, before March 1, 2004, to file with certain officials and the Legislative Budget Board a complete and detailed report on the transfer of powers and duties from SAPB to TxDOT.

SECTION 10.21. Effective date of this article: September 1, 2003 or November 1, 2003.

ARTICLE 11. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

SECTION 11.01. Amends Section 1702.002, Occupations Code, by adding Subdivisions (1-a) and (5-a), to define "board" and "department."

SECTION 11.02. Amends Subchapter A, Chapter 1702, Occupations Code, by adding Section 1702.005, as follows:

Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY. (a) Provides that the Texas Private Security Board (board) created under Section 1702.021 is a part of the Department of Public Safety of the State of Texas (DPS). Requires DPS to administer this chapter through the board.

(b) Provides that a reference in this chapter or another law to the Texas Commission on Private Security (TCPS) means the board.

SECTION 11.03. Amends Section 1702.021(a), Occupations Code, as amended by S.B. No. 287, Acts of the 78th Legislature, Regular Session, 2003, to provide that the board consists of seven, rather than eight, certain members appointed by the governor with the advice and consent of the senate. Makes a conforming change. Deletes text relating to the board consisting of certain members.

SECTION 11.04. Amends Section 1702.025, Occupations Code, as amended by S.B. 287, Acts of the 78th Legislature, Regular Session, 2003, and Section 1702.026, Occupations Code, as follows:

Sec. 1702.025. (a) Provides that the board, rather than appointed commission, members serve staggered six-year terms, with the terms of two or three members expiring January

31 of each odd-numbered year.

(b) Makes a conforming change.

Sec. 1702.026. (a)-(c) Make conforming changes.

SECTION 11.05. Repealer: Section 1702.022, Occupations Code (Ex Officio Commission Member).

SECTION 11.06. Requires the governor, not later than January 1, 2004, to appoint the members of the board, as required under Section 1702.021, Occupations Code, as amended by this article. Requires the governor, in appointing the initial members of the board under this section, to appoint members with terms expiring on certain dates.

SECTION 11.07. (a) Provides that certain powers and actions are transferred to the board on January 1, 2004.

(b) Authorizes TCPS, before January 1, 2004, to agree with DPS to transfer any property of TCPS to DPS to implement the transfer required by this article.

(c) Requires TCPS, during the period beginning on the effective date of this article and ending January 1, 2004, to continue to perform functions and activities under Chapter 1702, Occupations Code, as if that chapter had not been amended by this article, and continues former law in effect for that purpose.

(d) Provides that of the fees collected during the state fiscal biennium beginning September 1, 2003, by TCPS or the board under Chapter 1702, Occupations Code, \$1 million is appropriated to DPS for TCPS and the board for the state fiscal biennium beginning September 1, 2003, for the purpose of administering Chapter 1702.

SECTION 11.08. Effective date of this article: November 1, 2003, except that Section 11.07(d), of this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

ARTICLE 12. TEXAS INNOCENCE COMMISSION

SECTION 12.01. Amends Chapter 43, Code of Criminal Procedure, by adding Article 43.27, as follows:

Art. 43.27. TEXAS INNOCENCE COMMISSION

Sec. 1. CREATION. Authorizes the governor to create the Texas Innocence Commission (commission) as provided by Sections 2-9 of this article.

Sec. 2. COMPOSITION. (a) Provides that the commission is composed of nine members, including members appointed by the governor, the attorney general, the chair of the general jurisprudence committee of the house of representatives, the chair of the senate criminal justice committee, the chief justice of the supreme court, the chancellor of The University of Texas System, and the Texas Criminal Defense Lawyers Association to appoint a certain member.

(b) Provides that each member serves a two-year term.

(c) Requires the governor to designate a member to serve as presiding officer.

Sec. 3. POWERS AND DUTIES. (a) Authorizes the commission to administer oaths and issue subpoenas, signed by the presiding officer, to compel the production of documents and other evidence and the attendance of witnesses. Requires a subpoena of the commission to be served by a peace officer in the manner in which district court

subpoenas are served. Requires a district court of Travis County, on application of the commission, to compel compliance with the subpoena in the same manner as for district court subpoenas.

(b) Requires the commission to investigate thoroughly post-conviction exonerations of the innocent, including any convictions vacated by a court or nullified by an official pardon. Authorizes the commission to also investigate other selected cases that, in the commission's discretion, are reasonably likely to have resulted in wrongful conviction, including convictions vacated based on a plea to time served. Requires the commission to conduct any investigations it considers necessary to ascertain and identify certain errors and defects, develop solutions and methods to correct the identified errors and defects, and identify procedures and programs to prevent future wrongful convictions.

(c) Authorizes the commission to enter into contracts for research services as considered necessary to complete the investigation of a particular case, including forensic testing.

Sec. 4. REPORT. (a) Requires the commission to compile a detailed annual report of its findings and recommendations, including any proposed legislation to implement procedures and programs to prevent future wrongful convictions.

(b) Requires the report to be made available to the public on request.

(c) Prohibits the findings and recommendations contained in the report from being used as binding evidence in a subsequent civil or criminal proceeding.

Sec. 5. SUBMISSION. Requires the commission to submit the report described by Section 4 to certain persons not later than December 1 of each even-numbered year.

Sec. 6. REIMBURSEMENT. Provides that a member of the commission is not entitled to compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 7. GIFTS AND GRANTS. Authorizes the commission to accept gifts, grants, and other donations to fund the commission's investigations and other activities under this article.

Sec. 8. ASSISTANCE. Requires certain entities to assist the commission in performing the commission's duties.

Sec. 9. OTHER LAW. Provides that the commission is not subject to Chapter 2110, Government Code (State Agency Advisory Committees).

ARTICLE 13. REPORTS

SECTION 13.01. Amends Section 363.064(a), Health and Safety Code, to delete the inclusion of waste reduction in accordance with the goal established under Section 361.0201(d), to the extent that funds are available, from the list of requirements for a regional or local solid waste management plan.

SECTION 13.02. Amends the heading to Section 5.178, Water Code, to read as follows:

Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES

SECTION 13.03. Amends Section 5.178(b), Water Code, to delete certain sections of the Health and Safety Code from the list of sections generating reports and assessments which are required to be included in a report under this section.

SECTION 13.04. (a) Repealer: Sections 361.020, 361.0201, 361.0232, 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063, and 382.141, Health and Safety Code.

(b) Repealer: Section 5.178(c), Water Code (relating to filing a municipal solid waste report).

ARTICLE 14. PERMITS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SECTION 14.01. (a) Provides that it is the policy of this state to be effective and efficient with public funds, to provide for effective and efficient management of natural resources, and to serve the people of Texas by making the government more visible, accessible, coherent, consistent, and accountable to the people of Texas. Provides that the legislature finds that the Texas Commission on Environmental Quality's (TCEQ) procedures for processing permits is cumbersome, confusing, lengthy, and inefficient for citizens, business, political subdivisions, and TCEQ.

