

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SECOND DAY (CONTINUED) — FRIDAY, APRIL 30, 1999

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 186).

Present — Mr. Speaker; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Oliveira; Woolley.

The invocation was offered by Reverend Stephen Ramsdell, First United Methodist Church, Waco, as follows:

"O Lord, our Lord, how excellent is your name in all the earth. You have been our dwelling place in all generations. Before the mountains were brought forth, or even you had formed the earth and the world, even from everlasting to everlasting, you are God. A thousand years in your sight are like yesterday when it is past, and like a watch in the night."

We come today rejoicing that we have been set apart to be the governing body of the great State of Texas. You have called and we have answered. We rejoice that so many here have accepted the awesome responsibility of leadership. As we come together celebrating many victories, we acknowledge our need for divine wisdom as we face new challenges. Today, we rejoice at the opportunity we have to again "dream dreams," and to have a "vision" of what this state can become as we do our work on the verge of a new millennium.

Open our eyes just now and enable us to see by faith that which can be, that which you desire the State of Texas to be; to discover how we can

impact our great nation, and through our nation, this world. Give us the courage not only to have a vision of what the leaders of this great state can create, but to be faithful in helping this vision to become a reality. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Woolley on motion of Hunter.

Oliveira on motion of Maxey.

The following members were granted leaves of absence for today because of important business:

Homer on motion of Lengefeld.

Alexander on motion of Averitt.

The following member was granted leave of absence for today because of important state business:

F. Brown on motion of Walker.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 39).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 794 - ADOPTED (by Cuellar)

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 794**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 794, Congratulating Hank Sames III on his selection as the 1999 Laredo Business Person of the Year by the Laredo Chamber of Commerce.

HR 794 was adopted without objection.

HCR 255 - ADOPTED (by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 255**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 255, Designating May 17-22, 1999, as United Kingdom Trade Mission to Clear Lake Week in Texas.

HCR 255 was adopted without objection.

(Speaker pro tempore in the chair)

HR 797 - ADOPTED
(by A. Reyna)

Representative A. Reyna moved to suspend all necessary rules to take up and consider at this time **HR 797**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 797, Honoring the 100th anniversary of the San Antonio Independent School District.

HR 797 was adopted without objection.

On motion of Representative Van de Putte, the names of all the members of the house were added to **HR 797** as signers thereof.

CAPITOL PHYSICIAN

The speaker recognized Representative Hilbert who presented Dr. Earl Martin of Tomball as the "Doctor for the Day."

The house welcomed Dr. Martin and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HCR 105

HCR 105, in memory of Dr. Saul Severino Trevino, having been previously adopted, was read.

HCR 253 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HCR 253**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 253, Commemorating the grand opening of the Child and Adolescent Wellness Center in El Paso.

HCR 253 was read and was adopted without objection.

CONGRATULATORY AND MEMORIAL CALENDAR

The following memorial resolutions were laid before the house:

HCR 235 (by Gallego), In memory of Jose E. Morales of Midland.

HCR 236 (by Gallego), In memory of Dr. Jim Richerson.

HR 480 (by Gallego), In memory of Concepcion "Chon" Granado.

HR 540 (by Gallego), In memory of Jim L. Talbot.

HR 542 (by Gallego), In memory of Stephen Daniel Lindsey of Del Rio.

HR 545 (by Gallego), In memory of Lora Bell Lockhart.

HR 566 (by Uher), In memory of the Honorable Frank Owen III.

HR 568 (by Uher), In memory of the Honorable Edgar Lee Berlin.

HR 580 was withdrawn.

HR 600 (by Counts), Honoring the life of WWII P-51 Pilot 1st Lieutenant Joseph W. Barton.

HR 604 (by Seaman, Luna, and Capelo), In memory of Janet Harte.

HR 622 (by Uher), In memory of The Honorable G. R. "Bob" Close.

HR 623 (by Uher), In memory of former State Representative Ben Dodson "Jumbo" Atwell.

HR 624 (by Uher, Chisum, Laney, Smithee, and Swinford), In memory of the Honorable J. W. "Buck" Buchanan.

HR 625 (by Uher), In memory of Audrey Beatrice Jordan.

HR 639 (by J. Jones), In memory of Ida Mae Davis.

HR 648 (by McClendon), In memory of Clifton O. Floyd of San Antonio.

HR 663 (by Gallego), In memory of Bedford Walters of Alpine.

HR 664 (by Gallego), In memory of Victor G. Heil.

HR 709 (by Staples), In memory of the Honorable Herman F. Hammond of Jewett.

The resolutions were unanimously adopted by a rising vote.

The following congratulatory resolutions were laid before the house:

HCR 159 (by Telford), Commending the Atlanta Independent School District on the occasion of its 125th anniversary.

HCR 191 (by G. Lewis), Honoring Carter Metropolitan CME Church's "Men of Quality."

HCR 203 (by G. Lewis), Congratulating Kimberly Dennis on being named an Outstanding Teacher.

HCR 209 (by G. Lewis), Congratulating Denise O'Dell on being named an Outstanding Teacher.

HCR 210 (by G. Lewis), Congratulating Donna Driver on being named an Outstanding Teacher.

HCR 211 (by G. Lewis), Congratulating LaTreace Bailey on being named an Outstanding Teacher.

HCR 212 (by G. Lewis), Congratulating Deborah Allen-White on being named an Outstanding Teacher.

HCR 213 (by G. Lewis), Congratulating Ann Elwood on being named an Outstanding Teacher.

HCR 214 (by G. Lewis), Congratulating Wesley Dismuke on being named an Outstanding Teacher.

HCR 215 (by G. Lewis), Congratulating Patrick Oliver on being named an Outstanding Teacher.

HCR 216 (by G. Lewis), Congratulating Gloria Horton on being named an Outstanding Teacher.

HCR 217 (by G. Lewis), Congratulating Sarah Weeks on being named an Outstanding Teacher.

HCR 218 (by G. Lewis), Congratulating Glory Griggs on being named an Outstanding Teacher.

HCR 219 (by G. Lewis), Congratulating Virginia Nichols on being named an Outstanding Teacher.

HCR 220 (by G. Lewis), Congratulating Birdie White on being named an Outstanding Teacher.

HCR 221 (by G. Lewis), Congratulating Nikitra K. Hamilton on being named an Outstanding Teacher.

HCR 222 (by G. Lewis), Congratulating Joye Franklin on being named an Outstanding Teacher.

HCR 223 (by G. Lewis), Congratulating Gwendolyn Davis on being named an Outstanding Teacher.

HCR 224 (by G. Lewis), Congratulating Patrick Oliver on being named an Outstanding Teacher.

HCR 225 (by G. Lewis), Congratulating Jacqueline Whitfield on being named an Outstanding Teacher.

HCR 226 (by G. Lewis), Congratulating Howardine Smith on being named an Outstanding Teacher.

HCR 227 (by G. Lewis), Congratulating Mae Pearl Johnson on being named an Outstanding Teacher.

HCR 228 (by G. Lewis), Congratulating Phyllis McAnally on being named an Outstanding Teacher.

HCR 232 was withdrawn.

HCR 237 (by Gallego), Honoring Larry Henderson for his 37 years of service to the National Park Service.

HCR 241 (by Puente, Uresti, Capelo, Staples, and Ellis), Honoring the prisoners of war currently being held in Yugoslavia.

HCR 245 (by Goolsby), Celebrating the birth of Jacob Jeffrey Gonzalez on September 15, 1998.

HR 161 was read after **HB 1854** on the Local, Consent, and Resolutions Calendar.

HR 524 (by Greenberg), Honoring United Way/Capital Area for 75 years of service to the Central Texas community.

HR 529 (by Garcia), Welcoming Antonio R. Villaraigosa to the State Capitol.

HR 535 (by Greenberg), Recognizing Highland Park Elementary School's Around the World Walk/Run participants.

HR 560 (by George), Honoring Lake Highlands Exchange Club's November 1998 Youth of the Month: Roxanne Shipley and Jeremy Boyce.

HR 561 (by George), Congratulating Jennifer Riddlebarger and John Kent on being selected as Lake Highlands Exchange Club Youth of the Month for September 1998.

HR 562 (by George), Congratulating Katharine Smothermon and Lee-kuo Chris Hsiao on being selected as Lake Highlands Exchange Club Youth of the Month for March 1999.

HR 563 (by George), A bill to be entitled An Act Honoring Lake Highland's Exchange Club December 1998 Youth of the Month, Mary Kristin Wong and Jicori R. Minor.

