

The logo for the Texas Sunset Advisory Commission is a semi-circular emblem with a thick black border. Inside the circle, the words "Texas", "Sunset", "Advisory", and "Commission" are stacked vertically in a bold, sans-serif font. The background of the circle is filled with a dense, stippled pattern.

**Texas
Sunset
Advisory
Commission**

SUNSET - 69TH LEGISLATURE

*Analysis of Legislative Decisions
on Sunset Agencies*

May 1985

**Analysis of Legislative Decisions
on Sunset Agencies**

TABLE OF CONTENTS

	<u>Page No.</u>
I. SUMMARY - SUNSET IN THE 69TH LEGISLATURE	1
II. SUNSET ACTION COMPARED WITH FINAL ACTION OF THE 69TH LEGISLATURE	5
III. ANALYSIS OF LEGISLATIVE ACTION ON AGENCIES CONTINUED UNDER SUNSET	
1. <i>Texas Department of Water Resources</i>	
Substantive Changes	7
Bill Summary	11
2. <i>Texas Air Control Board</i>	
Substantive Changes	15
Bill Summary	19
3. <i>Office of State Entomologist</i>	
Substantive Changes	23
Bill Summary	25
4. <i>Office of State Forester</i>	
Substantive Changes	27
Bill Summary	29
*5. <i>Interstate River Compacts</i>	
Substantive Changes	31
Bill Summary	49
6. <i>Gulf States Marine Fisheries Commission</i>	
Substantive Changes	51
Bill Summary	53
7. <i>Texas Parks and Wildlife Department</i>	
Substantive Changes	55
Bill Summary	59
8. <i>School Land Board</i>	
Substantive Changes	67
Bill Summary	69
9. <i>Board for Lease of University Lands</i>	
Substantive Changes	77
Bill Summary	79
10. <i>Veterans Land Board</i>	
Substantive Changes	81
Bill Summary	83
11. <i>State Soil and Water Conservation Board</i>	
Substantive Changes	87
Bill Summary	89

*Pages 31 thru 49.

TABLE OF CONTENTS
(Cont.)

	<u>Page No.</u>
12. Texas Conservation Foundation	
Substantive Changes	91
13. Texas Department of Health	
Substantive Changes	93
Bill Summary	99
14. Texas Board of Health Dental Advisory Committee	
Substantive Changes	115
Bill Summary	117
15. Office of Interstate Compact on Mental Health Administrator for Texas	
Substantive Changes	119
Bill Summary	121
16. Anatomical Board of the State of Texas	
Substantive Changes	123
Bill Summary	125
17. Texas Commission for the Deaf	
Substantive Changes	127
Bill Summary	129
18. State Commission for the Blind	
Substantive Changes	133
Bill Summary	135
19. Texas Rehabilitation Commission	
Substantive Changes	139
Bill Summary	141
20. Texas Commission on Alcoholism	
Substantive Changes	145
Bill Summary	149
21. Texas Advisory Board of Occupational Therapy	
Substantive Changes	153
Bill Summary	155
22. Texas Department on Aging	
Substantive Changes	157
Bill Summary	159
IV. ACROSS-THE-BOARD RECOMMENDATIONS	161

SUMMARY

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SUNSET IN THE 69TH LEGISLATURE

SUMMARY - SUNSET IN THE 69th LEGISLATURE

During the 69th session of the Texas Legislature, 32 agencies were scheduled to terminate unless legislation was passed to continue them. At the close of the session, 26 agencies had been continued and six were abolished. The agencies that were abolished are shown in the following exhibit:

Exhibit 1

Agency	Date Created
1. Office of State Forester	1915
2. Occupational Safety Board	1967
3. Texas Coordinating Commission for Health and Welfare Services	1959
4. Texas Health Facilities Commission	1975
5. Prosecutor Council	1977
6. Texas Coastal and Marine Council	1971

The statutes of the 26 agencies that were continued contained may significant changes. These changes reflected a number of significant shifts in current state policy. Examples of this type of policy decision were:

- Requiring that a permit issued by the Air Control Board expire 15 years after issuance, unless it is renewed. Prior to this change the permits were issued for the life of a facility.
- Reorganizing the Department of Water Resources into two separate agencies, the Texas Water Commission and the Texas Water Development Board. The reorganization recognized that water problems in the state had changed from determination of water rights to enforcement and that a different organization was necessary to handle this type of problem.
- Combining of state alcohol and drug programs along with a restructuring of the Commission on Alcoholism to handle the combined programs. The combination finally resolved an issue that had been debated since 1977.

- Establishing of requirements for licensing and regulation of birthing centers, ambulatory surgical centers and abortion clinics by the Texas Department of Health. This will set standards for the protection of the public for new types of medical facilities that have been developed in recent years.

Also, in almost all instances the legislature changed the agency's statute to include the Sunset Commission across-the-board approaches dealing with conflict-of-interest, enforcement and public participation.

Many of the changes in the sunset legislation had a fiscal impact both in terms of costs and increased revenues. Overall, changes through sunset legislation produced net biennial revenues of \$29 million dollars. The following exhibit summarizes the fiscal impact of sunset process.

Exhibit 2

FISCAL IMPACT OF SUNSET LEGISLATION - 69th LEGISLATURE

Agency	Additional Biennial Cost	Additional Biennial Revenue	Biennial Cost Reduction	Biennial Revenue Reduction
Texas Dept. on Aging	\$ 13,000	\$	\$	\$
Texas Air Control Board	1,946,775	7,870,912		
Texas Commission on Alcoholism	15,600			
State Commission for the Blind	31,840			
Canadian River Compact		22,000		
Coastal & Marine Council			380,000	
Texas Commission for the Deaf			978,232	
Texas Dept. of Health	3,028,033	12,382,708		
Texas Health Facilities Commission			2,305,039	3,720,114
*Texas Parks and Wildlife Department	801,533	4,740,880		
Prosecutor Council			627,348	
Texas Rehabilitation Commission			4,800	
School Land Board		6,272,992		
State Soil & Water Conservation Board	22,800			
Board for Lease of University Lands	2,000	150,000		
Texas Department of Water Resources	571,544	2,968,400		
Veteran's Land Board		408,500		
Column Totals:	\$6,433,125	\$34,816,392	\$4,295,419	\$3,720,114
	-	+	+	-
NET BIENNIAL REVENUES FROM SUNSET LEGISLATION		<u>\$28,958,572</u>		

*An additional \$2 million in revenue will be gained during future bienniums beginning in 1988-89 after all new operations have been phased in.

The 69th Legislature also created several new agencies that will be reviewed under the provisions of the Sunset Act in future years. These are shown in the following exhibit.

Exhibit 3

BILL - AUTHOR	AGENCY	SUNSET REVIEW DATE
H.B. 473 - Richardson	State Employees Incentive Comm.	1997
H.B. 536 - Buchanan	Multi-State Water Resources Planning Commission	1997
H.B. 809 - Jackson	Texas World Trade Council Texas World Trade Dev. Authority	1997
H.B. 1218 - Evans	Texas Modular Building Code Council	1989
H.B. 1581 - Evans	Dental Care Advisory Committee	1997
H.B. 2386 - Hury	Board of Pilot Commissioners	1997
H.B. 1583 - Evans	River Authorities	1991
S.B. 140 - Glasgow	Texas Music Commission	1997
S.B. 371 - Brooks	Council on Child Abuse and Neglect Prevention	1999
S.B. 1169 - Farabee	Texas National Research Laboratory Commission	1991

Several pieces of legislation relating to the sunset process itself were also passed by the 69th Legislature. House Bill 1585 by Evans changed the sunset review schedule to more evenly spread the workload for the reviews over the twelve-year period. House Bill 1583, also by Evans, provided for comments by the Sunset Commission regarding the proposed creation of new state agencies and for the first time, provided for sunset review of river authorities.

**SUNSET ACTION COMPARED WITH FINAL
ACTION OF THE 69TH LEGISLATURE**

**SUNSET ACTION COMPARED WITH FINAL
ACTION OF THE 69TH LEGISLATURE**

<u>Agency</u>	<u>Date Created</u>	<u>Sunset Commission Recommendation</u>	<u>Final Action 69th Legislature</u>
Office of State Forester	1915	Abolish	Abolish
Occupational Safety Board	1967	Abolish	Abolish
Texas Coordinating Commission for Health and Welfare Services	1959	Abolish	Abolish
Texas Health Facilities Commission	1975	Continue with changes	Abolish
Prosecutor Council	1977	Continue with changes	Abolish
Texas Coastal & Marine Council	1971	Continue with changes	Abolish
Texas Department of Water Resources	1977	Continue with changes	Split into two agencies
Texas Air Control Board	1965	Continue with changes	Continue with changes
Office of State Entomologist	1899	Continue with changes	Continue with changes
Interstate River Compacts	1949-80	Continue with changes	Continue with changes
Gulf States Marine Fisheries Commission	1949	Continue with changes	Continue with changes
Texas Parks and Wildlife Department	1963	Continue with changes	Continue with changes
School Land Board	1939	Continue with changes	Continue with changes
Board for Lease of University Lands	1929	Continue with changes	Continue with changes
Veterans Land Board	1949	Continue with changes	Continue with changes
State Soil and Water Conservation Board	1939	Continue with changes	Continue with changes
Texas Conservation Foundation	1969	Continue with changes	Continue with changes
Texas Department of Health	1909	Continue with changes	Continue with changes
Office of Interstate Compact on Mental Health Administrator for Texas	1969	Continue with changes	Continue with changes
Anatomical Board of the State of Texas	1907	Continue with changes	Continue with changes
Texas Commission for the Deaf	1971	Continue with changes	Continue with changes
State Commission for the Blind	1931	Continue with changes	Continue with changes
Texas Rehabilitation Commission	1969	Continue with changes	Continue with changes
Texas Commission on Alcoholism	1953	Continue with changes	Continue with changes
Texas Advisory Board of Occupational Therapy	1983	Continue with changes	Continue with changes
Texas Department on Aging	1965	Continue with changes	Continue with changes

**ANALYSIS OF LEGISLATIVE ACTION ON
AGENCIES CONTINUED UNDER SUNSET**

TEXAS DEPARTMENT OF WATER RESOURCES

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 249, by Representative Craddick as H.B. 474, and by Representatives Patricia Hill and Gibson as H.B. 494. Senate Bill 249 was referred to the Senate Natural Resources Committee and was reported favorably from that committee, as substituted, on May 9, 1985. The major changes in the substitute were: 1) the Texas Water Commission was made the policy body of the agency and the Texas Water Development Board was made responsible for long range planning and water project financing; 2) river authorities were required to obtain from the water commission permits to own and approval to sell all surface mining equipment; 3) the state auditor was required to audit all river authorities on a regular basis; 4) municipal utility districts and water districts were eliminated from the scope of a study commission created by the original bill; 5) fee provisions in the original bill were eliminated; 6) the commission was required to hold hearings prior to the issuance of temporary orders and give public notice at least 20 days prior to this hearing; 7) the provision in the original bill which transferred jurisdiction over municipal hazardous waste from the Texas Department of Health to the water agency was eliminated; 8) the time within which the commission must hold an enforcement hearing for continuously non-compliant permittees was reduced from four years to four months; 9) the maximum administrative penalty was reduced from \$25,000 per day to \$10,000 per day; and 10) the provision in the original bill which authorized the agency to file suit against permittees of the Railroad Commission was eliminated.

The bill was debated in the senate and passed on May 10, 1985, after adoption of amendments which authorized the commission to require that damage to the environment resulting from water use permits be mitigated, and modified the administrative penalty provisions in the bill. The companion bills, H.B. 474 and H.B. 494 were referred to the House Committee on Government Organization, which held a public hearing on them and referred them to subcommittee on May 1, 1985. The senate bill was then referred to the same subcommittee when it was received from the senate. Senate Bill 249 was recalled from subcommittee and considered in a formal meeting by the full committee on May 20, 1985. The committee considered a complete substitute to S.B. 249 offered by Representatives Messer and Arnold, and voted to report S.B. 249, as substituted, to the house on May 20, 1985. Major differences between the bill received by the house and the

substitute adopted by the committee were: 1) the Texas Department of Water Resources' name was changed to the Texas Water Commission and the Texas Water Development Board was made a separate, independent agency; 2) the Public Interest Advocate was to be employed by the commission, instead of appointed by the governor as specified in the original S.B.; 3) most civil penalties for violations of the Water Code were set at \$10,000 instead of the \$25,000 amount established in the original S.B.; 4) regulation of municipal hazardous waste was transferred to the Texas Water Commission from the Texas Department of Health; and 5) the proposed jurisdiction of the water commission over strip mining equipment owned by river authorities was eliminated.

Senate Bill 249 passed the house on May 25, 1985. Amendments made by the house include the following: 1) the commission was authorized to require water use permit applicants to mitigate adverse affects on the environment; 2) water districts (including municipal utility districts) were added to the scope of the study committee created by the bill; and 3) the commission was required to hold hearings and give public notice prior to issuance of temporary orders. Senate Bill 249 passed the house, as amended, on May 25, 1985. The senate concurred in the house amendments on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION:

Agency Reorganization

Prior to enactment of S.B. 249 there was one "umbrella" water agency in the state. The Texas Department of Water Resources contained two separate boards. The Water Development board was the primary policy board for the agency. The Water Commission was set up as an "agency within an agency," with quasi-judicial authority to hold permit hearings for the department. The executive director of the agency was hired and fired only by the Water Development board. This two-board structure resulted in an number of weaknesses. Information did not always flow between the executive director's staff and the Water Commission in a timely fashion. In addition, the Water Commission issued water permits, but the executive director was responsible for enforcing those permits. This situation sometimes resulted in poor coordination between the executive director's staff and the Water Commission.

Senate Bill 249 addresses these problems by eliminating the umbrella agency structure and setting up two independent agencies -- the Water Development Board and the Water Commission. The bill gives the Water Commission the responsibility for managing the state's water permitting programs, as well as for

enforcing those programs. The Water Development Board is responsible for water project financing and long-term water planning. The separate and clearer focus of the two agencies should strengthen the water permitting and enforcement function, as well as the water planning and financing function of the state.

Administrative and Civil Penalties

Under the old law, the water agency had no authority to levy administrative penalties. (An administrative penalty is a fine imposed by the agency itself, as opposed to the traditional method of having the attorney general seek a civil fine through the court system.) The new law gives the Water Commission the authority to levy administrative penalties of up to \$10,000 per day for noncompliance with a permit. The administrative penalty will enable the agency to take enforcement action more quickly than through the traditional method of bringing civil suit through the attorney general. At the same time, the administrative penalty process set up in the bill preserves the permittee's rights to due process and judicial review.

The legislation also increases the civil penalty amounts that the attorney general can seek in court. For the major programs of the agency, these penalties varied from a maximum of \$1,000 a day in some programs up to \$5,000 a day in other programs. The bill raised the civil penalty amount in a number of areas to a maximum of \$10,000 a day. The increased civil penalties will provide a greater incentive for compliance with the water statutes.

Mandatory Enforcement Hearings

It was noted during the sunset review process that some permittees remained out of compliance with their water permit for long periods of time, even though the agency had worked with the permit holder to try to get compliance. Senate Bill 249 includes provisions aimed at eliminating this problem by ensuring that significant enforcement action will be taken against chronic violators. The bill requires that a mandatory enforcement hearing be held for permittees that are in substantial noncompliance for a period of four months. These hearings are effective because the permittee has to explain the noncompliance in a public setting, and because the resulting enforcement order helps the attorney general make a strong case if the state ends up suing the permittee.

Water Districts and Authorities

River authorities and various types of water districts, such as municipal utility districts (MUD's), control substantial amounts of water rights in Texas, and

also provide water and sewer services to many Texas residents. The state exercises very little control over the creation, operation, and financing of these bodies. Under the new law, a special study committee is created to examine whether the state's role with respect to these entities is appropriate. This 10-member committee is directed to report its findings and recommendations to the 70th Legislature for its consideration. The law also requires the state auditor to audit the finances of river authorities on a regular basis.

Municipal Hazardous Waste

Under the old law jurisdiction over hazardous waste in Texas was divided between the water agency and the Texas Department of Health. The water agency had jurisdiction over industrial hazardous waste which includes about 90 percent of the state's hazardous waste. The Department of Health was responsible for municipal hazardous waste which makes up the other 10 percent. The new law transfers municipal hazardous waste jurisdiction to the water commission. By doing this the state's hazardous waste program is consolidated into the agency with most of the jurisdiction and technical expertise.

Private Water and Sewer Rates

Under prior law rates charged by privately owned water supply and sewer companies were regulated by the Public Utility Commission. Senate Bill 249 transfers this responsibility to the water commission since it has more expertise in the area of water related affairs. This will enable the PUC to concentrate on the much more complicated telephone and electric rate cases.

Other Changes

The new bill also makes the following changes to current law: 1) authorizes the commission to require mitigation of adverse impacts to the environment caused by a water use permit; 2) requires the commission to consider the effect on water quality of granting a water use permit; 3) eliminates mandatory hearings in uncontested water use permit proceedings; 4) requires payment for certain commission ordered releases from reservoirs to be made from the Water Development Fund; and 5) requires the commission to make written comments to the Railroad Commission each time it receives an application to use fresh water for secondary recovery of oil and gas regarding availability of alternate fluids.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF WATER RESOURCES
S.B. 249 - Sharp**

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 26	Changes the name of the agency from Texas Department of Water Resources to Texas Water Commission.
Page 2, Line 9	Sets out jurisdiction of the commission.
Page 2, Line 54	Changes sunset date and provides for expiration of the Act.
Page 4, Line 55	Commission appointments without regard to race, sex, etc. (TWC/ATB)
Page 4, Line 58	Public members. (TWC/ATB)
Page 5, Line 6	Grounds for removal of commissioners. (TWC/ATB)
Page 5, Line 56	Conflict of interest. (TWC/ATB)
Page 6, Line 1	Lobbyist as general counsel or commissioner. (TWC/ATB)
Page 6, Line 62	MOU between board and commission.
Page 7, Line 4	MOU's adopted as rules.
Page 7, Line 48	Standards of conduct. (TWC/ATB)
Page 7, Line 53	Public testimony policy. (TWC/ATB)
Page 7, Line 57	Commission and staff responsibility. (TWC/ATB)
Page 8, Line 1	Public notification required when application is administratively complete.
Page 8, Line 20	Mandatory enforcement hearings.
Page 9, Line 14	Biennial audit. (TWC/ATB)
Page 9, Line 23	Public notification and information. (TWC/ATB)
Page 9, Line 51	Complaint file. (TWC/ATB)
Page 9, Line 54	Complaint notification. (TWC/ATB)
Page 9, Line 60	Reports on activities.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF WATER RESOURCES
S.B. 249 - Sharp
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 10, Line 1	Annual reports. (TWC/ATB)
Page 10, Line 32	Information request to the board.
Page 10, Line 40	Career ladders. (TWC/ATB)
Page 10, Line 44	Merit pay. (TWC/ATB)
Page 10, Line 49	EEO plan development. (TWC/ATB)
Page 13, Line 22	Public Interest Advocate employed by commission.
Page 16, Line 26	Changes sunset date.
Page 16, Line 46	Board appointments without regard to race, sex, etc. (WDB/ATB)
Page 16, Line 49	Public membership. (WDB/ATB)
Page 16, Line 62	Grounds for removal of board members. (WDB/ATB)
Page 17, Line 30	Conflict of interest. (WDB/ATB)
Page 17, Line 39	Lobbyist as board member or general counsel. (WDB/ATB)
Page 18, Line 21	MOU between board and commission.
Page 18, Line 27	MOU's adopted as rules.
Page 18, Line 30	Public testimony policy. (WDB/ATB)
Page 18, Line 34	Standards of conduct. (WDB/ATB)
Page 18, Line 41	Biennial audit. (WDB/ATB)
Page 18, Line 44	Public notification and information. (WDB/ATB)
Page 18, Line 55	Complaint file. (WDB/ATB)
Page 18, Line 58	Complaint notification. (WDB/ATB)
Page 18, Line 64	Reports on activities.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF WATER RESOURCES
S.B. 249 - Sharp
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 19, Line 5	Annual reports. (WDB/ATB)
Page 19, Line 20	Appointments by executive administrator.
Page 19, Line 35	Information request to commission.
Page 19, Line 44	Career ladders. (WDB/ATB)
Page 19, Line 49	Merit pay. (WDB/ATB)
Page 19, Line 53	EEO plan development. (WDB/ATB)
Page 20, Line 61	Public notice on administratively complete applications.
Page 21, Line 64	Agency name changes.
Page 42, Line 40	Commission approval for plan alterations.
Page 43, Line 8 Page 55, Line 24	Plans and specifications review.
Page 89, Line 37	Water District and River Authority Study Committee.
Page 90, Line 22	State audits of river authorities.
Page 91, Line 4	Commission approval of reclamation plan modifications.
Page 91, Line 13	Mitigation of adverse affects on environment cause by water use permits.
Page 91, Line 24	Commission consideration of effects on water quality of a water use permit.
Page 91, Line 31	Elimination of mandatory hearings in uncontested water use permit proceedings.
Page 93, Line 20	Transfers rate regulation over private water and sewer companies from the Public Utility Commission to the Texas Water Commission.
Page 113, Line 57	Payment for commission ordered releases from reservoirs by the Water Development Fund.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF WATER RESOURCES
S.B. 249 - Sharp
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 114, Line 14	Increases civil penalties for wastewater violations from \$1,000 to \$10,000.
Page 115, Line 52	Increases criminal penalties for wastewater violations from \$1,000 to \$10,000.
Page 116, Line 44	Requires the commission to give written comments to the Railroad Commission on secondary recovery applications.
Page 117, Line 35	Authorizes the commission to assess administrative penalties for wastewater violations.
Page 119, Line 31	Authorizes the commission to assess administrative penalties for injection well violations.
Page 121, Line 29	Authorizes the commission to assess administrative penalties for violations of Chapter 28, Water Code.
Page 123, Line 28	Requires wastewater permittees to employ an operator certified by the commission.
Page 123, Line 58	Hearing and public notice requirements on temporary and emergency orders.
Page 125, Line 58	Places brine mining under the jurisdiction of the Railroad Commission.
Page 126, Line 10	Authorizes the commission to assess administrative penalties for solid waste violations.
Page 128, Line 9	Transfers jurisdiction over municipal hazardous waste from the Department of Health to the commission.
Page 130, Line 49	Allows water supply or sewage systems to be approved by only one agency.
Page 134, Line 27	Increases civil penalties for violations of the Water Well Drillers Act from \$1,000 to \$10,000.
Page 135, Line 36	Increases maximum fees for examinations and certification of irrigators.
Page 136, Line 4	Establishes civil penalties of up to \$1,000 for irrigation violations.