(b) Provides that TCEQ's permitting processes warrant, and the legislature directs, an in-depth evaluation, including the identification of problems, potential options, and solutions. Requires the evaluation to solicit and consider input from all stakeholders, including public hearings and the opportunity for submission of written and oral comments. Requires the solutions identified in the final assessment of TCEQ's permitting process to ensure certain conditions are met.

(c) Requires a seven-member study committee to conduct the evaluation and final assessment required by Subsection (b) of this section and submit its findings not later than November 1, 2004, to certain individuals and entities. Requires the study committee to consist of certain individuals.

(d) Provides that it is the intent of the legislature to effectuate the appropriate solutions through legislation at the earliest opportunity subsequent to receipt of the study committee's final assessment.

ARTICLE 15. CONSIDERATIONS BY THE BOARD OF PARDONS AND PAROLES REGARDING CLEMENCY MATTERS

SECTION 15.01. Amends Section 508.047(b), Government Code, to provide that the members of the Texas Board of Pardons and Paroles (TBPP) are not required to meet as a body to perform the member's duties in clemency matters, except as provided by Article 48.011, Code of Criminal Procedure, and Section 551.124.

SECTION 15.02. Amends Section 551.124, Government Code, as follows:

(a) Created from existing text.

(b) Requires TBPP to deliberate privately. Requires the presiding officer, at the conclusion of deliberations, to announce publicly individual members' decisions as to whether to recommend clemency. Requires each member to sign the member's name with the member's written recommendation and reasons for the recommendation.

(c) Requires TBPP to adopt rules to implement the requirements of this section.

SECTION 15.03. Amends Chapter 48, Code of Criminal procedure, by adding Article 48.011, as follows:

Art. 48.011. MEETINGS: CAPITAL CASE. (a) Requires members of TBPP, in a capital case, to perform the members' duties in clemency matters by meeting as a body and holding a hearing open to the public or accessible to the public by broadcast.

(b) Requires the public hearing to be conducted at the correctional facility where the inmate is housed. Requires the inmate to be allowed to be present at the hearing, absent overriding security issues.

(c) Requires TBPP to cause a record of the hearing to be kept.

(d) Requires TBPP to adopt rules as necessary to implement the requirements of this article.

SECTION 15.04. (a) Makes the application of the change in law made by this article prospective.

(b) Requires TBPP to adopt the rules required by Article 48.011(d), Code of Criminal Procedure, as added by this Act, and Section 551.124, Government Code, as amended by this Act, not later than March 1, 2004.

ARTICLE 16. CERTAIN AGREEMENTS OF THE TEXAS DEPARTMENT OF TRANSPORTATION

SECTION 16.01. Amends Subchapter C, Chapter 201, Transportation Code, by adding Section 201.1055, as follows:

Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES. Authorizes TxDOT and a private entity that offers the best value to the state to enter into an agreement that includes certain conditions, notwithstanding any other law.

ARTICLE 17. ORGANIZATION OF CERTAIN STATE AGENCIES; TRANSFER OF CERTAIN FUNCTIONS

SECTION 17.01. Amends Subtitle C, Title 3 Government Code, by adding Chapter 327, as follows:

CHAPTER 327. LEGISLATIVE INFORMATION SERVICES BOARD

Sec. 327.001. DEFINITIONS. Defines “board” and “director.”

Sec. 327.002. CREATION. Provides that the Legislative Information Services Board (board) is an agency of the legislative branch of state government.

Sec. 327.003. LEGISLATIVE INFORMATION SERVICES BOARD. (a) Provides that the board consists of certain individuals.

(b) Provides that the lieutenant governor and the speaker of the house of representatives serve alternate terms as the chairman and vice chairman of the board.

(c) Provides that members of the board serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official functions.

(d) Provides that actual and necessary expenses are paid from funds appropriated to the board.

Sec. 327.004. DIRECTORS. Authorizes the director, with the approval of the board, to employ professional and clerical personnel.

(b) Requires the board to set the salaries of the personnel employed by the director.

Sec. 327.006. GIFTS AND GRANTS. (a) Authorizes the board to accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, for the purposes of funding any activity under this chapter.

(b) Requires all gifts, grants, and donations to be accepted in an open meeting by a majority of the voting members of the board and reported in the public record of the board with the name of the donor and purpose of the gift, grant, or donation.

Sec. 327.007. DUTIES. Requires the board to provide certain computer support services to the legislative branch of state government.

Sec. 327.008. ELECTRONIC AVAILABILITY OF LEGISLATIVE INFORMATION THROUGH THE INTERNET. (a) Defines “Internet” and “legislative information.”

(b) Authorizes the board, to the extent it considers it to be feasible and appropriate, to make legislative information available to the public through the Internet.

(c) Authorizes the board to make available to the public through the Internet any documentation that describes the electronic digital formats of legislative information.

(d) Provides that the access to legislative information provided for under this section is in addition to the public’s access to the information through other electronic or print distribution of the information, does not alter, diminish, or relinquish any copyright or other proprietary interest or entitlement of the State of Texas or a private entity under contract with the state, and is subject to Section 327.009.

Sec. 327.009. COMPUTER ACCESS, INFORMATION, AND USE. (a) Requires the board to consider each application for direct access to a computer under its control in which confidential information is stored or processed or that is connected with another computer in which confidential information is stored or processed and to solely determine whether or not to permit direct access by the applicant. Prohibits direct access to such a computer from being permitted unless protection of confidential information is ensured.

(b) Provides that if public information of the board is stored in a computer-readable form, the board has exclusive authority to determine the form in which the information will be reproduced for the requestor of the information.

(c) Provides that notwithstanding Subchapter F, Chapter 552, the board has exclusive authority to determine the charge for direct access to a computer under its control and the charge for information reproduced for a requestor.

(d) Authorizes the board to consider the needs of persons with disabilities when making decisions regarding the formats in which information is made available under this chapter.

Sec. 327.010. COMPUTER SECURITY; PENALTY. (a) Provides that a person commits an offense if the person intentionally or knowingly gains access to information stored or maintained by a computer under the control of the board and the person is not authorized by the board to have access to that information.

(b) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly damages, destroys, deletes, or alters or impairs access to or use of information stored or maintained by a computer under the control of the board and the person is not authorized by the board to do so.

(c) Provides that Subsection (b) does not apply to an interruption of utility service

or other service that causes the damage, destruction, deletion, or alteration of or impairment of access to or use of the information unless the interruption was intended to have that result.

(d) Provides that an offense under this section is a Class A misdemeanor.

SECTION 17.02. Repealer: Section 276.008, Election Code; Chapter 323, Government Code; Section 2053.004, Government Code; and Section 6.14, Tax Code.

PART 2. TRANSFER OF FINANCIAL AUDIT FUNCTIONS FROM STATE AUDITOR TO LEGISLATIVE BUDGET BOARD

SECTION 17.03. Amends Chapter 322, Government Code, by adding Section 322.002, as follows:

Sec. 322.002. DEFINITIONS. Defines “board” and “department.”

