

# HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SIXTY-SIXTH DAY (CONTINUED) — WEDNESDAY, MAY 7, 1997

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

The roll of the house was called and a quorum was announced present (Record 327).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

The invocation was offered by Mark Porterfield, pastor, Buda United Methodist Church, Buda, as follows:

Gracious God, remind us who you are and who we are. You see sometimes we believe that we know better than you what needs to be done and just how to do it, and we certainly know better than those who disagree with us. Help us to move toward you in all that is done today. Forgive us when we mistake our will for yours. Offer us what we need to do your will, be it a kind word or a kick in the pants. Bless the deliberations today, God, so that the words of our mouths and the meditations of our hearts are pleasing to you. And all the people said, Amen.

### 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. 49).

### 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 825 - ADOPTED**  
**(by Denny)**

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 825**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 825**, Congratulating James Aron Horn on his appointment to the United States Military Academy at West Point.

**HR 825** was read and was adopted without objection.

On motion of Representative Hill, the names of all the members of the house were added to **HR 825** as signers thereof.

**HCR 233 - ADOPTED**  
**(by Hernandez)**

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HCR 233**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 233**, Designating May 4-10, 1997, as Texas Community Action Week.

**HCR 233** was adopted without objection.

**HR 755 - ADOPTED**  
**(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 755**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 755**, Honoring Ernesto Pedregon Martinez for his artistic achievements.

**HR 755** was adopted without objection.

**HR 835 - ADOPTED**  
**(by Place)**

Representative Place moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 835**, In memory of Mickey Mantle.

**HR 835** was read and was unanimously adopted by a rising vote.

### INTRODUCTION OF GUEST

The speaker recognized Representative Place, who introduced David Mantle, Mickey Mantle's son.

Mr. Mantle addressed the house briefly.

### CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Michael Lifshen of Austin as the "Doctor for the Day."

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

### HR 840 - ADOPTED (by Horn)

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HR 840**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 840**, Congratulating the Denton Liberty Christian High School Warriors football team on winning the inaugural TAPPS Class 4A State Championship.

**HR 840** was adopted without objection.

On motion of Representative Krusee, the names of all the members of the house were added to **HR 840** as signers thereof.

(Speaker pro tempore in the chair)

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR CONSENT CALENDAR SECOND READING

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

**SB 63** (Burnam - House Sponsor), A bill to be entitled An Act relating to the recommendations of certain local officials regarding the issuance of permits by the Texas Alcoholic Beverage Commission. (Finnell recorded voting no)

**CSSB 145** (Christian and Hunter - House Sponsors), A bill to be entitled An Act relating to the acceptance of gifts by state agencies.

**SB 191** (Burnam - House Sponsor), A bill to be entitled An Act relating to the recommendations of certain local officials regarding the issuance of licenses to sell beer at retail. (Finnell recorded voting no)

**SB 327** was previously passed.

**SB 330** (McCall - House Sponsor), A bill to be entitled An Act relating to the sunset review of the State Office of Administrative Hearings.

**SB 338** was previously passed.

**SB 452** (Cuellar - House Sponsor), A bill to be entitled An Act relating to the eligibility requirements for the chief administrative law judge of the State Office of Administrative Hearings.

**SB 515** (Carter - House Sponsor), A bill to be entitled An Act relating to cash reserves in regional library systems.

**SB 611** (Garcia - House Sponsor), A bill to be entitled An Act relating to criminal law magistrates in Dallas County.

**SB 652** (Marchant - House Sponsor), A bill to be entitled An Act relating to the definitions of a certain account and an instrument for purposes of a secured transaction and to the perfection of a security interest in an instrument.

**SB 754** (Pitts - House Sponsor), A bill to be entitled An Act relating to the statute of limitations applying to a lien on real property.

**SB 911** (Goodman - House Sponsor), A bill to be entitled An Act relating to the protection or release of a trustee from liability under certain circumstances.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Goodman, Representative Carter offered the following committee amendment to **SB 911**:

Amend **SB 911** by striking SECTION 2 and renumbering subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

**SB 927** (Kubiak - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to acquire certain real property.

**SB 952** (Delisi - House Sponsor), A bill to be entitled An Act relating to anatomical gifts and donor cards.

**SB 1012** (Williams - House Sponsor), A bill to be entitled An Act relating to the creation of the office of criminal district attorney of Madison County, to the abolition of the office of county attorney of Madison County, and to the abolition of the jurisdiction of the district attorney for the 12th Judicial District in Madison County.

