

July 1997

RESEARCH ORGANIZATION

session focus

Texas House of Representatives

July 1, 1997

Vetoes of Legislation — 75th Legislature

Gov. George W. Bush vetoed 37 measures approved by the 75th Legislature during its 1997 regular session. The vetoed measures included 19 House bills, 17 Senate bills, and one Senate concurrent resolution.

This report includes a digest of each vetoed bill, the governor's stated reasons for the veto, and a response concerning the veto from the author or the sponsor of the bill. If the House Research Organization analyzed a vetoed bill, the *Daily Floor Report* in which the analysis appeared is cited.

A summary of the governor's line-item vetoes to HB 1, the General Appropriations Act, will appear in House Research Organization Finance Report No. 75-3, *The General Appropriation Act for Fiscal 1998-99*.

U.S. GOVERNMENT DOCUMENT
DEPOSITORY LIBRARY NO. 610

SEP 20 1997

UNIVERSITY OF TEXAS PAN AMERICAN
EDINBURG TEXAS 78539-2999

Contents

Funding the emergency management program HB 99 by Gray/Armbrister	4
Recreating the apprenticeship and training advisory committee HB 160 by Rodriguez/Madla	6
Confidentiality of motor vehicle accident records HB 399 by Goodman/Ratliff	7
Statutory procedures for filing a bill of review HB 506 by Dutton/Luna	8
State efforts to encourage parental involvement in schools HB 583 by Maxey/Barrientos	9
Leasing state-owned facilities HB 733 by Raymond/Shapleigh	10
Discrimination due to filing workers' compensation claims HB 768 by Junell/Duncan	11



Requiring attorney general action on Human Rights Commission claims HB 1453 by S. Turner/Barrientos	12
Requirements for agricultural fences HB 1630 by Berlanga/Armbrister	13
Prohibiting non-regulated auto insurers from charging below market rates HB 1662 by Counts/Sibley	14
Amending the Texas Enterprise Zone Act HB 2001 by Oliveira/Sibley	16
Combining lists for jury pools HB 2156 by Solis/Luna	17
Pay for police officers, firefighters serving as bilingual interpreters HB 2750 by Hinojosa/Lucio	18
Excluding certain expenses from title insurance rate base calculations HB 2887 by Dutton/Whitmire	19
Wage and benefit levels for certain privatized state employees HB 2915 by Oliveira/Ellis	20
Worker displacement by welfare recipients HB 3116 by Greenberg/Ellis	21
Transferring municipal hospital assets HB 3234 by Hinojosa/Lucio	22
National Guard mutual assistance counter-drug activities compact HB 3380 by Counts/Lucio	23
Electing Port of Beaumont Navigation District commissioners HB 3540 by Price/Galloway	24
Creating new district courts SB 20 by Ratliff/Thompson	25
Creating the Texas child care fund SB 211 by Ellis/Naishtat	27
Consumer guide for senior services SB 273 by Zaffirini/Cuellar	29

Deadline for hearings on protective orders SB 299 by Ratliff/Ramsay	30
Advance directives for medical treatment SB 414 by Moncrief/Coleman	31
Allowing counties to charge fees for records preservation SB 436 by Lucio/R. Lewis	33
Residency requirements for public schools SB 462 by Luna/Hernandez	34
Requiring certain cities to make payroll deductions for union dues SB 823 by Cain/Naishtat	35
Creating the Advisory Commission on Intergovernmental Relations SB 937 by Harris, Ellis, Wentworth/Goodman	36
Creating the International Trade Task Force SB 1041 by Truan/Hunter	37
Coordinated rules on purchasing services for state agency clients SB 1240 by West/Maxey	38
Regulation of retail food stores SB 1355 by Brown/Maxey	39
Coordinating state agency activities in colonias SB 1514 by Truan/Flores	40
Transfer of inmates to county jail work program SB 1610 by Whitmire/Allen	42
Crime Stoppers Advisory Council membership SB 1676 by Barrientos/Stiles	43
Creating the Texas community investment program SB 1877 by Wentworth/Greenberg	44
Excluding service, asset management contracts from insurance regulations SB 1913 by Sibley/Smithee	45
Studying higher education needs in southern Dallas County SCR 75 by West/Giddings	46

Funding the emergency management program

HB 99 by Gray (Armbrister)

DIGEST: HB 99 would have created a disaster management fund within the state treasury and authorized its funding through an assessment of one-thirtieth of one percent of gross receipts of all public utilities ultimately serving the consumer. Utilities would have been required to include the assessment in utility rates, but could have not separately stated it on consumers' bills.

The governor could have used the funds to provide assistance to individuals, families and political subdivisions when the president did not declare a disaster or did not grant assistance for certain kinds of assistance.

GOVERNOR'S REASON FOR VETO: "House Bill 99 creates a hidden tax on utility bills, and specifically prohibits the tax from being disclosed on consumers' bills. The goal of establishing a state fund for emergency disaster relief is a good one, but should not be funded with a hidden tax on Texans' utility bills."

RESPONSE: Rep. Patricia Gray, the author of the bill, said: "I am deeply disappointed that the governor vetoed HB 99. We had consulted with the governor's staff from the beginning on this bill. As originally drafted, the fund was to be created with a surcharge on insurance policies. The legislative committees balked at that because it would only apply to property owners. The utility companies helped us with a utility surcharge, which was much cheaper for the consumer — approximately 12 cents a month as opposed to approximately \$1.25 a month for the insurance surcharge — because it spread the burden over a much larger population. The bill did more than just create the trust fund, however. It authorized the governor's emergency management division to work with communities to help prevent damage in disasters before the damage occurs. I hope we can address this issue again in the next session. Texas needs to be pro-active, not just re-active, in this critical area."

Sen. Ken Armbrister, the Senate sponsor, said: "If the governor doesn't wish his emergency management response funded that will be considered in the next budget."

NOTES: HB 99 was analyzed in Part 1 of the May 8 *Daily Floor Report*.

A related bill, HB 101 by Gray (Armbrister), which takes effect September 1, 1997, allows Texas to enter into the Emergency Management Assistance Compact to coordinate disaster relief efforts with other states.

Recreating the apprenticeship and training advisory committee

HB 160 by Rodriguez (Madla)

- DIGEST:** HB 160 would have recreated the Apprenticeship and Training Advisory Committee (ATAC) as a separate committee under the Texas Workforce Commission (TWC). In 1993, the duties of ATAC were incorporated into the duties of the Texas Council on Workforce and Economic Competitiveness, which currently has one member representing apprenticeships. Under HB 160, ATAC would have been composed of 15 members, appointed by TWC's executive director to serve four-year terms, representing groups involved in apprenticeship and training fields. One duty of ATAC would have been to create a statewide plan for the development of a comprehensive program of apprenticeship training.
- GOVERNOR'S REASON FOR VETO:** "HB 160 creates an advisory committee that is unnecessary. The current law provides an existing framework which properly facilitates comprehensive workforce services, including apprenticeship."
- RESPONSE:** Former Rep., now Congressman, Ciro Rodriguez, the author of HB 160, said: "I look forward to working with small businesses and workers who seek to expand and promote apprenticeship training in Texas. We must seek to extend the scope of apprenticeship-specific statewide coordination from the current sole-member representation. Only by such an increase in representation can we improve the efficient distribution of the limited resources we have and ensure adequate input from all regions and businesses."
- NOTES:** HB 160 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Confidentiality of motor vehicle accident records

HB 399 by Goodman (Ratliff)