HR 564 (by George), Honoring Lake Highland's Exchange Club October 1998 Youth of the Month: Emily Boulden and Peter Ruth.

HR 570 (by Siebert), Honoring 1998 Naval Flight Instructor of the Year Lieutenant Antoinette McCracken.

HR 589 (by Keel), Honoring the 30th anniversary of the CE-Bar Volunteer Fire Department.

HR 591 was withdrawn.

HR 592 (by Hinojosa), Honoring students of the Edcouch-Elsa School District for their outstanding scholastic achievements.

HR 593 (by Hinojosa), Honoring the 30th Anniversary of the Expanded Nutrition Program of the Texas Agricultural Extension Service.

HR 602 was read at the end of the calendar.

HR 608 (by Oliveira), Commending Roy F. and Joann Cole Mitte for their philanthropic efforts.

HR 621 (by F. Brown), Honoring the College of Agriculture Development Council from Texas A&M University.

HR 628 (by Alexander), Honoring Wyvonne Putman on her retirement.

HR 629 (by Alexander), Congratulating Betty Coffey on her retirement from the City of Corsicana.

HR 630 (by Alexander), Honoring Troy England on his retirement from the Corsicana Fire Department.

HR 632 was withdrawn.

HR 638 (by Counts), Honoring the members and supporters of the 1998 O'Donnell High School football team.

HR 650 (by Uher), Commemorating the 160th anniversary of Matagorda United Methodist Church.

HR 651 (by McReynolds), Honoring Woodrow W. "Woody" Allen.

HR 653 (by Olivo), Honoring the George Family Development Center.

HR 654 (by Van de Putte and Hunter), Honoring Vikki Carr.

HR 655 (by Williams and Counts), Honoring Larry McMurtry.

HR 658 (by G. Lewis), Recognizing June 12, 1999, as Henry Aaron Day at The Ballpark in Arlington.

HR 662 (by Gallego), Congratulating Hal Flanders on winning the 1998 Texas Environmental Excellence Award.

HR 670 (by Hill), Honoring the retirement of D. R. "Shorty" Williams.

HR 671 (by Eiland), Honoring Raymond Campbell for his 54 years of outstanding service with Gaido's restaurant in Galveston.

HR 673 (by Y. Davis), Honoring the Duncanville Panther boys varsity basketball team on winning the 1999 5A State Basketball Championship.

HR 678 (by G. Lewis), Honoring Tammy Davis-Miller.

HR 679 (by G. Lewis), Honoring Michele D. Moore on her many achievements.

HR 699 (by Hochberg), Honoring Cluster C 3-5 at the Rice School/La Escuela Rice in Houston.

HR 704 (by Hardcastle), Recognizing May 1, 1999, as the Doans May Day Picnic.

HR 708 (by Pitts), Recognizing Stefanie Zapletal and her participation in the Phi Theta Kappa All-State honor banquet.

HR 710 (by Staples), Honoring members of the 1999 graduating class of Elkhart High School for their outstanding achievements.

HR 713 (by Hilderbran), Honoring Tivy High School's Mock Trial Team of Kerrville.

The resolutions were adopted without objection.

The following resolution was read and adopted:

HR 602 (by Naishtat), Recognizing April 30, 1999, as El Dia de Los Ninos: Celebrating Young Americans Day in Texas.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSHB 82 (by Solomons), A bill to be entitled An Act relating to the method by which a county reconstitutes the jury wheel and to the selection and service of jurors in certain counties.

HB 548 (by Flores), A bill to be entitled An Act relating to unauthorized charges on a bill for telecommunications services.

CSHB 1051 (by Brimer, Van de Putte, Walker, and Maxey), A bill to be entitled An Act relating to the regulation of the practice of therapeutic optometry.

HB 1368 (by Edwards), A bill to be entitled An Act relating to the site of the Emancipation Juneteenth memorial monument.

HB 1475 (by Thompson), A bill to be entitled An Act relating to management and investment of trust assets. (Hartnett recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Greenberg, Representative Keffer offered the following committee amendment to **HB 1475**:

Amend **HB 1475** on pages 1 and 2, by deleting Section 2 of the bill and renumbering the subsequent section appropriately.

Amendment No. 1 was adopted without objection.

HB 1655 (by Luna, Seaman, and Capelo), A bill to be entitled An Act relating to the rate and allocation of the hotel occupancy tax in certain municipalities.

CSSB 801 (Maxey - House Sponsor), in lieu of **HB 1657**, A bill to be entitled An Act relating to electronic access to certain state agency information.

Representative Maxey moved to lay **HB 1657** on the table subject to call.

The motion prevailed without objection.

CSHB 1697 (by Greenberg, Maxey, Dukes, Keel, and Naishtat), A bill to be entitled An Act relating to eligibility and benefits under public retirement systems for employees of certain municipalities.

HB 1733 (by Luna), A bill to be entitled An Act relating to a continuing advisory panel to provide policy guidance concerning special education and related services.

HB 1752 (by Coleman), A bill to be entitled An Act relating to the compensation of certain private investigators and witnesses who are retained by appointed counsel.

HB 1797 (by Tillery), A bill to be entitled An Act relating to the transportation of certain individuals who may have a mental illness and are admitted to a county mental health facility for emergency detention.

HB 1854 (by Thompson, Coleman, Farrar, S. Turner, and Gallego), A bill

to be entitled An Act relating to indigent care provided by the Harris County Hospital District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Swinford, Representative Keffer offered the following committee amendment to **HB 1854**:

Amend **HB 1854** as follows:

On page 1, line 9, strike the word “shall” and replace with the word “may”.

Amendment No. 1 was adopted without objection.

HR 161
(by R. Lewis)

The following resolution was read and adopted:

HR 161, Honoring William Bluford Miller for his lifelong dedication to Educational Excellence.

On motion of Representative Counts, the names of the members of the house were added to **HR 161** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative R. Lewis, who introduced William Bluford Miller and his family.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

HB 1861 (by Gutierrez and Oliveira), A bill to be entitled An Act relating to increasing private investments in transportation infrastructure in the border region.

HB 1907 (by Gutierrez, Najera, and Hinojosa), A bill to be entitled An Act relating to the limited law enforcement authority of certain agents or officers of the government of the United States.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Garcia, Representative Gutierrez offered the following committee amendment to **HB 1907**:

HB 1907, on page 1, line 14, strike “an”, and insert “a permanent”.

Amendment No. 1 was adopted without objection.

CSHB 1924 (by Averitt), A bill to be entitled An Act relating to health insurance provided through the Texas Health Insurance Risk Pool.

HB 2013 (by Hilderbran), A bill to be entitled An Act relating to the regulation of bottled or vended water.

HB 2034 (by Gray), A bill to be entitled An Act relating to the authority of certain counties to delegate traffic regulation functions.

HB 2220 (by Hilbert), A bill to be entitled An Act relating to refunds of overpayments or erroneous payments of ad valorem taxes.

Amendment No. 1 (Committee Amendment No. 1)

Representative Hilbert offered the following committee amendment to **HB 2220**:

Amend **HB 2220** in SECTION 1, page 1, line 15 by amending Section 31.11(a), Tax Code, after the word “unit” and before the word “also” by adding the following:

“or the governing body of a taxing unit that collects another unit’s taxes”

Amendment No. 1 was adopted without objection.

SB 1746 (Chisum - House Sponsor), in lieu of **HB 2249**, A bill to be entitled An Act relating to the creation and administration of the Texas Environmental Education Partnership Fund and the Texas Environmental Education Partnership trust fund. (Berman, Culberson, and Howard recorded voting no)

Representative Chisum moved to lay **HB 2249** on the table subject to call.

The motion prevailed without objection.

HB 2265 (by Hamric), A bill to be entitled An Act relating to the Harris County Road Law; providing a civil penalty.

SB 401 (Hamric - House Sponsor), in lieu of **HB 2266**, A bill to be entitled An Act relating to the requirements for the registration of certain motor vehicles in certain counties.

Representative Hamric moved to lay **HB 2266** on the table subject to call.

The motion prevailed without objection.

CSHB 2359 (by Olivo), A bill to be entitled An Act relating to the investment capital fund administered by the Texas Education Agency.

HB 2538 (by Y. Davis), A bill to be entitled An Act relating to compulsory inspection of certain vehicles to be registered and titled outside this state.