TEXAS AIR CONTROL BOARD

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Caperton as S.B. 725 and was referred to the Committee on Natural Resources. A companion bill was filed in the house by Representative Patricia Hill as H.B. 21 and was referred to the House Committee on Government Organization. The Senate Natural Resources Committee reported a complete substitute for S.B. 725 back to the senate on May 9, 1985 with a favorable recommendation. The senate amended the bill and passed it to the house on May 10, 1985. The major changes from the original bill made by the senate include: 1) the term "facility" was defined; 2) a specific procedure for the 15-year review of operating permits was outlined; and 3) consideration of effects of air contaminants on schools was required as part of the agency's permit process.

In the house, a public hearing was held on H.B. 21 on March 26, 1985, and the bill was then referred to subcommittee. Senate Bill 725 was referred to the Government Organization Committee on May 14, 1985, and then was referred to the same subcommittee as H.B. 21. Senate Bill 725 was recalled from subcommittee, and was considered by the full committee in a formal meeting on May 20, 1985. A complete substitute was adopted and C.S.S.B. 725 was reported back to the house with a favorable recommendation. C.S.S.B. 725 was considered by the house and amended on May 24, and then finally passed by the house on May 25, 1985. The major changes from the senate engrossed bill made by the house include: 1) a requirement for further review of the policy-making body and enforcement activities, with a two-year sunset date for terms of board members; 2) the requirement that at least one public member of the board must have a demonstrated involvement in efforts to safeguard the environment; 3) an exemption for small oil and gas facilities from the registration requirement; and 4) a provision for automatic initiation of civil suits and permit revocation proceedings if a violation continues for over 180 days.

On May 26, 1985, the senate refused to concur in house amendments to S.B. 725, and a conference committee was appointed by both houses. The conference committee report was adopted by the senate and the house on May 27, 1985. The conference committee removed the two-year sunset date for the terms of board members and made one other minor change in language.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION:

Fifteen-Year Permit Review

The new legislation requires that operating permits issued by the agency go through a formal review process every fifteen years after issuance. The review must include consideration of a facility's compliance record, and allows the agency to evaluate the effectiveness of existing emission control equipment. This fifteen-year review provides the agency with a formal mechanism to evaluate the performance of each permitted facility on a regular basis, and provides a means for the agency to require changes in operations or equipment that will improve air quality.

Registration of "Grandfathered Facilities"

The new law requires all "grandfathered" facilities to register and provide information to the board. These are facilities which were constructed prior to the establishment of the agency's permit program in 1971. Although the new provision does not require these facilities to obtain permits, it will assist the agency in compiling information about the location of emissions from these facilities. In addition, the information provided will assist a study committee, which was set-up by the new law, to decide whether or not to recommend the permitting of grandfathered facilities.

Administrative and Civil Penalties

The new legislation gives the board the authority to assess administrative penalties of up to \$10,000 per day, per violation. Previously, all enforcement cases had to be referred to the attorney general for civil action which is often a lengthy process. The administrative penalty authority enables the agency to take enforcement action more quickly while preserving rights to due process and judicial review.

The legislation also increases maximum civil penalties from \$1,000 to \$25,000 per day per violation. This change is intended to provide a greater incentive for facility operators to voluntarily comply with provisions of the Act.

Enforcement

The new law requires the agency to institute a suit for civil penalties and injunctive relief if a violation continues for more than 180 days. The time limit may be extended if a good faith effort is shown to correct the violation. If the violation is by a permittee, the agency must also begin proceedings to revoke the permit after 180 days unless good faith effort is shown. These and other changes in

the board's enforcement authority serve to direct and assist the board in obtaining more rapid resolution of problem compliance cases.

Fees

The new law requires the board to set and collect fees at a level to recover at least 50 percent of annual board expenditures of the permitting and enforcement functions of the agency. The new law also requires the board to charge fees for permit and special permit applications, registrations of grandfathered facilities, reviews of permitted facilities, and inspections performed in enforcement of the Clean Air Act. These changes will assist the board in recovering a much more significant portion of funds expended in protecting the air resources of the state.

Sunset
Bill Summary

TEXAS AIR CONTROL BOARD
S.B. 725 - Caperton

Bill Reference	Recommendation - 69th Legislature
Page 2, Line 8	Strengthens enforcement policy statement.
Page 2, Line 18	Requires the policy structure and enforcement activities of the board be reviewed by 1987.
Page 3, Line 10	Public membership (ATB), and requires one public member have an environmental protection background.
Page 4, Line 3	Appointments made without discrimination. (ATB)
Page 4, Line 10	Lobbyist prohibition. (ATB)
Page 4, Line 20	Conflict of interest. (ATB)
Page 5, Line 6	Grounds for removal. (ATB)
Page 6, Line 9	Requires chairperson to be appointed by governor.
Page 6, Line 19	Career ladders. (ATB)
Page 6, Line 26	Merit pay based on employee performance. (ATB)
Page 7, Line 8	Equal Employment Opportunity policy. (ATB)
Page 8, Line 12	Standards of conduct. (ATB)
Page 8, Line 24	Annual reports made to governor and legislature. (ATB)
Page 9, Line 14	Biennial audit. (ATB)
Page 9, Line 20	Public notification and information. (ATB)
Page 10, Line 3	Complaint files. (ATB)
Page 10, Line 9	Complaint notification. (ATB)
Page 10, Line 18	Public testimony at agency meetings. (ATB)
Page 10, Line 26 Page 27, Line 25 Page 28, Line 24	Authority for executive director to refer enforcement cases to attorney general.

Sunset
Bill Summary

TEXAS AIR CONTROL BOARD
S.B. 725 - Caperton
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 12, Line 7	Memoranda of understanding to be adopted as rules.
Page 15, Line 19	Requires a list of types of facilities to be exempted from permit requirements to be adopted as rules, and provides for issuance of special permits.
Page 15, Line 25	Requires consideration of emissions in permit process for facilities within 3,000 feet of a school.
Page 16, Line 6	Requires opportunity for a hearing for residents within ¼ mile of a proposed concrete plant.
Page 16, Line 23	Requires board to consider all information available in the permit process.
Page 18, Line 4 Page 21, Line 2	Authorizes board to commence permit revocation proceedings after 180 days of a continuing violation.
Page 18, Line 18	Allows any person affected by a permit decision of the executive director to appeal that decision.
Page 19, Line 6 Page 20, Line 5	Requires a public hearing when requested by a person who may be affected by emissions from a proposed facility. Also directs board to consider information obtained in public hearing in making determinations.
Page 19, Line 23	Requires signs at sites of permit applications.
Page 21, Line 9	Provides for review of operating permits every fifteen years.
Page 23, Line 13	Requires "grandfathered" facilities to register with the agency.

Sunset
Bill Summary

TEXAS AIR CONTROL BOARD

S.B. 725 - Caperton
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 25, Line 3	Requires fees to be collected which recover at least 50 percent of the agency's cost of issuing and enforcing permits and regulations of the board. Allows fees for reviews and inspections.
Page 26, Line 1	Allows use of variances in extreme circumstances.
Page 26, Line 17	Defines the term "facility".
Page 27, Line 14 Page 28, Line 3	Increases upper limit of civil penalties to \$25,000 per day, per violation.
Page 27, Line 20	Requires notice upon finding a violation. Provides for board orders setting compliance schedules. Provides for formal enforcement action if board order is violated.
Page 30, Line 2	Authorizes injunctive relief in enforcement cases.
Page 30, Line 6	Requires a monthly report of enforcement actions.
Page 30, Line 18 thru Page 35, Line 8	Authorizes administrative penalties with an upper limit of \$10,000 per day per violation.
Page 35, Line 12 thru Page 37, Line 26	Establishes the Clean Air Study Committee. Sets out membership, duties, powers, and responsibilities of the committee. Requires a report to the legislature by December 1, 1986.
Page 38, Line 9	Allows DPS to establish motor vehicle emissions inspection and maintenance programs when required by federal law.
Page 38, Line 17	Allows a maximum inspection fee of ten dollars if new inspection programs are required under federal law.
Page 38, Line 21	Removes procedural sections relating to the authority of the board to grant variances, and cleans up other sections of the Act.

TEXAS OFFICE OF THE STATE ENTOMOLOGIST

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Caperton as S.B. 291 and Representative Saunders as H.B. 1755. The house bill was referred to the House Committee on Agriculture and Livestock, and no further action was taken on that bill. Senate Bill 291 was referred to the Senate Committee on Natural Resources and was reported favorably from the committee without amendments on March 7, 1985. The bill was debated and passed by the senate without amendments on March 11, 1985. The senate bill was then referred to the House Committee on Government Organization. Following a public hearing on April 16, the bill was referred to subcommittee. The subcommittee reported S. B. 291 favorably, without amendments, to the full committee on May 2, 1985. On May 8, 1985, the Government Organization Committee adopted the bill without amendments and reported S. B. 291 to the house with the recommendation that it do pass. Senate Bill 291 passed the house without amendment on May 22, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 291 included the following revisions to current law: 1) changes the name of the entomologist to chief apiary inspector; 2) requires the inspector to establish and maintain complaint files; 3) requires the inspector to administer the bee brand program which had been carried out by the Texas Department of Agriculture; and 4) allows the inspector to require beekeepers to submit the exact location of bee hives by map to assist in inspection and enforcement activities.

Sunset
Bill Summary

OFFICE OF STATE ENTOMOLOGIST
S.B. 291 - Caperton

Bill Reference	Recommendation - 69th Legislature
Page 2, Line 9	Changes the title of "State Entomologist" to "Chief Apiary Inspector" to more accurately reflect the current duties of the officer.
Page 2, Line 3	Sunset date modified.
Page 4, Line 4	Conflict of interest. (ATB)
Page 4, Line 18	Standards of conduct. (ATB)
Page 4, Line 22	Merit pay based on employee performance. (ATB)
Page 5, Line 4	Annual reports made to governor and legislature. (ATB)
Page 5, Line 10	Annual audit. (ATB)
Page 5, Line 19	Public notification and information of board activities. (ATB)
Page 6, Line 10	Complaint files. (ATB)
Page 6, Line 14	Complaint notification. (ATB)
Page 6, Line 20	Provides for public testimony at agency meeting. (ATB)
Page 6, Line 25 Page 12, Line 25 Page 13, Line 3 (Page 14, Lines 2, 23) (Page 15, Line 10) (Page 17, Line 7)	Establishes policy requiring agency to make a reasonable effort to cover at least 50 percent of the programs cost through fees. Also sets the minimum level for fees at current levels.
Page 15, Line 26	Allows the inspector to require information on bee hive locations to assist in enforcement efforts.
Page 16, Line 7	Places agency funds in a special fund in the treasury.
Page 16, Line 23	Provides for transfer of brand program from TDA to the State Entomologist.
Page 17, Line 11	Provides for the disposition of fees collected from brand registrations.
Page 18, Line 4	Sets up the inspector as the person responsible for enforcing the brand program.

TEXAS OFFICE OF THE STATE FORESTER

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed in the senate by Senator Caperton as S.B. 262 and was referred to the Senate Education Committee. A companion bill was filed in the house by Representative Gary Thompson as H.B. 609 and was referred to the House Committee on Government Organization. Senate Bill 262 was reported favorably from committee in the senate without amendments on February 20, 1985. The senate passed the bill, and it was referred to the house on February 25, 1985.

A public hearing on H.B. 609, the house companion to the senate bill, was held in the House Government Organization Committee on March 5, 1985. The house bill was then referred to subcommittee. Senate Bill 262 was referred to the Government Organization Committee on March 6, and was referred to the same subcommittee as H.B. 609. The subcommittee reported S.B. 262 favorably without amendments to the full committee on May 2, 1985. On May 8, 1985, the Government Organization Committee adopted the bill without amendments, and voted to report S.B. 262 to the house with the recommendation that it do pass. Senate Bill 262 passed the house on May 5, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 262 included the following revision to current law: 1) The title of State Forester was changed to the Director of the Texas Forest Service. This revision had the effect of abolishing the Office of the State Forester.

Sunset
Bill Summary

OFFICE OF THE STATE FORESTER

S.B. 262 - Caperton

Bill Reference

Recommendation - 69th Legislature

Page 1, line 18

Eliminates unnecessary title of "state forester" and replaces it with the "director of the Texas Forest Service".

CANADIAN RIVER COMPACT COMMISSIONER FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sarpalius as S.B. 203, Senator Montford as S.B. 173, and Representative Patricia Hill as H.B. 426. The senate bills were referred to the Senate Committee on Natural Resources, and S.B. 203 was reported favorably from that committee without amendments on January 30, 1985. The bill was debated and passed by the senate without amendments on February 4, 1985. The senate bill was then referred to the House Committee on Government Organization. On February 5, 1985, that committee held a public hearing on the house companion to the senate bill. The house bill and the senate bill were both referred to a subcommittee of the Committee on Government Organization. The subcommittee adopted S.B. 203 and reported it to the full committee without amendment on March 12, 1985. On April 16, 1985 the Government Organization Committee adopted the bill and voted to report S.B. 203 to the house without amendment and with the recommendations that it do pass. Senate Bill 203 passed the house on May 22, 1985 without amendment.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 203 included the following revisions to current law: 1) changes the term of office for the Texas commissioner from two years to six years; 2) adds language found in the statutes of other river compacts; 3) provides that notice of compact meetings be filed with the secretary of state's office; and 4) puts the Canadian River revolving fund in the State Treasury.

Sunset
Bill Summary

CANADIAN RIVER COMPACT COMMISSIONER FOR TEXAS
S.B. 203 - Sarpalius

Bill Reference	Recommendation - 69th Legislature
Page 1, line 11	Provides a six-year term of office for the commissioner.
Page 1, line 17	Provides oath taking for the commissioner.
Page 1, line 20	Definition of employee administrative expenses.
Page 2, line 4	Notice of compact meetings to be filed with secretary of state's office.
Page 2, line 8	Provides for cooperation between the Department of Water Resources and the commissioner.
Page 2, line 12	State of Texas Canadian River revolving fund to be put in State Treasury.
Page 2, line 20	Changes sunset date.

RED RIVER COMPACT COMMISSIONER FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 205 and Representative Patricia Hill as H.B. 428. Senate Bill 205 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on January 30, 1985. The bill was debated and passed by the senate without amendments on February 4, 1985. The senate bill was then referred to the House Committee on Government Organization. On February 5, 1985, that committee held a public hearing on the house companion to the senate bill. The house bill and the senate bill were both referred to a subcommittee of the Committee on Government Organization. The subcommittee adopted S.B. 205 without amendment and reported it to the full committee on March 12, 1985. On April 16, 1985 the full committee adopted the bill and voted to report S.B. 205 to the house without amendment and with the recommendation that it do pass. Senate Bill 205 passed the house on May 22, 1985 without amendment.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 205 included the following revisions to current law: 1) changes the term of the Texas commissioner from two years to six years; 2) requires that notice of compact meetings be filed with the secretary of state's office; and 3) deletes a provision which prohibited the commissioner from joining the employee retirement system.

Sunset
Bill Summary

RED RIVER COMPACT COMMISSIONER FOR TEXAS
S.B. 205 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, line 9	Changes sunset date.
Page 1, line 14	Notice of compact meetings to be filed with secretary of state's office.
Page 1, line 20	Changes term of commissioners from two years to six years.
Page 1, line 23	Deletes provision prohibiting commissioner from joining employee retirement system.

PECOS RIVER COMPACT COMMISSIONER FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 204 and Representative Patricia Hill as H.B. 427. Senate Bill 204 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on January 30, 1985. The bill was debated and passed by the senate without amendments on February 4, 1985. The senate bill was then referred to the House Committee on Government Organization. On February 5, 1985, that committee held a public hearing on the house companion to the senate bill. The house bill and the senate bill were both referred to a subcommittee of the Committee on Government Organization. The subcommittee adopted S.B. 204 without amendment and reported it to the full committee on March 12, 1985. On April 16, 1985 the full committee adopted the bill and voted to report S.B. 204 to the house without amendment and with the recommendation that it do pass. Senate Bill 204 passed the house on May 22, 1985 without amendment.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 204 included the following revisions to current law: 1) changes the term of office for the Texas commissioner from two years to six years and 2) requires that notice of compact meetings be filed with the secretary of state's office.

Sunset
Bill Summary

PECOS RIVER COMPACT COMMISSIONER FOR TEXAS
S.B. 204 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, line 10	Notice of compact meetings to be filed with secretary of state's office.
Page 1, line 16	Changes the term of commissioner from two years to six years.
Page 2, line 1	Changes sunset date.