- DIGEST:** HB 399 would have made confidential any information about auto accidents included in Department of Public Safety records, police dispatch logs, towing and 911 records, or the part of any other record that included information about the date of the accident, the name of any person involved, or the specific location. Information could have been released to individuals only if they provided the name of anyone involved in the accident and either the date or the place the accident occurred. A request for this information would have to have been submitted in writing and adhered to open records laws.
- GOVERNOR'S REASON FOR VETO:** "This bill is overbroad and unduly restricts access to information of legitimate interest to the general public. Another bill, House Bill 1327, signed on June 17, 1997, is narrowly tailored to address the objectives of this bill to prohibit barratry and solicitation of professional employment, including that by an attorney, chiropractor, physician, surgeon, private investigator, and other state-regulated health care professionals."
- RESPONSE:** Rep. Toby Goodman, the author of HB 399, said: "It was a public policy issue. The intent of the bill was to make it difficult to solicit victims of motor vehicle accidents. Fortunately, this was accomplished in SB 1069, which was signed by the governor."
- NOTES:** HB 399 was analyzed in Part 2 of the May 6 *Daily Floor Report*.
- HB 1327 by Nixon (Duncan), which takes effect September 1, 1997, expands the offense of barratry — improper solicitation of professional services — to persons other than attorneys. HB 1327 was analyzed in Part 4 of the May 9 *Daily Floor Report*.
- SB 1069 by Moncrief (Uher), which takes effect September 1, 1997, includes language virtually identical to HB 399. SB 1069 differs only by specifying fees for copies rather than charging general open records fees. SB 1069 also includes other provisions restricting the disclosure and use of individual personal information contained in Texas motor vehicle records to conform to federal law and restricting distribution of motor vehicle records over the Internet. The digest of SB 1069 appeared in Part 1 of the May 26 *Daily Floor Report*.

Statutory procedures for filing a bill of review

HB 506 by Dutton (Luna)

DIGEST:

HB 506 would have codified the procedure for filing an equitable bill of review, a common law device used to examine prior judgments by a court when a party does not receive notice of the judgment and has a meritorious defense. HB 506 would have specified that an application for a bill of review could be filed within four years of the judgment date or within 30 days of the applicant's knowledge of the judgment. Applicants filing a bill of review would have to have claimed that they were not at fault in not having contested a prior judgment in a timely manner, that they did not receive proper notice, or that they did not have an opportunity to discover the notice made through publication. The application for a bill of review would have had to state, through verified affidavit, the grounds justifying the bill of review and allege a meritorious claim or defense against the original suit. Alternatively, the applicant could have stated no notice of the order or judgment was given.

GOVERNOR'S REASON FOR VETO:

"House Bill 506 proposes changes that are unconstitutional and contrary to existing law. It seeks to codify Texas law on equitable bills of review, but is contrary to U.S. Supreme Court precedent and unwisely changes the common law on statute of limitations on bills of review."

RESPONSE:

Rep. Harold Dutton, the author of HB 506, said: "What we started with the intention of doing was simply to codify existing case law on bills of review in order to bring some consistency to the courts deciding these cases. I would have to agree with the governor's office that the bill unintentionally changed the statute of limitations for bills of review. The limitation change was an error allowing bills of review to be filed by the 'later of' 4 years after the judgment or 30 days after the applicant received notice. It should have been the 'sooner of' those events. In the process of going through this, that somehow got overlooked. It appears that the bill could allow someone to bring an action 15 years after the judgment so long as it within 30 days of receiving notice, rather than the intended maximum limit of four years."

NOTES:

HB 506 was analyzed in the March 17 *Daily Floor Report*.

The U.S. Supreme Court, in *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988), held that a meritorious defense need not be shown if due process rights were violated in seizure of property without notice of judgment.

State efforts to encourage parental involvement in schools

HB 583 by Maxey (Barrientos)

DIGEST: HB 583 would have required the Texas Education Agency to develop, implement, and administer programs and activities to encourage and maintain parental involvement in public schools and to consolidate all agency programs and activities related to parental involvement. TEA annual report cards on campus performance would have had to include the phone number of the agency's parental involvement division and the TEA phone number for information about assessment instruments.

The bill also would have changed the criteria used to move students from classrooms into alternative education programs and established requirements for review and appeal of such placements. It also would have limited the classroom assignment of students adjudicated as having engaged in delinquent conduct and changed procedures that law enforcement authorities must follow to notify school authorities when they deal with juveniles and that school authorities use to notify other school personnel.

**GOVERNOR'S
REASON
FOR VETO:**

“House Bill 583 is unnecessary. The important issue of student discipline has been better addressed by Senate Bill 133, signed into law earlier this session. House Bill 583 is contrary to the principles of local control and site-based management, and seeks to impose additional and unnecessary bureaucracy at the Texas Education Agency.”

RESPONSE:

Rep. Glen Maxey, the author of HB 583, said: “Nowhere in the bill did we tell local school districts what to do. Instead, we just wanted parents to be able to contact their state agencies. That is why we wanted to put the phone numbers on the back of the TAAS scores.”

NOTES:

HB 583 was analyzed in the May 12 *Daily Floor Report*.

SB 133 requires that alternative education be provided for students removed from the classroom because of violent or disruptive behavior or for engaging in illegal activities. SB 133 was analyzed in Part 1 of the May 26 *Daily Floor Report* and takes effect starting with the 1997-1998 school year.

Leasing state-owned facilities

HB 733 by Raymond (Shapleigh)

DIGEST: HB 733 would have allowed the General Services Commission (GSC) and state agencies that control their buildings to rent facilities, including conference and meeting rooms, on short-term leases of up to seven days. GSC also would have had to establish a pilot program to contract with a private vendor to lease state-owned parking garages and lots located in Austin within an area bound by West Third, Nueces, West Fourth and Lavaca streets.

GOVERNOR'S REASON FOR VETO: "House Bill 733 would allow the state to contract with private vendors to charge the people of Texas for parking at state-owned lots on nights and weekends. Presently, citizens park in state parking facilities during off hours while attending various cultural, entertainment, or sporting events taking place near state parking facilities. Texas taxpayers have already paid for the construction of these lots and should not be charged to use them during off hours."

RESPONSE: Rep. Richard Raymond, the author of HB 733, said he was sorry the governor did not take a close look at the bill, which would have been good for Austinites and the state. It is unrealistic to say that Texas taxpayers have already paid for the facilities and they should not be charged for using them again because the funds generated would have been used to offset the cost of maintenance and operation of the facilities, which can run into millions of dollars a year. The private sector demand for meeting and conference facilities is growing, and HB 733 would have addressed that problem while bringing in additional state revenue. It was short-sighted of the governor to veto a bill that would have allowed the private-sector to use state parking and meeting facilities on off hours for a reasonable fee that could have been used to maintain the facilities.

Senate sponsor Eliot Shapleigh said: "HB 733 had the potential to make state government facilities, including parking lots and meeting rooms, available for the use of Texans during non-business hours and could have been a new source of state revenue. I thought it would be a good way to maximize use of state resources. I am surprised Governor Bush did not agree."

NOTES: HB 733 was analyzed in Part 2 of the April 23 *Daily Floor Report*.