**SB 1044** (Rangel - House Sponsor), A bill to be entitled An Act relating to the change of the name of Texas A&I University to Texas A&M University—Kingsville.

**SB 1113** (Raymond - House Sponsor), A bill to be entitled An Act relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients.

**SB 1125** (Puente - House Sponsor), A bill to be entitled An Act relating to the conveyance of certain state-owned real property in Bexar County to the National Park Service.

**CSSB 1131** (Davila - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of cosmetology; providing an administrative penalty. (Finnell and Heflin recorded voting no)

**Amendment No. 1**

Representative Davila offered the following amendment to **CSSB 1131**:

In **CSSB 1131**, on page 10, line 15, insert "first renewal of" between the words "for" and "a".

Amendment No. 1 was adopted without objection.

**SB 1174** (Keffer - House Sponsor), A bill to be entitled An Act relating to the terms of court of the 90th Judicial District.

**SB 1422** (Junell - House Sponsor), A bill to be entitled An Act relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board.

**CSSB 1465** (Patterson - House Sponsor), A bill to be entitled An Act relating to the handling, testing, and compensation for the destruction of certain animals; providing a penalty.

**SB 1826** (McCall - House Sponsor), A bill to be entitled An Act relating to the regulation of private postsecondary educational institutions and educational or training establishments; providing administrative and civil penalties.

**RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

**SCR 24** (Hawley - House Sponsor), relating to directing the Texas Department of Transportation to monitor discussions addressing overweight trucks.

**SCR 24** was adopted without objection.

**SCR 32** (Finnell - House Sponsor), extending the term of the Red River Boundary Commission to June 30, 2000.

**SCR 32** was adopted without objection.

**LOCAL CALENDAR  
SECOND READING**

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

**HB 2183** (by Greenberg, Naishtat, and Maxey), A bill to be entitled An Act relating to creation of the County Court at Law Number 4 of Travis County.

**CSHB 2300** (by Serna and Chavez), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility District and to the authorization of bonds and the levy of taxes; providing civil penalties.

**HB 2374** (by Driver), A bill to be entitled An Act relating to the municipal courts of record in Garland.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Clark, Representative Driver offered the following committee amendment to **HB 2374**:

Amend **HB 2374** as follows:

(1) On page 4, between lines 2 and 3, insert the following:

SECTION 4. Sections 30.461(b) and (c), Government Code, are amended to read as follows:

(b) To perfect an appeal, the defendant must file a motion for new trial not later than the fifth day after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the municipal courts of record. The motion constitutes the assignments of error on appeal. A ground of error not set forth in the motion is waived. If the court does not rule on the motion before the 21st day after the date the motion is filed, the motion is overruled by operation of law.

(c) To perfect an appeal, the defendant must also give notice of appeal. To give notice of appeal, the defendant must file a written notice of appeal with the court and pay [~~After an order overruling a motion for new trial, the defendant may give notice of appeal by paying~~] the \$10 transcript preparation fee not later than the 10th day after the date on which the motion for new trial is overruled. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant.

(2) Renumber Sections 4 and 5 as Sections 5 and 6, respectively.

**HB 2374** was withdrawn.

**CSHB 3146** (by Danburg and Woolley), A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.

Representative Woolley moved to postpone consideration of **CSHB 3146** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 3542** (by Driver), A bill to be entitled An Act relating to the creation of municipal courts of record for the City of Rowlett.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Thompson, Representative Driver offered the following committee amendment to **HB 3542**:

Amend **HB 3542** on page 2, lines 13 and 14, by striking "A municipal court judge, including the chief judge, may not serve for more than three consecutive terms."

Amendment No. 1 was adopted without objection.

**HB 3549** (by R. Lewis), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the South Newton Special Utility District.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative R. Lewis offered the following committee amendment to **HB 3549**:

Amend **HB 3549** as follows:

On page 7, line 6, strike the words "ad valorem taxes and" between the words "through" on line 5 and "revenues" on line 6.

Amendment No. 1 was adopted without objection.

**HB 3552** (by Pickett), A bill to be entitled An Act relating to the dissolution of the San Elizario Grant Municipal Utility District and the transfer of its territory, assets, and liabilities to the Lower Valley Water District.