RIO GRANDE RIVER COMPACT COMMISSIONER FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 209 and Representative Patricia Hill as H.B. 429. Senate Bill 209 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on January 30, 1985. The bill was debated and passed by the senate without amendments on February 4, 1985. The senate bill was then referred to the House Committee on Government Organization. On February 5, 1985, that committee held a public hearing on the house companion to the senate bill. The house bill and the senate bill were both referred to a subcommittee of the Committee on Government Organization. The subcommittee adopted S.B. 209 without amendment and reported it to the full committee on March 12, 1985. On April 16, 1985 the full committee adopted the bill and voted to report S.B. 209 to the house without amendment and with the recommendation that it do pass. Senate Bill 209 passed the house on May 22, 1985 without amendment.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 209 included the following revisions to current law: 1) requires that notice of compact meetings be filed with the secretary of state's office and 2) adds language found in the statutes of other river compacts which provides for cooperation between the Texas Department of Water Resources and the commissioner.

Sunset
Bill Summary

RIO GRANDE RIVER COMPACT COMMISSIONER FOR TEXAS
S.B. 209 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, line 9	Notice of compact meetings to be filed with secretary of state's office.
Page 1, line 13	Provides cooperation between the Texas Department of Water Resources and the commissioner.
Page 1, line 19	Changes sunset date.

SABINE RIVER COMPACT COMMISSIONERS FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Blake as S.B. 128, Representative Patricia Hill as H.B. 430, and Representative Ron Lewis as H.B. 438. Senate Bill 128 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on February 20, 1985. The bill was debated and passed by the senate without amendments on February 25, 1985. The senate bill was then referred to the House Committee on Government Organization. On February 5, 1985, that committee held a public hearing on the two house bills dealing with the compact. The house bills and the senate bill were all referred to a subcommittee of the Government Organization Committee. The subcommittee adopted both S.B. 128 and H.B. 438 without amendment. The full committee also adopted the two bills without amendment and reported them to the house with the recommendation that they do pass. Senate Bill 128, which was finally enacted, was reported from the Committee on Government Organization on April 16, 1985, and passed the house without amendment on May 13, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 128 required that notice of compact meetings be filed with the secretary of state's office.

Sunset
Bill Summary

SABINE RIVER COMPACT COMMISSIONERS FOR TEXAS
S.B. 128 - Blake

Bill Reference	Recommendation - 69th Legislature
Page 1, line 9	Notice of compact meetings to be filed with secretary of state's office.
Page 1, line 20	Changes sunset date.

GULF STATES MARINE FISHERIES COMMISSION

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 254 and Representative Patricia Hill as H.B. 596. Senate Bill 254 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on February 20, 1985. The bill was debated and passed by the senate without amendments on February 25, 1985. Senate Bill 254 was referred to the House Committee on Government Orgnaization. On March 5, 1985, that committee held a public hearing on the house companion to the senate bill. The house bill and the senate bill were both referred to a subcommittee of the Committee on Government Organization. The subcommittee adopted S.B. 254 without amendment and referred it to the full committee on March 12, 1985. On April 16, 1985, the Government Organization Committee voted to report S.B. 254 to the house without amendment and with the recommendation that it do pass. Senate Bill 254 passed the House on May 24, 1985 without amendment.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 254 requires the Parks and Wildlife Department to file notice of Gulf States Marine Fisheries Commission meetings with the secretary of state's office.

Sunset
Bill Summary

GULF STATES MARINE FISHERIES COMMISSION
S.B. 254 - Sharp

Bill Reference	Recommendation - 69th Legislation
Page 1, line 9	Changes sunset date.
Page 1, line 17	Requires the Parks and Wildlife Department to file notice of Gulf States Marine Fisheries Commission meetings with secretary of state's office.

TEXAS PARKS AND WILDLIFE DEPARTMENT

LEGISLATIVE ACTION: The legislation to continue the Texas Parks and Wildlife Department was filed by Senator Lyon as S.B. 464. There was no legislation filed in the house. This bill differed from the legislation recommended by the Sunset Commission in several areas. Senate Bill 464 contained additional provisions which established a lifetime license endowment fund, authorized the department to issue lifetime hunting and fishing licenses, authorized the department to regulate mineral recovery operations on department-owned lands, and removed deer from the list of animals that can be held by a licensed game breeder.

The bill was referred to the Senate Natural Resources Committee and was reported favorably, as substituted, on February 28, 1985. The committee substitute differed from the introduced version of the bill by making minor language revisions and by adding a provision which authorized the department to expend funds for the operation and maintenance of Franklin Mountains State Park. C.S.S.B. 464 was passed by the senate on March 11 with two clean-up amendments. These amendments clarified language relating to time limits for the application of enhanced penalties and exempted persons under the age of 18 who are hunting or fishing from the personal identification requirements contained in bill.

The bill was then referred to the House Committee on Government Organization. Following a public hearing on April 2, S.B. 464 was referred to subcommittee. The subcommittee reported the bill favorably to the full committee with one amendment on May 8, 1985. The amendment directed the commission to make park land acquisition a priority for parks established under the Parks and Wildlife Code. On May 13, the Government Organization Committee adopted a complete substitute for S.B. 464 and voted to report C.S.S.B. 464 to the house with a recommendation that it do pass. Major differences between the bill as engrossed by the senate and the substitute reported to the house are as follows. C.S.S.B. 464 contained several new provisions which authorized the department to accept gifts to fund wildlife conservation programs and to use them as prizes at a fund raiser; increased the membership of the Operation Game Thief Committee from six to nine members; authorized the department to expend funds for the operation of Gateway State Park and Trinity River State Park; established a scientific breeders permit system allowing permittees to breed, sell or hold white-tailed deer in captivity; authorized the department to develop a bighorn sheep hunting, tagging

and protection program; and placed restrictions on nonresident commercial fishermen.

C.S.S.B. 464 passed the house with one additional amendment on May 16. The single floor amendment clarified language relating to the admissibility of evidence to prove prior convictions of Parks and Wildlife Code violations. The senate concurred in the house amendments on May 21, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION:

Senate Bill 464, as finally passed, continued the Parks and Wildlife Department for another 12 years under the state's sunset law and made major changes in the department's regulatory authority. Some of the more important changes are summarized as follows.

Enforcement Responsibilities

Under the new provisions of the bill, the department's enforcement responsibilities are expanded and clarified. First, the bill authorizes the commission to revoke or suspend any permit or license issued by the department if the licensee violates the Parks and Wildlife Code or a department regulation. Currently, the commission's authority to revoke or suspend licenses or permits is limited to only a few of the licenses issued by the department. Second, the commission's authority to recover the value of illegally destroyed fish and wildlife has been clarified. While the commission is currently able to take limited legal action in this area, the bill establishes a clear statutory liability for those who illegally destroy the state's fish and wildlife resources and requires the commission to develop guidelines for determining the value of those destroyed resources. Third, the bill requires any person, 17 years of age or older, who is engaging in an activity permitted or licensed by the department to carry personal identification. This new requirement allows department enforcement personnel to establish positive identification of violators so that enhanced penalties may be applied to violators who have previous convictions. Finally, a new penalty schedule for Parks and Wildlife Code violations is established in the bill. The current system of listing specific penalty provisions throughout the code has proven to be confusing and difficult to enforce. The bill deletes specific penalty provisions listed throughout the code and substitutes references to a newly established Parks and Wildlife Code penalty schedule. Under this schedule, all violations are assigned a penalty ranging from a Parks and Wildlife code Class "C" misdemeanor to a Parks and Wildlife Code felony.

Resource Protection

Major changes were also made in the department's resource protection responsibility. Under the current code provisions, the department has no clear statutory responsibilities in the area of resource protection and conducts its activities under review and comment authority contained in other statutes. Under S.B. 464, statutory changes have significantly increased the department's ability to protect the state's fish and wildlife resources. First, the department is designated as the state agency with primary responsibility for protecting the state's fish and wildlife resources. Second, Game, Fish and Water Safety Funds are authorized to be used to support resource protection activities. Presently, only limited general revenue funds are available to fund this operation. Third, the department is authorized to participate in Texas Department of Water Resources (TDWR) water permit activities. This responsibility includes reviewing water permit applications, intervening in TDWR permit hearings on applications to take, store, or divert state waters, and making recommendations to TDWR for the scheduling of in-stream flows and releases. Finally, the commission has been given the authority to regulate the use of department lands for oil, gas and other mineral recovery to protect the surface estate of those lands. This authority will allow the commission to have more control over mineral exploration and recovery operations on department lands thereby minimizing any adverse impact to park lands and wildlife management areas.

Fee-Setting Authority

The new legislation authorizes the commission to set the amounts of fees provided in the Parks and Wildlife code. In setting these fees, the commission is required to determine an amount above a statutory minimum which is reasonable and necessary for the administration of department programs. Under the current system, the legislature must make statutory fee changes when necessary to adjust fee amounts for the more than 100 different fees charged by the department.

Lifetime Licenses

In an effort to raise revenue for department programs, S.B. 464 establishes a Lifetime License Endowment Fund and authorizes the department to issue lifetime hunting and fishing licenses. Beginning September 1, 1986, the department is authorized to issue lifetime hunting, fishing, and combination hunting and fishing licenses. Initially, the hunting or fishing lifetime license would cost \$300 while the combination license would cost \$500. Funds raised through this license program

would be placed in the newly established endowment fund. Interest from this fund would be available to finance department programs.

Hunting and Fishing Regulation

Several significant changes were made in the code provisions that regulate hunting and fishing practices in the state. First, certain exemptions to the hunting and fishing license requirements are removed. Under the new law, all persons who hunt or fish in the state must have a license issued by the department. The commission may, however, set a lower fee or waive the fee for persons under 17 or over 65 years of age or disabled veterans. This change would eliminate current exemptions for persons hunting in the country of their residence or hunting on their own land. Second, the department is authorized to issue tags for the killing of any animals or birds. Currently, the department only has a tagging program for selected game animals, such as deer.

Other Provisions

The new legislation also contains several other significant provisions. One provision authorizes the department to use tracts of department land for multiple purposes where appropriate. This change gives the department increased flexibility to use land for the most appropriate purpose, unlike the current practice which restricts land use based on the source of funds used to acquire the property. Additionally, a simplified park classification system is established. This new system provides for only three park classifications - recreational areas, historical areas and natural areas. It replaces an outdated park classifications system that is confusing and of little help in establishing acquisition and development guidelines. The new system also requires the commission to establish acquisition and development guidelines for the three new park classifications.

Sunset
 Bill Summary
 TEXAS PARKS AND WILDLIFE DEPARTMENT
 S.B. 464 - Lyon

Bill Reference	Recommendation - 69th Legislature
	<u>ARTICLE 1</u>
Page 1, Line 19	Changes Sunset date.
Page 1, Line 25	Requires commission to develop and implement policies which clearly separate commission and staff functions. (ATB)
Page 1, Line 31	Requires three public members on the commission.
Page 1, Line 36	Commission member qualifications. (ATB-modified to exclude language on occupational regulatory agency and excludes language on public membership on commission)
Page 1, Line 50	Conflict of interest. (ATB-modified to "state-wide" associations)
Page 1, Line 61	Lobbyist may not serve on commission. (ATB)
Page 2, Line 9	Appointments to commission made without regard to race, color, handicap, etc. (ATB)
Page 2, Line 15	Grounds for removal of a commission member. (ATB)
Page 2, Line 44	Requires an annual public commission meeting to receive public comments.
Page 2, Line 49	Provides for public testimony at commission meetings. (ATB)
Page 2, Line 55	Provides for notification and information to the public concerning commission activities. (ATB)
Page 3, Line 16	Information on standards of conduct. (ATB-modified to "director or his designee")
Page 3, Line 24	Requires development of an EEO policy. (ATB)
Page 3, Line 51	Career Ladder provisions. (ATB)
Page 3, Line 57	Provides for merit pay based on performance evaluation system. (ATB)
Page 4, Line 2	Provides that the state auditor shall audit the financial transactions of the department. (ATB)

**Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 4, Line 7	Authorizes the department to accept gifts of money or property for purposes authorized in the code.
Page 4, Line 12	Authorizes agency to set fees. (ATB-modified to exclude language on the General Appropriation Act specifying fee amounts; and to exclude listing each fee set by the commission and their maximum amounts since this is done under Article 2)
Page 4, Line 57	Authorizes resource protection activities to be funded from the game, fish and water safety fund.
Page 4, Line 61	Requires agency funds to be deposited in state treasury. (ATB-modified to exclude Texas Park Development Bond Funds and Operation Game Thief Funds from placement in the state treasury.)
Page 5, Line 7	Establishes a lifetime license endowment fund to contain proceeds from the sale of lifetime hunting and fishing licenses, contributions and interest income.
Page 5, Line 35	Authorizes the commission to regulate and protect use of department land for mineral recovery; and establishes a civil penalty for violating such provisions.
Page 6, Line 1	Designates Parks and Wildlife Department as the agency responsible for protecting the state's fish and wildlife resources; establishes the department's resource protection responsibilities; and authorizes the department to make recommendations to TDWR on in-stream flows and freshwater inflows.

Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)

Bill Reference	Recommendation - 69th Legislature
Page 6, Line 25	The department is authorized to provide or sell wildlife publications; authorizes the department to receive royalties on wildlife publication materials supplied or sold to others; removes restrictions on price of publications; authorizes the department to enter into contractual agreements for publication of wildlife-related information; and requires the department to deposit proceeds from wildlife publication sales to the credit of the fund from which publication expenses were paid.
Page 6, Line 57	Authorizes the department to accept gifts to fund wildlife conservation programs and to auction those gifts or use them as prizes at a fundraiser.
Page 7, Line 6	Requires an annual fund accounting report to be filed. (ATB-modified to "director or his designee")
Page 7, Line 15	Requires files to be maintained on complaints. (ATB)
Page 7, Line 20	Requires that all parties to formal complaints be periodically informed in writing. (ATB)
Page 7, Line 28	Requires the Texas Department of Water Resources to furnish water permit applications to the department; requires the department to make recommendations to TDWR to protect fish and wildlife resources; and entitles the department to intervene in TDWR water hearings as a full party.
Page 7, Line 40	Authorizes department to provide technical guidance to landowners upon request; expands the function to include fish and nongame management; and requires cooperative education efforts with appropriate state agencies.
Page 7, Line 48	Authorizes the department to use tracts of land for multiple purposes where appropriate.

**Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 7, Line 55	Requires personal identification to be carried by those over 17 years of age when engaging in an activity licensed under this code; specifies a Class C misdemeanor for persons failing to carry or show identification upon being arrested for a violation of the code; and requires justice courts to provide affidavits certifying conviction of violations carrying enhanced penalties.
Page 8, Line 42	Increases the membership of the Operation Game Thief Committee from six to nine members.
Page 8, Line 59	Specifies liability for illegally destroyed fish and wildlife; requires the commission to develop values for fish and wildlife in order to calculate the dollar value loss; authorizes the state or counties to sue for compensatory damages for illegally destroyed fish and wildlife; and authorizes the department to recover damages for injury.
Page 9, Line 38	Amends the water code by specifying the authority of the department to recover damages for injury to aquatic life or wildlife.
Page 10, Line 12	Authorizes the department to revoke or suspend licenses or permits for a violation of the code or a commission rule; and authorizes the department to impose civil penalties in lieu of suspension.
Page 11, Line 40	Establishes a park classification system including recreational, natural and historic areas; and requires the commission to adopt acquisition and development guidelines for the system.
Page 11, Line 46	Requires the commission to make the acquisition of land necessary for parks created in statute a priority.
Page 12, Line 10	Authorizes the department to consider comments on historical area plans made by the Texas Historical Commission.

**Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 12, Line 22	Authorizes volunteer groups to be established to support historical areas; and authorizes the department to provide funds to support historical areas when volunteer groups raise supporting funds.
Page 12, Line 34	Clarifies the department's authority to charge park user fees.
Page 12, Line 48	Authorizes the department to provide or sell park publications; removes restrictions on selling and disseminating park information only at park sites; authorizes the department to enter into contractual agreements for publication of park information; removes restrictions on publishing park materials at regular intervals; authorizes the department to receive royalties on park publication materials; and requires the department to deposit proceeds from park publication sales to the credit of the fund from which publication expenses were paid.
Page 13, Line 5	Requires the department to hold local public hearings on park master development plans.
Page 13, Line 11	Consolidates three inactive park building funds into the state parks fund.
Page 13, Line 33	Requires that scientific type permits expire one year from the date of issuance.
Page 13, Line 52	Establishes a scientific breeders permit system that allows persons holding valid permits to breed, sell, or hold white-tailed deer in captivity.
Page 15, Line 46 through Page 16, Line 40	Prohibits licensed game breeders from holding or selling deer unless they hold a scientific type permit; prohibits licensed game breeders from taking game animals from the wild; establishes which game animals may be purchased or received; and provides conditions and time limits for disposing of deer held in captivity.
Page 16, Line 43	Removes the 10-day filing requirement on monthly sales reports for fishing licenses.

**Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 16, Line 61	Removes mandatory county hearing requirements for annual wildlife proclamations; and requires public hearings when requested by 25 or more persons, with a minimum of five local hearings.
Page 17, Line 28	Authorizes the department to issue bighorn sheep hunting permits, to tag bighorn sheep, and to enter into agreements with landowners for the protection and restoration of bighorn sheep.
Page 17, Line 62	Makes provisions conform to the Administrative Procedure and Texas Register Act.
Page 18, Line 16	Defines "nongame" and nongame management; authorizes the department to issue permits where necessary for proper nongame management; and authorizes the department to charge a fee for permits related to a commercial activity.
Page 18, Line 56	Requires the department's director to amend the Texas endangered species list only when the federal list of endangered native species is modified.
Page 19, Line 14	Establishes a new fund in the state treasury called the Special Nongame and Endangered Species Conservation Fund.
Page 19, Line 20	Authorizes the department to acquire, develop, maintain, and operate wildlife management areas.
Page 19, Line 27	Requires the department to establish a preference point system for issuing hunting permits on wildlife management areas.
Page 19, Line 48	Authorizes the commission to adopt rules relating to recreation in wildlife management areas.
Page 20, Line 36	Removes \$20,000 annual ceiling on Sierra Diablo wildlife management area land acquisition expenditures.
Page 20, Line 49	Consolidates the Texas State Railroad fund into state parks fund.

Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)

Bill Reference	Recommendation - 69th Legislature
Page 20, Line 62	Authorizes the department to expend funds to operate and maintain Franklin Mountains State Park.
Page 21, Line 7	Authorizes the commission to expend funds for the operation and maintenance of Gateway State Park and Trinity River State Park.
	<u>ARTICLE 2</u>
Article 2 beginning Page 21, Line 18	This article authorizes the commission to set fees, while retaining the existing fee as a minimum amount; and clarifies language on officers retaining collection fees.
Page 22, Line 29	Requires all residents hunting birds or animals to have a hunting license, with certain exceptions.
Page 22, Line 44	Authorizes the department to issue a lifetime resident hunting license.
Page 22, Line 50	Requires all nonresidents hunting birds or animals to have a hunting license, with certain exceptions.
Page 22, Line 59	Authorizes the department to issue hunting tags in addition to the required license; gives the commission authority to establish tag fees; and establishes an offense for misuse of tags.
Page 23, Line 23	Authorizes the department to issue stamps and tags by agents.
Page 23, Line 35	Since a hunting license is required by all residents as noted earlier, this section authorizes the commission to waive or lower fees for those under 17 or over 65 years of age and disabled veterans.
Page 23, Line 47	Establishes the fee amount for a lifetime resident hunting license.
Page 24, Line 8	Authorizes the department to issue duplicate tags for birds or animals if they are lost or destroyed.
Page 24, Line 38	Authorizes the commission to determine information required on tags.

Sunset
Bill Summary
TEXAS PARKS AND WILDLIFE DEPARTMENT
S.B. 464 - Lyon
(cont.)