Discrimination due to filing workers' compensation claims

HB 768 by Junell (Duncan)

- DIGEST: HB 768 would have required an employee alleging discrimination based on a claim for workers' compensation benefits to prove that filing the claim was a substantial cause of the discrimination alleged.
- GOVERNOR'S REASON FOR VETO: "House Bill 768 would change a well-reasoned burden of proof standard that has been articulated in a unanimous decision by the Supreme Court of Texas."
- RESPONSE: Rep. Rob Junell, the author of HB 768, and Sen. Robert Duncan, the Senate sponsor, issued a joint statement: "After a careful analysis of the recently published opinion in *Continental Coffee Products v. Cazarez*, 937 S.W.2d 444 (Tex. 1996), compared with the compromise language which was necessary for passage of HB 768, we received numerous comments regarding the legislation from legal scholars with expertise in labor law. The collective opinion of these scholars was that the interpretation of the current law under *Continental Coffee* was more equitable to employers than the proposed legislation. Given the Texas Supreme Court's ruling, we believe the Governor's action was appropriate."
- NOTES: HB 768 was analyzed in Part 1 of the April 23 *Daily Floor Report*.
- The Texas Supreme Court in *Continental Coffee* held that a plaintiff alleging discharge because of filing a workers' compensation claim need only establish a "causal connection" between the discharge and the filing of the claim.

Requiring attorney general action on Human Rights Commission claims

HB 1453 by S. Turner (Barrientos)

- DIGEST:** HB 1453 would have required the attorney general to commence legal action within 30 days of being authorized by the Texas Commission on Human Rights, unless the commission's findings were not well-grounded in fact or warranted by law. If a majority of commission members voted to proceed, the attorney general would have had to take action or authorized the commission to obtain outside legal counsel.
- GOVERNOR'S REASON FOR VETO:** "House Bill 1453 allows the Texas Commission on Human Rights to require the Attorney General to file discrimination suits against private employers even when the Attorney General believes the suit is frivolous. If the Attorney General declines to sue, the Commission could hire outside counsel and proceed on its own. Employers can already be sued for employment discrimination by private claimants and the Equal Employment Opportunity Commission. Current law also permits the Attorney General to bring such suits."
- RESPONSE:** Neither Rep. Sylvester Turner, the author of HB 1453, nor Sen. Gonzalo Barrientos, the Senate sponsor, had comments on the veto.
- NOTES:** HB 1453 was analyzed in Part 1 of the May 13 *Daily Floor Report*.

Requirements for agricultural fences

HB 1630 by Berlanga (Armbrister)

DIGEST: HB 1630 would have deleted current statutory specifications for agricultural fences. Instead, it would have stipulated that a fence would be considered sufficient if built and maintained according to generally accepted agricultural practices for the purpose of keeping animals out of a tract of land.

GOVERNOR'S REASON FOR VETO: "House Bill 1630 is ambiguous and creates uncertainty across the state regarding the legality of existing fences."

RESPONSE: Neither Rep. Hugo Berlanga, the author of HB 1630, nor Sen. Ken Armbrister, the Senate sponsor, had comments on the veto.

NOTES: HB 1630 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Prohibiting non-regulated auto insurers from charging below market rates

HB 1662 by Counts (Sibley)

DIGEST:

HB 1662 would have prohibited certain county mutual insurance companies from charging an automobile insurance policy rate lower than the highest rate allowed under the flexband for that line of insurance. The bill would have applied only to county mutuals controlled by a holding company that controlled another company selling auto insurance in Texas.

GOVERNOR'S REASON FOR VETO:

“House Bill 1662, as enrolled, appears to violate the equal protection clause of the Texas Constitution because it imposes a regulatory burden on affiliated county mutual insurance companies while leaving similarly situated unaffiliated county mutual insurance companies unburdened. No rational basis substantiates the different treatment between affiliated and unaffiliated county mutual insurance companies.

“This veto does not in any way condone the practice by insurance companies of placing standard risks, which are well within the benchmark rate, in county mutual insurance companies that are intended for high-risk drivers. I have instructed the Commissioner of Insurance to carefully monitor the automobile insurance market to prevent unfair circumvention of the current benchmark rating system.”

RESPONSE:

Rep. David Counts, author of HB 1662, said: “Only affiliated county mutuals are included because historically, they are the only companies to engage in the practice of writing standard risks in companies with unregulated rates. Since there are only 23 county mutual insurance companies, vetoing the bill allows affiliated county mutuals to continue this practice, giving them an unfair advantage over other companies not owning a county mutual.

“The reason for HB 1662 was to give the Commissioner of Insurance the ability to not simply watch the abuse, but to deal with the abusers. While the proclamation does recognize the problem created by affiliated county mutuals and calls for the Commissioner of Insurance to monitor the situation, the veto of HB 1662 will leave the Commissioner unable to intercede against the abuses.

“The abuse by affiliated county mutuals will continue to grow to include other companies that own a county mutual. The practice of writing good risks in

county mutual insurance companies at tremendous profits makes the temptation too great for companies to discipline themselves from taking advantage of the hundreds of other companies that do not have and cannot obtain one of the only 23 county mutual companies.”

NOTES:

HB 1662 was analyzed in the May 12 *Daily Floor Report*.

Amending the Texas Enterprise Zone Act

HB 2001 by Oliveira (Sibley)

- DIGEST:** HB 2001 would have expanded the definition of “qualified hotel project” in an enterprise zone to allow the cities of Austin, Fort Worth, El Paso, San Antonio and Tarrant, El Paso, Bexar and Dallas counties to build hotel projects. The bill also would have changed the methods used to designate enterprise projects in enterprise zones: a business would have had to commit to creating or retaining at least 10 jobs if the zone was located in a community with a population of 50,000 or less or at least 25 jobs if the community had a population of more than 50,000. It would have raised the maximum amount of tax refunds to \$2,500 for each new permanent or retained job and limited the number of enterprise zone projects to 65 over the next two biennia.
- GOVERNOR'S REASON FOR VETO:** “House Bill 2001 contains a provision that authorizes cities to build ‘qualified hotel projects’ near their convention centers and to keep the state hotel taxes paid by the guests in such hotels. Local cities have existing authority to finance local projects. State tax dollars should not be used to subsidize these types of local projects.”
- RESPONSE:** Rep. Rene Oliveira, the author of the bill, said: “Governor Bush’s veto of HB 2001 stunts the growth of the program. The improvements made by the bill were supported widely in both the House and the Senate, and would have helped economically distressed areas. Economic development professionals from across the state supported the bill. The provision Governor Bush cited in his veto proclamation was added by Senate Republicans. He should have told the Republican authors of the provision that he would veto the bill. Instead, he remained silent, showed no leadership, and now Texas economic development is hampered.”
- NOTES:** HB 2001 was analyzed in Part 2 of the May 2 *Daily Floor Report*.

Combining lists for jury pools

HB 2156 by Solis (Luna)

- DIGEST:** HB 2156 would have allowed commissioners courts in all counties to contract with other governmental units or private persons to combine the voter registration lists with lists furnished by the Department of Public Safety for jury selection. The bill would have deleted a provision limiting this authority to counties of less than 105,000 in which the largest city is located in more than one county.
- GOVERNOR'S REASON FOR VETO:** "House Bill 2156 would threaten the integrity of voter registration lists. The responsibility for voter registration should remain with the Office of the Secretary of State, the State's Chief Election Officer."
- RESPONSE:** Rep. Jim Solis, the author of the bill, said: "HB 2156 was unopposed throughout the legislative process. The goal of this bill was to offer district and county clerks in larger counties a necessary tool to make their jury systems more efficient. I will continue to address this issue."
- NOTES:** HB 2156 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Pay for police officers, firefighters serving as bilingual interpreters

HB 2750 by Hinojosa (Lucio)