Representative Pickett moved to postpone consideration of **HB 3552** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 3588** (by G. Lewis), A bill to be entitled An Act relating to criminal law magistrates in Tarrant County.

**CONSENT CALENDAR  
SECOND READING**

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

**CSHB 17** (by Chisum), A bill to be entitled An Act relating to posting signs along roadsides to promote traffic safety.

**CSHB 247** (by Longoria), A bill to be entitled An Act relating to retirement benefits earned by a spouse after dissolution of a marriage.

**SB 788** (Maxey - House Sponsor), in lieu of **HB 417**, A bill to be entitled An Act relating to the duty of certain hospitals to provide community benefits and charity care.

Representative Maxey moved to lay **HB 417** on the table subject to call.

The motion prevailed without objection.

**HB 479** (by Craddick), A bill to be entitled An Act relating to the exemption from ad valorem taxation of marine cargo containers used exclusively in international commerce.

**HB 574** (by Hawley), A bill to be entitled An Act relating to the fiscal administration of the San Patricio County Navigation District No. 1.

**CSHB 607** (by Maxey and Van de Putte), A bill to be entitled An Act relating to the creation of a durable medical equipment and assistive technology listing.

**HB 616** was withdrawn.

**HB 623** (by Hernandez), A bill to be entitled An Act relating to certification of public school educators.

**HB 655** was withdrawn.

**CSHB 666** (by Krusee), A bill to be entitled An Act relating to authorizing certain municipal utility districts to repair and maintain streets and to issue bonds for that purpose.

Representative Krusee moved to postpone consideration of **CSHB 666** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 685** (by B. Turner), A bill to be entitled An Act relating to issuance of special license plates for a vehicle used to transport a person with a disability.

**CSHB 770** (by Haggerty), A bill to be entitled An Act relating to the acquisition by the Parks and Wildlife Department of real property owned by the permanent school fund.

**CSHB 819** (by Cuellar, Dukes, and Alvarado), A bill to be entitled An Act relating to reducing the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

#### **Amendment No. 1**

Representative Cuellar offered the following amendment to **CSHB 819**:

Amend **CSHB 819** as follows:

(1) In added Section 2162.106, Government Code, strike Subsection (b) and substitute new Subsections (b) and (c) to read as follows:

(b) If the council determines that a service provided by the Texas Department of Criminal Justice prison industries office may be better provided by selecting the service provider through competition, the council shall report that fact to the 76th Legislature.

(c) This section expires August 31, 2000.

(2) Insert a new section of the bill to read as follows and renumber existing sections of the bill accordingly:

SECTION \_\_\_\_\_. If in another Act of the 75th Legislature, Regular Session, 1997, that is enacted and becomes law the name of the prison industries office in the Texas Department of Criminal Justice is changed to Texas correctional industries office, a reference to the prison industries office in law amended or added by this Act means the Texas correctional industries office of the Texas Department of Criminal Justice.

Amendment No. 1 was adopted without objection.

**HB 836** (by Gallego and Luna), A bill to be entitled An Act relating to optional extended year programs conducted by certain public school districts.

**HB 853** (by Delisi), A bill to be entitled An Act relating to the prosecution of an offense related to the failure to maintain financial responsibility for a motor vehicle.



**CSHB 863** (by Goodman), A bill to be entitled An Act relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage.

**HB 876** (by Naishtat, Dukes, and Maxey), A bill to be entitled An Act relating to the application process for state loan and loan guaranty programs.

Representative Naishtat moved to postpone consideration of **HB 876** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

**SB 526** (Allen - House Sponsor), in lieu of **HB 1058**, A bill to be entitled An Act relating to the making of a change to an accident report.

Representative Allen moved to lay **HB 1058** on the table subject to call.

The motion prevailed without objection.

**HB 1115** (by Oakley), A bill to be entitled An Act relating to the denial of renewal of a driver's license for failure to appear for certain offenses.

Representative Oakley moved to postpone consideration of **HB 1115** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 1248** was withdrawn.

**CSHB 1338** (by Junell), A bill to be entitled An Act relating to the purchase of directors' and officers' liability insurance by state agencies.

**HB 1510** was withdrawn.

**CSSB 228** (Place - House Sponsor), in lieu of **HB 1613**, A bill to be entitled An Act relating to the creation of the offense of trademark counterfeiting.