Bill Reference	Recommendation - 69th Legislature
Page 24, Line 42	Establishes offenses for misuse of tags.
Page 26, Line 19	Requires all persons fishing in public waters of the state to have a fishing license.
Page 26, Line 25	Since a fishing license is required by all persons fishing in public state waters as noted above, this section authorizes the commission to waive or lower fees for: those under 17 or over 65 years of age; those having a commercial fishing license; legally blind persons; and disabled veterans. This section also establishes the fee amount for a lifetime resident fishing license.
Page 27, Line 23	Prohibits a nonresident commercial fisherman from becoming licensed in Texas if that nonresident's state denies commercial fishing privileges to Texas residents.
Page 30, Line 30	Establishes the fee amount for a lifetime combination license.
Page 32, Line 34	Repeals language on hunting and fishing license exemptions, since this is taken care of by new language authorizing the commission to waive or lower fees for certain groups.
<u>ARTICLE 3</u>	
Article 3 beginning Page 32, Line 40	Establishes a standard penalty schedule in the code which is applied to various code violations by reference.
<u>ARTICLE 4</u>	
Article 4, beginning Page 58, Line 7	Moves all Title 7 statutes (local and special laws) on sale of fish, injury of fish and leaving fish to die into Chapter 66 and substitutes a standard penalty schedule for various county code violations.
Page 59, Line 17	Authorizes the commission to define game fish, rough fish and bait fish.
Page 62, Line 33	Repeals Title 7 statutes that were moved to Chapter 66 and penalties replaced by the standard penalty schedule.

SCHOOL LAND BOARD

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Caperton as S.B. 493. S.B. 493 was referred to the Senate Committee on State Affairs. The bill was reported favorably with three amendments on March 14, 1985. Two of the amendments adopted in committee were technical and one amendment increased penalties for late royalty payments. The bill was debated and passed by the senate with amendments on March 20, 1985.

Additional amendments incorporated into the senate bill as it passed the senate included 1) recreation of a board for lease for the Parks and Wildlife Department and the Texas Department of Corrections for the lease of land held by those agencies; 2) expanding the authority for collection of surface damage money to include all public school lands; and 3) repeal of the expiration clause for the land trade authority of the School Land Board.

The senate bill was referred to the House Committee on Government Organization. Following a public hearing on April 23, 1985, the bill was referred to subcommittee. The subcommittee reported S.B. 493 favorably without amendments to the full committee on May 8, 1985, and with the recommendation that it do pass. On May 13, 1985, the full committee adopted a complete substitute to S.B. 493 and then voted to report C.S.S.B. 493 to the house with the recommendation that it do pass.

The amendments incorporated in the committee substitute included: 1) restoring language related to ten-year terms for right-of-way easements; 2) adding language to ensure that agencies owning land leased under the authority of the bill received the lease revenue; and 3) authorizing the School Land Board, upon passage of H.B. 918, to lease highway lands for the Texas Department of Highways and Public Transportation. C.S.S.B. 493 passed the House on May 22, 1985. The senate concurred in the house amendments on May 26, 1985.

Senate Joint Resolution 21 proposing a constitutional amendment to enact section 40 of S.B. 493, was introduced by Senator Caperton and referred to the Senate Committee on State Affairs. Section 40 authorizes the board to sell public school land and use the proceeds to purchase new land. The resolution was reported favorably from the committee without amendments on March 14, 1985. The resolution was debated and passed by the senate with one amendment on March 20, 1985. The amendment adopted requires the proceeds from land sales to be invested by the state treasurer as opposed to the comptroller.

The senate journal resolution was then referred to the House Committee on Government Organization. Following a public hearing on April 23, 1985, the resolution was referred to subcommittee. The subcommittee reported SJR 21 favorably without amendments to the full committee on May 8, 1985, and with the recommendation that it do pass. The full committee favorably reported the resolution to the House without amendment on May 8, 1985. Senate Joint Resolution 21 passed the house on May 22, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 493 included the following revisions to current law: 1) combines the authority of the Boards for Lease of State-Owned Lands with the School Land Board except the boards for lease of the Texas Parks and Wildlife Department and the Texas Department of Corrections; 2) provides an escrow account for the sale and purchase of public school land; 3) increases penalties for late royalty and production reports; 4) allows the board to grant right-of-way easements on land under its control except for highway department lands and land that is part of the penitentiary system; and 5) requires soil and water conservation plans in all agricultural and grazing leases of public school land.

Senate Joint Resolution 21 included the following revisions to current law: 1) allows proceeds from the sale of public school land to be used to acquire other land for the permanent school fund.

Sunset
Bill Summary

SCHOOL LAND BOARD

S.B. 493 - Caperton

Bill Reference	Recommendation - 69th Legislature
Page 2, Line 16	Requires that the Texas Co-ordinate system be used in surveys of public land.
Page 3, Line 9	Allows School Land Board (SLB) to grant money to lessees for construction of permanent improvements on leased property and establishes procedures for the grants.
Page 4, Line 25	Adds state agency lands to SLB jurisdiction.
Page 5, Line 3	Excludes from SLB jurisdiction certain state agency lands and other lands that were excluded in the agency lease board statutes.
Page 6, Line 13	Establishes sunset date.
Page 6, Line 19	Requires appointment to board without regard to race, creed, sex, religion or national origin. (ATB)
Page 6, Line 25	Lobbyist prohibited from serving as general counsel or board member. (ATB)
Page 7, Line 8	Require specific provisions related to conflict of interest. (ATB)
Page 7, Line 20	Specific grounds for removal of a board member. (ATB)
Page 8, Line 21	Authorizes employment of a geologist and a mineralogist for all lands under SLB jurisdiction including agency lands.
Page 9, Line 1	Requires annual written report accounting for funds disbursed by board. (ATB)
Page 9, Line 8	Annual audit. (ATB)
Page 9, Line 13	Board hearing requirements. (ATB)
Page 9, Line 19	Specifies SLB leasing authority.
Page 10, Line 2	Requires SLB to consult with agencies on any decision affecting that agency's land.

Sunset
Bill Summary

SCHOOL LAND BOARD

S.B. 493 - Caperton

(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 10, Line 12	Includes state agency lands in SLB sale and lease authority.
Page 10, Line 19	Authorizes SLB to adopt and collect fees to carry out its responsibilities.
Page 10, Line 23	Allows board to survey or subdivide land to facilitate sale of oil, gas, or mineral leases as part of the addition of state agency lands under the SLB.
Page 11, Line 4	Allows board to issue permits for surveys or investigations for state agency lands.
Page 11, Line 14	Allows board to grant easements except on specified lands.
Page 12, Line 7	Provides board option of sealed bid or public auction method for sale of oil, gas or minerals.
Page 12, Line 15	Provides guidelines for lease sales regarding minimum royalty bonus, or rental to include state agency lands.
Page 12, Line 22	Includes agency lands under SLB authority to set bonus and royalty bidding.
Page 13, Line 5	Includes agency lands under SLB jurisdiction to establish terms and conditions of lease.
Page 14, Line 9	Specifies that Chapter 34 dealing with leasing of agency lands applies to the Parks and Wildlife Department and the Texas Department of Corrections.
Page 15, Line 23	Creates boards for lease for the Parks and Wildlife Department and the Texas Department of Corrections.
Page 16, Line 4	Requires appointment to the agency lease boards without regard to race, creed, sex, religion or national origin. (ATB)
Page 16, Line 8	Lobbyist prohibited from serving a general counsel or board member. (ATB)

Sunset
 Bill Summary
 SCHOOL LAND BOARD
 S.B. 493 - Caperton
 (Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 16, Line 15	Requires specific provisions related to conflict of interest. (ATB)
Page 16, Line 25	Specifies grounds for removal of agency board members. (ATB)
Page 17, Line 22	Agency policy on public hearing requirements. (ATB)
Page 17, Line 26	Requires annual written financial report. (ATB)
Page 18, Line 4	Requires annual audit. (ATB)
Page 18, Line 10	Applies the leasing requirements to the Parks and Wildlife Department and the Department of Corrections.
Page 18, Line 18	Specifies leasing requirements for the agency boards for lease.
Page 19, Line 12	Removes restrictions placed on easement authority of the agency boards for lease.
Page 20, Line 1	Provides the agency boards for lease with rulemaking authority.
Page 20, Line 3	Subjects the agency boards for lease to the Sunset Act.
Page 20, Line 15	Removes specific terms and conditions for leasing and allows the commissioner to set them.
Page 22, Line 2	Requires all agricultural and grazing leases to implement soil and water conservation plans in cooperation with U.S. Agriculture Soil Conservation Service.
Page 22, Line 22	Gives additional authority to commissioner to grant easements for roads and other purposes in the best interest of the state.
Page 23, Line 9	Allows board of regents to grant easements for purposes in best interest of permanent university fund.

Sunset
Bill Summary

SCHOOL LAND BOARD

S.B. 493 - Caperton

(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 23, Line 17	Removes 10-year limit on easements and authorizes the collection of money for surface damages.
Page 24, Line 13	Allows commissioner for state lands and board of regents for university lands to set fees for roads and other easements.
Page 24, Line 24	Prevents construction of facilities on state lands without a proper easement from the commissioner or board of regents.
Page 25, Line 14	Establishes an interest bearing, time limited account from the sale of public school lands to acquire certain specified lands as part of a land trades program.
Page 26, Line 6	Allows board to acquire manageable tracts of land or lands with unique biological, commercial, geological, cultural or recreational value.
Page 26, Line 18	Limits board to market value in acquiring land using land office appraisers.
Page 26, Line 23	Details requirements related to acquiring public school land.
Page 27, Line 26	Clarifies land office to receive certain documents on royalty payments.
Page 28, Line 11	Modifies penalty method on unpaid royalties and adds penalties for fraud.
Page 29, Line 2	Allows commissioner to charge penalties for late reports or instruments regarding royalty payments.
Page 30, Line 12	Details procedures for assignment by the owner of relinquishment act land.

Sunset
Bill Summary
SCHOOL LAND BOARD
S.B. 493 - Caperton
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 32, Line 11 and Page 36, Line 12	Requires payment for damage of surface use which is dedicated to permanent school fund and establishes a special interest bearing and time limited account for damage money to be used for constructing permanent improvement on permanent school fund agricultural and grazing leases.
Page 33, Line 26	Includes as public school land, mineral classified land, land within the tidewater limit, and the state's portion of the Gulf of Mexico.
Page 34, Line 13	Requires compliance with the commissioner's exploration rules to maintain a valid oil and gas lease.
Page 35, Line 1	Authorizes collection of reasonable fees related to issuance of permits.
Page 35, Line 14	Authorizes collection of surface damage money.
Page 35, Line 23	Requires the commissioner to follow the recommendations of the Parks and Wildlife Department on tidewater areas.
Page 37, Line 20	Applies requirements for oil and gas permits to geophysical and geochemical exploration.
Page 37, Line 25	Establishes a special fund for Parks and Wildlife Department and Texas Department of Corrections to receive income from leasing activities.
Page 38, Line 20	Repeals unnecessary sections of the agency boards for lease statutes and removes the expiration date for SLB land trade authority.
Page 39, Line 2	Effective date.
Page 39, Line 4	Abolishes agency lease boards.

Sunset
Bill Summary

SCHOOL LAND BOARD

S.B. 493 - Caperton
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 39, Line 14	Excludes existing leases from inclusion under the new Act.
Page 39, Line 20	Excludes existing late royalties and reports from inclusion under the new Act.
Page 40, Line 5	Emergency clause.

Resolution Summary

SCHOOL LAND BOARD
SJR 21 - Caperton

Bill Reference	Recommendation
Page 1, Line 11	Allows proceeds from sale of permanent school fund land to acquire other land as part of permanent school fund.

BOARD FOR LEASE OF UNIVERSITY LANDS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Caperton as S.B. 261. Senate Bill 261 was referred to the Senate Committee on State Affairs and was reported favorably from that committee without amendments on February 18, 1985. The bill was debated and passed by the senate, March 7, 1985, with one amendment deleting the public board member requirement from the bill.

The senate bill was then referred to the House Committee on Government Organization March 20, 1985. The companion bill, H.B. 2283 by Gibson, was referred to the same committee. Following a public hearing on April 2, 1985, the senate bill was referred to subcommittee. The subcommittee reported S.B. 261 back to the full committee without amendments and with the recommendation that it do pass. On May 13, 1985, the full committee adopted a complete substitute to S.B. 261 and then voted to report C.S.S.B. 261 to the house with the recommendation that it do pass. The committee substitute removed unnecessary language related to the public member that had not been deleted in the senate and changed the penalty provisions of the bill to increase penalties for delinquent royalty payments. C.S.S.B. 261 passed the House on May 21, 1985. The senate concurred in the house amendments on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: S.B. 261 included the following revisions to current law: 1) expands the board composition from three to four members by including a Texas A&M University regent; 2) designates the Commissioner of the General Land Office as board chairman; and 3) increases penalties for late royalty payments and provides a penalty for fraud.

Sunset
Bill Summary

BOARD FOR LEASE OF UNIVERSITY LANDS
S.B. 261 - Caperton

Bill Reference	Recommendation
Page 1, line 15	Adds Texas A&M regent resulting in a four-member board.
Page 2, Line 10	Conflict of interest. (ATB)
Page 2, Line 18	Lobbyist as general counsel or board member prohibited. (ATB)
Page 2, Line 24	Establishes two year terms for board members, excluding the commissioner.
Page 3, Line 1	Mandates commissioner of GLO as board chairman.
Page 3, Line 8	Specific grounds for removal of a board member. (ATB)
Page 4, Line 5	Changes Sunset date.
Page 4, Line 11	Modifies penalty method on unpaid royalties.
Page 5, Line 12	Allows board to charge interest penalties or exercise forfeiture of lease for late reports or instruments regarding royalty payments.
Page 6, Line 6	Annual financial report. (ATB modified)
Page 6, Line 18	State audit of financial transactions. (ATB modified)
Page 6, Line 23	Public testimony at agency meetings. (ATB)
Page 7, Line 3	Requires all agricultural and grazing leases to implement soil and water conservation plans in cooperation with U.S. Agriculture Soil Conservation Service.
Page 7, Line 11	Validates past board actions.
Page 7, Line 16	Provides for appointment of new board members.
Page 7, Line 20	Excludes existing late royalties from inclusion under the new Act.

Sunset
Bill Summary

BOARD FOR LEASE OF UNIVERSITY LANDS

S.B. 261 - Caperton

<u>Bill Reference</u>	<u>Recommendation</u>
Page 8, Line 3	Excludes existing leases from inclusion under the Act.
Page 8, Line 8	Effective date.
Page 8, Line 9	Emergency clause.

VETERANS LAND BOARD

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Williams as S.B. 316. Senate Bill 316 was referred to the Senate Committee on State Affairs and was reported favorably from that committee with a substitute on February 12, 1985. The committee substitute included changes that 1) reworded the language related to the maximum loan amount for the program and set \$1,000 maximum down payment; 2) allowed the board to authorize additional processing and application fees related to loans in the land program; and 3) authorized the board to hire an administrator for the housing program and collect fees to cover administrative costs for that program. The bill was debated and passed by the senate without amendments on February 13, 1985. The senate bill was then referred to the House Committee on Government Organization.

The senate bill was referred to subcommittee on March 5, 1985. The companion bill, H.B. 538 by Thompson, was, after a public hearing, referred to the same subcommittee. On May 8, 1985, the subcommittee reported S.B. 316 back to the full committee without amendments and with the recommendation that it do pass. The full committee reported the bill favorably without amendments to the house on May 8, 1985. Senate Bill 316 passed the house on May 17, 1985.

Senate Joint Resolution 9, proposing constitutional amendments related to the Veterans Land Board as recommended by the Sunset Commission, was introduced by Senator Williams and referred to the Senate Committee on State Affairs. The resolution was reported favorably from the committee with one amendment on January 29, 1985. The amendment ensured that the additional bonding authority for the housing program did not exceed \$500 million. The resolution was debated and passed by the senate without amendment on February 12, 1985.

The senate joint resolution was then referred to the House Committee on Government Organization. The resolution was referred to subcommittee on March 5, 1985. After a public hearing, HJR 31, the companion legislation, was referred to the same subcommittee. The subcommittee reported SJR 9 favorably to the full committee without amendment on May 3, 1985. The full committee reported favorably the resolution to the house without amendment on May 8, 1985. Senate Joint Resolution 9 passed the house on May 20, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 316 included the following revisions to current law: 1) adds public health service officers to the definition of a veteran eligible for the programs; 2) changes the eligibility criteria for the housing program from a veteran who "has been honorably discharged" to one that "has not been dishonorably discharged"; 3) allows the Veterans Land Board to change the definition of a veteran for the programs to respond to changes in federal requirements; and 4) eliminates the county committee review process in the land loan program.

Senate Joint Resolution 9 included the following revisions to current law: 1) removes the constitutional definition of an eligible veteran for the veterans program and allows the legislature to define an eligible veteran and 2) adds \$500 million in bonding authority for the veterans housing program.

Sunset
Bill Summary

VETERANS LAND BOARD

S.B. 316 - Williams

Bill Reference	Recommendation - 69th Legislature
Page 2, Line 1	Adds public health service officers in the definition of veteran for the veterans' land program and rewords the definition to include eligibility provisions removed from the constitution.
Page 3, Line 14	Allows board to change the definition of veteran for the Veterans Land Program to meet changes in federal law.
Page 3, Line 21	Updates Sunset review clause and places it in the proper place in the Natural Resources Code.
Page 4, Line 4	Conflict of interest. (ATB)
Page 4, Line 14	Prohibition of lobbyist as general counsel. (ATB)
Page 4, Line 21	Appointments to board made without regard to race, color, handicap, etc. (ATB)
Page 4, Line 25	Grounds for removal of board members. (ATB)
Page 5, Line 21	Provides for annual report. (ATB)
Page 6, Line 3	Career ladder provision. (ATB)
Page 6, Line 11	Merit pay based on employee performance. (ATB)
Page 6, Line 19	Provides for annual audit. (ATB)
Page 6, Line 22	Requires development of an EEO policy. (ATB)
Page 7, Line 26	Information on standards of conduct. (ATB)
Page 8, Line 8	Provides for public testimony at board meetings. (ATB)
Page 8, Line 16	Requires board to adopt rules necessary to ensure the integrity of the veterans' land program.
Page 8, Line 20	Authorizes additional fees related to loans.
Page 10, Line 18	Authorizes the board to contract with private entities for program operation cost effective.

Sunset
Bill Summary

VETERANS LAND BOARD

S.B. 316 - Williams
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 11, Line 8	Removes the requirement for an on-site meeting between the appraiser and the veteran.
Page 11, Line 18	Allows VLB to abolish county committees if it is determined they are no longer necessary.
Page 12, Line 1	Requires the board to obtain written credit reports from veteran applicants.
Page 12, Line 5	Changes procedure for determining down payment - \$1,000 maximum.
Page 12, Line 17	Rewords language related to maximum purchase price.
Page 13, Line 10	Removes the 10-acre minimum for veteran tracts.
Page 13, Line 16	Requires an affidavit from a veteran stating that the subject tract has been inspected and allows VLB to waive that requirement.
Page 13, Line 24	Board is given authority to set the size of the veteran tracts at an amount not less than five acres.
Page 13, Line 8	The board may require the veteran to meet on the proposed tract with the appraiser.
Page 14, Line 16	Allows penalty for delinquent loan payments to be set by the board.
Page 15, Line 20	Adds public health service officers to the definition of veteran under the veterans' housing program.
Page 15, Line 22	Removes "a discharge under honorable conditions" as a criteria for participation in the housing program and replaced it with "has not been dishonorably discharged."
Page 16, Line 14	Allows board to change the definition of a veteran for the Veterans Housing Program to meet changes in federal law.

Sunset
Bill Summary

VETERANS LAND BOARD

S.B. 316 - Williams
(Cont.)