- DIGEST:** HB 2750 would have permitted municipal police and fire departments to designate police or firefighters as official bilingual interpreters and required them to pay these employees additional wages for using the second language skills in the service of the department. Fire and police departments that failed to pay additional wages to bilingual interpreters would have been liable for damages amounting to lost wages plus five percent annual interest.
- GOVERNOR'S REASON FOR VETO:** "House Bill 2750 imposes an unnecessary and unfunded mandate on municipalities. Municipalities should determine the appropriate pay for their employees."
- RESPONSE:** Rep. Juan Hinojosa, the author of HB 2750, said he was disappointed that the governor vetoed a bill that would have set up a framework to address the issues surrounding the designation of official interpreters in police and fire departments, instead of the current confused situation that has led to an interpreter free-for-all. He said the governor was misadvised, that the additional wages could have been in the form of compensatory time, rather than increased salary, and that he felt HB 2750 would have provided the needed guidance to resolve the issue.
- NOTES:** HB 2750 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Excluding certain expenses from title insurance rate base calculations

HB 2887 by Dutton (Whitmire)

- DIGEST:** HB 2887 would have prohibited the insurance commissioner from including expenses for promotional and educational activities in setting title insurance rates. The bill also would have specified that promotional and educational activities not conditioned on the referral of business would not constitute prohibited rebates or discounts.
- GOVERNOR'S REASON FOR VETO:** "The Commissioner of Insurance should have the discretion to consider all relevant incurred expenses in setting rates for title insurance companies. House Bill 2887 prohibits the Commissioner of Insurance from considering expenses relating to promotional and educational activities that may be relevant in setting fair rates for title insurance companies."
- RESPONSE:** Rep. Harold Dutton, the author of HB 2887, said: "I'm still not sure what the governor's logic was in vetoing the bill. What we wanted to do is if a title company wanted to spend all this money on these activities like education, socializing, entertainment, etc., it would not be allowed to be counted as part of the rate base. The veto keeps these costs part of the rate base. I never wanted to prohibit title companies from spending this money or doing these activities. I just wanted to exclude the cost from the rates passed on to the consumer."
- NOTES:** HB 2887 was analyzed in the May 15 *Daily Floor Report*.

Wage and benefit levels for certain privatized state employees

HB 2915 by Oliveira (Ellis)

- DIGEST:** HB 2915 would have required private entities contracting with local workforce development boards to pay wages and benefits comparable to those provided state employees. The bill also would have provided retirement benefits based on a 2.25 percent rather than 2 percent multiplier to Texas Workforce Commission employees who lost their jobs as a result of downsizing and who were eligible to retire.
- GOVERNOR'S REASON FOR VETO:** "House Bill 2915 would restrict the ability of local workforce development boards to seek competitive bids for local services. Senate Bill 1102 specifically provides earlier retirement options for employees of the Texas Workforce Commission, the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation if they are displaced by the privatization of their jobs. This bill also intrudes in the private sector market by attempting to tell private companies how to run their business."
- RESPONSE:** Rep. Rene Oliveira, the author of the bill, said: "House Bill 2915 provided fair treatment for state employees who lose their job when a private company is hired to do state work. Now, with the governor's veto, we face the real possibility of fly-by-night companies bringing in inexperienced, low-wage workers, with no health benefits, to run our welfare-to-work effort. The result could cost the state tens of million of dollars, if these inexperienced workers fail to meet federal standards. Our communities will also pay dearly when former state employees and uninsured private workers and their children show up in emergency rooms, with no health insurance, needing treatment. This veto is penny and pound foolish."
- NOTES:** HB 2915 was analyzed in Part 1 of the May 6 *Daily Floor Report*.
SB 1102, which takes effect September 1, 1997, increases the retirement benefit multiplier from 2 percent to 2.25 percent and offers temporary service retirement options to employees of the Texas Workforce Commission, Texas Department of Human Services and Texas Department of Mental Health and Mental Retardation affected by privatization or other workforce reductions before September 1, 1999. SB 1102 was analyzed in Part 2 of the May 23 *Daily Floor Report*.

Worker displacement by welfare recipients

HB 3116 by Greenberg (Ellis)

DIGEST: HB 3116 would have prohibited employers from hiring welfare recipients under work supplementation programs if the hiring would displace or partially displace employees from existing positions, eliminate vacant positions created by employee layoffs in the preceding 30 days, or resulted from a strike. The bill would have defined work supplementation programs as programs in which the state gives an employer favorable tax treatment for hiring welfare recipients, the state reserves all or part of the benefits that would be paid to welfare recipients to provide and subsidize jobs for the recipients, or welfare recipients work for an employer in exchange for benefits. Participants in these programs would have been considered employees for all purposes under state and federal law.

**GOVERNOR'S
REASON
FOR VETO:**

“House Bill 3116 hinders the state's ability to help move people from welfare to work. It would undermine a successful program which helps welfare recipients gain valuable job experiences and work skills through volunteer work. This bill designates work supplementation and work experience program recipients as employees, causing them to potentially be subject to the full application of the Fair Labor Standards Act, minimum wage standards, FICA, and other requirements on work experience programs. Accordingly, this bill will hinder the state's flexibility to design work supplementation programs, restrict an employer's use of program participants, and discourage private sector interest and support for work supplementation programs.”

RESPONSE:

Rep. Sherri Greenberg, the author of HB 3116, said that she strongly supports incentives to hire welfare recipients but does not believe that it should be at the expense of existing employees. HB 3116 in no way interfered with training programs or incentive programs for hiring welfare recipients, she said. “This bill is important to protect hardworking, low-income citizens from being pushed out of jobs just to end up on welfare themselves. To make welfare reform a success, we should focus on creating new jobs, not merely recycling existing ones.” Rep. Greenberg said HB 3116 also gave participants in welfare-to-work programs the same minimum employment protections as other workers and that, “These employment protections should be available to everyone, regardless of if they have ever been on welfare.”

NOTES:

HB 3116 was analyzed in the April 17 *Daily Floor Report*.

Transferring municipal hospital assets

HB 3234 by Hinojosa (Lucio)

- DIGEST:** HB 3234 would have required a municipal hospital authority to transfer the proceeds from the sale of all or part of a hospital to the municipality or county that created it to fund health-related projects. An authority could not have transferred assets without due compensation except to fund health-related projects in the municipality or county that created it. The bill would have defined health-related projects to include academic health programs, clinics and community health education programs.
- GOVERNOR'S REASON FOR VETO:** "House Bill 3234 has uncertain ramifications for local hospital districts. The Senate sponsor of this legislation and local elected officials requested that this bill be vetoed."
- RESPONSE:** Rep. Juan Hinojosa, author of HB 3234, said that the Senate changed permissive language in the House version to require proceeds from the sale of a municipal authority hospital to fund health-related projects, taking away the discretion of the municipalities. For this reason local officials asked that the bill be vetoed.
- NOTES:** HB 3234 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

National Guard mutual assistance counter-drug activities compact

HB 3380 by Counts (Lucio)

DIGEST: HB 3380 would have adopted the National Guard Mutual Assistance Counter-Drug Activities Compact. The compact would have authorized the governor to enter into agreements for mutual assistance and support with other states regarding counter-drug activities. The compact would have allowed the use of the National Guard in drug interdiction, counter-drug, or demand reduction activities.

The governor would have had to approve a request to give or receive mutual assistance to another state. The Attorney General's Office would have had to approve an agreement in order for it to be effective. HB 3380 also would have authorized the adjutant general to enter into mutual assistance agreements with any law enforcement agency, including federal agencies operating within the state, for drug prevention activities.

GOVERNOR'S REASON FOR VETO: "This bill usurps the Governor's power to make agreements with other states and to command the Texas National Guard."