HB 2594 (by Uresti), A bill to be entitled An Act relating to the collection of child support payments made after termination of the child support order.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Naishtat, Representative Uresti offered the following committee amendment to **HB 2594**:

Amend **HB 2594** as follows:

On page 1, line 16, add the following after the period: "For good cause shown, the court may waive the requirement that the obligee pay attorney's

fees and costs if the court states the reasons supporting that finding."

Amendment No. 1 was adopted without objection.

CSHB 2711 (by Thompson), A bill to be entitled An Act relating to restrictions on the deposit and investment of funds of a domestic insurance company.

HB 2800 (by Driver), A bill to be entitled An Act relating to requiring a financial institution to maintain certain information from a business account holder.

HB 2835 (by S. Turner), A bill to be entitled An Act relating to information that certain state agencies must post on the Internet.

HB 2856 (by Yarbrough), A bill to be entitled An Act relating to the quantity of alcoholic beverages which may be sold by package store and wine only package store permittees in a single transaction.

CSHB 2891 (by Bailey), A bill to be entitled An Act relating to the creation of the Aldine Community Improvement District; authorizing the issuance of bonds and the imposition of taxes.

HB 2911 (by Naishtat), A bill to be entitled An Act relating to venue in certain actions regarding intermediate care facilities for the mentally retarded.

Consideration of **HB 2911** was deferred until the end of the calendar today.

HB 2969 (by Averitt), A bill to be entitled An Act relating to small and large employer health plan certification, discontinuance, and dependent participation requirements.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 21).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

CSHB 2987 (by Puente and T. King), A bill to be entitled An Act relating to modification of district lines for the election of directors for the Edwards Aquifer Authority.

Representative T. King moved to postpone consideration of **HB 2987** until 10 a.m. Wednesday, May 5.

The motion prevailed without objection.

CSHB 3020 (by Smithee), A bill to be entitled An Act relating to the withdrawal from operations by a health maintenance organization.

HB 3034 (by Oliveira), A bill to be entitled An Act relating to property tax abatement agreements.

SB 1545 (Hunter - House Sponsor), in lieu of **HB 3047**, A bill to be

entitled An Act relating to burials in the State Cemetery. (Hartnett recorded voting no)

Representative Hunter moved to lay **HB 3047** on the table subject to call.

The motion prevailed without objection.

HB 3083 (by Telford), A bill to be entitled An Act relating to the regulation of physicians.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilderbran, Representative Telford offered the following committee amendment to **HB 3083**:

Amend **HB 3083** as follows:

(1) On page 2, line 10, after who and before orders, insert the following: is the treating physician of a patient and

Amendment No. 1 was adopted without objection.

CSHB 3093 (by Gutierrez), A bill to be entitled An Act relating to general standing to file a suit affecting the parent-child relationship.

HB 3161 (by Dunnam and McClendon), A bill to be entitled An Act relating to disposition of public property in a readjustment zone.

HB 3185 (by Gray), A bill to be entitled An Act relating to the assistance a county may provide another governmental entity for a construction project.

CSHB 3197 (by Ramsay), A bill to be entitled An Act relating to the appraisal and ad valorem taxation of retail manufactured housing inventory.

HB 3207 (by Ramsay), A bill to be entitled An Act relating to the requirement for insurance coverage for district clerks.

HB 3211 (by McCall), A bill to be entitled An Act relating to state fiscal matters, including the printing and cancellation of certain warrants, consulting services, payroll deductions for savings bond purchases, advance payments, the collection of debts to the state, the collection of delinquent taxes, and the methods used by state agencies to make and receive payments.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Craddick, Representative Krusee offered the following committee amendment to **HB 3211**:

Amend **HB 3211** as follows:

(1) On page 4, lines 16 and 17, strike "those funds" and substitute "the money".

(2) On page 5, strike line 16 and substitute "making a payment to a person also is prohibited from paying any part of that payment to:".

(3) On page 10, line 19, strike "compensation to" and substitute "the compensation of".

(4) On page 10, line 21, strike "remuneration to" and substitute "the remuneration of".

(5) On page 17, line 23, strike "compensation to" and substitute "the compensation of".

(6) On page 17, line 24, strike “remuneration to” and substitute “the remuneration of”.

(7) On page 19, lines 14 and 15, strike “those funds” and substitute “the money”.

(8) On page 33, line 9, strike “state agency to which” and substitute “person that [state agency to which]”.

(9) On page 34, strike lines 9 and 10 and substitute:

(c) A state agency that Subsection (a) prohibits from making a payment to a person also is prohibited from paying any part of that payment to:

(10) On page 34, line 24, strike “compensation to” and substitute “the compensation of”.

(11) On page 34, line 25, strike “remuneration to” and substitute “the remuneration of”.

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Y. Davis, Representative Krusee offered the following amendment to **HB 3211**:

- Amend **HB 3211** (House committee printing) as follows:

(1) On page 13, line 15, between “CREDIT” and “AND”, insert “, CHARGE.”.

(2) On page 13, line 16, between “credit” and “and”, insert “, charge.”.

(3) On page 13, line 19, between “credit” and “or”, insert “, charge.”.

(4) On page 13, line 22, strike “credit” and substitute “credit, charge.”.

(5) On page 13, line 26, between “credit” and “or”, insert “, charge.”.

(6) On page 14, line 2, between “credit” and “cards”, insert “or charge”.

(7) On page 14, line 4, between “credit” and “cards”, insert “or charge”.

(8) On page 14, line 7, between “credit” and “cards”, insert “or charge”.

(9) On page 14, line 10, between “credit” and “cards”, insert “or charge”.

(10) On page 14, line 14, between “credit” and “card”, insert “or charge”.

(11) On page 14, line 17, between “credit” and “cards”, insert “or charge”.

(12) On page 14, line 21, between “of” and “debit” insert “charge or”.

(13) On page 14, line 25, between “credit” and “or”, insert “, charge.”.

Amendment No. 2 was adopted without objection.

CSHB 3252 (by Gray), A bill to be entitled An Act relating to the use of the hotel tax in certain municipalities.

Representative Gray moved to postpone consideration of **CSHB 3252** until 10 a.m. Thursday, May 6.

The motion prevailed without objection.

HB 3263 (by Uher, et al.), A bill to be entitled An Act relating to the election of the governing board of certain junior college districts.

SB 1594 (Cook - House Sponsor), in lieu of **HB 3303**, A bill to be entitled An Act relating to assistance to small businesses regulated by the Texas Natural Resource Conservation Commission through its regulatory flexibility programs.

Representative Cook moved to lay **HB 3303** on the table subject to call.

The motion prevailed without objection.

HB 3305 (by Thompson), A bill to be entitled An Act relating to money paid into the registry of courts in certain populous counties.

Representative Thompson moved to postpone consideration of **HB 3305** until 10 a.m. Thursday, May 6.

The motion prevailed without objection.

HB 3307 (by Thompson), A bill to be entitled An Act relating to applications for coverage under the market assistance program operated by the Texas Department of Insurance.

Representative Thompson moved to postpone consideration of **HB 3307** until 10 a.m. Thursday, May 6.

The motion prevailed without objection.

HB 3463 (by Alexander), A bill to be entitled An Act relating to the dissolution of the Cedar Creek Hospital District.

CSHB 3477 (by Hartnett), A bill to be entitled An Act relating to the qualification of a foreign personal representative of an estate involved in a wrongful death or survival action.

CSHB 3481 (by T. King), A bill to be entitled An Act relating to the board of directors and the validation of certain acts of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1. (Howard recorded voting no)

CSHB 3499 (by Puente), A bill to be entitled An Act relating to associate judges appointed by the district courts of Bexar County.

CSHB 3531 (by Coleman), A bill to be entitled An Act relating to membership and credit in and benefits and administration of retirement systems for officers and employees of certain municipalities.

CSHB 3543 (by Hodge), A bill to be entitled An Act relating to competitive bidding by certain mass transit authorities.

SB 1585 (Isett - House Sponsor), in lieu of **CSHB 3681**, A bill to be entitled An Act relating to the use of competitive bidding for certain functions and components of the Medicaid vendor drug program.

Representative Isett moved to lay **HB 3681** on the table subject to call.

The motion prevailed without objection.

CSHB 3779 (by Luna, Seaman, and Capelo), A bill to be entitled An Act relating to the powers and duties of the district attorney for the 105th Judicial District.

CSHB 3780 (by Luna, Seaman, and Capelo), A bill to be entitled An Act relating to the creation of a county court at law in Nueces County and to the probate jurisdiction of the county courts at law in Nueces County.

HB 3807 (by Uher), A bill to be entitled An Act relating to the creation of a statutory county court in Matagorda County.