<u>Bill Reference</u>	<u>Recommendation - 69th Legislature</u>
Page 16, Line 24	Authorizes hiring of an administrator for the housing program.
Page 17, Line 11 to Page 19, Line 19	Ensures that statutory provisions relating to bonds do not conflict with constitution. Removes other restrictions relating to board.
Page 19, Line 23	Allows surviving spouse to complete loan transactions.
Page 20, Line 4	Effective date clause.
Page 20, Line 14	Emergency clause.

Resolution Summary

VETERANS LAND BOARD

SJR 9 - Williams

<u>Bill Reference</u>	<u>Recommendation - 69th Legislature</u>
Page 6, Line 10	Removes definition of a veteran for the Veterans Land Program and allows legislature to define eligibility.
Page 9, Line 9	Adds \$500 million to bonding authority for Veterans Housing Program.
Page 9, Line 12	Removes definition of a veteran for the Veterans Housing Program and allows legislature to define eligibility.

STATE SOIL AND WATER CONSERVATION BOARD

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sarpalius as S.B. 229. Senate Bill 229 was referred to the Senate Committee on Natural Resources and was reported favorably from that committee without amendments on February 28, 1985. The bill was debated and passed with amendments by the senate on March 5, 1985. The amendments adopted by the senate incorporated changes contained in another related senate bill, S.B. 272 by Senator Sharp. The changes included 1) specifying the state board's responsibility for the state's soil resources and 2) adding family farms as eligible voters in the state's soil and water conservation districts. The Senate bill was then sent to the house and referred to the House Committee on Government Organization.

The companion bill, H.B. 545 by Gibson, was filed and also referred to the House Committee on Government Organization. Following a public hearing, the house bill was referred to subcommittee on February 12, 1985. The senate bill referred to the same subcommittee on March 26, 1985. The subcommittee reported S.B. 229 favorably without amendments to the full committee on May 8, 1985. The full committee, on May 8, 1985, voted to report S.B. 229 back to the house with the recommendation that it do pass. Senate Bill 229 passed the house without amendments on May 22, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 229 included the following revisions to current law: 1) changes the terms of state board members and local conservation district directors to comply with the Texas Constitution 2) and provides that the state board has the responsibility for the protection of the state's soil resources.

Sunset
Bill Summary

STATE SOIL AND WATER CONSERVATION BOARD

S.B. 229 - Sarpalius

Bill Reference	Recommendation - 69th Legislature
Page 2, Line 2	Provides that the board is the state agency responsible for the conservation and protection of the state's soil resources.
Page 2, Line 21	Defines "family farm corporation" for use in the Act.
Page 3, Line 21	Provides that a family farm corporation be entitled to vote in elections authorized by the Act.
Page 4, Line 7	Provides that conservation districts are not under the supervision of the Department of Water Resources.
Page 4, Line 12	Removes time constraints placed on the election of members of the districts' boards of directors.
Page 4, Line 26	Allows state board to maintain funds outside the Treasury for its annual statewide meeting of district directors.
Page 5, Line 9	Requires the state board to plan and implement programs to deal with non-point source pollution.
Page 5, Line 15	Describes procedures for the dissolution of a conservation district and provides that the state board shall assume the rights and obligations of the dissolved district.
Page 8, Line 9	Removes the subdivisions of conservation districts for the purposes of elections in the districts.
Page 8, Line 17	Requires the district directors be elected at large rather than by subdivisions.
Page 9, Line 12	Provides for audits of local districts' accounts at the request and expense of the state board.
Page 9, Line 14	Provides that all funds of the local districts shall be deposited in banks or savings and loan associations.

Sunset
Bill Summary

STATE SOIL AND WATER CONSERVATION BOARD

S.B. 229 - Sarpalius
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 9, Line 25	Lobbyist as general council or board member prohibited. (ATB)
Page 10, Line 6	Conflict of interest. (ATB)
Page 10, Line 20	Changes the term of board members from five years to two years.
Page 11, Line 1	Grounds for removal. (ATB)
Page 12, Line 6	Information on standards of conduct. (ATB)
Page 12, Line 11	Career ladder. (ATB)
Page 12, Line 15	Merit pay based on employee performance. (ATB)
Page 12, Line 19	Requires policy for separation of board and staff functions. (ATB)
Page 12, Line 24	Requires development of an equal employment opportunity policy. (ATB)
Page 14, Line 4	Provides opportunity for public testimony at board meetings. (ATB)
Page 14, Line 25	Provides for public notification and information of board activities. (ATB)
Page 15, Line 6	Provides for an annual report. (ATB)
Page 15, Line 14	Complaint files and Complaint notification. (ATB)
Page 15, Line 21	Changes sunset date.
Page 16, Line 2	Changes terms of office of local district directors from five to four years and staggers the terms.
Page 17, Line 24	Validates past actions of board.
Page 18, Line 13	Effective date.
Page 18, Line 14	Emergency clause.

TEXAS CONSERVATION FOUNDATION

LEGISLATIVE ACTION: The legislation to continue the Texas Conservation Foundation was introduced by Senator Caperton as S.B. 481. The legislation contained the sunset recommendation to continue the agency for two years, along with two additional provisions. Senate Bill 481 was referred to the Senate Natural Resources Committee and was reported favorably from that committee without amendments on March 6, 1985. The bill was passed by the senate with no debate or discussion on March 11th.

Senate Bill 481 was then referred to the House Committee on Government Organization. Following a public hearing on April 2, the bill was referred to subcommittee. The subcommittee reported S.B. 481 favorably back to full committee with no amendments on April 18th. On April 30, a motion made in full committee to adopt the subcommittee report failed. On May 8, the full committee reconsidered S.B. 481, but the motion to adopt the subcommittee report and pass it back to the house failed again. The agency was continued for two years by including the sunset provision in another bill, H.B. 1585. This bill passed the house on May 20 and the senate on May 27.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Section 2 of H.B. 1585 continues the foundation until 1987, thereby placing the agency under a second sunset review during the 1986 - 1987 biennium.

TEXAS DEPARTMENT OF HEALTH

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Representative Evans as H.B. 2091 and Senator Edwards as S.B. 692.

Senate Bill 692 was referred to the Senate Health and Human Resources Committee and was reported favorably from that committee, as substituted, on May 17, 1985. The substitute differed from the original sunset bill in these main aspects: 1) administrative penalty limits were lowered from \$25,000 to \$10,000 a day, the Board of Health was removed from the penalty determination process, and criteria were established to guide the commissioner in penalty assessment. Administrative penalties were authorized in the original bill for programs regulating solid waste management, nursing homes, radiation, and food and drugs; 2) civil penalty limits concerning solid waste management and nursing home regulation were raised to \$25,000; 3) license fee provisions were changed to require the fees to offset at least 50 percent of the state cost incurred in the regulation of food and drugs, and 100 percent of the state cost incurred in regulating solid waste management; 4) several changes were made to nursing home licensing provisions increasing the requirements concerning the facilities' provision of information to residents and the public, and facility inspection procedures; and 5) the statutory structure for advisory committees associated with four major regulatory programs (EMS, radiation, solid waste and hospitals) was maintained. These committees had been repealed by the original S.B. 692. The senate failed to suspend the regular order of business to consider C.S.S.B. 692.

House Bill 2091 was referred to the House Committee on Government Organization and was reported favorably from that committee, as substituted, on May 20, 1985. C.S.H.B. 2091 incorporated the provisions of C.S.S.B. 692 and added five new provisions. The new provisions were as follows: 1) the requirement that the commissioner be a physician was changed from mandatory to permissive; 2) the two chest hospitals operated by TDH were required to be sold or leased; 3) TDH was required to collect fees for the provision of vaccines; 4) TDH was required to establish certain provisions for the use of private inspectors in the inspection of radiation-producing devices; and 5) provisions were added concerning the transportation of patients by all hospital-operated EMS providers.

C.S.H.B. 2091 was debated and passed by the house on May 22, 1985. The major amendments made by the house prior to passage of the bill include: 1) deletion of the provisions changing the commissioner's physician requirement and

requiring the sale or lease of the chest hospitals; 2) addition of an exemption from civil liability for the release to TDH of patient information needed in a nursing home inspections or investigations; 3) addition of certain posting requirements for nursing homes; 4) setting the civil penalty limit in nursing home regulation to \$1,000 per day; 5) modification of the nursing home "whistle blower" provisions; 6) deletion of the authorization to assess liquidated damages in the breach of nursing home Medicaid contracts; 7) modification of the composition and duties of the Statewide Health Coordinating Council; 8) addition of cost containment provisions; and 9) addition of authorization for the collection of patient discharge and financial data from hospitals.

In the senate, H.B. 2091 was referred to the Senate Health and Human Resources Committee and was reported favorably from that committee, as substituted on May 24, 1985. The senate committee amended C.S.H.B. 2091 to incorporate many of the provisions included by the house. The bill was debated in the senate and passed on May 26, 1985. The major amendments made on the senate floor include: 1) the addition of provisions to continue the operation of the Texas Health Facilities Commission; 2) the addition of provisions to enable the governor to establish an "1122" capital expenditure review process; 3) the addition of abortion facility licensing and reporting requirements; 4) the elimination of liquidated damages provisions related to nursing home regulation; 5) the setting of the civil penalty limit in nursing home regulation to \$10,000; and 6) the addition of provisions relating to hospital construction plan review fees, occupational disease reporting and investigation requirements, the licensure of commercial dog kennels, the use of funds authorized under the Hospital Equipment Financing Act, and sanitation facility requirements for railroad employees.

The house did not concur with senate amendments and a conference committee was appointed on May 27th. The conference committee resolved the major differences in the house and senate versions of the bill as follows. The conference committee deleted provisions continuing the Texas Health Facilities Commission and creating licensing requirements for commercial dog kennels. The conference committee included provisions authorizing: 1) licensing requirements for abortion facilities and certain reporting requirements; 2) the establishment of an "1122" capital expenditure review process; 3) the establishment of specific fees for hospital construction plan review; 4) the creation of occupational disease reporting and investigation requirements; 5) the modification of the current provisions in the Hospital Equipment Financing Act; 6) the establishment of

requirements for certain sanitation facilities for railroad employees; 7) the establishment of transportation requirements concerning hospital-operated EMS providers; and 8) the setting of the civil penalty limit related to violations of nursing home regulations at \$10,000 per day. On two other issues a compromise was reached which changed the composition of the Statewide Health Coordinating Council to a 21-member body appointed by the governor and set the civil penalty for the failure to submit required health planning data to \$500 per day.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: House Bill 2091 extends the life of the Texas Department of Health (TDH) for another 12 years under provisions of the Texas Sunset Act. The bill also contains many changes to the agency's previous legislative authority. The following is a brief discussion of some of the major changes.

Expanded Medical Facility Regulation

Most medical facilities including hospitals and nursing homes, have been licensed by TDH for many years to protect the health and safety of both patients and the public. In recent years, new types of medical facilities such as ambulatory surgical centers have developed which provide services similar to those provided in regulated facilities and yet these newer types of facilities have not come under state licensure. In an effort to ensure that health and safety standards are maintained by all facilities providing certain types of medical services or care, the bill establishes new authority for the department to establish and enforce sanitation, safety, and staffing standards for ambulatory surgical centers, abortion clinics, and birthing centers.

Increased Health Data Collection

The department is the agency responsible for the state's collection of health-related data. The collection of this data is necessary to monitor the health status of the public for evidence of health risks and disease, to provide data for service planning, and to maintain vital statistics records. New authorization contained in the bill requires health care providers to submit statistical information to TDH concerning all abortions. The law requires that such information be submitted in a way that does not disclose either the patient's or physician's identity. The data is to be analyzed for statistical purposes. Also, physicians and laboratories are now required to report to the department any case of a reportable occupational disease. This provision is similar to reporting provisions currently in place concerning

communicable diseases. The department is authorized to investigate reported cases for exposure to existing workplace hazards which if left unchecked, could continue to pose a public health threat. In addition, hospitals are now required to provide specific financial information as well as statistical information concerning patient services. This data will be analyzed for use in state-level service planning.

Authorization for the "1122" Review Process

Current federal law requires states to have a capital expenditure review process commonly known as the "1122" Review Process by October 1, 1986, in order for hospitals to be eligible for reimbursement for their capital expenditures. Such a process examines the need for additional medical facilities or equipment to determine whether those facility expansions qualify for Medicare and Medicaid capital expenditure reimbursement. Provisions added by the bill authorize the governor to establish an "1122" Review Process if it is determined that such a process is necessary to prevent the loss of federal funds.

Establishment of the Nursing Home Trust Fund

The department currently has the authority to request the appointment of a trustee by the courts to operate a nursing home in situations which present an immediate threat to the health and safety of the patients or residents of the home. The legislature recognized that in such drastic situations, the trustee may not have access to funds which allow for the payment of staff working in the home or even the provision of food, supplies or other items to meet the basic needs of the residents. To remedy this problem, the new legislation establishes a \$100,000 trust fund to be used on court order to meet the basic needs of the residents. To ensure the solvency of the fund, any money used to meet such a situation must be repaid with interest by the parties responsible for the home's operation when the trustee was appointed.

Authorization for the use of administrative penalties in major regulatory programs

The department currently has a range of remedies it can use to help ensure compliance with state law and regulations. These remedies range in severity from warning letters to license or permit revocations. The department can also ask the courts to impose injunctions or fines in many of its regulatory programs. One

enforcement tool which is not available to the department, however, is the administrative fine or penalty. This penalty is used in other state and federal agencies to help ensure quick compliance with statutes and regulations. The penalty is assessed by the agency which avoids time consuming court processes. The new legislation provides authorization for the department to use administrative penalties in four of its regulatory programs. These programs include those which regulate solid waste management, radiation control activities, nursing homes and food and drug activities.

Other Important Changes in H.B. 2091

Other changes made by the bill enhance the department's nursing home inspection and investigation authority. These provisions authorize the collection of evidence needed in abuse or neglect cases, protect employees who report abuse from retaliation by employers, and require nursing homes and TDH to provide information to the public regarding inspection reports and facility closings.

Other provisions in the bill abolish the Occupational Safety Board. This board was established to monitor and enforce compliance with state occupational safety regulations. This enforcement activity is now performed by the federal Occupational Safety and Health Administration (OSHA). TDH's activities concerning occupational safety are limited by the new legislation to federally funded consultation services which do not require a regulatory board.

Numerous other changes were made that increase the agency's responsibility to keep the public informed of its policies and complaint investigation proceedings and ensure public access to agency policy-makers.

Transfer of TDH Hazardous Waste Regulation

Actions of the legislature also transferred out of the department a portion of a significant regulatory program. Senate Bill 249 which continues the Department of Water Resources provides for the transfer of hazardous waste regulation from the Texas Department of Health to the Water Commission. This action is described in the section of this report concerning the water agency.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans**

Bill Reference	Recommendation - 69th Legislature
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ARTICLE 1 -- Board of Health and General Administration

Page 1, Line 18	Requires the department to develop policies which clearly separate the responsibilities of the board and the department. (ATB)
Page 1, Line 21	Requires the administrators of the San Antonio Chest Hospital and South Texas Hospital to have at least five years experience in hospital administration. The current administrators are exempted from this requirement.
Page 2, Line 13	Changes the sunset date to 1997.
Page 2, Line 23	Requires one of the six physicians on the board to be a physician who specializes in the treatment of disabled children.
Page 4, Line 6	Establishes requirements for public members. (ATB)
Page 4, Line 20	Establishes conflict of interest provisions. (ATB)
Page 5, Line 1	Prohibits a lobbyist from serving as general counsel or as a board member. (ATB)
Page 5, Line 7	Requires board appointments to be made without regard to race, sex, etc. (ATB)
Page 5, Line 13	Establishes the date the governor must designate the chair and vice-chair of the board.
Page 5, Line 24	Requires Board committee meetings to be held in compliance with the Open Meetings Act.
Page 6, Line 11	Establishes grounds for removal from the board. (ATB)
Page 7, Line 3	Requires the commissioner to notify the chair of potential grounds for removal. (ATB)
Page 7, Line 7	Requires biennial audits. (ATB)
Page 8, Line 13	Requires an annual report. (ATB)
Page 8, Line 19	Requires public notification and information. (ATB)

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 8, Line 25	Requires complaint procedure notification. (ATB)
Page 9, Line 12	Requires the provision of standards of conduct information. (ATB)
Page 9, Line 16	Requires the public to be given an opportunity to address issues. (ATB)
Page 9, Line 19	Deletes advisory committee language that was moved to Page 11, Line 21.
Page 10, Line 11	Requires a career ladder. (ATB modified)
Page 10, Line 17	Requires a system of merit pay based on employee performance. (ATB)
Page 10, Line 21	Requires EEO policy development. (ATB)
Page 11, Line 21	Authorizes the board to establish advisory committees.
Page 13, Line 3	Requires the maintenance of complaint files. (ATB modified)
Page 13, Line 7	Requires certain complaint notification. (ATB modified)
Page 13, Line 14	Requires the department to give preference in awarding contracts to providers who can provide appropriate services of a similar quality in the most cost-effective manner.
Page 13, Line 3	Defines "public health services" and clarifies the ability of department to charge fees for its services.
Page 14, Line 9 and Page 15, Line 7	Eliminates references to the Advisory Hospital Council (or Hospital Advisory Council).
Page 15, Line 19	Requires the department to charge fees for the distribution of vaccines and sera. Establishes waiver provisions for emergencies.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 16, Line 12	Repeals requirement for Children's Vision Screening and Speech, Hearing & Language Advisory Committees.
Page 16, Line 14	Repeals requirement for the Hospital Advisory Committee.
Page 16, Line 16	Repeals requirement for the Agent Orange Advisory Committee.
Page 16, Line 19	Repeals requirement for Youth Camp Safety Advisory Committee.
Page 16, Line 21	Repeals requirement for the Community Health Advisory Committee.

ARTICLE 2 -- State Health Planning

Page 17, Line 1	Modifies the definition of the "Statewide Health Coordinating Council" to state the SHCC is a 21-member council that provides rules and regulations governing the development of the state health plan.
Page 17, Line 18	Authorizes the governor to establish a capital expenditure review program if it is necessary to prevent the loss of federal funds.
Page 18, Line 18	Continues previous designation of the Health Department as the state health planning and development agency (SHPDA) for Texas.
Page 18, Line 21	Establishes the powers and duties of the SHPDA.
Page 19, Line 11	Requires the SHPDA to develop rules relating to data collection.
Page 19, Line 27	Establishes the authority of the SHPDA to initiate the imposition of sanctions for failure to submit data.
Page 20, Line 6	Establishes the confidentiality of patient specific data.
Page 20, Line 10	Specifies the duties of the Statewide Health Coordinating Council (SHCC).

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 20, Lines 27	Establishes the basic elements and purpose of the "State Health Plan" for Texas.
Page 21, Line 17	Requires the SHCC to consult with the Health and Human Services Coordinating Council (HHSCC) in developing the plan.
Page 21, Line 21	Requires the SHPDA to submit the plan to the SHCC.
Page 21, Line 23	Requires the SHCC to submit the plan to the HHSCC for review and comment.
Page 21, Line 27	Specifies Nov. 1 of even numbered years as the date for submission of the plan to governor.
Page 22, Lines 3 thru 11	Requires agencies affected by the plan to submit cost data to the SHPDA.
Page 22, Lines 12 thru 16	Requires cost data to be submitted to the LBB and governor's budget office.
Page 22, Lines 17 thru 24	Maintains current requirements of State Health Planning Act regarding Title XVI of the Public Health Service Act and SHPDA contracting authority.

ARTICLE 3 -- Disabled Children's Services

Page 23, Line 2 thru Page 31, Line 12	Makes numerous changes to modify the name of the Crippled Children's program to Disabled Children's Services.
Page 23, Lines 6 and 15	Authorizes board to treat a disease or condition specified by rule (see methodology at page 29, line 4).
Page 29, Lines 4 thru 15	Establishes a method to allow the department to treat a disease or condition of disabled children if dollars are specifically provided by the General Appropriation Act.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 29, Lines 2 and 20 and Page 30, Line 8	Authorizes reimbursements to ambulatory surgical centers for services rendered.