RESPONSE: Rep. David Counts, the author of HB 3380, had no comment. Sen. Eddie Lucio, the Senate sponsor, was unavailable for comment.

NOTES: HB 3380 was analyzed in Part 3 of the May 2 *Daily Floor Report*.

Electing Port of Beaumont Navigation District commissioners

HB 3540 by Price (Galloway)

DIGEST: House Bill 3540 would have changed procedures for electing commissioners of the Port of Beaumont Navigation Authority. Instead of the current system of at-large elections with each ward represented by a resident, HB 3540 would have required that one commissioner be elected from each of the four wards by the qualified voters of that ward and that the two remaining commissioners be elected at-large by the qualified voters of the district. The bill also would have changed the term of board members from the current six years to four years.

GOVERNOR'S REASON FOR VETO: "Under current law, this district must adjust the boundaries of the wards within the district to contain as nearly as possible the same number of voters within each ward. Accordingly, House Bill 3540 would not enhance representation and it would be costly to the district."

RESPONSE: Rep. Al Price, the author of HB 3540, said: "I'm very disappointed. This bill would have reduced the terms of the commissioners from six years to four years. This is the only port to have six year terms, which isolates [the commissioners] from the people that elected them. It's unfortunate that Governor Bush vetoed it."

NOTES: HB 3540 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Creating new district courts

SB 20 by Ratliff (Thompson)

DIGEST: SB 20 would have created 15 new district courts in 11 counties: four in Bexar, two in Fort Bend, and one each in Cameron, Galveston, Harris, Nueces, Smith, Tarrant, Tom Green, Travis, and Webb counties. One of the Fort Bend courts and the court in Tarrant County would have been created effective September 1, 1997; the remaining courts would have been created as of January 1, 1999. The initial vacancies of three of the Bexar County courts and the Harris County court would have been filled by elections in 1998 rather than by appointment. Initial vacancies of all other courts would have been filled by gubernatorial appointment.

GOVERNOR'S REASON FOR VETO: "Senate Bill 20 contradicts the Texas Constitution which allows the Governor to fill vacancies in newly created courts. Thirteen of the 15 new courts which are created in this bill would be created in 1999, and they can be created by the 1999 Legislature in a way that conforms with the Constitution."

RESPONSE: Sen. Bill Ratliff, the author of SB 20, said: "The San Antonio delegation was aware that the section of the bill was unsatisfactory to the governor. They ran the risk of the veto and the veto occurred."

Rep. Senfronia Thompson, the House sponsor, denied that the Legislature passed an unconstitutional bill creating courts or that the Legislature was playing politics on the timing of creating the new courts. "These are the first new urban courts in counties with significant minority populations in more than 10 years; we knew that these courts could not be precleared by the U.S. Justice Department before September 1. We also knew that there was money available to create 10 new courts, but that pent-up backlogs in urban areas meant that we needed at least 15 new courts; we had to delay the start date on some courts to save money.

"I suggest the governor hire a new counsel who can read plain English. The Constitution does not require the governor to appoint the judges of all new courts. That's just a transparent justification to say that the governor is miffed because the Legislature did not allow him to appoint every one of the new judges, yet he signed last session's Omnibus Courts bill in which initial vacancies in the new 392nd and 411th district courts were filled by election.

Governor Richards signed a similar bill in 1993 wherein the initial vacancy in the 385th district court was filled by election.

“The governor is practicing false economy. This will mean more plea bargains, more gangbangers out on the street. I remember when Governor Clements played politics with the prison construction bill and Texans had to put revolving doors on our prisons; we passed another bill the next session and Governor Richards signed it. I regret that poor staff advice led the governor to deny Harris County a badly-needed juvenile court as approved by the Legislature.”

NOTES:

SB 20 was analyzed in Part 3 of the May 21 *Daily Floor Report*.

DIGEST:

SB 211 would have created the Texas child care fund within the general revenue fund to pool state appropriations and donations from local governments, businesses, nonprofit organizations and other entities. Money in the fund would have been used to provide child care services in a way that maximized federal matching money. The Texas Workforce Commission, with an advisory board, would have administered the fund. The commission, or a local workforce development board that accepted child-care funds from it, would have been required to contract with government organizations, public nonprofit agencies, or community-based organizations to administer the subsidized child-care program. SB 211 would have required entities with whom the commission or a local workforce development board contracted to demonstrate a variety of social service experience with local client populations and experience in a federal and state funded system of child-care vendor management in Texas, child development, support services, and financial management.

SB 211 also would have required the comptroller to develop and update a statewide guide for child care to assist consumers in making their child care choices and to give information to child-care providers. An interagency work group would have been created to help the comptroller prepare the guide.

GOVERNOR'S REASON FOR VETO:

“Senate Bill 211 would stifle competition and hamstring local workforce development boards in contracting for child care management services. This bill protects the status quo at the expense of local choice and competition. We want to maximize access to quality child care in Texas and system management changes should be encouraged rather than restricted. The best intent of this bill, to maximize federal matching money for child care services, can be achieved through administrative action by the commissioners for the Texas Workforce Commission and the Texas Health and Human Services Commission, which I will request.”

RESPONSE:

Sen. Rodney Ellis, author of SB 211, was unavailable for comment.

Rep. Elliott Naishtat, the House sponsor, said: “Although it is true that the Texas Workforce Commission has solicited funds from school districts, community colleges, cities, counties, and other public and non-profit entities

to draw down federal child care dollars, these efforts have fallen short. The problems are that local entities fear that the dollars they donate will not come back to their communities; many local entities are not aware that their donations could bring additional federal child care dollars to their communities; and a dedicated fund, the Texas Child Care Fund, which could lend legitimacy and certainty to this public private partnership, does not exist.

Based on a recommendation from the Comptroller's Office, SB 211 addressed each of these concerns. The comptroller estimated that implementation of SB 211 would have increased donated funds 10 percent the first year and 20 percent in subsequent years, increasing the state's ability to draw down maximum federal funding for child care.

The governor based his veto on an amendment that would have required TWC or the local workforce development boards to continue contracting with the Child Care Management System (CCMS) through September 1, 1999. This amendment was meant to provide continuity in the child care delivery system as the state transitions the administration of this program to local workforce boards. It does not 'tie the hands' of TWC or the local workforce boards in that if they desire to contract with private firms, they can proceed with the development of contracts and the design of a transition plan, and make them effective September 1, 1999. It is unlikely that an alternative plan for contracting could be ready for implementation any earlier than September 1, 1999."

NOTES:

SB 211 was analyzed in Part 3 of the May 22 *Daily Floor Report*.

DIGEST: SB 273 would have directed the comptroller to issue a statewide consumer guide to assist senior citizens and their families to make informed choices about senior services. The guide would have been developed by an interagency workgroup and would have been made available through various sources, including the Internet.

GOVERNOR'S REASON FOR VETO: "This bill is a good idea which should be implemented within the existing authority of the health and human services agencies, including the Texas Department on Aging and the Texas Department of Human Services."

RESPONSE: Sen. Judith Zaffirini, the author of SB 273, said: "I was very surprised the governor vetoed this bill, which passed with enthusiastic support. We had considered assigning the guide to other agencies, but only the comptroller could develop the guide without incurring a negative fiscal note — all other agencies said they would need new computers and other resources. Directing other agencies to develop the guide will create an unfunded state mandate, in contradiction to legislation enacted this session, HB 66, also by Cuellar/Zaffirini."

Rep. Henry Cuellar, the House sponsor, said: "This was a good Texas Performance Review recommendation that would have saved the taxpayers money without the comptroller having to spend any additional money. We need to continue our endeavors to help the elderly population."