HB 3822 (by Telford), A bill to be entitled An Act relating to the creation of the County Court at Law of Bowie County.

HB 2911 (by Naishtat), A bill to be entitled An Act relating to venue in certain actions regarding intermediate care facilities for the mentally retarded.

HB 2911 was on the calendar earlier today and was deferred until this time.

Representative Naishtat moved to postpone consideration of **HB 2911** until 10 a.m. Thursday, May 6.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, on adjournment today, Desk 24, for a formal meeting.

ADJOURNMENT

Representative Smithee moved that the house adjourn until 10:55 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:44 a.m., adjourned until 10:55 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 39

HB 251, HB 677, HB 688, HB 1303, HB 1304, HB 1503, HB 1610

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, April 30, 1999

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 185 Barrientos

Relating to certain permissible conditions of placement on deferred disposition for offenses involving the use of alcohol, a controlled substance, or drugs.

SB 358 Madla

Relating to the continuation and functions of the Texas Department of Mental Health and Mental Retardation.

SB 374 Zaffirini

Relating to the provision of certain long-term care services, to the continuation and functions of the Texas Department on Aging, and to the eventual consolidation of the Texas Department of Human Services and the Texas Department on Aging into a new agency on aging and disability services.

SB 430 Barrientos

Relating to the punishment for certain Class C habitual offenders.

SB 576 Armbrister

Relating to the reporting of public school class size.

SB 655 Madla

Relating to the creation of a defense base development authority; validating certain acts of a defense base development corporation; granting the right to issue bonds.

SB 739 Armbrister

Relating to the regulation of bail bondsmen; providing a criminal penalty.

SB 1089 Duncan

Relating to the investment of debt service funds by school districts, junior college districts, and community college districts.

SB 1154 Bernsen

Relating to the establishment of regional development agreements between certain municipalities and special districts.

SB 1213 Whitmire

Relating to disciplinary options available to a teacher under a school district's student code of conduct and to including discipline strategies as part of school district staff development.

SB 1276 Wentworth

Relating to a misdemeanor's liability for the cost of confinement in a county jail.

SB 1388 Shapleigh

Relating to management of property recovered in a suit for the benefit of a minor or incapacitated person.

SB 1561 Barrientos
Relating to students who drop out of public school.

Respectfully,

Betty King
Secretary of the Senate

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY — FRIDAY, APRIL 30, 1999

The house met at 10:55 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 187).

Present — Mr. Speaker; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Oliveira; Woolley.

Absent — Wise.

LEAVES OF ABSENCE GRANTED

On motion of Representative Y. Davis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Y. Davis moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Y. Davis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local,

consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 82

HB 548

HB 1051

HB 1475 (Hartnett - no)

SB 1545 (Hartnett - no)

HB 1697

HB 1752

HB 1861

HB 1924

HB 2013

HB 2220

HB 2265

HB 2359

HB 2594

HB 2711

HB 2800

HB 2835

HB 2856

HB 2969

HB 3020

HB 3034

HB 3083

HB 3197

HB 3263

HB 3499

HB 3531

SB 1585

HB 3779

HB 3780

HB 3822

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Nixon on motion of Denny.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 188): 138 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Woolley.

Absent — Edwards; Wise.

HB 1368 (138-0-2)

HB 1655 (138-0-2)

SB 801 (138-0-2)

HB 1733 (138-0-2)

HB 1797 (138-0-2)
HB 1854 (138-0-2)
HB 1907 (138-0-2)
HB 2034 (138-0-2)
HB 1746 (Berman, Culberson, and Howard - no) (135-3-2)
SB 401 (138-0-2)
HB 2538 (138-0-2)
HB 2891 (138-0-2)
HB 3093 (138-0-2)
HB 3161 (138-0-2)
HB 3185 (138-0-2)
HB 3207 (138-0-2)
HB 3211 (138-0-2)
HB 3463 (138-0-2)
HB 3477 (138-0-2)
HB 3481 (Howard - no) (137-1-2)
HB 3543 (138-0-2)
HB 3807 (138-0-2)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**PROVIDING FOR A LOCAL, CONSENT, AND
RESOLUTIONS CALENDAR**

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Tuesday, May 4.

The motion prevailed without objection.

HB 3851 - PERMISSION TO INTRODUCE

Representative Christian requested permission to introduce and have placed on first reading **HB 3851**.

A record vote was requested.

Permission to introduce was granted by (Record 189): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Woolley.

Absent — Alvarado; Bosse; Davis, Y.; Edwards; Jones, J.; Luna; Naishtat; Smith; Turner, S.; Wise.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1758 ON SECOND READING (by Allen)

HB 1758, A bill to be entitled An Act relating to the creation of a sex offender compliance unit in the Texas Department of Public Safety.

HB 1758 was read second time on April 23 and was postponed until 10 a.m. today.

Representative Allen moved to postpone consideration of **HB 1758** until 10 a.m. Friday, May 7.

The motion prevailed without objection.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS THIRD READING

The following resolutions were laid before the house and read third time:

HJR 85 ON THIRD READING (by Merritt)

HJR 85, A joint resolution proposing a constitutional amendment to provide that a railroad commissioner is ineligible to become a candidate for another public office during the term for which the railroad commissioner is elected or appointed.

Amendment No. 1

Representative Swinford offered the following amendment to **HJR 85**:

Amend **HJR 85** on third reading as follows:

(1) In SECTION 1 of the resolution, in amended Section 30(b), Article XVI, Texas Constitution, strike all the underlined language and substitute the following:

A Commissioner who, during the term for which the Commissioner is elected or appointed, announces candidacy or in fact becomes a candidate in any general, special, or primary election for any other office of profit or trust under the laws of this State or the United States is considered to have resigned the office of Railroad Commissioner. The vacancy created by the automatic resignation shall be filled as provided by this section.

(2) Strike SECTION 2 of the resolution and substitute the following:

SECTION . This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to provide for the automatic resignation of a railroad commissioner who during the term for which the railroad commissioner is elected or appointed becomes a candidate for another public office."

Representative Hilderbran moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted.

Representative Merritt moved to postpone consideration of **HJR 85** until 10 a.m. Monday, May 3.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Smithee on motion of McCall.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 598 ON THIRD READING (McCall, Bosse, Pitts, Wohlgemuth, and Junell - House Sponsors)

SB 598, A bill to be entitled An Act relating to actions regarding certain computer date failures.

A record vote was requested.

SB 598 was passed by (Record 190): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian;

Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Smithee; Woolley.

Absent — Davis, J.; Gutierrez; Wise.

SB 254 ON THIRD READING
(Van de Putte - House Sponsor)

SB 254, A bill to be entitled An Act relating to the authority of the director of the Texas Department of Public Safety to permit the use of triplicate or single prescription forms under the Texas Controlled Substances Act.

SB 254 was passed.

SB 494 ON THIRD READING
(Goolsby - House Sponsor)

SB 494, A bill to be entitled An Act relating to preserving the history and heritage of the state by establishing the Bob Bullock Texas State History Museum and by prescribing certain operations, powers, and duties of the State Preservation Board.

A record vote was requested.

SB 494 was passed by (Record 191): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg;

Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Smithee; Woolley.

Absent — Krusee; Wise.

SB 448 ON THIRD READING
(Hawley and Walker - House Sponsors)

SB 448, A bill to be entitled An Act relating to the boll weevil eradication program.

A record vote was requested.

SB 448 was passed by (Record 192): 135 Yeas, 0 Nays, 2 Present, not

Yeas — Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Smithee; Woolley.

Absent — Bailey; Chavez; Gutierrez; Wise.

STATEMENT OF VOTE

When Record No. 192 was taken, I was in the house but away from my desk. I would have voted yes.

Bailey

SB 691 ON THIRD READING
(Pitts, Greenberg, McReynolds, et al. - House Sponsors)

SB 691, A bill to be entitled An Act relating to the financing and administration of a program for public library development.

(Smithee now present)

SB 691 was passed.

SB 1252 ON THIRD READING
(McClendon - House Sponsor)

SB 1252, A bill to be entitled An Act relating to broadcasting public meetings over the Internet.

SB 1252 was passed.

SB 445 ON THIRD READING
(Gray, Averitt, Coleman, Glaze, Maxey, et al. - House Sponsors)

SB 445, A bill to be entitled An Act relating to a child health plan for certain low-income children.