ARTICLE 4 -- Nursing Home Regulation

Page 32, Line 3	Exempts fees collected for the trust fund from existing license fee provisions.
Page 32, Line 27 thru Page 33, Line 13	Provides the department with access to institution documents during an inspection, survey or investigation of an institution.
Page 33, Lines 14 thru 24	Requires the department to establish methods to preserve evidence of life-threatening conditions identified through inspections and investigations.
Page 33, Line 25 thru Page 34, Line 3	Excludes institutions, their officers and employees, and the patients' attending physicians, from civil liability for surrendering documents required under the above provisions.
Page 34, Lines 4 thru 9	Requires TDH to develop forms summarizing the inspection reports and procedures to make these forms available to the public.
Page 34, Line 18 thru Page 35, Line 16	Establishes that hearings to revoke nursing home licenses are subject to the APA and repeals the existing hearing process requirements.
Page 35, Line 21 thru Page 38, Line 15	Establishes the Nursing and Convalescent Home Trust Fund and methods by which the department can use the fund in the regulation of nursing homes.
Page 38, Line 19 thru Page 39, Line 9	Requires nursing homes who anticipate closing to notify facility residents and families of the closing and provides a penalty for failure to notify residents.
Page 40, Lines 8 thru 14	Requires a percentage of unannounced facility inspections to be conducted between 5:00 p.m. and 8:00 a.m.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 42, Line 21 thru Page 43, Line 9	Requires facilities to post their license, a sign concerning the filing of complaints, notice of the availability of inspection reports, the TDH toll-free number, and a summary of the most recent inspection report.
Page 43, Line 14	Establishes that judicial review of a contested case concerning a nursing home license judgment is under the substantial evidence rule and is to be conducted in compliance with the APA procedures.
Page 43, Line 18	Repeals existing hearing process requirements.
Page 44, Line 14 thru 16	Raises the civil penalty limit for operating without a license to \$1,000 for the first offense and \$500 for each subsequent offense.
Page 44, Line 23	Raises the civil penalty limit for violations of regulations under the article to \$10,000 per day.
Page 45, Line 6	Adds the Office of Attorney General to the list of entities that may be notified of an unannounced inspection before the inspection occurs.
Page 45, Line 20 thru Page 50, Line 1	Authorizes the commissioner to impose administrative penalties up to \$10,000 in nursing home regulation.
Page 50, Line 6 thru Page 51, Line 11	Establishes a cause of action due to retaliation against nursing home employees.
<u>ARTICLE 5 -- Food and Drug Regulation</u>	
Page 51, Line 17	Raises the penalty for violation of the Food and Drug Act to a Class A misdemeanor.
Page 52, Line 13	Requires rules adopted by the department that limit poisonous or deleterious substances in food to provide equal or stricter standards than those of the FDA.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 53, Line 1	Allows the Commissioner of Health to adopt emergency rules to establish tolerance levels of poisonous or deleterious substances in food.
Page 53, Line 20	Allows the Commissioner of Health or his designee to issue emergency orders regarding food manufacturing activities.
Page 54, Line 9	Requires the Board of Health to adopt rules that provide a system for removing adulterated items from grocery store shelves.
Page 54, Line 13 thru Page 55, Line 12	Removes old language regarding rule development and emergency orders.
Page 57, Line 9	Requires TDH and the Department of Agriculture to develop a Memorandum of Understanding regarding testing and assisting each other in their respective duties.
Page 57, Line 19	Requires the TDH and TDA to request the federal Food and Drug Administration to join in the execution of the memorandum.
Page 57, Line 27	Authorizes staggered renewals of licenses--wholesale drug distributors. (ATB)
Page 58, Line 10	Requires the department to charge fees to offset at least 50 percent of the state cost of regulation of wholesale drug distributors.
Page 59, Line 5	Conforms current fee language to above modification.
Page 59, Line 13	Conforms current fee language to the following modification.
Page 60, Line 8	Requires the department to charge fees to offset at least 50 percent of the state cost of regulation of food manufacturers.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 60, Line 21	Requires at least 50 percent of the registration fees collected to be used for inspection and enforcement and the balance to be used to administer the program.
Page 60, Line 25	Authorizes staggered renewals of licenses--food manufacturers. (ATB)
Page 62, Line 9 thru Page 66, Line 13	Authorizes the commissioner to assess administrative penalties up to \$10,000 in enforcement of the Food and Drug Act.

ARTICLE 6 -- Food and Drug Regulation - Salvage Brokers

Page 67, Lines 5, 8 and 9	Conforms current fee collection language to the following modification.
Page 67, Line 17 thru Page 68, Line 2	Requires department to collect fees to offset at least 50 percent of the state cost of regulation of salvage brokers.
Page 68, Line 6	Authorizes the commissioner to assess administrative penalties in the regulation of salvage brokers.

ARTICLE 7 -- Food and Drug Regulation - Synthetic Narcotics

Page 68, Line 20 thru Page 70, Line 27	Repeals the requirement for the Synthetic Narcotic Advisory Committee.
Page 71, Line 14 thru Page 72, Line 3	Requires the department to collect fees to offset at least 50 percent of the state cost of regulation of synthetic narcotic (methadone) centers.
Page 72, Line 7	Authorizes the commissioner to assess administrative penalties for violations of Food and Drug Act concerning synthetic narcotic (methadone) centers.
Page 72, Line 16	Requires the department to adopt rules requiring railroads to provide sanitation facilities for railroad maintenance-of-way employees. Also authorizes TDH to sue to ensure compliance.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
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ARTICLE 8 -- Solid Waste Management Regulation

Page 72, Line 25	Requires the MOU's with other state agencies concerning solid waste management to be adopted as rules.
Page 73, Line 5 thru Page 74, Line 5	Requires the department to charge fees to offset the state cost of regulating solid waste activities.
Page 74, Lines 13 thru 23	Raises the limit for civil penalties assessed under the Solid Waste Disposal Act from \$2,000 to \$25,000.
Page 74, Line 27 thru Page 79, Line 25	Authorizes the commissioner to assess administrative penalties up to \$10,000 for violations of the Solid Waste Disposal Act.

ARTICLE 9 -- Hemophilia Assistance

Page 79, Line 15	Eliminates reference to the Hemophilia Advisory Committee.
Page 80, Line 14 thru Page 82, Line 19	Establishes "Payee of Last Resort" provisions in the Hemophilia Assistance program.
Page 82, Line 20	Repeals the requirement for the Hemophilia Advisory Committee.

ARTICLE 10 -- Radiation Regulation

Page 83, Lines 1 thru 10	Clarifies the registration provisions of the Radiation Control Act.
Page 86, Line 18	Requires that MOU's with other state agencies concerning Radiation Control be adopted as rules.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 87, Lines 6 thru 11	Changes the composition of the Radiation Advisory Board to delete one of the two representatives from the nuclear utility industry and add one licensed dentist.
Page 88, Line 2	Requires the agency to adopt rules regarding the inspection intervals for radiation producing machines.
Page 88, Line 19 and Lines 89, Line 4	Modifies requirements concerning the granting of licenses and registrations under the Radiation Control Act.
Page 90, Line 5 thru Page 94, Line 9	Authorizes the commissioner to assess administrative penalties up to \$10,000 in the enforcement of the Radiation Control Act.
Page 94, Line 13 thru 23	Authorizes the department to prohibit importation of low-level radioactive waste prior to the opening of the Texas disposal site.

ARTICLE 11 -- Occupational Safety

Page 95, Line 1 thru Page 102, Line 6	Eliminates authorization for the Occupational Safety Board (numerous references repealed) and transfers duties to the department.
Page 95, Line 17	Includes railroads in the definition of employers covered under the Act.
Page 96, Line 21 thru Page 97, Line 4	Modifies the mandated activities of employers concerning occupational safety.
Page 97, Line 5 thru Page 102, Line 6	Removes numerous provisions applicable only to regulatory programs.
Page 97, Line 13	Establishes the consultation duties of the Division of Occupational Safety.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
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ARTICLE 12 -- Early Childhood Intervention

Page 102, Line 19 thru Page 115, Line 16	Modifies the mandated operations of the Early Childhood Intervention Program to clarify operations. Also modifies statute to remove duplicative language and cleans up language.
Page 115, Lines 17 thru 20	Repeals duplicative statutes.

ARTICLE 13 -- Hospital and Professional Regulation

Page 116, Line 6	Requires rules to be adopted according to the APA and repeals existing provisions.
Page 116, Line 27 thru Page 117, Line 20	Requires the board to adopt a fee schedule for Hospital Construction Plan approval. Also sets limits on those fees.
Page 117, Line 21	Repeals the requirement to keep hospital licensing information confidential.
Page 117, Line 29 and Page 118, Lines 6 and 7	Requires a MOU (as rule) concerning the inspection and licensing of in-patient treatment facilities by TDH, TDMHMR, TCA and DHR.
Page 119, Lines 1 thru 11	Requires notice of licensing exam results (ATB) for emergency medical technicians.
Page 119, Lines 12 thru 15	Requires analysis of examination performance if requested in writing (emergency medical technicians). (ATB)
Page 121, Line 2	Requires hospital-operated EMS providers who are transporting a person who is unable to communicate and has a life-threatening illness or injury to transport that person to the nearest hospital that can provide appropriate care.
Page 121, Line 25 thru Page 122, Line 7	Clean up regarding grandfather clause for professional sanitarians.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 122, Line 25	Requires notice of licensing exam results (ATB) for professional sanitarians.
Page 123, Lines 8 thru 11	Requires analysis of examination performance if requested in writing (professional sanitarians). (ATB)
Page 123, Line 12	Repeals the requirement for the Sanitarian Advisory Committee.
Page 123, Line 18 thru Page 124, Line 5	Requires notice of licensing exam results (ATB) for athletic trainers.
Page 124, Lines 2 thru 5	Requires analysis of examination performance if requested in writing (athletic trainers). (ATB)
Page 124, Line 11 thru Page 125, Line 10	Establishes standard time frames for athletic trainer license renewals. (ATB)
Page 126, Lines 4 thru 8 and Page 131, Line 11 thru Page 132, Line 24	Removes the requirement that the Hospital Equipment Financing Council be comprised of members of the Hospital Advisory Council. Establishes the council as a governor appointed body.
Page 125, Line 22 thru Page 145, Line 8	Authorizes the Hospital Equipment Financing Council to provide its services to hospitals to fund pension fund contributions.
Page 129, Line 22	Removes "for profit" providers from the definition of participating providers.
Page 137, Line 23	Places council books and records under the Open Records Act.

ARTICLE 14 -- Dental Services

Page 145, Line 10 thru Page 147, Line 9	Authorizes the current Dental Health program.
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Sunset
Bill Summary

TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)

Bill Reference	Recommendation - 69th Legislature
<u>ARTICLE 15 -- Children's Outreach Heart Program</u>	
Page 147, Line 11 thru Page 148, Line 12	Authorizes the current Children's Outreach Heart Program.
<u>ARTICLE 16 -- Ambulatory Surgical Center Regulation</u>	
Page 148, Line 14 thru Page 152, Line 25	Requires Ambulatory Surgical Centers to be regulated by the department.
<u>ARTICLE 17 -- Birthing Center Regulation</u>	
Page 152, Line 27 thru Page 157, Line 1	Requires Birthing Centers to be regulated by the department.
<u>ARTICLE 18 -- Hospital Data System</u>	
Page 157, Line 3 thru Page 161, Line 5	Requires the department to establish a system for reporting and collecting hospital financial, utilization and patient discharge data.
Page 157, Line 14 thru Page 158, Line 25	Requires all hospitals to submit financial and use data to TDH.
Page 158, Line 26 thru Page 159, Line 14	Authorizes TDH to establish a sampling method to collect specific inpatient discharge data from hospitals if such data is not available from other sources.
Page 159, Lines 15 thru 24	Requires the department to publish an annual report analyzing certain data.
Page 160, Lines 8 thru 18	Establishes that data reported under this section which identify specific patients and financial data related to a specific provider or facility are confidential. Also establishes violation of this confidentiality as a Class B misdemeanor.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 160, Line 19 thru Page 161, Line 5	Establishes a Hospital Data Advisory Council to assist the board in implementation of the article.

ARTICLE 19 -- Occupational Disease Reporting

Page 161, Line 18	Requires the department to maintain a list of reportable occupational diseases, sets out certain conditions to include on the list and establishes criteria to consider when adding other conditions to the list.
Page 162, Line 23 thru Page 163, Line 16	Requires treating physicians and certain labs and clinics to report any case of a reportable occupational disease.
Page 163, Line 17	Establishes the confidentiality of data collected under the article.
Page 164, Line 6	Requires the department to investigate cases of reportable occupational disease.

ARTICLE 20 -- Abortion Facility Licensing

Page 164, Line 27 thru Page 171, Line 1	Requires abortion facilities to be regulated by the department.
Page 165, Line 21	Requires abortions to only be performed by a licensed physician.
Page 166, Line 17 thru Page 167, Line 25	Requires all places where abortions are performed to file certain data on each abortion performed, annually. Also establishes the confidentiality of reported data and establishes violation of this confidentiality as a Class A Misdemeanor.
Page 170, Line 22	Makes explicit that the article does not limit the ability of a physician to perform an abortion in an unlicensed facility if it is necessary to prevent maternal death or serious impairment of the mother's condition.

**Sunset
Bill Summary**

**TEXAS DEPARTMENT OF HEALTH
H.B. 2091 - Evans
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
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ARTICLE 21 -- Effective Dates

Page 171, Line 3	Establishes that the conflict-of-interest provisions of the Act (page 4, line 20) apply only to appointments made after the expiration of the terms of the current board members.
Page 171, Line 8	Requires the MOU concerning hospital licensing inspection to be executed by September 1, 1986.
Page 171, Line 13	Identifies five bills whose provisions are to prevail to the extent of conflict with this Act.
Page 171, Line 22	Establishes that changes to law made by this Act do not affect a persons liability under Certificate of Need requirements.
Page 172, Line 2	Requires the governor to appoint the members of the Statewide Health Coordinating Council on September 1, 1985 for staggered two-year terms with 11 members terms expiring September 1, 1986.
Page 172, Line 6	Establishes the effective date of the Act as September 1, 1985 except that licenses won't be required for ambulatory surgical centers or birthing centers until January 1, 1986.
Page 172, Line 13	Declares an emergency.

TEXAS BOARD OF HEALTH DENTAL ADVISORY COMMITTEE

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission to abolish the Texas Board of Health Dental Advisory Committee and create a new Dental Care Advisory Committee attached to the Health and Human Services Coordinating Council was filed by Senator Edwards as S.B. 693 and Representative Evans as H.B. 1581.

Senate Bill 693 was referred to the Senate Health and Human Resources Committee and was reported favorably, as amended. The amendment added a representative of the dental schools to the composition of the Dental Care Advisory Committee (DCAC). Senate Bill 693 was passed by the senate on May 5, 1985. In the house, S.B. 693 was referred to the House Committee on Government Organization. The last action taken on the senate bill was its referral to subcommittee on May 14.

House Bill 1581 was amended in committee to incorporate the addition of a representative of the dental schools to the DCAC composition. The House Committee on Government Organization reported the bill favorably with amendments and the house passed the bill without further amendments on April 30, 1985. The Senate Health and Human Resources Committee reported the bill favorably back to the senate without amendments and it was passed by the senate without further amendments on May 15, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: House Bill 1581 changes current law by abolishing the Texas Board of Health Dental Advisory Committee and creating a Dental Care Advisory Committee. While the original committee was advisory to the Board of Health, the newly created committee is instead affiliated with the Texas Health and Human Services Coordinating Council which has broad policy responsibilities spanning the various health and human service agencies of the state.

Sunset
Bill Summary

TEXAS DEPARTMENT OF HEALTH
Dental Advisory Committee
H.B. 1581 - Evans

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 9	Establishes the Dental Care Advisory Committee to advise the Health and Human Services Coordinating Council.
Page 1, Line 13	Requires the governor to appoint the advisory committee using certain guidelines.
Page 1, Line 22	Establishes reimbursement for committee members.
Page 2, Line 2	Authorizes committee duties.
Page 2, Line 18	Repeals previous Dental Advisory Committee statute.
Page 2, Line 19	Establishes effective date.
Page 2, Line 20	Emergency clause.

INTERSTATE COMPACT ON MENTAL HEALTH ADMINISTRATOR FOR TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 255. Senate Bill 255 was referred to the Senate Committee on Health and Human Resources and was reported favorably from that committee without amendments on February 4, 1985. The bill was passed without opposition by the senate and without amendments on February 6, 1985. The senate bill was then referred to the House Committee on Government Organization, where its companion house bill, H.B. 325 by Representative Patricia Hill had already been heard in public hearing and referred to subcommittee on February 25, 1985. The subcommittee reported S.B. 255 favorably without amendments to the full committee on May 15, 1985, with the recommendation that it do pass in the house. Senate Bill 255 passed the house, without opposition, on May 22 and was signed in the senate on May 24, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 255 included the following revisions to current law: 1) provides for statutory guidelines for the selection of the compact administrator; 2) combines the sunset review date with that of Texas Department of Mental Health and Mental Retardation; and 3) requires public notice of compact meetings and activities.

Sunset
Bill Summary

OFFICE OF INTERSTATE COMPACT ON MENTAL
HEALTH ADMINISTRATOR FOR TEXAS
S.B. 255 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 15	Requires the governor to appoint the commissioner of the Texas Department of Mental Health and Mental Retardation to be the compact administrator, who may appoint a designee to perform the duties.
Page 2, Line 10	Changes Sunset date for Office of Interstate Compact on Mental Health Administrator for Texas to coincide with the Texas Department of Mental Health and Mental Retardation.
Page 2, Line 16	Requires the compact administrator to file notice of compact meetings in the Texas Register. (ATB modified)
Page 2, Line 22	Requires the Texas Department of Mental Health and Mental Retardation to file an annual report on the activities of the Office of Interstate Compact on Mental Health Administrator for Texas. (ATB)

ANATOMICAL BOARD OF THE STATE OF TEXAS

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed on January 17, 1985 by Senator Sharp as S.B. 201. Senate Bill 201 was referred to the Senate Committee on Health and Human Resources and was reported favorably from that committee on February 5, 1985 with one amendment. The amendment clarified the provision in the bill prohibiting a lobbyist from serving on the board or as general counsel to the board, if their work involved compensation in or on behalf of a profession related to the operation of the board. The bill, as amended, was passed by the senate without opposition on February 6, 1985. Senate Bill 201 was then referred to the House Committee on Government Organization, where its companion bill, H.B. 444 by Representative Gibson, had been heard in public hearing on February 12, 1985. Both bills were referred to subcommittee, and on May 2, 1985 the subcommittee reported S.B. 201 favorably without amendments to the full committee. The House Government Organization Committee reported S.B. 201 favorably on May 8, 1985 and on May 22, 1985, S.B. 201 passed the house without opposition.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 201 included the following revisions to current law: 1) a reduction of the size of the board from 22 to 11 members; 2) authorization for the board to collect fees to cover its expenses; and 3) authorization for the board to continue to maintain its funds locally.