NOTES: SB 273 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

HB 66, which took effect June 16, 1997, requires the identification and review of unfunded state mandates, defined as statutes requiring political subdivisions to establish, expand or modify an activity in a way that necessitates the expenditure of revenue that otherwise would not have been required.

Deadline for hearings on protective orders

SB 299 by Ratliff (Ramsay)

- DIGEST:** SB 299 would have set a 20-day deadline for hearings on protective order applications for counties in a judicial district composed of more than one county.
- GOVERNOR'S REASON FOR VETO:** "Senate Bill 299 is unnecessary. The objectives of the bill have been better addressed by Senate Bill 1253, signed into law earlier this session."
- RESPONSE:** Neither Sen. Bill Ratliff, the author of SB 299, nor Rep. Tom Ramsay, the House sponsor, had comments on the veto.
- NOTES:** SB 299 was analyzed in the May 20 *Daily Floor Report*.
- SB 1253 made several wide-ranging changes to Family Code provisions affecting family violence protective orders, including a statewide 20-day deadline for hearings on order applications. SB 1253 was analyzed in Part 1 of the May 27 *Daily Floor Report*.

Advance directives for medical treatment

SB 414 by Moncrief (Coleman)

DIGEST: SB 414 would have amended and consolidated laws regarding directives issued by terminally ill patients or their families to withhold or withdraw life-sustaining procedures. Physicians and health care facilities would have been shielded from civil liability for following advanced directives when done “in good faith” rather than “unless negligent.”

GOVERNOR'S REASON FOR VETO: “Senate Bill 414 contains several provisions that would permit a physician to deny life-sustaining procedures to a patient who desires them. Additionally, the bill eliminates the objective negligence standard for reviewing whether a physician properly discontinued the use of life-sustaining procedures and replaces it with a subjective ‘good faith’ standard. While this bill contains a number of commendable measures that would streamline Texas’ law on advance directives, these benefits are outweighed by the bill’s potentially dangerous defects.”

RESPONSE: Sen. Mike Moncrief, the author of SB 414, said: “Governor Bush’s veto of this important legislation is disappointing and ill-advised. It is ironic that on the same weekend the governor chose to veto this bill which would have made our laws more clear and user-friendly, the American Medical Association announced an initiative that will assist physicians and their patients in making difficult end-of-life decisions.

“The governor’s vague explanation of his decision suggests that he vetoed this bill not because of what it is, but because of what it is not. The religious zealots on the fringe of the Republican party tried hard to tack their own extremist agenda onto this bill. They wanted to gut existing advance directive procedures; abolish the current collaborative approach between care givers, patients and family members; undermine the professional and ethical judgment of trained physicians and prohibit the involvement of family members in the end of life event of their loved ones. The Governor was obviously swayed by this extremist element. It is sad and unfortunate that by caving in to the extremist agenda, the governor has put politics ahead of good public policy and has killed worthy legislation that would have benefitted Texans.”

Rep. Garnet Coleman, the House sponsor, said: “I am disappointed the governor vetoed the bill, which was intended to streamline advance directives and in no way was intended or designed to create a way to euthanize individuals. These are people who are dying and who choose through their own directive to forego extraordinary means. It’s unfortunate that there are political forces greater than the merits of the law that misconstrued the intent of the bill.”

NOTES:

SB 414 was analyzed in Part 2 of the May 23 *Daily Floor Report*.

Allowing counties to charge fees for records preservation

SB 436 by Lucio (R. Lewis)

- DIGEST:** SB 436 would have allowed counties to charge a “records archive fee” of up to \$10 for each document filed with the county clerk. The fee could only have been used to fund management and preservation projects for documents filed before January 1, 1990.
- GOVERNOR'S REASON FOR VETO:** “Senate Bill 436 creates new, excessive fees for filing of any public document such as marriage licenses and land titles. This legislation allows county clerks to add a \$10 records archive fee, over and above the current fees, to the cost of recording a document. Counties that want to improve their records management can make that a priority in their local budgets.”
- RESPONSE:** Sen. Eddie Lucio, the author of SB 436, was unavailable for comment; Rep. Ron Lewis, the House sponsor, had no comment.
- NOTES:** SB 436 was analyzed in Part 4 of the May 23 *Daily Floor Report*.

Residency requirements for public schools

SB 462 by Luna (Hernandez)

- DIGEST:** SB 462 would have required a school district to admit a child not residing in the district so long as a parent who had joint custody and was a joint managing conservator of the child resided in the district.
- GOVERNOR'S REASON FOR VETO:** "Senate Bill 462 duplicates the intent of Senate Bill 247 to allow a child of divorced parents to attend a school in the school district where either parent resides. The other bill, Senate Bill 247, is preferable because this legislation uses the term 'joint custody' which is not recognized under Texas law."
- RESPONSE:** Neither Sen. Gregory Luna, the author of SB 462, nor Rep. Christine Hernandez, the House sponsor, had comments on the veto.
- NOTES:** SB 462 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.
- SB 247 by Nelson (Culberson), which takes effect with the 1997-1998 school year, requires school districts to admit nonresident children if a parent who resides in the district is a joint managing conservator or the sole managing conservator or possessory conservator of the child. The bill also amends exemptions from compulsory school attendance laws. SB 247 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Requiring certain cities to make payroll deductions for union dues

SB 823 by Cain (Naishtat)

- DIGEST:** SB 823 would have required cities with a population of more than 50,000 to make payroll deductions for union dues if the deduction was requested in writing by the employee and the city was already allowing deductions for purposes other than charitable donation, insurance payments, retirement plan contributions, deferred compensation, tax payments, or garnishment.
- GOVERNOR'S REASON FOR VETO:** "Senate Bill 823 mandates that certain municipalities provide payroll deductions for union dues. Employees who wish to join a union and pay dues have every right to do so on their own. This legislation is unnecessary, is contrary to the principles of the right to work, and is contrary to the concept of local control."
- RESPONSE:** Sen. David Cain, the author of SB 823, was unavailable for comment.
- Rep. Elliott Naishtat, the House sponsor, said: "The Governor's veto proclamation of SB 823 states that the legislation 'mandates that certain municipalities provide payroll deduction for union dues.' This statement does not accurately reflect the intent or effect of the bill. Current law allows a municipality with a population of more than 10,000 to deduct employee association dues from the paychecks of employees who request it. Employees who want the deduction make a formal, written request in a manner prescribed by the municipality. In addition, the city can collect a fee from each employee who requests the dues deduction to pay for the administrative costs of making the deduction. SB 823 would have required municipalities with a population of more than 50,000 to make such payroll deductions, at the voluntary request of an employee, *if* the municipality permits deductions for another purpose, excluding charity, certain employee benefits, taxes, and garnishment. Other provisions relating to such payroll deductions would apply, including the city's ability to recover administrative costs. In essence, this legislation would have stipulated that if a city of more than 50,000 is *already* making payroll deductions for a municipal credit union, employee benevolent association, or labor union, the city could not refuse to make similar payroll deductions for members of another bona fide employees' association."
- NOTES:** SB 823 was analyzed in the May 20 *Daily Floor Report*.

Creating the Advisory Commission on Intergovernmental Relations

SB 937 by Harris, Ellis, Wentworth (Goodman)

DIGEST: SB 937 would have created the Texas Advisory Commission on Intergovernmental Relations to strengthen and improve relationships between the state and local governments and enhance cooperation among local governments. The bill would have required the commission to provide a forum for discussions of intergovernmental issues; conduct and coordinate research on the issues; collect and distribute information; and publish and distribute research and conference reports. The governor would have appointed seven members of the commission, and the lieutenant governor and the speaker of the House each would have appointed one member, subject to specified criteria. The University of Texas at Arlington School of Urban and Public Affairs would have provided the commission with an executive director and necessary staff.