Representative Place moved to lay **HB 1613** on the table subject to call.

The motion prevailed without objection.

**HB 1627** (by Clark), A bill to be entitled An Act relating to a notice requirement for political advertising signs.

**SB 614** (Berlanga - House Sponsor), in lieu of **HB 1634**, A bill to be entitled An Act relating to assignment of Medicaid payments.

Representative Berlanga moved to lay **HB 1634** on the table subject to call.

The motion prevailed without objection.

**HB 1672** was withdrawn.

**CSHB 1716** (by Maxey, et al.), A bill to be entitled An Act relating to the membership and duties of the statewide health coordinating council. (Finnell recorded voting no)

**CSHB 1734** (by Delisi), A bill to be entitled An Act relating to the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

**Amendment No. 1**

Representative Delisi offered the following amendment to **CSHB 1734**:

Amend **CSHB 1734** on page 1, line 10, by striking "per capita" and substituting "capitated".

Amendment No. 1 was adopted without objection.

**HB 1779** (by Place), A bill to be entitled An Act relating to the Real Estate Research Center.

**CSHB 1787** (by Coleman and Maxey), A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

Representative Coleman moved to postpone consideration of **CSHB 1787** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 1812** (by Hunter, et al.), A bill to be entitled An Act relating to the Texas State Library and Archives Commission and the preservation, management, and disposition of state records and other historical resources.

**HB 1833** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**CSHB 1865** (by Maxey, et al.), A bill to be entitled An Act relating to payment of accelerated life insurance benefits.

**CSHB 1906** (by Siebert), A bill to be entitled An Act relating to motor vehicle registration.

Representative Siebert moved to postpone consideration of **CSHB 1906** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 1941** (by Place), A bill to be entitled An Act relating to the automatic revocation of hunting and fishing licenses held by and denial of issuance of hunting and fishing licenses to persons convicted of poaching.

**CSHB 1990** (by Naishtat, et al.), A bill to be entitled An Act relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty.

**CSSB 1243** (Janek - House Sponsor), in lieu of **HB 2014**, A bill to be entitled An Act relating to the regulation of perfusionists.

Representative Janek moved to lay **HB 2014** on the table subject to call.

The motion prevailed without objection.

**CSHB 2017** (by Maxey, et al.), A bill to be entitled An Act relating to telemedicine services provided under the Medicaid and Medicare programs.

**HB 2078** (by Naishtat), A bill to be entitled An Act relating to the disposition of a person's remains.

**CSHB 2088** (by Cuellar), A bill to be entitled An Act relating to the regulation of certain midwives; providing administrative penalties. (Finnell recorded voting no)

**HB 2094** (by Uher), A bill to be entitled An Act relating to authorizing the Sweeny Hospital District to operate or provide for certain medical care and medical services to or for needy residents of the district.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Christian, Representative Carter offered the following committee amendment to **HB 2094**:

Amend **HB 2094** on page 1, line 20, by striking "adult-day care services, or" and substituting "adult-day care services, ambulance and emergency medical services, or".

Amendment No. 1 was adopted without objection

**HB 2099** (by Uher), A bill to be entitled An Act relating to student loan reimbursements for physician assistants practicing in certain areas.

**CSHB 2101** (by Siebert), A bill to be entitled An Act relating to stopping at railroad grade crossings; providing penalties.

**HB 2153** (by Allen), A bill to be entitled An Act relating to the priority given to certain victim compensation funds by the Texas Youth Commission when apportioning wages earned by certain children.

**HB 2189** (by Naishtat), A bill to be entitled An Act relating to certain reports and accounts submitted by guardians or personal representatives of estates.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hartnett, Representative Naishtat offered the following committee amendment to **HB 2189**:

Amend **HB 2189** as follows:

(1) On page 3, line 15 strike "and proof that all required bond premiums have been paid".

Amendment No. 1 was adopted without objection.

**HB 2222** (by Rhodes), A bill to be entitled An Act relating to the bond and oath requirements applicable to a sheriff.

**HB 2255** (by Berlanga), A bill to be entitled An Act relating to the licensing of certain dentists and dental hygienists. (Finnell recorded voting no)

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Berlanga offered the following committee amendment to **HB 2255**:

Amend Section 2 of **HB 2255** beginning on page 2, line 4 by striking all of the existing language and substituting the following:

SECTION 2. Article 4545a, Revised Statutes, is amended by adding Section 3 to read as follows:

Sec. 3. (a) The Dental Hygiene Advisory Committee shall assist the Board in determining educational equivalency under Section 2(a) of this article.