SECTION 17.04. Amends Chapter 322, Government Code, by adding Sections 322.0155 through 322.026, as follows:

Sec. 322.0155. FINANCIAL AND COMPLIANCE AUDITS: POWERS AND DUTIES.

(a) Requires the Legislative Budget Board (LBB) to conduct financial audits of all departments, including institutions of higher education, as specified in the audit plan required under Subsection (c). Authorizes LBB to conduct an audit or investigation of any entity receiving funds from the state.

(b) Requires LBB to conduct the audits in accordance with generally accepted auditing standards as prescribed by certain entities.

(c) Requires LBB to devise an audit plan for the state for each fiscal year. Requires LBB, in the plan, to consider recommendations concerning coordination of agency functions made by representatives of the Performance Review Commission. Requires LBB to also consider the extent to which a department has received a significant increase in appropriations, including a significant increase in federal or other money passed through to the department, and to review procurement activities for compliance with Section 2161.123. Requires the plan to provide for the auditing of federal programs at least once in each fiscal biennium and to ensure that audit requirements of all bond covenants and other credit or financial agreements are satisfied.

(d) Authorizes LBB, at any time during an audit or investigation, to require the assistance of the administrative head, official, auditor, accountant, or other employees of the entity being audited or investigated.

(e) Provides that LBB is entitled to access to all of the books, accounts, confidential or unconfidential reports, vouchers, or other records of information in any department or entity subject to audit, including access to all electronic data.

(f) Provides that LBB has access to information and data the release of which is restricted under federal law only with the approval of the appropriate federal administrative agency. Requires LBB to have access to copyrighted or restricted information obtained by the office of the comptroller of public accounts under subscription agreements and used in the preparation of economic estimates only for audit purposes.

(g) Authorizes LBB to conduct compliance and financial audits as defined by Sections 322.016 and 322.017 and specified in the audit plan.

(h) Requires LBB, to the extent that the performance of the powers and duties of

LBB under law is not impeded, to make reasonable efforts to coordinate requests for employee assistance under Subsection (d) or requests for access to books, accounts, vouchers, records, or data under Subsection (e) or (f) so as not to hinder the daily operations of the audited entity.

(i) Prohibits LBB from conducting audits of private entities concerning collection or remittance of taxes or fees to the state if the entity is subject to audit by another state agency for the taxes or fees.

(j) Requires LBB, if the board determines that a change in an accounting system is necessary, to consider the present system of books, records, accounts, and reports to ensure that the transition will be gradual and that the past and present records will be coordinated into the new system.

Sec. 322.016. COMPLIANCE AUDIT. Provides that a compliance audit is an audit to determine certain information.

Sec. 322.017. FINANCIAL AUDIT. Provides that a financial audit is an audit to determine certain information.

Sec. 322.018. FINANCIAL AND COMPLIANCE AUDIT REPORTS. (a) Requires LBB to prepare a written report for each financial or compliance audit conducted by LBB.

(b) Requires the written report to include a management letter with comments about internal controls, compliance with state or federal laws, and recommendations for improving operations or program effectiveness, as applicable. Requires the report to also include an opinion on fair presentation of financial statements if LBB considers an opinion to be necessary.

(c) Requires LBB to file a copy of each report prepared under this section with certain individuals.

(d) Requires LBB to maintain a complete file containing certain reports, papers, and evidence relating to the work of LBB.

(e) Requires LBB to maintain the files required by Subsection (d) for at least eight years after the date on which the information is filed.

(f) Requires each audited department or entity to report on the manner in which the department or entity addressed the findings and recommendations that are included in a report prepared by LBB under this section. Requires LBB to prescribe the form and schedule for a report by the department or entity under this subsection.

(g) Requires the department or entity, if a department or entity does not implement a change recommended by LBB's report, to file a report with the persons specified by Subsection (c). Requires the report to meet certain requirements.

Sec. 322.019. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS. (a) Requires LBB, if in the course of an audit LBB finds evidence of improper practices of financial administration, inadequate fiscal records, or uneconomical use of resources, after consulting with the head of the department being audited, to immediately report the evidence to the governor and to the administrative head and the chairman of the governing body of the affected department.

(b) Requires LBB, if in the course of an audit LBB finds evidence of an illegal transaction, after consulting with the head of the department, to immediately report the transaction to the governor and the appropriate legal authority.

(c) Provides that LBB, immediately after receiving a report alleging improper practices of financial administration or uneconomical use of resources, shall review the report and shall consult with and may hold hearings with the administrative head and the chairman of the governing body of the affected department regarding the report.

(d) Requires LBB, if the administrative head or the governing body of the affected department refuses to make the changes recommended by LBB at a hearing under Subsection (c) or refuses to provide any additional information or reports requested, to report the refusal to the legislature.

Sec. 322.020. REVIEW AND OVERSIGHT OF FUNDS AND ACCOUNTS RECEIVING COURT COSTS. (a) Authorizes LBB to review each fund and account into which money collected as a court cost is directed by law to be deposited to determine certain information.

(b) Authorizes LBB to perform reviews under this section as specified in the audit plan developed under Section 322.0155.

(c) Requires LBB to make the findings of a review performed under this section available to the public and to report the findings to certain individuals. Authorizes the report to include LBB's recommendations for legislation or policy change.

Sec. 322.021. SUBPOENAS. (a) Authorizes LBB to subpoena witnesses or any books, records, or other documents reasonably necessary to conduct an examination under this chapter.

(b) Requires each subpoena to be signed by the chairman of the secretary of LBB.

(c) Requires certain individuals, on the request of the chairman or the secretary of the chairman of LBB, to serve the subpoena in the manner prescribed for service of a district court subpoena.

(d) Authorizes the board, if the person to whom a subpoena is directed fails to comply, to bring suit in district court to enforce the subpoena. Requires the court, if the court determines that good cause exist for the issuance of the subpoena, to order compliance. Authorizes the court to modify the requirements of a subpoena that the court determines are unreasonable. Provides that the failure to comply with the order of the district court is punishable as contempt.

(e) Authorizes the board to provide for the compensation of subpoenaed witnesses. Prohibits the amount of compensation from exceeding the amount paid to a witness subpoenaed by a district court in a civil proceeding.

SEC. 322.022. INTERFERENCE WITH AUDIT OR INVESTIGATION. (a) Provides that an officer or employee of this state or of an entity subject to audit or investigation by the board commits an offense if officer or employee take certain actions.

(b) Provides that an offense under this section is a Class A misdemeanor.

Sec. 322.023. COORDINATION OF CERTAIN AUDITS. (a) Authorizes certain state agencies and nonprofit corporations to employ a private auditor, notwithstanding any other law.

(b) Authorizes LBB, at the joint direction of the lieutenant governor and the speaker of the house of representatives, to provide contract management services to agency or corporation for an audit described by this section.

Sec. 322.024. GIFTS AND GRANTS. (a) Authorizes LBB to accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, for the purpose of funding any activity under this chapter.

(b) Requires all gifts, grants, and donations to be accepted in an open meeting by a majority of the voting members of LBB and reported in the public record of the committee with the name of the donor and purpose of the gift, grant, or donation.