GOVERNOR'S REASON FOR VETO: "Senate Bill 937 recreates the Texas Advisory Commission on Intergovernmental Relations, an advisory commission which was abolished during the last session of the Legislature and is unnecessary."

RESPONSE: Sen. Chris Harris, author of SB 937, said: "This bill would have gotten rid of restrictions on the Board. The Dean of the Urban Institute at UT-Arlington can still appoint an advisory board."

Sen. Jeff Wentworth, co-author of the bill, said: "My political experience over the years has repeatedly shown me that much good can and does come when people at different levels of government simply sit down and talk about their mutual problems with one another. That's really all SB 937 would have allowed."

Rep. Toby Goodman, the House sponsor, said: "At no cost to the state, this bill would have created an intergovernmental advisory commission at the University of Texas at Arlington. I thought it was a good program and several states already have it."

NOTES: SB 937 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Creating the International Trade Task Force

SB 1041 by Truan (Hunter)

DIGEST: SB 1041 would have created a 27-member International Trade Task Force to assist the Texas Department of Commerce in promoting and developing international trade. The task force would have had to develop a strategic plan to promote and develop international trade and submitted it to the department; the department would have had to adopt a strategic plan by February 1, 1999. The task force would have been disbanded December 1, 2000.

GOVERNOR'S REASON FOR VETO: "Senate Bill 1041 creates a new task force in the Texas Department of Commerce whose function would duplicate certain provisions of SB 932 relating to international trade issues. The creation of a new task force by law is unnecessary."

RESPONSE: Sen. Carlos Truan, the author of the bill said: "SB 1041 is essential because the new Texas Department of Economic Development 'guts' most of the existing international trade duties of the Department of Commerce. Although one of the new department's directives is to assist Texas businesses with the export of their products and services to international markets, there is nothing in SB 932 that requires an advisory panel on international trade matters. The language only permits the department to establish a task force, if it so chooses. SB 1041 would have ensured outside input to the department on international trade matters. With this veto, the Governor is essentially saying this new, untested Department of Economic Development may run single-handedly the entire state's international trade policy. That is not right. International trade affects everyone in the state, and there should be greater input from a more diverse group of professionals at the state level. We should be examining ways to include broader groups of people in the decision-making process, not excluding them, as this veto does."

NOTES: SB 1041 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

SB 932 by Sibley (Oliveira), which establishes the new Department of Economic Development to coordinate international trade, business assistance, and tourism efforts, takes effect September 1, 1997. HB 2500 by Oliveira, companion to SB 932, was analyzed in Part 1 of the May 1 *Daily Floor Report*.

Coordinated rules on purchasing services for state agency clients

SB 1240 by West (Maxey)

DIGEST: SB 1240 would have required the Health and Human Services Commission to coordinate and adopt rules governing purchasing of services for clients by state agencies, including agencies that are not health and human service agencies. The commission's rules would have applied directly to health and human service agencies; other agencies would have had to adopt rules that were consistent with those of the commission. The bill also would have created a working group, presided over by the commission, to develop recommendations on merging laws governing the purchase of services for clients by state agencies.

GOVERNOR'S REASON FOR VETO: "This bill is contrary to good public policy by mandating that state agencies, 'including agencies that are not health and human service agencies,' be subject to purchasing rules adopted by the Health and Human Services Commission. The officers who preside over state agencies are best able to determine and adopt the rules for purchasing of services for their agencies. The Health and Human Services Commission has no special expertise in purchasing."

RESPONSE: Sen. Royce West, the author of SB 1240, was unavailable for comment.

Rep. Glen Maxey, the House sponsor, said: "This bill would have saved the state money. Even though the Texas Department of Criminal Justice is not an HHS agency, it is still a large purchaser of health care in Texas. Therefore, it would have been cost effective to purchase health care equipment together, in one lump sum. This bill would have laid the groundwork for a more efficient manner of purchasing for the state."

NOTES: SB 1240 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Regulation of retail food stores

SB 1355 by Brown (Maxey)

DIGEST: SB 1355 would have established an interagency task force to coordinate state regulation of retail food stores. It also would have amended current laws relating to weights and measurement devices, inspections and testing, retail food store licensing and permits, and testing and sale of motor fuels.

The bill would have changed current requirements that food handlers wash their hands with soap and water after each visit to the toilet. Instead, food handlers would have been required either (1) to wash their hands and exposed portions of their arms with soap and water before starting work, during work as often as necessary to avoid contamination and after smoking, eating and each visit to the toilet, or (2) to avoid bare-hand contact with exposed food by using gloves or utensils and washing their hands after smoking, eating and each visit to the toilet. State or local authorities could not have required food service personnel to avoid bare-hand contact with exposed food.

**GOVERNOR'S
REASON
FOR VETO:**

“Senate Bill 1355 poses a major public health threat by prohibiting state and local health authorities from requiring food service personnel to avoid bare-hand contact with exposed food. This poses the threat of serious viral and bacterial contamination of food, and would prevent public health officials from responding to a crisis such as a Hepatitis A outbreak, which has occurred in neighboring states. The bill contains numerous worthwhile provisions. The vast majority are already being implemented, are implemented under other legislation from this session or can be implemented under existing statutory authority.”

RESPONSE:

Sen. J. E. “Buster” Brown, the author of SB 1355, was unavailable for comment.

Rep. Glen Maxey, the House sponsor, said: “The governor was right to veto this bill. It was a huge omnibus bill and it had amendments attached to it that I thought could be worked out in conference committee. Unfortunately, that never happened. A lot of good programs were also killed, including a \$250,000 savings to the state in privatizing people who do weights and measures at the gas pumps.”

NOTES:

SB 1355 was analyzed in Part 4 of the the May 23 *Daily Floor Report*.

Coordinating state agency activities in colonias

SB 1514 by Truan (Flores)

DIGEST: SB 1514 would have required certain state agencies to designate an officer or employee as coordinator of colonia initiatives to coordinate efforts with other state agencies. Each agency coordinator would have to have been a deputy executive director or equivalent. The coordinator from the Attorney General's Office would have presided over the group.

GOVERNOR'S REASON FOR VETO: "Senate Bill 1514 is unnecessary because it duplicates activities already underway. A colonia working group including representatives of the agencies listed in this bill is already meeting and has issued three reports to date. There is no need to create yet another duplicative committee."

RESPONSE: Sen. Carlos Truan, the author of SB 1514, said: "The governor has done a grave disservice to the residents of the colonias and to the dedicated state employees who are responsible for helping the colonias. Never in my 29 years serving in the Legislature have I seen a governor veto a vital colonias bill over a partisan political excuse. SB 1514 was based on the efforts of many people who are dedicated to finding solutions for the colonias, and would have speeded and improved the colonias program."

"SB 1514 would have provided quick solutions at the highest agency level for problems identified by the field staff of the various agencies that are responsible for helping the colonias residents by providing a direct link between field personnel and agency directors. It would also have provided a forum for the eight agencies that have colonias responsibilities: the attorney general, the Texas Water Development Board, the Texas Department of Health, the Texas Natural Resource Conservation Commission, the Texas Department of Housing and Community Affairs, the Texas Education Agency, the Texas Workforce Commission, and the University of Texas-Pan American."

"The attorney general is responsible for enforcing the laws to stop proliferation of colonias. In the larger sense, he is the only statewide elected official with the authority to provide coordination among agencies at the highest level."