(b) The advisory committee shall review transcripts, course descriptions, and other material considered necessary by the Board to determine educational equivalency.

(c) A member of the advisory committee is not liable in a civil action for any act performed in good faith in the execution of that member's duty as a committee member.

Amendment No. 1 was adopted without objection.

**HB 2344** was withdrawn.

**SB 887** (Hilbert - House Sponsor), in lieu of **HB 2360**, A bill to be entitled An Act relating to the transfer of certain property to a custodian under the Uniform Transfers to Minors Act.

Representative Hilbert moved to lay **HB 2360** on the table subject to call.

The motion prevailed without objection.

**CSHB 2384** (by Delisi), A bill to be entitled An Act relating to the provision of charity care, indigent health care, and other community benefits by certain nonprofit hospitals.

**HB 2386** (by Delisi), A bill to be entitled An Act relating to Medicaid reimbursement for certain medical consultations.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Delisi offered the following committee amendment to **HB 2386**:

On page 1, line 11, between "physician" and "or a physician assistant," insert "a dentist".

On page 2, line 5, between "medical" and "school", insert "or dental".

On page 2, line 7, after "medical", insert "or dental".

On page 2, line 24, after "medical", insert "or dental".

On page 2, line 26, after "medical", insert "or dental".

On page 3, line 1, after "physician", insert "or dentist".

On page 3, line 9, after "physician", insert "or dentist".

On page 3, line 11, after "physicians", insert "or dentists".

Representative Delisi moved to table Amendment No. 1.

The motion to table prevailed.

#### **Amendment No. 2**

Representative Delisi offered the following amendment to **HB 2386**:

Amend **HB 2386** as follows:

(1) On page 1, line 15, strike "nonprofit".

(2) On page 1, line 20, strike "nonprofit".

(3) On page 1, line 22, after the underlined semicolon, add "or".

(4) On page 1, line 24, strike "; or" and substitute ".".

(5) On page 2, strike lines 1-6.

(6) On page 2, line 7, strike "~~(5)~~" and substitute "(4)".

(7) On page 2, line 23, strike "nonprofit".

(8) On page 3, lines 2-4, strike "has a private rural health practice or who practices in a rural nonprofit health facility" and substitute "practices in a rural county".

(9) On page 3, line 12, between "facility" and "shall", insert "and a health professional who obtains consultations under this section".

(10) On page 3, between lines 15 and 16, insert the following:

(f) The commission may not require a telemedical consultation if an in-person consultation with a physician is reasonably available where the patient resides or works.

Amendment No. 2 was adopted without objection.

**HB 2425** (by Junell), A bill to be entitled An Act relating to a cause of action for violation of collegiate athletic association rules by certain regional collegiate athletic associations.

Representative Gray moved to postpone consideration of **HB 2425** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 2449** (by Hirschi), A bill to be entitled An Act relating to the approval of a licensed dietitian as a service provider under the chronically ill and disabled children's program.

Representative Hirschi moved to postpone consideration of **HB 2449** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 2503** (by Garcia), A bill to be entitled An Act relating to certain solicitations made in relation to insured fire losses; providing a penalty.

**SB 1904** (Dunnam - House Sponsor), in lieu of **HB 2518**, A bill to be entitled An Act relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Counts, Representative Dunnam offered the following committee amendment to **SB 1904**:

Amend **SB 1904** as follows:

(1) Amend SECTION 1, Sec. 2205.046(a) (page 1, line 10 and line 11) by inserting "continued maintenance of" between the words "for" on line 10 and "aircraft" on line 11.

(2) Amend SECTION 1, Sec. 2205.046(b) (page 1, line 13) by inserting "institution will accept full responsibility for maintenance of the" between the words "the" and "aircraft".

(3) Amend SECTION 1, Sec. 2205.046(b) (page 1, line 13) by inserting "and that it" after the word aircraft.

Amendment No. 1 was adopted without objection.

Representative Dunnam moved to lay **HB 2518** on the table subject to call.

The motion prevailed without objection.

**CSHB 2556** (by Kuempel), A bill to be entitled An Act relating to eligibility for state assistance under the Indigent Health Care and Treatment Act for certain hospitals.