Amendment No. 1

Representative Gray offered the following amendment to **SB 445**:

Amend **SB 445** on third reading as follows:

(1) In SECTION 1, in added Chapter 63, Health and Safety Code, insert a new Section 63.002, to read as follows:

Sec. 63.002. NOT AN ENTITLEMENT. This chapter does not establish an entitlement to assistance in obtaining health benefits for a child.

(2) In SECTION 1, in added Chapter 63, Health and Safety Code, renumber existing Sections 63.002-63.006 as Sections 63.003-63.007 and renumber cross-references appropriately.

(3) In SECTION 9, renumber the cross-reference to Section 63.002, Health and Safety Code, appropriately.

Amendment No. 1 was adopted without objection.

SB 445, as amended, was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bills were laid before the house and read third time:

HB 3333 ON THIRD READING
(by Tillery)

HB 3333, A bill to be entitled An Act relating to certain duties of local workforce development boards in connection with the provision of child care.

HB 3333 was passed. (Berman recorded voting no)

HB 3081 ON THIRD READING
(by Telford)

HB 3081, A bill to be entitled An Act relating to the seizure of a work of fine art.

HB 3081 was passed.

SB 445 - VOTE RECONSIDERED

Representative Gray moved to reconsider the vote by which **SB 445** was passed.

The motion to reconsider prevailed.

A record vote was requested.

SB 445 was passed by (Record 193): 123 Yeas, 14 Nays, 4 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Craddick; Cuellar; Culberson; Danburg; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hunter; Hupp; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Berman; Corte; Crabb; Davis, J.; Denny; George; Green; Grusendorf; Heflin; Howard; Isett; Shields; Talton; Williams.

Present, not voting — Mr. Speaker; Farrar; Truitt; Uher(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Oliveira; Woolley.

Absent — Wise.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 193. I intended to vote yes.

Farrar

(Speaker in the chair)

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 1910 ON SECOND READING
(by Chisum)**

CSHB 1910, A bill to be entitled An Act relating to the disposal or assured isolation of low-level radioactive waste.

Representative Chisum moved to postpone consideration of **CSHB 1910** until the end of the calendar today.

The motion prevailed without objection.

**CSHB 3125 ON SECOND READING
(by Chisum)**

CSHB 3125, A bill to be entitled An Act relating to the management of vehicles owned by the state.

Amendment No. 1

Representative Howard offered the following amendment to **CSHB 3125**:

Amend **HB 3125** by adding the following appropriately numbered sections and renumbering the sections of the bill as appropriate:

SECTION _____. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1805 to read as follows:

Sec. 502.1805. DISPLAY OF LICENSE PLATES ON STATE VEHICLES.
a motor vehicle owned by the state may display only one license plate that is attached at the rear of the vehicle.

SECTION _____. Section 502.404(d), Transportation Code, is amended to read as follows:

(d) Subsections (a) and (b) do not apply to a dealer operating a vehicle as provided by law or a vehicle owned by the state.

Representative Counts raised a point of order against further consideration of Amendment No. 1 by Howard under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 failed of adoption.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 3125**:

Amend **CSHB 3125** on page 3, line 16, by striking "January 31, 2001" and substituting "May 31, 2000".

Amendment No. 2 was adopted without objection.

Amendment No. 3

On behalf of Representative Gallego, Representative Chisum offered the following amendment to **CSHB 3125**:

Amend **CSHB 3125** as follows:

(1) on page 1, line 18, between "2171.104" and "and", insert ", 2171.1045,"

(2) on page 2, between lines 26-27, insert the following:

Sec. 2171.1045. RESTRICTIONS ON ASSIGNMENT OF VEHICLES. Each state agency shall adopt rules, consistent with the management plan adopted under Section 2171.104, relating to the assignment and use of the agency's vehicles. The rules must require that:

(1) each agency vehicle, with the exception of a vehicle assigned to a field employee, be assigned to the agency motor pool and be available for checkout; and

(2) an agency may assign a vehicle to an individual administrative or executive employee on a regular or everyday basis only if the agency make a written documented finding that the assignment is critical to the needs and mission of the agency.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative D. Jones offered the following amendment to **CSHB 3125**:

Amend **CSHB 3125** on page 3, line 6, between "purposes" and the period, by inserting "or for performing crash tests or related research".

Amendment No. 4 was adopted without objection.

CSHB 3125, as amended, was passed to engrossment.

HB 1056 ON SECOND READING (by Dutton)

HB 1056, A bill to be entitled An Act relating to the authority of a member of the governing board of a public university system or institution of higher education.

HB 1056 was passed to engrossment.

HB 3104 ON SECOND READING (by Merritt)

HB 3104, A bill to be entitled An Act relating to the ineligibility of a railroad commissioner to become a candidate for another public office.

Representative Merritt moved to postpone consideration of **HB 3104** until 10 a.m. Friday, May 7.

The motion prevailed without objection.

CSHB 1184 ON SECOND READING (by Hilbert)

CSHB 1184, A bill to be entitled An Act relating to the regulation of staff leasing services.

CSHB 1184 was passed to engrossment.

CSHB 3739 ON SECOND READING
(by Greenberg)

CSHB 3739, A bill to be entitled An Act relating to ethics requirements in regard to management and investment of the permanent school fund.

CSHB 3739 was passed to engrossment.

CSHB 2581 ON SECOND READING
(by Eiland)

CSHB 2581, A bill to be entitled An Act relating to appeals of certain interlocutory orders.

Representative Janek moved to postpone consideration of **CSHB 2581** until 10 a.m. Monday, May 3.

The motion prevailed without objection.

CSHB 19 ON SECOND READING
(by Goolsby, et al.)

CSHB 19, A bill to be entitled An Act relating to the denial of a motor vehicle registration for failure to pay municipal parking fines.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Coleman on motion of Dunnam.

West on motion of Dunnam.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**.

Junell on motion of Dunnam.

Gallego on motion of Dunnam.

Heflin on motion of Dunnam.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Noriega on motion of Keel.

CSHB 19 - (consideration continued)

A record vote was requested.

CSHB 19 failed to pass to engrossment by (Record 194): 52 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Averitt; Bailey; Berman; Bonnen; Brimer; Burnam; Chavez; Christian; Cook; Counts; Cuellar; Davis, J.; Deshotel; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Glaze; Goodman; Goolsby; Greenberg; Gutierrez; Haggerty; Hartnett; Hilbert; Hunter; Janek; Keffer; King, P.; Kuempel; Lengfeld; Luna; Marchant; Maxey; McClendon; Merritt; Morrison; Najera;

Pitts; Rangel; Ritter; Salinas; Seaman; Solis, J.; Solis, J. F.; Staples; Telford; Tillery; Uresti; Van de Putte; Zbranek.

Nays — Allen; Alvarado; Bosse; Brown, B.; Carter; Chisum; Clark; Corte; Crabb; Craddick; Culberson; Danburg; Davis, Y.; Delisi; Denny; Dutton; Elkins; Ellis; Farabee; Farrar; Garcia; George; Gray; Green; Grusendorf; Hamric; Hardcastle; Hawley; Hilderbran; Hill; Hochberg; Hodge; Hope; Howard; Hupp; Isett; Jones, J.; Keel; King, T.; Krusee; Lewis, G.; Longoria; Madden; McCall; McReynolds; Moreno, J.; Mowery; Naishtat; Olivo; Palmer; Pickett; Puente; Ramsay; Reyna, A.; Reyna, E.; Sadler; Shields; Siebert; Smith; Solomons; Swinford; Talton; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Walker; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Noriega; Oliveira; Woolley.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Capelo; Driver; Flores; Giddings; Hinojosa; Jones, D.; Lewis, R.; Moreno, P.; Smithee; Wise.

STATEMENTS OF VOTE

When Record No. 194 was taken, I was in the house but away from my desk. I would have voted no.

Hinojosa

I was shown voting yes on Record No. 194. I intended to vote no.

Cuellar

CSHB 3493 ON SECOND READING

(by **Dunnam**)

CSHB 3493, A bill to be entitled An Act relating to certain insurance carrier information required in workers' compensation proceedings.

CSHB 3493 was passed to engrossment.

HB 3497 ON SECOND READING

(by **Dunnam**)

HB 3497, A bill to be entitled An Act relating to certain requirements for the appeal of a hearing officer's decision in a workers' compensation proceeding.

HB 3497 was passed to engrossment.

CSHB 485 ON SECOND READING

(by **Hill, Clark, et al.**)

CSHB 485, A bill to be entitled An Act relating to the presumed validity of a municipal act or proceeding.