Sec. 322.025. COORDINATION Of INVESTIGATIONS. (a) Provides that if the administrative head of a department or entity that is subject to LBB audit has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to LBB. Authorizes LBB to investigate the report or authorize to monitor any investigation conducted by the department or entity.

(b) Requires LBB, in consultation with state agencies and institutions, to prescribe the form, content, and timing of a report required by this section.

(c) Provides that all records of a communication by or to LBB relating to a report to the board under Subsection (a) are audit working papers of the board.

(d) Defines “audit working papers.”

Sec. 322.026. SEAL. Requires LBB to obtain a seal with “Legislative Budget Board,” engraved around the margin and a five-pointed star in the center to be used to authenticate official documents issued by it.

SECTION 17.05. Repealer: Chapter 321, Government Code (State Auditor).

PART 3. CREATION OF PERFORMANCE REVIEW COMMISSION; ABOLITION OF SUNSET ADVISORY COMMISSION AND TRANSFER OF FUNCTIONS TO PERFORMANCE REVIEW COMMISSION

SECTION 17.06. Amends Section 325.002, Government Code, as follows:

Sec. 325.002. DEFINITIONS. Defines “department” and redefines “commission.” Makes nonsubstantive changes.

SECTION 17.07. Amends Section 325.003, Government Code, by amending the section heading and Subsections (a), (d), and (i), as follows:

Sec. 325.003. New heading: PERFORMANCE REVIEW COMMISSION. (a) Provides that the Performance Review Commission (commission), rather than the Sunset Advisory Commission, consists of the lieutenant governor, the speaker of the house, three other, rather than four, members appointed by the lieutenant governor, and three other, rather than four, members of the house of representatives and two public members. Deletes text authorizing each appointing authority to designate himself as one of the legislative appointees.

(d) Establishes that the legislative members other than the lieutenant governor and the speaker of the house of representatives serve four-year terms, with terms staggered so that terms of one-half of the legislative members appointed by the lieutenant governor and the terms of one-half of the legislative members appointed by the speaker expire September 1 of each odd-numbered year. Requires the lieutenant governor and the speaker to serve on the commission, until resignation from the commission or until the lieutenant governor or speaker ceases to hold office. Makes nonsubstantive changes.

(i) Provides that the speaker of the house of representatives is the chairman of the commission. Deletes text requiring the chairmanship and vice-chairmanship to alternate between membership groups.

SECTION 17.08. Amends Section 325.008(a), Government Code, to make a conforming change.

SECTION 17.09. Amends Chapter 325, Government Code, by adding Sections 325.0081 through 325.0086, as follows:

Sec. 325.0081. OTHER POWERS AND DUTIES. (a) Requires the commission to conduct performance audits of all departments, including institutions of higher education, as specified in the audit plan developed under Subsection (c).

(b) Requires the commission to conduct the audits in accordance with generally accepted auditing standards as prescribed by certain entities that prescribe auditing standards.

(c) Requires the commission to develop and approve an audit plan for the state for each fiscal year. Requires the commission, in devising the plan, to consider recommendations concerning coordination of agency functions made jointly by representatives of the commission and LBB.

(d) Authorizes the commission, at any time during an audit, to require assistance from certain employees of the entity being audited.

(e) Provides that the commission is entitled to access to all of the books, accounts, confidential or unconfidential reports, vouchers, or other records of information in any department or entity subject to audit, including access to all electronic data except as provided by Subsection (f).

(f) Provides that the commission has access to information and data the release of which is restricted under federal law only with the approval of the appropriate federal administrative agency. Requires the commission to have access to copyrighted or restricted information obtained by the comptroller under subscription agreements and used in the preparation of economic estimates only for audit purposes.

(g) Authorizes the commission to conduct economy and efficiency audits and effectiveness audit as defined by this chapter and specified in the audit plan.

(h) Requires the commission, to the extent that the performance of the powers and duties of the commission under law is not impeded, to make reasonable efforts to coordinate requests for employee assistance under Subsection (d) or requests for access to books, accounts, vouchers, records, or data under Subsections (e) or (f) so as not to hinder the daily operations of the audited entity.

Sec. 325.0082. ECONOMY AND EFFICIENCY AUDIT. Defines “economy and efficiency audit.”

Sec. 325.0083. EFFECTIVENESS AUDIT. Defines “effectiveness audit.”

Sec. 325.0084. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS. (a) Requires the commission, if in the course of an audit the commission finds evidence of uneconomical use of resources or ineffective program performance, after consulting with the head of the department, to immediately report the evidence to the governor and the administrative head and the chairman of the governing body of the affected department.

(b) Requires the commission, if in the course of an audit the commission finds

evidence of an illegal transaction, after consulting with the head of the department, to immediately report the transaction to the governor and the appropriate legal authority.

(c) Requires the commission to review a report alleging uneconomical use of resources or ineffectiveness program performance immediately. Requires the commission to consult with and authorizes it to hold hearings with the administrative head and the chairman of the governing body of the affected department regarding the report.

(d) Requires the commission, if the administrative head or the governing body of the affected department refuses to make the changes recommended by the commission at the hearing or provide any additional information or reports requested, to report the refusal to the legislature.

Sec. 325.0085. REVIEW OF INTERSCHOLASTIC COMPETITION. Authorizes the commission to periodically review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of an organization that is a component or part of a state agency or institution and that sanctions or conducts interscholastic competition. Requires the commission to report the findings to the governor, lieutenant governor, and the speaker of the house of representatives. Authorizes the legislature to consider the commission's report in connection with the legislative appropriations process.

Sec. 325.0086. RECORDS MANAGEMENT REVIEW. (a) Authorizes the commission to periodically review and analyze the effectiveness and efficiency of the policies and management of a state governmental agency or state agency that is involved in analyzing and recommending improvements to the state's system of records management; and preserving the essential records of this state, including records relating to financial management information.

(b) Defines "state agency."

SECTION 17.10. Amends Subtitle C, Title 3, Government Code, by adding Chapter 331, as follows:

CHAPTER 331. LEGISLATIVE POLICY COUNCIL

Sec. 331.001. LEGISLATIVE POLICY COUNCIL. Provides that the Legislative Policy Council (council) is an agency in the legislative branch of state government.

Sec. 331.002. MEMBERSHIP. (a) Establishes that the council is composed of the lieutenant governor, the speaker of the house of representatives, four members of the senate appointed by the lieutenant governor, and four members of the house of representatives appointed by the speaker.

(b) Provides that the lieutenant governor is the chairman of the council and the speaker is the vice chairman.

Sec. 331.003. QUORUM; MEETINGS. (a) Provides that a majority of the members of the council from each house constitutes a quorum to transact business.

(b) Requires the council to meet at the call of the chairman or on written petition of a majority of the members of the council from each house.

(c) Requires the council to meet in Austin, except that if a majority of the members of the council from each house agree, the council may meet in any location determined by the council.

(d) Provides that each member of the legislature is entitled to attend and present the member's views in any meeting of the council. Prohibits a legislator who is not member of the council from voting.