**CSHB 2587** (by Horn), A bill to be entitled An Act relating to the collection of delinquent property taxes and the foreclosure of tax liens.

**Amendment No. 1**

Representative Horn offered the following amendment to **CSHB 2587**:

Amend **CSHB 2587** as follows:

(1) Strike SECTION 2 and renumber subsequent sections according.

Amendment No. 1 was adopted without objection.

**CSSB 728** (Pitts - House Sponsor), in lieu of **HB 2610**, A bill to be entitled An Act relating to the management, control, disposition, and status of certain state land, including land owned or used for the site of the superconducting super collider research facility.

Representative Pitts moved to lay **HB 2610**, on the table subject to call.

The motion prevailed without objection.

**HB 2622** (by Heflin), A bill to be entitled An Act relating to liability for postjudgment taxes, penalties, and interest in a suit to collect a delinquent ad valorem tax.

**HB 2641** (by Seaman), A bill to be entitled An Act relating to the funding of certain peer assistance programs.

Representative Seaman moved to postpone consideration of **HB 2641** until 10 a.m. Saturday, May 10.

The motion prevailed.

**HB 2681** (by Hawley), A bill to be entitled An Act relating to the issuance of specially designed Texas license plates for Keep Texas Beautiful.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alexander, Representative Hawley offered the following committee amendment to **HB 2681**:

Amend **HB 2681** as follows:

On page 1, line 18, between "502.161" and "and", insert "or Section 502.162"

Amendment No. 1 was adopted without objection.

**HB 2682** (by Hawley), A bill to be entitled An Act relating to ad valorem tax sanctions on certain land diverted from agricultural use.

Representative Hawley moved to postpone consideration of **HB 2682** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**SB 372** (Walker - House Sponsor), in lieu of **HB 2754**, A bill to be entitled An Act relating to certain regulatory functions of the Department of Agriculture.

Representative Walker moved to lay **HB 2754** on the table subject to call.

The motion prevailed without objection.

**HB 2765** (by Bosse), A bill to be entitled An Act relating to employment as a fire fighter in certain municipalities.

Representative Bosse moved to postpone consideration of **HB 2765** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 2773** (by Coleman), A bill to be entitled An Act relating to expanded hours of operation under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Representative Coleman moved to postpone consideration of **CSHB 2773** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 2845** (by Berlanga), A bill to be entitled An Act relating to the authority of a justice of the peace to reopen an inquest.

**CSHB 2850** (by Williams), A bill to be entitled An Act relating to the exclusion from emergency service districts and rural fire prevention districts of certain territory subject to ad valorem assessments.

**HB 2873** (by Goodman), A bill to be entitled An Act relating to the exemption for large risk insurance policies.

**SB 1490** (Coleman - House Sponsor), in lieu of **HB 2926**, A bill to be entitled An Act relating to the administration of federal and state-funded child-care programs and to training for local workforce development boards. (Finnell recorded voting no)

Representative Coleman moved to lay **HB 2926** on the table subject to call.

The motion prevailed without objection.

**CSHB 2932** (by Coleman), A bill to be entitled An Act relating to the rights of recovery of Medicaid providers.

**CSHB 2968** (by Yarbrough), A bill to be entitled An Act relating to special license plates for the Houston Livestock Show and Rodeo.

Representative Yarbrough moved to postpone consideration of **CSHB 2968** until 10 a.m. Saturday, May 10.

The motion prevailed without objection.

**CSHB 3011** (by Jackson), A bill to be entitled An Act relating to precommitment approval for certain purchases of a port authority.

Representative Jackson moved to postpone consideration of **CSHB 3011** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 3021** (by Allen), A bill to be entitled An Act relating to the method of providing notice to vacate the premises in connection with an eviction action.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Solomons, Representative Allen offered the following committee amendment to **HB 3021**:

Amend **HB 3021** on page 1 of the bill at line 12, strike the words "other impediment" and insert the words "dangerous animal" and on page 1 at line 13, between the words "may" and "affix", insert the word "securely"; and on page 1 of the bill at line 15, insert the word "by" between the words "or" and "certified."

Amendment No. 1 was adopted without objection.

**HB 3037** (by Cook), A bill to be entitled An Act relating to cost of service studies for electric cooperative corporations exempt from rate regulation.

**HB 3052** (by Berlanga, Luna, Seaman, and Hawley), A bill to be entitled An Act relating to the liability of certain marine fire-fighting entities.