Amendment No. 1

Representative Hilbert offered the following amendment to **CSHB 485**:

Amend Sec. 51.003(a)(1) and (a)(2) by striking existing language and replacing it with the following:

Sec. 51.003(a)(1) "the third anniversary of the effective date of the act or proceeding has expired; and"

Sec. 51.003(a)(2) "a lawsuit to annul or invalidate the act or proceeding has not been filed on or before that first anniversary."

Amendment No. 2

Representative Bailey offered the following amendment to Amendment No. 1:

Amend the Hilbert amendment to **CSHB 485** by striking "a lawsuit to annul or invalidate the act or proceeding has not been filed on or before that first anniversary" and substitute "a lawsuit to annul or invalidate the act or proceeding has not been filed on or before that third anniversary".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representatives Crabb and Keel offered the following amendment to **CSHB 485**:

Amend **CSHB 485** by adding the following appropriately numbered section and by renumbering the remaining sections as appropriate:

SECTION _____. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.004 to read as follows:

Sec. 51.004. VALIDATION OF CERTAIN ANNEXATIONS. (a) This section applies only to a tract of contiguous territory:

(1) that is purportedly annexed on or after December 1, 1997, by a municipality with a population of more than 1.6 million; and

(2) in which an election approving the annexation has not been held.

(b) The annexation of territory to which this section applies is validated, but only if a majority of the voters residing in the the territory voting at an election held for that purpose approve the validation of the annexation.

(c) The county in which the tract is located shall hold an election on the validation of the annexation of the tract by the municipality. The county judge shall order the election to be held on the first uniform election date that occurs at least 45 days after the effective date of this section.

(d) Only a registered voter residing in the tract may vote in the election. The municipality that purportedly annexed the tract shall pay for the cost of holding the election.

(e) At the election the ballots shall be prepared to permit voting for or against the following proposition: "The validation of the annexation of (name of tract) by the City of (name of city)." The county shall designate the name of the tract based on a name commonly used in the region to identify the

tract.

(f) If a majority of the votes cast at the election favor the proposition, the annexation is validated, the tract remains a part of the municipality, and another election regarding the validation of the annexation of the tract may not be held under this section.

(g) If less than a majority of the votes cast at the election favor the proposition, the annexation and any municipal utility district or other special district that served the traction on the date of the attempted annexation and that was abolished as a result of the annexation is reestablished on the date of the canvass of the election. The officers of a reestablished district who were serving on the date the tract was attempted to be annexed are the officers of the reestablished district. If an officer's term has expired, the officer shall serve until the officer's successor is qualified, and a successor shall be elected or appointed in a timely manner in accordance with the law governing the district.

(h) The municipality may not reannex any portion of a tract the annexation of which is invalidated under this section unless the reannexation is approved at an election conducted by the municipality in the area to be annexed. The reannexation may not occur unless a majority of the votes cast in the area approve the reannexation.

(i) Not later than the 10th day after the date an annexation is invalidated under this section, an arbitration panel shall be appointed. The panel is composed of:

(1) one person chosen by the municipality;

(2) one person chosen by the affirmation vote of a representative of each municipal utility or other special district serving the tract that was the subject of the election; and

(3) one person chosen jointly by the persons chosen under Subdivisions (1) and (2), or if an agreement cannot be reached on a choice, one person appointed by the county judge of the county in which the tract is located.

(j) The arbitration panel shall conduct an accounting of all expenses the municipality and each municipal utility district and other special district incurred during and immediately after the period of purported annexation, including an accounting of the assets and obligations of the special districts at the time of the purported annexation and the capital expenditures of the municipality on behalf of the tract during the time the tract was purportedly a part of the municipality. Not later than the 120th day after the date of the election, the arbitration panel shall render a decision on whether the municipality or special districts are entitled to compensation from the other.

(k) A decision of the arbitration panel is reviewable in the district court of the county under the substantial evidence rule. If the arbitrators are unable to reach a majority decision, the municipality or an affected district may file an original action for an accounting under Subsection (j) in the district court of the county in which the tract is located.

(1) Except as provided by this section, Chapter 171, Civil Practice and Remedies Code, applies to an arbitration under this section.

(m) In this section, a tract of land is considered to be located in the

county in which a majority of the area of the tract is located.

(n) If the tract is located in more than one county the county judge of each county in which the tract is located shall, under Subsection (e), call an election to be held in the part of the tract that is located in the county in which the county judge serves.

(o) If an election is called under Subsection (n) in more than one county, the county judge of the county in which a majority of the area of the tract is located shall, after the election returns to determine if the annexation of the tract is validated in the tract as a whole.

Representative Danburg raised a point of order against further consideration of Amendment No. 3 by Crabb and Keel under Rule 11, Section 3 of the House Rules and Article III, Section 30 of the Texas Constitution on the grounds that the amendment changes the original purpose of the bill.

The speaker sustained the point of order, speaking as follows:

CSHB 485 is a general validating act for municipal actions that occurred before a certain date. The amendment would establish a process by which certain municipal actions may be invalidated by a local vote. As a result, the purpose of the amendment is opposite to the purpose of the bill and would change the bill's original purpose.

Accordingly, the point of order is well-taken and sustained.

The ruling on the point of order precluded further consideration of the amendment.

CSHB 485, as amended, was passed to engrossment.

SB 1155 ON SECOND READING
(Marchant - House Sponsor)

SB 1155, A bill to be entitled An Act relating to the allocation and reservation system for certain tax-exempt private activity bonds.

SB 1155 was considered in lieu of **HB 3511**.

Amendment No. 1

Representative Ehrhardt offered the following amendment to **SB 1155**:

Amend **SB 1155** as follows:

(1) by adding the following appropriately numbered sections and renumbering the remaining sections of the bill accordingly:

SECTION _____. Sections 2 (b) and (e), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Prior to August 5 [~~September 1~~], (1) 25 [~~31.5~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified mortgage bonds, (2) 11 [~~13~~] percent of the state ceiling is available exclusively for reservations by issuers of state-voted issues for the purpose of issuing a state-voted issue, (3) 7.5 percent of the state ceiling is available exclusively for reservations by issuers of qualified small issue bonds and tax-

exempt enterprise zone facility bonds, (4) 16.5 [~~7.5~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified residential rental project issues; (5) 10.5 [~~4~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified student loan bonds authorized by Section 53.47, Education Code; and (6) 29.5 percent of the state ceiling is available exclusively for reservations by all other issuers of bonds requiring an allocation.

(e) On and after August 15 but before September 1, that portion of the state ceiling available for reservations shall become available for qualified residential rental project issues in the manner described by Section 3 (h) of this Act. On and after September 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation, subject to the provisions of Section 3 of this Act.

SECTION _____. Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (article 5190.9a, Vernon's Texas Civil Statutes), is amended by adding Subsections (h) and (i) to read as follows:

(h) First priority for any reservations by issuers of qualified residential rental project issues is given to projects in which 100 percent of the residential units in the projects are under the restriction that the maximum allowable rents are 30 percent of 50 percent of the area median family income minus an allowance for utility costs authorized under the federal low-income housing tax credit program. Second priority is given to projects in which 100 percent of the residential units in the projects are under the restriction that the maximum allowable rents are 30 percent of 60 percent of the area median family income minus an allowance for utility costs authorized under the federal low-income housing tax credit program. Third priority is given to any other qualified residential rental project.

(i) The board may not reserve a portion of the state ceiling for a first or second priority project described by Subsection (h) of this section unless the board receives evidence that an application has been filed with the Texas Department of Housing and Community Affairs for the low-income housing tax credit that is available for multifamily transactions that are at least 51 percent financed by tax-exempt private activity bonds.

SECTION _____. Section 7 (d), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) Not later than the fifth business day after the day on which the bonds are closed, the issuer shall submit to the board:

(1) a written notice stating the delivery date of the bonds and the principal amount of the bonds issued; ~~and~~

(2) if the project is a first or second priority project described by Section 3(h) of this Act, evidence from the Texas Department of Housing and Community Affairs that an award of low-income housing tax credits has been approved for the project; and

(3) a certified copy of the document authorizing the bonds and other documents relating to the issuance of the bonds, including a statement of the bond's ~~bonds~~:

(A) principal amount;

(B) interest rate or formula by which the interest rate is

calculated;

(C) maturity schedule; and

(D) purchaser or purchasers.

(2) on page 3, strike line 16 and substitute the following:

"(b) Section 2 of this Act and the sections of this Act amending Sections 2 (b) and (e), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), and Section 7 (d), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), take effect January 1, 2000."