Sec. 331.004. EXECUTIVE DIRECTOR; PERSONNEL. Authorizes the council to employ an executive director.

Sec. 331.005. COUNCIL EXPENDITURES; SALARIES. (a) Provides that the amount of allowable expenditures for the council is determined by legislative appropriation.

(b) Requires the council to determine the salaries of its employees.

Sec. 331.006. GIFTS AND GRANTS. (a) Authorizes the council to accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, as amended, for the purpose of funding any activity under this chapter.

(b) Requires all gifts, grants, and donations to be accepted in an open meeting by a majority of the voting members of the council and reported in the minutes of the council meeting with the name of the donor and purpose of the gift, grant, or donation.

Sec. 331.007. DUTIES. Requires the staff to perform policy analysis and related empirical analysis and research at the direction of the council regarding issues and matters identified by the council that may affect state revenue or appropriations or that may be the subject of legislation or proposed amendments to the Texas Constitution.

Sec. 331.008. AGENCY COOPERATION. Requires each state agency in any branch of state government to cooperate with the council in providing the council with the information the council requires to perform its duties.

PART 5. CONFORMING AMENDMENTS

SECTION 17.11. Amends Section 81.113(a), Government Code, to make confirming changes.

SECTION 17.12. Amends Section 301.021(a), Government Code, to make a conforming change.

SECTION 17.13. Amends Section 301.028(a), Government Code, to make a conforming change.

SECTION 17.14. Amends Sections 301.041(a) and (d), to make conforming changes.

SECTION 17.15. Amends Section 302.032, Government Code, to make conforming changes.

SECTION 17.16. Amends Section 302.033, Government Code, to make conforming changes.

SECTION 17.17. Amends Section 306.007, Government Code, to make a conforming change.

SECTION 17.18. Amends Section 326.001, Government Code, to redefine "legislative agency."

SECTION 17.19. Amends Sections 326.003(a) and (b), Government Code, as follows:

(a) Makes a conforming change.

(b) Requires the director of the Legislative Budget Board, rather than the State Auditor, to call each meeting.

SECTION 17.20. Amends Section 468.003(b), Government Code, to make a conforming change.

SECTION 17.21. Amends Section 531.203(d), Government Code, to make a conforming change.

SECTION 17.22. Amends Subdivision (11), Section 572.002, Government Code, to redefine “state employee.”

SECTION 17.23. Amends Section 660.203(a), Government Code, to make a conforming change.

SECTION 17.24. Amends Section 660.206, Government Code, to make conforming changes.

SECTION 17.25. Amends Section 762.003(a), Government Code, to provide that the Commission on Uniform State Laws (CUSL) is composed of nine members appointed by the governor in addition to the persons described in Subdivision (1), rather than Subdivisions (1) and (2). Deletes text providing that the executive director of the Texas Legislative Council or a person designated by the executive director is a member of CUSL.

SECTION 17.26. Amends Section 762.011, Government Code, to make a conforming change.

SECTION 17.27. Amends Section 2052.0021(c), Government Code, to make a conforming change.

SECTION 17.28. Amends Section 2056.002(d), Government Code, to make a conforming change.

SECTION 17.29. Amends Section 2056.010, Government Code, to make conforming changes.

SECTION 17.30. Amends Section 2102.009, Government Code, to make conforming changes.

SECTION 17.31. Amends Sections 2102.0091(a) and (c), Government Code, to make conforming changes.

SECTION 17.32. Amends Section 2155.203, Government Code, to make conforming changes.

SECTION 17.33. Amends Section 2158.065, Government Code, to make a conforming change.

SECTION 17.34. Amends Section 201.403(c), Transportation Code, to make a conforming change.

SECTION 17.35. Amends Section 41.060(c), Utilities Code, to make a conforming change.

SECTION 17.36. Amends Section 12(a), Chapter 357, Acts of the 64th Legislature, Regular Session, 1975 (Article 4413(32e), V.T.C.S.), to make conforming changes.

SECTION 17.37. Amends Section 11(a), Chapter 672, Acts of the 65th Legislature, Regular Session, 1977 (Article 4413(42a), V.T.C.S.), to make a conforming change.

PART 6. TRANSITION

SECTION 17.38. (a) Provides that the Texas Legislative Council is abolished effective November 1, 2003.

(b) Provides that on November 1, 2003, all functions and activities assigned to or performed by the information systems division of the Texas Legislative Council immediately before that date are transferred to the Legislative Information Services Board; all funds, obligations, contracts, property and records of the Texas Legislative Council relating to the services performed by the information systems division of the Texas Legislative Council are transferred to the Legislative Information Services Board; all employees of the information systems division of the Texas Legislative Council become employees of the Legislative Information Services Board; all of the property and records

of the Texas Legislative Council relating to the services performed by the legal and research divisions of the Texas Legislative Council are transferred to either the senate or the house of representatives, as determined by the lieutenant governor and the speaker of the house of representatives; all employees of the legal and research divisions of the Texas Legislative Council become employees of either the senate or house of representative, as determined by the lieutenant governor and the speaker of the house of representatives; and a reference in law to the Texas Legislative Council that relates to the services performed by the information system divisions of the Texas Legislative Council means the Legislative Information Services Board.

SECTION 17.39. (a) Provides that the office of state auditor and the legislative audit committee are abolished but continue in effect until December 1, 2003, for the sole purpose of transferring to the Legislative Budget Board and the Performance Review Commission all the rights, powers, duties, and functions exercised by the state auditor and the legislative audit committee immediately before the effective date of this Act. Requires the transfer to be completed not later than December 1, 2003.

(b) Provides that all the funds, contracts, property, personnel and records of the office of the state auditor and the legislative audit committee are transferred to the Legislative Budget Board and the Performance Review Commission, as determined by the lieutenant governor and the speaker of the house of representatives, for the purpose of performing the audit functions that the state auditor was authorized or required to perform immediately before the effective date of this Act.

(c) Provides that a reference in law or in an administrative rule to the state auditor or the office of the state auditor or the legislative audit committee means the Legislative Budget Board or the Performance Review Commission for the purposes of administering Chapter 325, Government Code (Texas Sunset Act), as amended by this Act.

(d) Establishes that a reference in law to a financial or compliance audit under Chapter 321, Government Code, as repealed by this Act, means an audit under Chapter 322, Government Code, as amended by this Act.

(e) Provides that a reference in law to an efficiency audit, an economy audit, or a program audit under Chapter 321, Government Code, as repealed by this Act, means an audit under Chapter 325, Government Code (Texas Sunset Act), as amended by this Act.