Sunset
Bill Summary

ANATOMICAL BOARD OF THE STATE OF TEXAS
S.B. 201 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 14	Reduces size of board from 22 to 11.
Page 1, Line 18	Specifies board members' terms.
Page 1, Line 23	Lobbyist prohibition. (ATB)
Page 2, Line 4	Appointments made without discrimination. (ATB)
Page 2, Line 7	Grounds for removal. (ATB)
Page 3, Line 7	Standards of conduct. (ATB)
Page 3, Line 16	Requires board rules to assure that bodies are handled with respect and dignity.
Page 3, Line 25	Public notification and information. (ATB)
Page 4, Line 13	Public testimony at agency meetings. (ATB)
Page 4, Line 17	Complaint files. (ATB)
Page 5, Line 20	Changes sunset date to 1997.
Page 6, Line 15	Authorizes board to receive bodies from out of state.
Page 6, Line 17	Authorizes board to transport bodies to other states.
Page 7, Line 8	Requires board to develop rules to ensure the proper transportation of bodies.
Page 8, Line 15	Authorizes board to inspect and approve institutions for the receipt of bodies.
Page 8, Line 17	Authorizes board to investigate any improper use of cadavers, and to suspend or revoke an institution's or individual's authorization to receive and dissect bodies if the board determines that a body was used improperly.

Sunset
Bill Summary

ANATOMICAL BOARD OF THE STATE OF TEXAS
S.B. 201 - Sharp
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 9, Line 1	Directs the board to adopt rules stating what activities related to human bodies are authorized, to clarify that unauthorized activities are still punishable under the penal code as a Class A misdemeanor.
Page 9, Line 4	Deletes reference to lower animals.
Page 9, Line 17	Authorizes board to deposit funds in local accounts.
Page 9, Line 9	Annual reports to governor and legislature. (ATB)
Page 9, Line 26	Biennial audit. (ATB)
Page 10, Line 2	Authorizes agency to establish and collect fees. (ATB)
Page 10, Line 24	Adds the Anatomical Board to the list of approved donees of an anatomical gift.
Page 11, Line 22	Exempts the Anatomical Board from the State Funds Reform Act.
Page 11, Line 25	Repeals requirement for institutions to post penalty bonds.

TEXAS COMMISSION FOR THE DEAF

LEGISLATIVE ACTION: Senator Sharp filed S.B. 384 on February 6, 1985. This bill incorporated the recommendations of the Sunset Commission and authorized the agency to certify manual and oral interpreters for the deaf. Senate Bill 384 was referred to the Senate Committee on Health and Human Resources and was reported favorably as substituted on April 10, 1985. The changes made by the committee substitute included the following: 1) authorized TCD to certify manual, but not oral, interpreters; 2) authorized the agency to maintain telecommunication devices for the deaf (TDDs) in state agencies and emergency response centers, but prohibited further placements of such devices; 3) transferred the programs for deaf-blind persons and their families to the Texas Rehabilitation Commission; and 4) deleted the provisions to expand message relay services state-wide. The committee substitute was passed by the senate without amendments on April 22, 1985.

Senate Bill 384 was referred to the House Committee on Government Organization. After a public hearing on May 1, 1985, the bill was referred to subcommittee. On May 20, 1985, S.B. 384 was recalled from subcommittee and was reported to the House without amendments. On May 24, 1985, S.B. 384 was passed by the house to third reading with the following amendments: 1) the Sunset date was changed to 1987; 2) TCD was prohibited from spending more than 25 percent of their appropriation on salaries, but authorized to accept gifts to supplement salaries; 3) the agency was mandated to remove any TDDs in state agencies that were not used in a six-month period after September 1, 1983; 4) TCD was required to reassign a TDD if necessary to maximize its use and authorized to determine where the best placement would be; and 5) the agency was prohibited from contracting with any former employees. On third reading, the bill was amended to appropriate \$38,000 per year for each year of the biennium to fund the summer outdoor training program for deaf persons and to authorize the agency to certify manual and oral interpreters. Senate Bill 384, as amended, was passed by the house on May 25, 1985. The senate concurred in the house amendments on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 384 included the following major revisions to current law: 1) prohibits further placements of TDDs in state agencies and emergency response centers; 2) moves the services for deaf-

blind persons to the Texas Rehabilitation Commission; 3) requires TCD to use a competitive process and formula funding to award contracts and prohibits their contracting with former employees; 4) moves the Sunset date to 1987; and 5) limits the agency to spending not more than 25 percent of their appropriation on salaries.

**Sunset
Bill Summary**

**TEXAS COMMISSION FOR THE DEAF
S.B. 384 - Sharp**

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 17	Commission appointments without regard to race, sex, etc. (ATB)
Page 1, Line 20	Conflict of interest. (ATB)
Page 2, Line 4	Lobbyist prohibited as general counsel or commission member. (ATB)
Page 2, Line 13	Grounds for removal from the commission. (ATB)
Page 3, Line 19	Changes sunset date to 1987.
Page 3, Line 22	Requires the governor to appoint the commission chair who will serve at the governor 's pleasure.
Page 4, Line 2	Requires the commission to hold an annual public meeting to receive comments on the operations of the commission and concerns of the deaf community.
Page 4, Line 4	Requires policies providing the public with an opportunity to appear before the commission. (ATB)
Page 4, Line 15	Biennial audits. (ATB)
Page 4, Line 21	Authority to collect fees for interpreter training. (ATB modified)
Page 4, Line 25	Annual report. (ATB)
Page 5, Line 5	Standards of conduct. (ATB)
Page 5, Line 10	Separation of board and staff functions. (ATB)
Page 5, Line 18	Authorizes the commission to certify interpreters for deaf and hearing-impaired persons.
Page 6, Line 11	Licensing by endorsement. (ATB)
Page 6, Line 15	Continuing education. (ATB)
Page 6, Line 18	Staggered renewal of licenses. (ATB)

Sunset
Bill Summary

TEXAS COMMISSION FOR THE DEAF
S.B. 384 - Sharp
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 6, Line 20	Disqualifications for certification. (ATB)
Page 6, Line 24	Notification of examination results. (ATB)
Page 7, Line 9	Examination analysis. (ATB)
Page 7, Line 16	Range of penalties. (ATB)
Page 8, Line 2	Commission hearing requirements. (ATB)
Page 8, Line 10	EEO Policy. (ATB)
Page 9, Line 15	Career ladders. (ATB)
Page 9, Line 19	Merit pay based on employee performance. (ATB)
Page 9, Line 25	Limits the commission to not using more than 25 percent of their appropriation for salaries. This amount does not include any gifts, grants, or donations accepted by the commission to supplement salaries.
Page 10, Line 4	Authorizes the commission to accept gifts, grants, or donations to supplement salaries.
Page 10, Line 12	Continues the commission's authority to administer a program to cover the use of telecommunication devices for the deaf (TDDS) in emergency response centers and in selected state agencies, but prohibits further placements.
Page 12, Line 9	Requires removal of telecommunication devices for the deaf (TDDs) from state agencies if not used within a six-month period.
Page 12, Line 13	Requires the commission to reassign a TDD if necessary to maximize its use.
Page 12, Line 14	Authorizes the commission to determine appropriate placements for TDDs that have been removed from state agencies. Requires that the primary criteria be a determination of where the greatest number of deaf people will receive maximum benefits.

**Sunset
Bill Summary**

**TEXAS COMMISSION FOR THE DEAF
S.B. 384 - Sharp
(Cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 12, Line 22	Requires the Texas Rehabilitation Commission to provide services to deaf-blind individuals and their parents.
Page 14, Line 1	Public notification and information. (ATB)
Page 14, Line 21	Complaint notification. (ATB)
Page 15, Line 1	Complaint files. (ATB)
Page 15, Line 6	Restrictive advertising or bidding rules. (ATB)
Page 15, Line 23	Requires a competitive process for the awarding of grants and contracts.
Page 16, Line 12	Prohibits the commission from awarding grants or contracts to former employees.
Page 16, Line 14	Requires formula for allocation of funds.
Page 16, Line 22 Page 17, Line 11	Expands the Council on Disabilities to include a representative of the Texas Employment Commission and the Texas School for the Deaf.
Page 17, Line 12	Repeals the authorization for the Technical Advisory Council for Planning and Operations and the pilot programs for deaf-blind individuals and their parents.
Page 17, Line 14	Appropriates \$38,000 in fiscal year 1986 and \$38,000 in fiscal year 1987 to fund the outdoor training program.

TEXAS COMMISSION FOR THE BLIND

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sharp as S.B. 195. Senate Bill 195 was referred to the Senate Committee on Health and Human Resources and was reported favorably from that committee with one amendment on February 5, 1985. The amendment added a provision authorizing reimbursement to board and advisory committee members who are disabled for special aids or travel attendants as required in the performance of their official duties. The senate bill was then referred to the House Committee on Government Organization. Following a public hearing on April 16, the senate bill was referred to subcommittee. The subcommittee reported S.B. 195 favorably without amendments to the full committee and the committee voted to report S.B. 195 to the house with the recommendation that it do pass. The house passed S.B. 195 on May 22, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 195 revises current law as follows: 1) authorizes the board and consumer advisory committee members to receive compensatory per diem; 2) authorizes the reimbursement of travel expenses at the same rate as for state employees for advisory committee members; 3) mandates the creation of a consumer advisory committee; 4) deletes several obsolete provisions contained in current law and updates provisions related to qualifications and responsibilities of the executive director; and 5) changes the agency's name to the Texas Commission for the Blind.

Sunset
Bill Summary

TEXAS COMMISSION FOR THE BLIND
S.B. 195 - Sharp

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 20	Changes agency name to Texas Commission for the Blind.
Page 1, Line 24	Extends agency for a 12-year period ending in 1997.
Page 2, Lines 3, 7, and 8	Changes agency name to Texas Commission for the Blind.
Page 2, Line 10	Requires that appointments to the board shall be made without regard to race, creed, handicap, sex, religion, age or national origin. (ATB modified to allow blind persons to be appointed to board)
Page 2, Line 14	Requires public membership on the board. (ATB)
Page 3, Line 1	Requires specific provisions related to conflicts of interest. (ATB)
Page 3, Line 9	Lobbyists prohibited from serving as general counsel or board member. (ATB)
Page 3, Line 25	Provides a per diem for board and advisory committee members, to be set by the legislature in the General Appropriations Act.
Page 4, Line 5	Provides advisory committee members with travel expenses at the same rate as for state employees.
Page 4, Line 7	Provides disabled members of the commission and the consumer advisory committee reimbursement for special aids or travel attendants.
Page 4, Line 18	Requires the commission to adopt policies and procedures for the administration of its programs.
Page 4, Line 23 through Page 6, Line 18	Deletes obsolete provisions relating to the executive director and establishes qualifications and responsibilities of the executive director.

**Sunset
Bill Summary**

**TEXAS COMMISSION FOR THE BLIND
S.B. 195 - Sharp
(cont.)**

Bill Reference	Recommendation - 69th Legislature
Page 6, Line 21	Requires audit by state auditor at least once each biennium. (ATB)
Page 7, Line 4	Agency funds placed in treasury. (ATB)
Page 7, Line 15	Specifies grounds for removal of a board member. (ATB)
Page 8, Line 16	Requires board to establish career ladders. (ATB)
Page 8, Line 20	Requires a system of merit pay based on employee performance. (ATB)
Page 8, Line 24	Requires agency to provide information on standards of conduct to board members and employees. (ATB)
Page 9, Line 3	Requires board to develop policies that separate responsibilities of board members and agency employees. (ATB)
Page 9, Line 8	Requires development of an EEO policy. (ATB)
Page 10, Line 11	Provides for notification and information to the public concerning board activities. (ATB)
Page 11, Line 5	Requires files to be maintained on complaints. (ATB)
Page 11, Line 8	Requires that all parties to formal complaints be periodically informed in writing as to the status of the complaint. (ATB)
Page 11, Line 14	Provides for public testimony at agency meetings. (ATB)
Page 11, Line 18	Requires the commission to establish a consumer advisory committee and rules related to the committee.
Page 11, Line 24	Annual reports to be made to governor and legislature. (ATB)

Sunset
Bill Summary

TEXAS COMMISSION FOR THE BLIND
S.B. 195 - Sharp
(cont.)

Bill Reference	Recommendation - 69th Legislature
Page 12, Line 7	Deletes function performed by another organization through executive order of the governor.
Page 12, Line 16	Deletes outdated language.
Page 12, Line 23	Clarifies responsibility of executive director.
Page 13, Line 4 through Line 25	Brings language into conformity with federal law.
Page 14, Line 2	Clarifies responsibility of executive director.
Page 14, Line 6	Clarifies responsibility of executive director.
Page 14, Line 12	Makes language consistent with current practices.
Page 14, Line 25 through Page 27, Line 5	Agency name changed to Texas Commission for the Blind.
Page 27, Line 6	Deletes outdated language.

TEXAS REHABILITATION COMMISSION

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Edwards as S.B. 118. The senate bill was referred to the Senate Committee on Health and Human Resources and was reported favorably from that committee with amendments on January 22, 1985. Of the amendments made by the committee, two were word changes to clarify the intent of the language and the third deleted language in existing law which specified membership on the Texas Planning Council for Developmental Disabilities and added new language requiring the governor to make appointments in accordance with applicable federal developmental disability law. The bill, as amended in committee, was passed by the senate on January 31.

In the house, the senate bill was referred to the House Committee on Government Organization. Following a public hearing the senate bill was referred to subcommittee. The bill was recalled from the subcommittee and was reported favorably from the committee as substituted on May 20, 1985. The substitute to S.B. 118 made the following major changes: 1) abolished the Texas Commission for the Deaf and transferred services for the deaf to TRC; 2) added three handicapped members to the TRC board, increasing the board from six to nine members; 3) authorized the Texas advocacy and protection system to have access to records of certain developmentally disabled persons in limited situations; 4) made the Texas Board of Physical Therapy Examiners an advisory board to TRC and placed the licensing of physical therapists under the administration of TRC; 5) required TRC to appoint a director of licensure; 6) continued the Texas Advisory Board of Occupational Therapy in its current form, administratively attached to TRC; 7) and transferred money currently in a special licensure fund for Occupational Therapy to the General Revenue Fund.

On May 24, C.S.S.B. 118 was passed by the house with the following amendments: 1) deleted the language which abolished the Texas Commission for the Deaf and the language that transferred services for the deaf to TRC; 2) deleted language which added three handicapped members to the board; 3) deleted language which made the Texas Board of Physical Therapy Examiners an advisory board administratively attached to TRC; 4) deleted language requiring the appointment of a director of licensure; and 5) deleted language concerning the regulation of occupational therapist, including language which abolished a special licensing fund

for this purpose and transferred the money into the General Revenue Fund. The house passed S.B. 118, as amended, on May 25, 1985. The senate concurred with the house amendments on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 118 revises current law as follows: 1) authorizes the board and consumer advisory committee members to receive compensatory per diem; 2) authorizes the disabled board and consumer advisory committee members and consumer advisory committee members to receive reimbursement for the cost of special aids or travel; 3) mandates the creation of a consumer advisory committee; 4) removes statutory provisions regarding the Texas Planning Council for Developmental Disabilities which conflicts with or duplicates federal law; 5) grants the governor the authority to appoint the presiding officer to the Planning Council; and 5) authorizes the Texas advocacy and protection system to have limited access to records of certain developmentally disabled persons in limited situations.

Sunset
Bill Summary

TEXAS REHABILITATION COMMISSION
S.B. 118 - Edwards

<u>Bill Reference</u>	<u>Recommendation - 69th Legislature</u>
Page 1, Line 22	Requires public membership on the board. (ATB)
Page 1, Line 23	Requires that appointment to the board shall be made without regard to race, creed, handicap, sex, religion, age or national origin. (ATB)
Page 2, Line 1	Specifies requirements of public members on the board. (ATB)
Page 2, Line 17	Requires presiding officer to serve at the will of the governor.
Page 2, Line 21	Specifies grounds for removal of a board member. (ATB)
Page 3, Line 24	Provides for public testimony at commission meetings. (ATB)
Page 4, Line 4	Provides compensatory per diem for board members as authorized in the general Appropriations Act.
Page 4, Line 10	Board members entitled to reimbursement for cost of special aids or travel attendants.
Page 4, Line 16	Consumer advisory committee authorized.
Page 5, Line 6	Consumer advisory committee members entitled to per diem.
Page 5, Line 15	Consumer advisory committee members entitled to reimbursement for cost of special aids or travel attendants.
Page 6, Line 12	Requires commissioner to establish career ladders. (ATB)
Page 6, Line 16	Requires system of merit pay based on employee performance. (ATB)
Page 6, Line 20	Requires agency to provide information on standards of conduct to board members and employees. (ATB)
Page 6, Line 24	Requires board to develop policies that separate responsibilities of board members and agency employees. (ATB)

Sunset
Bill Summary

TEXAS REHABILITATION COMMISSION
S.B. 118 - Edwards
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 7, Line 1	Requires development of an EEO policy. (ATB)
Page 8, Line 8	Annual reports to be made to governor and legislature. (ATB)
Page 8, Line 16	Requires specific provisions related to conflicts of interest. (ATB)
Page 8, Line 26	Lobbyists prohibited from serving as general counsel or board member. (ATB)
Page 9, Line 8	Provides for notification and information to the public concerning commission activities. (ATB)
Page 10, Line 7	Agency funds to be deposited to the state treasury. (ATB)
Page 10, Line 11	Requires audit by state auditor at least once each biennium. (ATB)
Page 11, Line 7 through Page 12, Line 1	Removes all statutory provisions related to the development disabilities council which duplicates or conflicts with federal statutes.
Page 12, Line 5	Defines applicable federal developmental disability laws.
Page 12, Line 9	Defines facility for persons with developmental disabilities.
Page 12, Line 15	Defines protection and advocacy system.
Page 12, Line 25 through Page 15, Line 16	Removes all statutory provisions related to the development disabilities council which duplicates or conflicts with federal statutes.
Page 15, Line 15	Gives authority to the governor to appoint the chair.
Page 16, Line 10 through Page 20, Line 9	Removes all statutory provisions related to the development disabilities council which duplicates or conflicts with federal statutes.
Page 20, Line 12	Authorizes the protection and advocacy system access to records in accordance with applicable federal developmental disability laws.

Sunset
Bill Summary

TEXAS REHABILITATION COMMISSION
S.B. 118 - Edwards
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 20, Line 24	Changes Sunset date for the agency to 1997.
Page 21, Line 8	Clarifies existing definition of rehabilitation services.
Page 22, Line 13	Increases the size of the Council on Disabilities from 21 to 23.
Page 22, Line 26 through Page 23, Line 1	Adds the Texas School for the Deaf and the Texas Employment Commission to the Council on Disabilities.

TEXAS COMMISSION ON ALCOHOLISM

LEGISLATIVE ACTION: Two different bills relating to the continuation of the Texas Commission on Alcoholism were filed in the 69th Legislative Session. The legislation recommended by the Sunset Commission was filed by Representative Gibson as H.B. 400. In the Senate, Senator Sarpalius filed S.B. 601 which contained all the Sunset Commission recommendations but made other modifications. Both S.B. 601 and H.B. 400 as introduced continued the Texas Commission on Alcoholism under its current structure as the agency in Texas responsible for administering alcoholism programs only.

Senate Bill 601 was first referred to the Senate Health and Human Resources Committee and was reported favorably from that committee without amendments on March 26, 1985. The bill was debated and passed by the Senate without amendments the following day. Senate Bill 601 was then referred to the House Committee on Government Organization.

The bill was referred to a subcommittee and on May 20, 1985, S.B. 601 was recalled from subcommittee and taken up by the full committee. On May 20, 1985 the full committee adopted a complete substitute to S.B. 601 and voted to report S.B. 601 as substituted to the House with the recommendation that it do pass. The most significant changes made by the committee substitute were the transferal of the state's drug abuse program from the Texas Department of Community Affairs and mandated insurance coverage for alcohol dependency treatment. Under provisions of C.S.S.B. 601, the name of the agency was changed to the Texas Commission on Alcohol and Drug Abuse and the administration of the state's drug abuse and alcoholism programs were combined under that one agency. C.S.S.B. 601 passed the House on May 25, 1985 with three amendments. The amendments adopted on the House floor included provisions to ensure a smooth transition of the drug abuse program to the Texas Commission on Alcohol and Drug Abuse and a change to the portion of the bill which mandates insurance coverage for alcohol dependency treatment. The Senate concurred in House amendments to S.B. 601 on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 601, as finally passed, extends the life of the agency for 12 years under provisions of the state's sunset law. Senate Bill 601 included a number of substantive revisions to current law. The more significant modifications are set out below.