Amendment No. 1 was adopted without objection.

SB 1155, as amended, was passed to third reading.

HB 3511 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marchant moved to lay **HB 3511** on the table subject to call.

The motion prevailed without objection.

HB 3525 ON SECOND READING
(by Coleman and McClendon)

HB 3525, A bill to be entitled An Act relating to the continued independence of Texas Southern University.

Representative Y. Davis moved to postpone consideration of **HB 3525** until 4 p.m. Monday, May 3.

The motion prevailed without objection.

CSHB 3159 ON SECOND READING
(by Oliveira)

CSHB 3159, A bill to be entitled An Act relating to the application of the diesel fuel tax to diesel fuel used in certain passenger commercial motor vehicles.

Representative Y. Davis moved to postpone consideration of **CSHB 3159** until 2 p.m. Monday, May 3.

The motion prevailed without objection.

CSHB 814 ON SECOND READING
(by J. Jones)

CSHB 814, A bill to be entitled An Act relating to public notification of an application for a pawnshop license.

Amendment No. 1

Representative B. Turner offered the following amendment to **CSHB 814**:

Amend **HB 814** on page 1, by striking line 7, and substituting the following:

Sec. 371.0571. APPLICATION NOTICE TO PUBLIC OFFICIALS IN CERTAIN COUNTIES. If an application is for a pawnshop that will be located in a county with a population of more than 50,000, the

Amendment No. 1 was adopted without objection.

CSHB 814, as amended, was passed to engrossment.

HB 1997 ON SECOND READING
(by Palmer)

HB 1997, A bill to be entitled An Act relating to installation, repair, or removal of certain vent hoods.

HB 1997 was passed to engrossment.

HB 2004 ON SECOND READING
(by Pickett, J. Solis, and Cuellar)

HB 2004, A bill to be entitled An Act relating to authorizing the Texas Department of Transportation to lease equipment to counties for the automated motor vehicle registration and title system.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 2004**:

Amend **HB 2004** as follows:

(1) On page 1, line 10, strike the words "county" and replace with the words "commissioners court of that county".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pickett offered the following amendment to **HB 2004**:

Amend **HB 2004** on page 1 as follows:

(1) On line 8, strike "LEASE OF COMPUTER EQUIPMENT. (a)" and substitute:

LEASE OF ADDITIONAL COMPUTER EQUIPMENT. (a) This section applies only to the lease of equipment to a county for the operation of the automated registration and title system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department.

(b)

(2) On line 11, between "leases" and "equipment" insert "additional".

(3) On line 14, strike "(b)" and substitute "(c)".

(4) On line 16, strike "(c)" and substitute "(d)".

(5) On line 20, strike "(d)" and substitute "(e)".

(6) On line 22, between "the" and "equipment" insert "additional".

Amendment No. 2 was adopted without objection.

HB 2004, as amended, was passed to engrossment.

**CSHB 1826 ON SECOND READING
(by Hochberg)**

CSHB 1826, A bill to be entitled An Act relating to supplemental income benefits under the workers' compensation system.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) On page 1, line 14, between "improved" and the period, insert "sufficiently to allow the employee to return to work".

(2) On page 1, line 16, between "improved" and the comma, insert "sufficiently to allow the employee to return to work".

(3) On page 1, line 21, between "improved" and "on", insert "sufficiently to allow the employee to return to work".

Amendment No. 1 was adopted without objection.

CSHB 1826, as amended, was passed to engrossment.

**HB 946 ON SECOND READING
(by Farrar)**

HB 946, A bill to be entitled An Act relating to a prohibition of the waiver of certain employment benefits by the acceptance of the payment of wages; providing a penalty.

HB 946 was passed to engrossment.

**HB 450 ON SECOND READING
(by Pitts)**

HB 450, A bill to be entitled An Act relating to disconnection of a telephone call made by an automated dial announcing device.

HB 450 was passed to engrossment.

**HB 442 ON SECOND READING
(by Madden)**

HB 442, A bill to be entitled An Act relating to the procedures for write-in candidates in an election of a junior college district.

HB 442 was passed to engrossment.

**CSHB 3693 ON SECOND READING
(by Hunter)**

CSHB 3693, A bill to be entitled An Act relating to certification under the state Medicaid program of nursing home beds in certain nursing facilities.

CSHB 3693 was passed to engrossment.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1910 ON SECOND READING
(by Chisum)

CSHB 1910, A bill to be entitled An Act relating to the disposal or assured isolation of low-level radioactive waste.

CSHB 1910 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Walker offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 9, line 9, after the period, add the following:

The authority may contract with a private entity for use of that entity's site for disposal or assured isolation of low-level waste.

(c) Notwithstanding any other provision of law, a private entity may be licensed by the commission for the disposal of low-level waste.

(2) On page 30, between lines 10 and 11, insert the following:

(c) The acceptance of low-level waste generated by an agency of the federal government at a site owned by a private entity does not create any liability on the part of the state or any agency or officer of the state for damages, removal, or remedial action with respect to the land, the facility, or the accepted waste.

Representative Chisum raised a point of order against further consideration of Amendment No. 1 by Walker under Rule 11, Section 3 of the House Rules and Article III, Section 30 of the Texas Constitution on the grounds that the amendment changes the original purpose of the bill.

The speaker sustained the point of order, speaking as follows:

A primary purpose on the face of **HB 1910** is to prohibit the licensing of private entities for disposal of low level waste; the primary purpose of the amendment is to expressly permit the licensing of a private entity. The purpose of the amendment is therefore a direct opposite of the original purpose of the bill, which violates Article III, Section 30, Texas Constitution. (See 75 H.J. Reg. 3773 (1997).)

Accordingly, the point of order is well-taken and sustained.

The ruling on the point of order precluded further consideration of the amendment.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** on page 24, between lines 16 and 17, by adding a new Subsection (c) to read as follows:

(c) Underground disposal may be considered for the management of low-level radioactive waste received from the Compact states only if assured isolation is found not to be feasible.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 3, between lines 18 and 19, insert new Subdivision (10) to read as follows and appropriately renumber subsequent subdivisions:

(10) "Major amendment" means an amendment to any license for the storage, processing, assured isolation, or disposal of low-level radioactive waste that:

(A) significantly changes the design or scope of operation of the facility; or

(B) authorizes an increase in the volume or total radioactivity of the low-level radioactive waste.

(2) On page 24, between lines 1 and 2, insert new Subsection (e) to read as follows:

(e) Before the department or commission, within its jurisdiction, grants, renews, or makes a major amendment to a license for low-level radioactive waste, the department shall give notice and shall provide an opportunity for a public hearing in the manner provided by the agency's formal hearing procedure, Sections 401.114(b) and (c), and Chapter 2001, Government Code. Notice and opportunity for a hearing for all other amendments to a license for low-level radioactive waste shall be given in accordance with Section 401.116.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Staples offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 11, line 14, strike "Section 402.0815" and substitute "Sections 402.0815 and 402.0816".

(2) On page 11, between lines 18 and 19, add the following:

Sec. 402.0816. LOCATION OF SITE IN AREAS OF CERTAIN AMOUNT OF ANNUAL RAINFALL PROHIBITED. A low-level radioactive waste disposal or assured isolation site may not be located in an area in which the average annual rainfall is greater than 26 inches.

Amendment No. 4 was adopted without objection.

Amendment No. 5

On behalf of Representative Gallego, Representative Chisum offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 13, between lines 26 and 27, add new Subsection (c) to read as follows:

(c) In choosing a site under this section, the authority may not choose a site within a county in which the majority of the voters voting in a

nonbinding referendum in the county called and held for the purpose do not favor the establishment of a low-level radioactive waste management facility in that county.

(2) On page 13, line 27, strike "(c)" and substitute "(d)".

(3) On page 14, line 4, strike "(d)" and substitute "(e)".

(4) On page 14, line 12, strike "(e)" and substitute "(f)".

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representatives Chavez and Cuellar offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** on page 17, between lines 12 and 13, by adding new Subsection (c) to read as follows:

(c) The board may not select a disposal or assured isolation site that is located within 62 miles of the international boundary between this state and Mexico. A site is located within 62 miles of the international boundary if any point on the site's perimeter is closer than 62 miles to any point on the international boundary.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Puente offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 21, line 26, strike "OR DEPARTMENT".

(2) On page 22, line 1, between "disposal" and "site", insert "or assured isolation".

(3) On page 22, lines 2 and 3, strike all between "chapter" and the period.