SECTION 17.40. (a) Provides that the Sunset Advisory Commission is abolished and the offices of the members of the commission serving on the effective date of this Act are abolished. Provides that members of the commission serving immediately prior to the effective date of this Act are eligible for reappointment to the Performance Review Commission. Prohibits prior service on the Sunset Advisory Commission from disqualifying a member of the legislature or a member of the public from appointment to the Performance Review Commission. Requires the lieutenant governor and the speaker of the house of representatives, in making initial appointments to the Performance Review Commission, to comply with Chapter 325, Government Code (Texas Sunset Act), as amended by this Act, to stagger the appointments of legislative members by specifying two-year and four-year terms for those members. Requires the chairman of the Performance Review Commission to be designated by the speaker of the house of representatives, and the vice chairman of the commission to be designated by the lieutenant governor.

(b) Provides that the validity of an action taken by the Sunset Advisory Commission before it is abolished under Subsection (a) of this section is not affected by the abolishment.

SECTION 17.41. Provides that on November 1, 2003, a rule, standard, or form adopted by the Sunset Advisory Commission is a rule, standard, or form of the Performance Review Commission and remains in effect until changed by the Performance Review Commission; a reference in law to the Sunset Advisory Commission means the Performance Review Commission; all money,

contracts, leases, rights, and obligations of the Sunset Advisory Commission are transferred to the Performance Review Commission; all property, including records, in the custody of the Sunset Advisory Commission becomes the property of the of the Performance Review Commission; all employees of the Sunset Advisory Commission becomes employees of the Performance Review Commission; the executive director of the Sunset Advisory Commission is required to serve as the executive director of the Performance Review Commission until such time as the commission convenes to either continue the employment of that executive director or appoint another executive director; and all funds appropriated by the legislature to the Sunset Advisory Commission are transferred to the Performance Review Commission.

SECTION 17.42. Requires the lieutenant governor, on November 1, 2003, to assume the chairmanship of the Legislative Information Services Board and requires the speaker of the house of representatives to assume the vice chairmanship of the Legislative Information Services Board. Provides that the initial terms of the lieutenant governor and the speaker of the house of representatives expire February 1, 2005.

ARTICLE 18. UNCLAIMED PROPERTY.

SECTION 18.01. Amends Section 72.101(a), Property Code, to make a conforming change related of the creation of Section 72.1015, Property Code.

SECTION 18.02. Amends Subchapter B, Chapter 72, Property Code, by adding Section 72.1015, as follows:

Sec. 72.1015. UNCLAIMED WAGES. (a) Defines “wages.”

(b) Provides that an amount of unclaimed wages is presumed abandoned if, for longer than one year the existence and location of the person to whom the wages are owed is unknown to the holder of the wages and according to the knowledge and records of the holder of the wages, a claim to the wages has not been asserted or an act of ownership of the wages has not been exercised.

SECTION 18.03. Amends Section 74.001(a), Property Code, as amended by H.B. 826, Acts of the 78th Legislature, Regular Session, to delete a reference to Subchapter G, Chapter 61, Labor Code.

SECTION 18.04. Amends Section 74.101(a), Property Code, to make a conforming change.

SECTION 18.05. Amends Section 74.301(a), Property Code, to make a conforming change.

SECTION 18.06. Repealer: Subchapter G, Chapter 61, Labor Code (Payment of Wages), as added by H.B. 826, Acts of the 78th Legislature, Regular Session.

SECTION 18.07. Effective date of this article: September 1, 2003, or November 1, 2003.

ARTICLE 19. TEXAS BICYCLE TOURISM TRAILS

SECTION 19.01. Amends Section 201.902, Transportation Code, as follows:

(a)-(c) No changes.

(d) Requires the statewide bicycle coordinator, with the regional bicycle coordinators and an advisory committee established in TxDOT, to advise the Texas Transportation Commission on the development of bicycle tourism trials. Requires the coordinator to develop recommendations that meet certain conditions.

(e) Created from existing text.

(f) Requires TxDOT, in its annual report, to report on the activities of the statewide

bicycle coordinator and specifically on the bicycle tourism trails program.

SECTION 19.02. Requires TxDOT to include the report on the activities of the statewide bicycle coordinator and the bicycle tourism program required by this article beginning with its annual report for calendar year 2004.

SECTION 19.03. Effective date of this article: September 1, 2003, or November 1, 2003.

ARTICLE 20. WORKERS' COMPENSATION RESEARCH

SECTION 20.01. Amends Subtitle A, Title 5, Labor Code, by adding Chapter 405, as follows:

CHAPTER 405. WORKERS' COMPENSATION RESEARCH

Sec. 405.001. Defines "department."

Sec. 405.002. WORKERS' COMPENSATION RESEARCH DUTIES OF DEPARTMENT. (a) Requires the Texas Department of Insurance (TDI) to conduct professional studies and research related to certain workers' compensation issues.

(b) Requires TDI, in addition to the studies and research conducted under Subsection (a), to conduct studies and research related to drugs in the workplace, giving priority to drug abuse in public and private establishments in which drug abuse could result in serious consequences to the public. Requires the studies and research to include a certain survey.

(c) Requires TDI to identify, collect, maintain, and analyze the key information required to assess the operational effectiveness of the workers' compensation system. Requires TDI to provide the information obtained under this subsection to the governor and the legislature on a quarterly basis.

(d) Authorizes TDI to apply for and spend federal funds to implement this chapter.

Sec. 405.003. FUNDING; MAINTENANCE TAX. (a) Provides that TDI's duties under this chapter are funded through the assessment of a maintenance tax collected annually from all insurance carriers except governmental entities.

(b) Requires TDI to set the rate of the maintenance tax based on the authorized expenditures and anticipated receipts in legislative appropriations. Prohibits the tax rate for insurance companies from exceeding one-tenth of one percent of the correctly reported gross workers' compensation insurance premiums. Prohibits the tax rate for certified self-insurers from exceeding one-tenth of one percent of the total tax base of all certified self-insurers, as computed under Section 407.103(b).

(c) Provides that the tax imposed under Subsection (a) is in addition to all other taxes imposed on those insurance carriers for workers' compensation purposes.

(d) Requires the tax on insurance companies to be collected and paid in the same manner and at the same time as the maintenance tax established for the support of TDI under Article 5.68, Insurance Code. Requires the tax on certified self-insurers to be collected and paid in the same manner and at the same time as the self-insurer maintenance tax collected under Section 407.104.

(e) Requires amounts received under this section to be deposited in the state treasury to the credit of a special account to be used for the operation of TDI's duties under this chapter and to reimburse the general revenue fund in accordance with Article 4.19, Insurance Code.

(f) Provides that Section 403.095, Government Code, does not apply to the special

account established under this section.

Sec. 405.004. COORDINATION WITH OTHER STATE AGENCIES; CONFIDENTIALITY. (a) Entitles TDI to access to certain files and records as required to fulfill its objectives under this chapter.

(b) Requires a state agency to assist and cooperate in providing the information to TDI.

(c) Provides that information that is confidential under state law is accessible to TDI under rules of confidentiality and remains confidential.

(d) Provides that the identity of an individual or entity selected to participate in a TDI survey or who participates in such a survey is confidential and is not subject to public disclosure under Chapter 552, Government Code.

SECTION 20.02. Repealers: Chapter 404 (Research and Oversight Council on Workers' Compensation) and Section 413.021(f)(pertaining a report to the Research and Oversight Council on Workers' Compensation), Labor Code.