Combination of Alcohol and Drug Programs

Currently, two different state agencies in Texas have statutory responsibility for the administration of substance abuse programs. The Texas Department of Community Affairs has, since 1971, served as the state agency responsible for the allocation of funds for drug abuse prevention and treatment. The Texas Commission on Alcoholism, established in 1953, has served as the state agency responsible for addressing the problems of alcohol abuse and addiction. Senate Bill 601 changed the name of the Texas Commission on Alcoholism to the Texas Commission on Alcohol and Drug Abuse and combined the administration of the state's drug abuse and alcoholism programs into one agency. The composition of the Texas Commission on Alcoholism's current governing body was increased from six to nine members and all specific experience-related membership qualification requirements were removed. Under S.B. 601, the Texas Commission on Alcohol and Drug Abuse will assume responsibility for all substance abuse programs, including allocation of funds to community-based drug abuse and alcoholism treatment, prevention, and intervention programs.

Mandatory Licensing of Alcohol Treatment Facilities

One of the substantive changes included in S.B. 601 extended the agency's authority in licensing alcoholism treatment facilities. In 1977, the legislature authorized the Texas Commission on Alcoholism to inspect and license alcoholism treatment facilities on a voluntary basis. All types of alcoholism facilities had the option of applying for and receiving a license from TCA if the facility complied with both physical plant and programmatic standards. Senate Bill 601 amended current law, requiring persons who operate an alcohol treatment facility treating alcoholics or alcohol and drug dependent persons to obtain a license from the Texas Commission on Alcohol and Drug Abuse. This change will require the agency to uniformly enforce standards for all alcohol treatment facilities operating in the state.

Mandatory Insurance Coverage for Alcoholics

The legislature enacted a law in 1981 which required insurance companies to offer and make available medical coverage benefits for the care and treatment of alcoholism and other drug dependencies to insurers who wanted this type of coverage. Although this coverage is available, all health policies sold in the state are not required or mandated to provide this coverage. Because the coverage is not uniformly available in all health policies increased medical costs may result,

and alcohol related problems like DWI, job absenteeism, traffic accidents, and child abuse could be perpetuated.

As a result, several bills were introduced during the 69th Legislature to mandate insurance coverage for alcohol and other drug dependent persons. Language almost identical to one of these mandatory insurance bills, S.B. 544, was incorporated into S.B. 601 in the House Government Organization Committee. Under S.B. 601 as passed by the legislature, health policies sold in the state will be required to provide coverage for alcohol dependent persons. Insurance coverage provisions for other drug dependent persons were not included in the bill.

Study of Commitment Procedures

During the sunset review, it was noted that current procedures for committing an alcoholic to treatment found in the agency's statute do not include adequate due process and may be unconstitutional. Senate Bill 601 created a task force set up to study issues relating to commitment procedures for all substance abusers, including alcoholics, drug dependent persons, and polydrug abusers. The task force, composed of 18 persons representing various professional groups and the general public, is also directed to study whether drug abuse treatment facilities should be licensed or certified in a manner similar to the alcohol treatment facility licensure process. Senate Bill 601 requires the task force to report back to the 70th Legislature and recommend needed changes.

Increased Agency Efficiency

Several changes were included in S.B. 601 which should improve the agency's ability to efficiently manage and administer its programs. These changes include: 1) overall update of statutory language to better reflect agency practices and the field of substance abuse; 2) authorization of the agency's advisory committee; 3) a requirement that the agency consistently monitor grantees of state and federal funds; 4) a requirement that the agency maximize funds for direct, rather than administrative services; and 5) a requirement that recipients of agency funds contribute a match of at least five percent of the total grant award.

**Sunset
Bill Summary**

**TEXAS COMMISSION ON ALCOHOLISM
S.B. 601 - Sarpalius**

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 21	Creates the Texas Commission on Alcohol and Drug Abuse.
Page 4, Line 1	Commission member qualifications. (ATB)
Page 4, Line 14	Appointments to commission made without regard to race, color, handicap, etc. (ATB)
Page 4, Line 19	Provides for public testimony at commission meetings. (ATB)
Page 4, Line 23	Changes sunset date.
Page 5, Line 2	Grounds for removal of a commission member. (ATB)
Page 5, Line 26	Provides that the governor appoint the chairman of the commission.
Page 6, Line 6	Conflict of interest. (ATB - modified to remove reference to "trade" associations.)
Page 6, Line 16	Lobbyist may not serve on commission. (ATB - modified to more accurately reflect the subject area.)
Page 7, Line 3	Allows commission members to receive compensatory per diem authorized by the General Appropriations Act.
Page 7, Line 12	Career ladder provisions. (ATB)
Page 7, Line 16	Requires a system of merit pay based on documented employee performance. (ATB)
Page 7, Line 21	Information on standards of conduct. (ATB)
Page 7, Line 26	Requires development of an EEO policy. (ATB)
Page 8, Line 25	Requires commission to develop and implement policies which clearly separate commission and staff functions. (ATB)
Page 9, Line 4	Requires agency funds to be deposited in state treasury. (ATB - modified to exclude reference to special fund.)

Sunset
Bill Summary

TEXAS COMMISSION ON ALCOHOLISM
S.B. 601 - Sarpalius
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 9, Line 7	Requires an annual fund accounting report to be filed. (ATB)
Page 9, Line 13	Provides that the state auditor shall audit the financial transactions of the commission. (ATB)
Page 9, Line 15	Designates the commission as the state agency to administer federal funds for alcohol and drug abuse.
Page 9, Line 19	Requires that agency grantees provide a match of at least five percent of the total grant award unless the commission determines such a request could jeopardize the provision of needed services.
Page 9, Line 26	Requires the commission to develop and adopt formal policies and procedures in agency rules for the administration of the agency's programs.
Page 10, Line 4	Provides for notification and information to the public concerning board activities. (ATB)
Page 10, Line 11	Requires that all parties to formal complaints be periodically informed in writing. (ATB)
Page 11, Line 5	Requires files to be maintained on complaints. (ATB)
Page 13, Line 25	Revise commitment procedures for alcoholics.
Page 12, Line 14	Directs the commission to maximize the use of available funds for direct services.
Page 12, Line 16	Requires commission to consistently monitor grant and contract recipients.
Page 13, Line 7	Authorizes the commission to appoint advisory committees and authorizes per diem for advisory committee members.
Page 23, Line 10	Provides for mandatory licensing of alcoholic treatment facilities.

Sunset
Bill Summary

TEXAS COMMISSION ON ALCOHOLISM
S.B. 601 - Sarpalius
(Cont.)

<u>Bill Reference</u>	<u>Recommendation - 69th Legislature</u>
Page 28, Line 15	Revises restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading. (ATB - modified to change the reference from "person" regulated by the agency to "facilities" regulated by the agency.)
Page 29, Line 17	Specifies commission hearing requirements.
Page 32, Line 16	Authorizes agency to set fees. (ATB)
Page 32, Line 19	Requires that fees received for licensing of alcoholic treatment facilities cover at least 50 percent of the licensing program by fiscal year 1987.
Page 35, Line 19	Provides for mandatory insurance coverage for alcohol dependency treatment.
Page 52, Line 9	Establishes a task force to study necessary changes in commitment procedures for alcoholics and drug dependent persons.

TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Sarpalius as S.B. 300 and by Representative Messer as H.B. 1552. The house bill was referred to the House Committee on Government Organization, and no further action was taken on that bill. Senate Bill 300 was referred to the Senate Committee on Health and Human Resources and was reported favorably from that committee without amendments on March 12, 1985. The bill was debated and passed by the senate without amendments on March 20, 1985. The senate bill was then referred to the House Committee on Government Organization. The bill was referred to subcommittee and the subcommittee reported S.B. 300 favorably with amendments to the full committee on May 8, 1985. The amendments adopted in subcommittee ensure that: 1) the board will be self-supporting from fee revenues and 2) funds of the agency are placed in the general revenue fund rather than in a special fund. On May 20, 1985 the Government Organization Committee adopted the bill as amended as a complete substitute and voted to report S.B. 300 as substituted to the House. C.S.S.B. 300 passed the House, on May 25, 1985 with one amendment. This amendment to C.S.S.B. 300 related to parking for handicapped persons. The senate concurred in the house amendments on May 26, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 300 included the following revisions to current law: 1) restricts the practice of temporary permittees by requiring that they practice only under the supervision of a licensed occupational therapist; 2) provides for an inactive licensee status; and 3) places the funds of the agency in the general revenue fund rather than in a special fund.

Sunset
Bill Summary
TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY
S.B. 300 - Sarpalius

Bill Reference	Recommendation - 69th Legislature
Page 1, Line 18	Changes sunset date and provides for expiration of Act.
Page 2, Line 2	Allows the board to collect fees to cover administrative expenses.
Page 2, Line 4	Requires the board to set fees in amounts that will recover the amount appropriated to the board from the General Revenue Fund.
Page 2, Line 19	Requires file to be maintained on complaints. Also requires that parties to formal complaints be periodically informed in writing. (ATBs)
Page 3, Line 6	Requires that the board consider the policies and procedures of the Texas Rehabilitation Commission when adopting its rules.
Page 3, Line 8	Requires the board to adopt a system of mandatory continuing education. (ATB - modified from voluntary to mandatory continuing education)
Page 3, Line 14	Requires the board to develop and implement policies which clearly separate commission and staff functions. (ATB)
Page 3, Line 26	Provides for public testimony at board meetings. (ATB)
Page 4, Line 9	Requires that funds collected under the Act be deposited to the credit of the General Revenue Fund.
Page 6, Line 18	Gives the board discretion to license without examination occupational therapists who have comparable licensure qualifications but who are from states that do not require a license.
Page 6, Line 25	Permits graduates of U.S. programs in occupational therapy to receive a temporary license if certain requirements are met. Also restricts the practice of temporary permittees.

Sunset
Bill Summary
TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY
(S.B. 300 - Sarpalius)
(Cont.)

Bill Reference	Recommendation - 69th Legislature
Page 7, Line 17	Requires standard time frames for licensees who are delinquent in renewal of licenses. (ATB)
Page 8, Line 22	Provides for an inactive licensee status.
Page 9, Line 5	Requires inactive licensees who resume active licensee status to meet educational or other requirements established by the board.
Page 9, Line 13	Specifies hearing requirements. (ATB)

TEXAS DEPARTMENT ON AGING

LEGISLATIVE ACTION: The legislation recommended by the Sunset Commission was filed by Senator Edwards in the senate as S.B. 212 and in the house by Representative Gary Thompson as H.B. 611. Senate Bill 212 was referred to the Senate Committee on Health and Human Resources, while H.B. 611 was referred to the House Committee on Government Organization and then to subcommittee. Senate Bill 212 was reported favorably from committee, as substituted, on March 3, 1985. The substitute bill contained amendments that: 1) allowed the person serving as chair of the Texas Department of Aging immediately preceding September 1, 1985 to continue to serve until he is removed by the governor or the installation of the governor in 1987; and 2) states that the former law relating to the appointment and duties of the chairman will continue in effect until one of these events occurs.

The bill as substituted was debated and passed by the senate without further amendment on March 13, 1985. Senate Bill 212 was then referred to the House Committee on Government Organization where its companion bill, H.B. 611, had been heard in public hearing before that committee on March 5, 1985. On March 26, 1985, S.B. 212 was referred to subcommittee. The subcommittee reported a complete substitute to S.B. 212 to the full committee on April 16, 1985. The substitute removed the senate language which would have allowed the current chairman to continue to serve past September 1, 1985 and prohibited any entity from using more than 8.5 percent of the money granted to it by the Texas Department on Aging for administrative costs.

The full committee modified the substitute to prohibit any entity from using more than 12 percent of the money granted to it by the Texas Department on Aging for administrative costs and to set out what items would be considered as administrative costs. The bill was amended to include language that charged the expiration date of board members terms from August 1 to February 1 of each odd-numbered year. On April 30, 1985, the House Government Organization Committee adopted the substitute as amended and voted to report S.B. 212 as substituted to the house. Senate Bill 212 passed the house on May 23, 1985. The senate refused to concur in the house amendments, specifically the removal of the senate language pertaining to the continuation of the current chair of the Texas Department on Aging. A conference committee was appointed on May 27, 1985. The conference committee report included the senate language but inserted

language that would make the current chairman a non-voting member on all matters. The senate adopted the conference report on May 27, 1985; however, the conference report was not brought up in the house. As a result, S.B. 212 failed passage during the regular session of the 69th Texas Legislature.

The regular session of the 69th Legislature ended on May 27, 1985. The governor immediately called a special session to convene on May 28, 1985 to consider a number of matters. In the special session, the legislation developed by the conference committee during the regular session of the 69th Legislature was filed in the senate by Senators Edwards and Parmer as S.B. 2. The bill was considered by the senate and was reported favorably without amendments on May 28, 1985. The bill was debated and passed by the senate on the same day. House Bill 3, the companion bill to S.B. 2, was filed in the house by Representative Evans and was referred to the House Committee on Government Organization. The committee passed out S.B. 2 without amendments, to the house. The bill was debated and passed by the House on May 29, 1985.

SUBSTANTIVE CHANGES IN FINAL LEGISLATION: Senate Bill 2 included the following revisions in current law: 1) allows the board and advisory council members to receive a per diem; 2) changes the travel allowance for advisory members from actual travel expenses to the rate authorized for state employees in the Appropriations Act; 3) reduces the size of the board from ten to nine members if the current chairman is removed by the governor or at the time of the installation of the governor in 1987; and 4) makes the chair, if appointed before September 1985, a non-voting member on all matters.

Sunset
Bill Summary

TEXAS DEPARTMENT ON AGING
S.B. 2 - Evans

Bill Reference	Recommendation
Page 1, Line 14	Requires that appointment to the board shall be made without regard to race, creed, handicap, sex, religion, or national origin of appointee. (ATB)
Page 1, Line 18	Requires public membership on board. (ATB)
Page 2, Line 9	Authorizes per diem for board members.
Page 2, Line 16	Provides for public testimony at agency meetings. (ATB)
Page 2, Line 24	Specifies grounds for removal of a board member.
Page 3, Line 26	Sunset date set at 1997.
Page 4, Line 5	Board reduced from 10 to 9 members and governor authorized to appoint chair from among the board members.
Page 4, Line 11	Conflict of interest. (ATB)
Page 4, Line 21	Lobbyists prohibited from serving as general counsel or board member. (ATB)
Page 5, Line 4	State advisory council members required to be members of area advisory councils.
Page 5, Line 10	Provides per diem and travel allowances for members of advisory council as authorized by the General Appropriations Act.
Page 5, Line 14	State advisory council members required to inform state agency of local needs and concerns.
Page 6, Line 14	Requires department to establish skill oriented career ladders. (ATB)
Page 6, Line 8	Merit pay based on employee performance. (ATB)
Page 6, Line 13	Requires agency to provide standards of conduct to board members and employees. (ATB)

Sunset
Bill Summary

TEXAS DEPARTMENT ON AGING
S.B. 2 - Evans
(cont.)

Bill Reference	Recommendation
Page 6, Line 18	Board required to define responsibilities of board and agency staff. (ATB)
Page 6, Line 21	Requires development of EEO plan. (ATB)
Page 8, Line 2	Annual reports made to governor and legislature. (ATB)
Page 8, Line 8	Requires audit at least once each biennium. (ATB)
Page 8, Line 11	Board required to adopt rules for administration of agency programs.
Page 8, Line 19	Public notification and information of board activities. (ATB)
Page 9, Line 12	Agency is directed to collect information and to establish control over administrative costs.
Page 9, Line 26	Agency required to monitor grantees.
Page 10, Line 15	Expiration date for board member terms modified.
Page 10, Line 22	Allows person serving as chair prior to 1985 to continue to serve as a nonvoting member until removed by the governor or the installation in office of the governor in 1987.

ACROSS-THE-BOARD RECOMMENDATIONS

ANALYSIS OF LEGISLATIVE ACTION ON SUNSET ATB'S

x = ATB Applied.
 * = Already in Statute or Applied

BILL NO.	60th LEGISLATURE		ACROSS-THE-BOARD RECOMMENDATIONS													GENERAL																			
	AGENCY REVIEWED		Public Membership	Conflict of Interest	Lobbyist prohibited as general counsel or board member	Board appointments without regard to race, sex, etc.	Grounds for removal from the board	Annual Report	Career Ladders	Merit pay based on employee performance	Annual Audit	Public notification and information	Inclusion in appropriation process	Complaint files	Periodic notification to complainants	Fee setting authority	E.R.O. Policy	Standards of Conduct	Provide opportunity for public testimony	Separation of board and staff functions	Per diem of board members	II LICENSING													
																						Delinquent license renewal	Notification of examination results	Examination analysts	Licensing disqualifications	Endorsement/Reciprocity	Staggered renewal of licenses	Range of penalties	Board hearing requirement	Restrictive advertising and bidding rules	Continuing education				
		<i>Environmental Agencies</i>																																	
SB 249		Texas Water Commission	x	x	x	x	x	x	x	x	x	*	x	x	x	x	x	x	x	x	x														
		Texas Water Dev. Board	x	x	x	x	x	x	x	x	x	*	x	x	x																				
SB 725		Texas Air Control Board	x	x	x	x	x	x	x	x	x	*	x	x	x	*					*														
SB 291		Office of State Entomologist																																	
SB 262		Office of State Forester																																	
SB 209		Rio Grande River Compact Administrator for Texas																																	
SB 203		Canadian River Compact Commissioner for Texas																																	
SB 204		Pecos River Compact Commissioner for Texas																																	
SB 205		Red River Compact Commissioner for Texas																																	
SB 128		Sabine River Compact Administrator for Texas																																	
SB 254		Gulf States Marine Fisheries Commission																																	

ANALYSIS OF LEGISLATIVE ACTION ON SUNSET ATB'S

X = ATB Applied.

* = Already in Statute or Applied

69th LEGISLATURE

BILL NO. AGENCY REVIEWED

Health and Human Service Agencies

HB 2091 Texas Dept. of Health

SB 693 Dental Advisory Committee

Office of Interstate Compact on Mental Health Administrator for Texas

SB 201 Anatomical Board of the State of Texas

SB 384 State Commission for the Deaf

SB 195 State Commission for the Blind

SB 118 Texas Rehabilitation Commission

SB 601 Texas Commission on Alcoholism

SB 300 Texas Advisory Board of Occupational Therapy

SB 2 Texas Dept. on Aging

ACROSS-THE-BOARD RECOMMENDATIONS

I. GENERAL

Public Membership

Conflict of Interest

Lobbyist prohibited as general counsel or board member

Board appointments without regard to race, sex, etc.

Grounds for removal from the board

Annual Report

Career Ladders

Merit pay based on employee performance

Annual Audit

Public notification and information

Inclusion in appropriation process

Complaint Files

Periodic notification to complainants

Fee setting authority

E.F.O. Policy

Standards of Conduct

Provide opportunity for public testimony

Separation of board and staff functions

Per diem of board members

II. LICENSING

Delinquent license renewal

Notification of examination results

Examination analysis

Licensing disqualifications

Endorsement/Reciprocity

Staggered renewal of licenses

Range of penalties

Board hearing requirement

Restrictive advertising and bidding rules

Continuing education

*Please see last page of this document for explanation of the above numbers.

1. Applied in TDH licensing of wholesale drug distributors and food manufacturers.
2. Applied in TDH licensing of emergency medical technicians, athletic trainers and professional sanitarians.
3. Applied in TDH licensing of athletic trainers.
4. Applied in TDH licensing of emergency medical technicians, professional sanitarians, and athletic trainers.