Sen. Truan said that rather than duplicating existing efforts, as the governor claimed in his veto message, “In fact, no existing effort accomplishes or envisions what the bill would have done by cutting through bureaucratic red tape to quickly solve colonias problems identified in the field at the highest agency levels.”

NOTES:

SB 1514 was analyzed in the May 20 *Daily Floor Report*.

Transfer of inmates to county jail work program

SB 1610 by Whitmire (Allen)

- DIGEST:** SB 1610 would have allowed Texas Department of Criminal Justice inmates to be transferred to county jails for participation in work release programs if they had achieved or were within one year of achieving their presumptive parole date or mandatory supervision release date.
- GOVERNOR'S REASON FOR VETO:** "Senate Bill 1610 permits the release of inmates from the custody of the Texas Department of Criminal Justice before their parole or mandatory release dates."
- RESPONSE:** Sen. John Whitmire, the author of the bill, said: "SB 1610 would have allowed the gradual expansion of an existing work release program. The idea for this bill came from officials at the Texas Department of Criminal Justice and I agreed that the concept was a good one.
- "If a sheriff approves a work release plan, an inmate can be transferred to the local jail. The inmate sleeps behind bars and is under supervision of a parole officer at all times. He can be released during the day to seek employment and eventually hold down a job. Money earned while on work release is used to pay taxes, reimburse the cost of incarceration, and pay other expenses — like child support.
- "All indications are that inmates who have an orderly transition to the free world, and who get jobs, are much less likely to re-offend. SB 1610 would have eased this transition while protecting public safety."
- "We are trying to be tough on crime, but also smart on crime prevention. This bill was one step in that process."
- NOTES:** SB 1610 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Crime Stoppers Advisory Council membership

SB 1676 by Barrientos (Stiles)

- DIGEST:** SB 1676 would have increased the membership of the Crime Stoppers Advisory Council from five to seven members and required that at least four, rather than three, members have participated in a local crime stoppers program. The bill also would have changed the terms of office from two-year terms to staggered four-year terms.
- GOVERNOR'S REASON FOR VETO:** "Senate Bill 1676 increases the membership and terms of office for the Crime Stopper Advisory Council, which functions solely as an advisory board to the Office of the Governor. The additional costs to taxpayers of new members to the Council are unnecessary."
- RESPONSE:** Neither Sen. Gonzalo Barrientos, the author of SB 1676, nor Rep. Mark Stiles, the House sponsor, had comments on the veto.
- NOTES:** SB 1676 passed the House on the Local and Consent Calendar and was not analyzed in a *Daily Floor Report*.

Creating the Texas community investment program

SB 1877 by Wentworth (Greenberg)

DIGEST: SB 1877 would have required the Texas Department of Housing and Community Affairs (TDHCA) to create a community reinvestment program to award grants to or purchase stock in multi-bank community development corporations (CDCs). Loans could only have been made to disadvantaged businesses that were unable to secure conventional bank loans and that employed low or moderate income persons in distressed areas of the state. A CDC would have been eligible to participate in the grant program if it raised at least \$500,000 in private investments and entered into a participation agreement with TDHCA.

GOVERNOR'S REASON FOR VETO: "Senate Bill 1877 proposes using taxpayer dollars to fund private community investment programs that make loans to businesses that cannot qualify for conventional bank loans. This program was not funded by the Legislature."

RESPONSE: Sen. Jeff Wentworth, the author of SB 1877, was unavailable for comment.

Rep. Sherri Greenberg, the House sponsor, said despite the governor's platform to transition individuals from welfare to work, he decided to veto a program proven to create jobs in distressed neighborhoods. "We are very surprised that he vetoed this bill. Nobody spoke out against the bill, in fact, there was overwhelming support from all sectors of the community including business owners, bankers, community leaders and bipartisan legislative support. We didn't receive any phone calls, letters or any indication that there was any opposition to this bill. This a big disappointment for economically distressed neighborhoods in Texas. We have yet to hear the real explanation for why this bill was vetoed."

NOTES: SB 1877 was analyzed in Part 3 of the May 21 *Daily Floor Report*.

Excluding service, asset management contracts from insurance regulations

SB 1913 by Sibley (Smithee)

DIGEST: SB 1913 would have exempted from Texas insurance regulations manufacturer service contracts for repair, replacement or maintenance of property and asset management contracts with capital equipment owners to manage the capital equipment assets.

GOVERNOR'S REASON FOR VETO: "After conferring with the Commissioner of Insurance, I am vetoing Senate Bill 1913 because this bill may permit the unregulated sale of insurance, including fire, theft and other casualties normally covered by property and casualty insurance."

RESPONSE: Sen. David Sibley, the author of SB 1913, had no comment.

Rep. John Smithee, the House sponsor, said: "The Governor vetoed the bill upon the recommendation of the Commissioner of Insurance because of concerns with unintended implications of the bill. The Commissioner has indicated to me that what was intended in the original bill can be carried out by letter interpretation to the appropriate parties. I support the Commissioner in his intention to move forward with this idea and look forward to the positive results."

NOTES: The companion to SB 1913, HB 3036, was analyzed in Part 3 of the May 2 *Daily Floor Report*.

Studying higher education needs in southern Dallas County

SCR 75 by West (Giddings)

DIGEST: SCR 75 would have authorized the creation of a commission to study locating an institution of higher education in the southern portion of Dallas County. The resolution stated that residents of the region do not have adequate access to upper-level public higher education and that there is a need to make such educational opportunities accessible and affordable.

GOVERNOR'S REASON FOR VETO: "Senate Concurrent Resolution 75 undermines the authority of the Higher Education Coordinating Board by creating a special commission to study higher education needs in southern Dallas and adjacent counties. The Higher Education Coordinating Board is already charged with studying and balancing the higher education needs of the entire state. A special, area-specific commission is not necessary."

RESPONSE: Sen. Royce West, the author of SCR 75, was unavailable for comment.

Rep. Helen Giddings, the House sponsor, said: "The residents of the southern portion of Dallas County were disappointed that SCR 75 was vetoed. There is no public institution in the southern sector providing upper level education. The southern sector has struggled for years and continues to struggle for equity in state funding for transportation, support in attracting much needed economic development and in upper level education. This study would have highlighted the need for and value of such an institution. The southern sector no longer wants to hear excuses, but rather residents want to see demonstrated concern on the part of the state in improving the quality of their lives."

NOTES: SCR 75 was not analyzed in a *Daily Floor Report*.

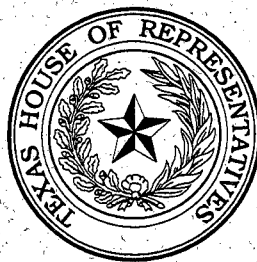


House Research Organization

Texas House of Representatives

Capitol Extension

Room E2.180



P.O. Box 2910

Austin, Texas 78768-2910

(512) 463-0752

FAX (512) 463-1962

Steering Committee: Henry Cuellar, Chairman • Peggy Hamric, Vice Chairman

Tom Craddick

Dianne White Delisi

Harold Dutton

Roberto Gutierrez

John Hirschi

Bob Hunter

Mike Krusee

Brian McCall

Elliott Naishtat

Al Price

Bob Turner

Leticia Van de Putte

Steve Wolens

Staff: Tom Whatley, Director; Linda Fernandez, Editor; Rita Barr, Office Manager;
Patricia Tierney Alotsin, Kellie Dworaczyk, John J. Goodson, Ann Walther and Kristie Zamrazil, Analysts;
Jeff Butler, Research Intern