**CSHB 3063** (by Clark), A bill to be entitled An Act relating to the registration of certain golf carts.

**SB 908** (Chavez - House Sponsor), in lieu of **HB 3121**, A bill to be entitled An Act relating to the licensing and inspection of certain hospitals.

Representative Chavez moved to lay **HB 3121** on the table subject to call.

The motion prevailed without objection.

**SB 1782** (Elkins - House Sponsor), in lieu of **HB 3213**, A bill to be entitled An Act relating to the disposal of dead animal carcasses found on municipal and county roadways.

Representative Elkins moved to lay **HB 3213** on the table subject to call.

The motion prevailed without objection.

**HB 3246** (by Gallego), A bill to be entitled An Act relating to designation of Spur 239 in Val Verde County.

**Amendment No. 1**

Representative Gallego offered the following amendment to **HB 3246**:

Amend **HB 3246** as follows:

On page 1, line 5, insert "Sergio Gonzalez, Jr., and" before "Alfredo Gutierrez, Jr., M.D.".

On page 1, line 8, insert "Sergio Gonzalez, Jr., and" after the words "as the".

Amendment No. 1 was adopted without objection.

**CSHB 3250** (by Hartnett), A bill to be entitled An Act relating to dog and cat sterilization and the issuance of Animal Friendly license plates.



**HB 3305** (by Heflin), A bill to be entitled An Act relating to the appraisal and ad valorem taxation of certain personal property.

**HB 3306** (by Heflin), A bill to be entitled An Act relating to penalties and interest, writs, suits, judgment amounts, right of redemption and distribution of proceeds in ad valorem tax matters.

**CSHB 3314** (by Hightower), A bill to be entitled An Act relating to the conversion of Polk County Fresh Water Supply District No. 2 into a municipal utility district and confirming the boundaries and directors of the district.

**HB 3319** (by Horn), A bill to be entitled An Act relating to the dissolution of certain development districts.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Horn offered the following committee amendment to **HB 3319**:

Amend **HB 3319** (page 1, line 6), by striking "the district" and substituting "a commissioner's precinct in which the district is located".

Amendment No. 1 was adopted without objection.

**CSHB 3330** (by Talton), A bill to be entitled An Act relating to ownership of a drainage outfall ditch in Harris County.

**HB 3337** (by Dukes), A bill to be entitled An Act relating to application of the Capitol view corridors to the construction, redevelopment, and improvement of East 11th Street pursuant to the East 11th and 12th Streets Redevelopment Program.

**HB 3345** (by Smith), A bill to be entitled An Act relating to the investigation of a report of child abuse or neglect during the pendency of a suit affecting the parent-child relationship.

**HB 3377** was withdrawn.

**HB 3437** (by Kubiak), A bill to be entitled An Act relating to the cancellation or suspension of an alcoholic beverage private club registration permit.

**HB 3441** (by Kubiak), A bill to be entitled An Act relating to the offense of purchase or possession of alcohol by a minor.

**CSHB 3448** (by J. Jones and Denny), A bill to be entitled An Act relating to the authorization of a closed meeting by the commissioners court of a county to deliberate certain personnel actions affecting a member of an advisory body.

**CSHB 3465** (by Greenberg, B. Turner, Delisi, and Averitt), A bill to be entitled An Act relating to the disposition of certain state property designated for military use.

**HB 3475** (by Alvarado and Greenberg), A bill to be entitled An Act relating to facilitating the organization and availability of government information.

Representative Alvarado moved to postpone consideration of **HB 3475** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 3540** (by Price), A bill to be entitled An Act relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

**HB 3543** (by Bosse), A bill to be entitled An Act relating to the use of certain titles by motor vehicle lessors and lease facilitators.

**HB 3551** (by Zbranek), A bill to be entitled An Act relating to the definition of coastal wetlands for purposes of the coastal management program administered by the Coastal Coordination Council.

Representative Zbranek moved to postpone consideration of **HB 3551** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 3554** (by Pickett and Serna), A bill to be entitled An Act relating to the inclusion of the territory of the Town of Clint in the Lower Valley Water District.

Representative Pickett moved to postpone consideration of **CSHB 3554** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 3561** was withdrawn.