SECTION 20.03. (a) Appropriates the amount of \$832,396 appropriated by Section 11.15(b), Article 9, H.B. 1, Acts of the 78th Legislature, Regular Session, 2003, for each fiscal year of the state fiscal biennium beginning September 1, 2003, to TDI for the purpose of performing its duties under Chapter 405, Labor Code, as added by this Act, with \$804,928 appropriated each fiscal year from the undedicated portion of the general revenue fund and \$27,468 appropriated each fiscal year from the special account established under Section 405.003, Labor Code, as added by this Act, and provides that the amount available for transfer under Section 11.15(c), Article 9, H.B. 1, Acts of the 78th Legislature, Regular Session, 2003, is correspondingly reduced by that amount.

(b) Provides that Rider 1 immediately following the appropriation to the Research and Oversight Council on Workers' Compensation made by H.B. 1, Acts of the 78th Legislature, Regular Session, 2003, applies to the appropriation made by Subsection (a) of this section.

(c) Provides that the special account established under Section 404.003, Labor Code, as that section existed before being repealed by this Act, is re-created and redesignated as a special account to be used for the purposes described by Section 405.003, Labor Code, as added by this Act.

ARTICLE 21. LIQUID WASTE MANAGEMENT

SECTION 21.01. Amends Subchapter B, Chapter 361, Health and Safety Code, by adding Section 361.034, as follows:

Sec. 361.034. RECORDS AND MANIFESTS REQUIRED FOR CERTAIN LIQUID WASTES. (a) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to require a person who generates, collects, conveys, transports, processes, stores, or disposes of sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste to keep records and use a uniform manifest as prescribed by TCEQ rule to ensure that the waste is transported to an appropriate processing, storage, or disposal facility or site permitted or authorized for that purpose.

(b) Requires that the rules require the person who generates the waste, the person who transports the waste, and the person who disposes of the waste each to retain, for not less than three years, a copy of a transportation manifest that records the generator, transporter, and disposal site and method.

(c) Requires that the rules require that aggregate amounts of waste recorded on the

manifests required under this section match the amounts of waste reported to TCEQ annually. Authorizes TCEQ to require copies of manifests to be submitted with reports to TCEQ or at other times.

SECTION 21.02. Requires TCEQ to adopt rules under Section 361.034, Health and Safety Code, as added by this Act, as soon as practicable so that the rules take effect not later than March 1, 2004.

SECTION 21.03. Effective date of this article: upon passage or November 1, 2003.

ARTICLE 22. STATE PUBLICATIONS MAINTAINED BY THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

SECTION 22.01. Amends Sections 441.101(2) and (4), Government Code, to redefine "depository library" and "state publication."

SECTION 22.02. Amends Section 441.102(c), Government Code, to require the Texas State Library and Archives Commission (TSLAC) to establish and maintain a system, named the "Texas Records and Information Locator" or "TRAIL," to allow electronic access, including access through the Internet, at the Texas State Library and other depository libraries, to state publications in an electronic format that have been made available to the public by or on behalf of a state agency.

SECTION 22.03. Amends Section 441.103, Government Code, by amending Subsections (a) and (b) and adding Subsections (f), (g), and (h), as follows:

- (a) Requires a state agency to designate one or more staff persons as agency publications liaisons, rather than contact persons, and to notify the Texas State Library of those persons' identities. Makes a conforming change.
- (b) Requires a state agency to furnish copies of its printed state publications to the Texas State Library in the number specified by TSLAC rules.
- (f) Requires a state agency to make its printed state publications accessible from the state agency's website in an electronic format. Requires the agency, if it does not have a website, to deposit the electronic source file for each printed state publication in the manner prescribed by TSLAC rules.
- (g) Requires a state agency to include, for any state publication in electronic format, regardless of its availability through the Internet, identifying and descriptive information about the state publication as specified by TSLAC and Department of Information Resources rules.
- (h) Requires the state agency, if an electronic state publication is not printed or available from the state agency's website, to furnish the Texas State Library copies in a manner prescribed by TSLAC rules. Prohibits TSLAC from requiring more than 75 copies of the publication.

SECTION 22.04. Amends Section 441.104, Government Code, to require the Texas State Library to perform certain acts.

SECTION 22.05. Amends Section 441.106, Government Code, to prohibit an account for the printing, if a state agency's printing is done by contract, from being approved and a warrant from being issued unless the agency first furnishes to the Texas Building and Procurement, rather than State Purchasing and General Services, Commission a receipt from the state librarian for the publication or a written waiver from the state librarian exempting the publication from this subchapter.

ARTICLE 23. STANDARDIZED STATE ELECTRONIC MAIL SERVICE

SECTION 23.01. Amends Subchapter C, Chapter 2054, Government Code, by adding Section 2054.064, as follows:

Sec. 2054.064. STATE ELECTRONIC MAIL SERVICE. (a) Requires the Department of Information Resources (DIR) to develop a plan to implement a standardized state electronic mail service. Requires the plan to include a cost impact analysis.

(b) Requires DIR, if the cost impact analysis indicates that the benefits of the electronic mail service outweigh the costs, to develop a schedule to implement the service. Requires each state agency to implement the service according to the schedule.

(c) Provides that this section expires November 1, 2007.

ARTICLE 24. TRANSFER OF CERTAIN REAL PROPERTY FOR MUNICIPAL PARK PURPOSES

SECTION 24.01. Amends Section 4, Chapter 38, General Laws, Acts of the 35th Legislature, Regular Session, 1917, to specify that if any portion greater than one-tenth of one acre of certain property is used by the City of Austin for any purpose except public park and recreational purposes and certain related purposes, title to the property is required to revert to the State of Texas free from all claims of the City of Austin. Provides that certain statutes and any similar charter provision of the City of Austin, and any use restriction imposed by this Act do not apply to the sale, conveyance, or lease of a portion of the property to an owner of an interest in adjoining property if the portion of the property is less than one-tenth of one acre. Requires that a lease, sale, or conveyance of any interest in land described by Section 1 or 2 of this Act be submitted to the commissioner of the General Land Office for review and comment before the completion of the transaction. Prohibits, if more than one portion of the property is used for a purpose other than a purpose described by Section 2 of this Act, the aggregate of those portions of property from exceeding one-tenth of one acre.

ARTICLE 25. PUBLIC VOTE ON CHANGES TO GOVERNOR'S POWERS AND DUTIES MADE BY 78TH LEGISLATURE DURING 1ST CALLED SESSION

SECTION 25.01. (a) Defines "becomes law."

(b) Provides that if a bill enacted by the 78th Legislature, 1st Called Session, 2003, becomes law and adds, deletes, or changes a power or duty of the governor, the governor and other persons are prohibited from giving effect to the addition, deletion, or change or any other provision in that bill that is necessarily related to or contingent on that addition, deletion, or change and the other provision in accordance with this section is approved by a majority of the voters voting at a statewide election, as provided by the next section of this article. Provides that for the purposes of this section, the former law is continued in effect before the addition, deletion, or change is approved at the statewide election, and after the statewide election if the addition, deletion, or change is not approved at the election.