(4) On page 22, lines 7 and 8, strike "as required [from the commission]" and substitute "from the commission".

(5) On page 22, line 13, strike "and the department each".

Representative Chisum moved to table Amendment No. 7.

The motion to table was lost.

(Brimer in the chair)

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Culberson offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** on page 32, between lines 26 and 27, by adding a new Subsection (h) to read as follows:

(h) An affected person may bring suit in district court in Travis County or in the county in which the disposal or assured isolation site is located for a declaratory judgment or for injunctive or other equitable relief to enforce Subsection (f). A successful plaintiff is entitled to court costs and reasonable

attorney's fees.

Amendment No. 8 was adopted without objection.

Amendment No. 9

On behalf of Representative Gallego, Representative Chisum offered the following amendment to **CSHB 1910**:

Amend **HB 1910** by adding a new section to the bill, numbered appropriately, to read as follows:

SECTION _____. The General Land Office shall transfer to Sul Ross State University any land that was purchased before the effective date of this Act for a disposal site to be operated under Chapter 402, Health and Safety Code, and for which a person was denied a license to dispose of waste under that chapter at a site located on that land. The university is liable to any taxing entity for property taxes due on the land.

(Speaker in the chair)

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Walker offered the following amendment to **CSHB 1910**:

Amend **CSHB 1910** as follows:

(1) On page 9, line 3, strike "(a)".

(2) On page 9, strike lines 7-9.

(Heflin and Junell now present)

A record vote was requested.

Amendment No. 10 was adopted by (Record 195): 94 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Alvarado; Bonnen; Brown, B.; Capelo; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eiland; Farrar; Flores; Garcia; George; Glaze; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hodge; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Najera; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Siebert; Smith; Solis, J.; Solis, J. F.; Staples; Thompson; Truitt; Turner, B.; Uher; Uresti; Van de Putte; Walker; Williams; Wilson; Wohlgemuth; Wolens.

Nays — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Culberson; Danburg; Dukes; Dunnam; Ehrhardt; Elkins; Ellis; Farabee; Giddings; Gray; Greenberg; Heflin; Hochberg; Luna; Maxey; Naishtat; Olivo; Palmer; Sadler; Shields; Solomons; Swinford; Talton; Telford; Tillery; Turner, S.; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Brown, F.; Crownover; Homer; Jones, C.; Nixon; Noriega; Oliveira; Woolley.

Absent, Excused, Committee Meeting — Coleman; Gallego; West.

Absent — Goodman; Junell; Moreno, P.; Smithee; Wise.

(Gallego now present)

Representative Chisum moved to postpone consideration of **CSHB 1910** until 10 a.m. Thursday, May 6.

The motion prevailed without objection.

HR 802 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 802**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 802, Commending the members and staff of the Union Memorial United Methodist Church Youth Department.

HR 802 was adopted without objection.

RULES SUSPENDED

Representative Walker moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **SB 872** on Monday, May 3.

The motion prevailed without objection.

Representative Hinojosa moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 188**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Elections, on adjournment today, Desk 10, for a formal meeting, to consider **HB 2163** and **HB 2276**.

Urban Affairs, on adjournment today, Desk 46.

Local and Consent Calendars, on adjournment today, 2W.25.

Calendars, on adjournment today, speakers committee room.

Natural Resources, will not meet today.

STATEMENTS OF VOTE

When Record No. 188 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

When Record No. 189 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

ADJOURNMENT

Representative Hardcastle moved that the house adjourn until 10 a.m. Monday, May 3 in memory of Andrew Gray.

The motion prevailed without objection.

The house accordingly, at 3:19 p.m., adjourned until 10 a.m. Monday, May 3.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3850 (by Uher), Relating to the creation of the Coastal Plains Groundwater Conservation District and the authorization of the district to impose an ad valorem tax.

To Natural Resources.

SB 4 to Public Education.

SB 341 to Ways & Means.

SB 377 to Insurance.

SB 447 to Corrections.

SB 526 to Higher Education.

SB 708 to Natural Resources.

SB 712 to Land & Resource Management.

SB 724 to Public Education.

SB 977 to Ways & Means.

SB 1000 to Criminal Jurisprudence.

SB 1127 to State Affairs.

SB 1128 to Pensions & Investments.

SB 1175 to Land & Resource Management.

SB 1176 to Transportation.

SB 1204 to Civil Practices.

- SB 1226** to Pensions & Investments.
- SB 1344** to Civil Practices.
- SB 1416** to State Affairs.
- SB 1417** to Juvenile Justice & Family Issues.
- SB 1426** to State, Federal & International Relations.
- SB 1433** to Environmental Regulation.
- SB 1435** to Ways & Means.
- SB 1468** to Insurance.
- SB 1488** to Ways & Means.
- SB 1507** to Economic Development.
- SB 1525** to Public Health.
- SB 1528** to State Affairs.
- SB 1567** to Judicial Affairs.
- SB 1572** to Public Education.
- SB 1606** to Urban Affairs.
- SB 1607** to Corrections.
- SB 1621** to Transportation.
- SB 1622** to Urban Affairs.
- SB 1685** to Public Health.
- SB 1690** to Land & Resource Management.
- SB 1703** to Urban Affairs.
- SB 1739** to Juvenile Justice & Family Issues.
- SB 1774** to Criminal Jurisprudence.
- SB 1807** to County Affairs.
- SB 1814** to Juvenile Justice & Family Issues.
- SB 1831** to Judicial Affairs.
- SB 1851** to State Affairs.
- SCR 18** to Civil Practices.
- SCR 26** to Rules & Resolutions.
- SCR 40** to State, Federal & International Relations.
- SJR 35** to Urban Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 21

SB 222, SB 355, SB 555, SB 574, SB 648, SB 757, SB 950, SB 1055, SB 1248, SB 1326, SCR 1, SCR 49, SCR 70

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 29

Civil Practices - **SB 717**

County Affairs - **HB 594, HB 3191, SB 821, SB 1609, SB 1627, SB 1684, SB 1730**

Criminal Jurisprudence - **HB 6, HB 1169, HB 1265, HB 1428, HB 1562, HB 1763, HB 2231, HB 2346, HB 2879, HB 3230, HB 3775**

Environmental Regulation - **HB 3132, HB 3281, SB 1238**

Human Services - **HB 3470, HB 3636, HB 3639, SB 558, SB 967, SB 1423, SB 1574**

Insurance - **HB 1586, HB 1627, HB 1811, HB 2793, SB 295**

Judicial Affairs - **HB 1606, HB 1607, HB 2201, HB 2317, HB 2534, HB 2795, HB 3028, HB 3120, HB 3632, SB 135, SB 424**

Juvenile Justice & Family Issues - **HB 228, SB 609**

Land & Resource Management - **HB 716, HB 2782, HB 2944, SB 89, SB 1290**

Natural Resources - **HB 3738, HB 3796, HB 3797, HB 3816, HB 3835**

Pensions & Investments - **HB 2437, HB 3167, SB 1129**

Public Education - **HB 2687, HB 3675**

Public Health - **HB 876**

State Affairs - **HB 1700, HB 2022, HB 3300, SB 100**

State, Federal & International Relations - **HB 3425, HCR 12, HCR 109, HCR 124, HCR 141, HCR 181, SB 73, SB 495, SB 525, SCR 2, SCR 42**

Urban Affairs - **SB 507**

Ways & Means - **HB 2156, HB 2269, HB 2429, HB 2543, HB 2574, HB 3458, SB 307, SB 529, SJR 21**

ENGROSSED

April 29 - HB 2, HB 480, HB 541, HB 834, HB 895, HB 964, HB 2279, HB 2415, HB 3084, HB 3295, HB 3423, HB 3462, HB 3600, HB 3716

ENROLLED

April 29 - HB 251, HB 677, HB 688, HB 1303, HB 1304, HB 1503, HB 1610, HCR 123, HCR 126

SENT TO THE GOVERNOR

April 29 - HB 1345, HB 1348, HB 1356, HCR 80, HCR 123, HCR 126

RECOMMENDATIONS FILED WITH THE SPEAKER

April 29 - HB 3401, HB 3683, HB 3796, HB 3799, HB 3804, HB 3805, HB 3806, HB 3808

SIGNED BY THE GOVERNOR

April 29 - HCR 6, HCR 38, HCR 69, HCR 70, HCR 71, HCR 72, HCR 73, HCR 74, HCR 77, HCR 78, HCR 95, HCR 99, HCR 114, HCR 138, HCR 139, HCR 145, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 152, HCR 157, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 173, HCR 174