(c) Requires the secretary of state to identify all additions, deletions, or changes made by bills enacted by the 78th Legislature, 1st Called Session, 2003, that become law, to the powers and duties of the governor, and all provisions in those bills that are necessarily related to or contingent on those additions, deletions, or changes to the powers and duties of the governor.

(d) Requires the secretary of state, using the information identified under Subsection (c) of this section, to prepare one or more propositions in a certain manner.

(e) Requires each proposition required by Subsection (d) of this section to include certain information.

(f) Authorizes the secretary of state to group or organize additions, deletions, or changes to the powers and duties of the governor and related provisions into propositions required by this section in any manner that is coherent, efficient, and reasonable.

(g) Requires the secretary of state, in performing the secretary's duties under Subsection (c) of this section and in preparing the propositions required by this section, to consult the legislative legal staff that provides legal counseling and legislative drafting services for the legislature.

SECTION 25.02. (a) Effective date of this article: upon passage or on the 91st day after the last day of the legislative session.

(b) Requires the propositions prepared by the secretary of state in accordance with this article to be printed on the ballot for the statewide election to be held September 13, 2003, if this article takes effect immediately. Requires the propositions to be printed on the ballot for the November 4, 2003, statewide election if this article does not take effect immediately.

ARTICLE 26. CERTAIN GOVERNMENTAL CONTRACTS TO BE PERFORMED IN NONATTAINMENT AREAS FOR NATIONAL AMBIENT AIR QUALITY STANDARDS

SECTION 26.01. Amends Section 2155.451(a), Government Code, as added by Section 19, H.B. 1365, Acts of the 78th Legislature, Regular Session, 2003, to include a contract to be performed in a nonattainment area in the applicability of this section.

SECTION 26.02. Amends Section 271.907(b), Local Government Code, as added by Section 20, H.B. 1365, Acts of the 78th Legislature, Regular Session, 2003, to make a conforming change.

SECTION 26.03. Effective date of this article: upon passage or on the 91st day after the last day of the legislative session.

ARTICLE 27. SCHOOL SAFETY REGULATIONS AND SAFETY TRAINING PROGRAM

SECTION 27.01. Amends Chapter 33, Education Code, by adding Subchapter E, as follows:

SUBCHAPTER E. SAFETY REGULATIONS FOR CERTAIN EXTRACURRICULAR ACTIVITIES

Sec. 33.101. **APPLICABILITY.** Provides that this subchapter applies to each public school in this state and to any other school in this state subject to University Interscholastic League (UIL) regulations.

Sec. 33.102. **SAFETY TRAINING COURSE REQUIRED.** (a) Requires the commissioner of education (commissioner) by rule to develop and adopt a safety training course as provided by this section. Authorizes the commissioner to use materials available from the American Red Cross or another appropriate entity in developing the program.

(b) Requires certain persons to satisfactorily complete the safety training course each school year.

(c) Requires the safety training course to include certain elements.

(d) Requires a student participating in an extracurricular athletic activity to receive certain training.

(e) Authorizes the safety training program and the training under Subsection (d) to be conducted by a school or school district or by an organization described by Subsection (c)(1).

(f) Exempts a physician who is employed by a school or a school district or who volunteers to assist with an extracurricular athletic activity from the requirements of Subsection (b) if the physician attends a continuing medical education course that specifically addresses emergency medicine for athletic team physicians.

Sec. 33.103. RECOMMENDATION RELATED TO HEART SCREENING. Requires UIL to recommend that each student participating in an extracurricular athletic activity receive a heart screening.

Sec. 33.104. CERTAIN UNSAFE ATHLETIC ACTIVITIES PROHIBITED. Prohibits a coach or trainer for an extracurricular athletic activity from encouraging or permitting a student participating in the activity to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon.

Sec. 33.105. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) Requires a coach or trainer for an extracurricular athletic activity to at each athletic practice or competition to ensure that each student is permitted adequate access to water, any prescribed asthma medication is available to the student, a defibrillator is accessible if available, emergency lanes providing access to the area are open and clear, and heatstroke prevention materials are available.

(b) Authorizes a referee, umpire, or other official at an extracurricular athletic competition to prohibit a student from participating in the competition under certain circumstances.

(c) Prohibits a student, if rendered unconscious during an extracurricular athletic activity, including a practice or competition, from returning to the practice or competition or continuing to participate in any extracurricular athletic activity until the student receives written authorization from a physician.

Sec. 33.106. COMPLIANCE; ENFORCEMENT. (a) Requires a school to make available, on request, to the public proof of compliance for each person enrolled in, employed by, or volunteering for the school who is required to receive safety training described by Section 33.102.

(b) Requires the superintendent of a school district or the director of a school subject to this subchapter to maintain complete and accurate records of the district's or school's compliance with Section 33.102.

(c) Requires a school that is determined by the school's superintendent or director to be in noncompliance with Section 33.102, 33.104, or 33.105 to discontinue all extracurricular athletic activities offered by the school campus, including all practices and competitions, until the superintendent or director determines that the school is in compliance.

Sec. 33.107. CONTACT INFORMATION. (a) Requires the commissioner to maintain an existing telephone number and an electronic mail address to allow a person to report a violation of this subchapter.

(b) Requires each school that offers an extracurricular athletic activity to prominently display at the administrative offices of the school the telephone number and electronic mail address maintained under Subsection (a).

Sec. 33.108. UNIVERSITY INTERSCHOLASTIC LEAGUE MEDICAL ADVISORY BOARD SUBCOMMITTEE. (a) Requires the UIL director to appoint a subcommittee from among the membership of UIL's medical advisory board. Requires the director or the director's designee to serve as the subcommittee's presiding officer.

(b) Requires the subcommittee to prepare a statement of the risks of injury resulting from participation in extracurricular athletic activities. Requires UIL to post the text of the statement on the UIL Internet website and provide to each student participating and the student's parent or guardian a copy of the statement.

Sec. 33.109. NOTICE REQUIRED. Requires a school offering an extracurricular athletic activity to provide to each participating student and to the student's parent or guardian a copy of the text of Sections 33.101-33.108.

Sec. 33.110. INCORPORATION OF SAFETY REGULATIONS. Requires UIL to incorporate the provisions of Section 33.103-33.108 into the UIL constitution and contest rules.

SECTION 27.02. Provides that this article applies beginning with the 204-2005 school year, except that Sections 33.104 and 33.108, Education Code, as added by this article, apply beginning with the 2003-2004 school year.

ARTICLE 28. TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM ASSETS

SECTION 28.01. Amends Section 845.301(a), Government Code, as amended by H.B. 2240, Acts of the 78th Legislature, Regular Session, 2003, to correct a statutory reference.

SECTION 28.02. Effective date of this article: January 1, 2004.

ARTICLE 29. EFFECTIVE DATE

SECTION 29.01. Effective date: November 1, 2003, except as otherwise provided by this Act.