**CSHB 3566** (by Rhodes), A bill to be entitled An Act relating to the Gonzales County Hospital District.

**HB 3570** (by D. Jones, Swinford, and Chisum), A bill to be entitled An Act relating to the length limitation for a vehicle or vehicle combination transporting a combine.

**CSHB 3572** (by Cook), A bill to be entitled An Act relating to the powers of and the application of the professional prosecutors act to the county attorney for Colorado County.

#### **HB 655 - OBJECTIONS WITHDRAWN**

Objections were withdrawn to **HB 655** which was previously withdrawn from the local, consent, and resolutions calendar.

**SB 126** (Craddick - House Sponsor), in lieu of **HB 655**, A bill to be entitled An Act relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production. (Finnell recorded voting present, not voting)

**SB 126** was read second time and was passed to third reading.

Representative Craddick moved to lay **HB 655** on the table subject to call.

The motion prevailed without objection.

### RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

**CSHCR 14** (by Pitts), Designating the city of Waxahachie the Crape Myrtle Capital of Texas.

**CSHCR 14** was adopted without objection.

**HCR 23** (by Maxey), Designating the guitar as the official State Musical Instrument of Texas.

**HCR 23** was adopted without objection.

**HCR 116** (by Kubiak), Designating the Chappell Hill Bluebonnet Festival as the official Bluebonnet Festival of Texas.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Pitts, Representative Kubiak offered the following committee amendment to **HCR 116**:

Amendment **HCR 116** as follows: On line 21 Page 1 strike "; now therefore, be it". On line 22 page 1 insert the following and renumber accordingly:

WHEREAS, In 1951 the Ennis Garden Club established its first Bluebonnet Trail of Texas, mapping certain locales in the City of Ennis and the area surrounding the city, thus sharing its bounty of this unique Texas wild flower; these mapped trails have grown to encompass more than 40 miles where the thousands of visitors may be enthralled for two consecutive weekends in April each year by the spectacular fields of bluebonnets that grow so bountifully in the area; the City of Ennis has gained renown for having the official Bluebonnet Trail of Texas; an added attraction to those visiting during the weekends of the Bluebonnet Trail is an antique show and sale that attracts vendors from five neighboring states and benefits the Ennis Heritage Society; now, therefore, be it

RESOLVED, That Ennis be declared the official Bluebonnet Trail of Texas and that Ennis be designated the Bluebonnet City of Texas, because of the 46 years it has been associated with the Official wild flower of Texas and the faithful efforts of the Ennis Garden Club in preserving our state wild flower for all to enjoy, and be it further

Amendment No. 1 was adopted without objection.

**HCR 116**, as amended, was adopted without objection.

**SCR 36** (Hilderbran - House Sponsor), in lieu of **HCR 136**, Endorsing the Texas Department on Aging's initiative to prepare for an aging society.

**SCR 36** was adopted without objection.

Representative Hilderbran moved to lay **HCR 136** on the table subject to call.

The motion prevailed without objection.

**HCR 150** (by Wohlgemuth), Designating Clifton the Norwegian Capital of Texas.

**HCR 150** was adopted without objection.

**HCR 168** (by Delisi), Urging Congress to oversee the audit of teaching hospitals.

**HCR 168** was adopted without objection.

**HCR 202** (by Walker), Memorializing congress to allocate funds for road expansion in Texas to the Waste Isolation Pilot Plant project in New Mexico.

**HCR 202** was adopted without objection.

**HCR 206** (by West, B. Turner, and Craddick), Designating Odessa as the Jackrabbit Capital of Texas.

**HCR 206** was adopted without objection.

**HCR 211** (by Marchant), Memorializing congress to pass legislation to increase volume caps and index them to inflation.

**HCR 211** was adopted without objection.

#### 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. 2).

#### HR 843 - ADOPTED (by Horn)

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HR 843**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 843**, Congratulating the Denton Liberty School track team on winning the TAPPS Class 4-A state championship.

**HR 843** was adopted without objection.

On motion of Representative Denny, the names of all the members of the house were added to **HR 843** as signers thereof.

#### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, on adjournment today, Desk 46, to consider **SB 174** and pending bills.

Urban Affairs, on adjournment today, Desk 73, to consider pending bills.

Economic Development, on adjournment today, Desk 61, to consider **SB 213**, **SB 417**, **SB 706**, **SB 781**, and **SB 932**.

Rules and Resolutions, on adjournment today, Desk 133.

Natural Resources, on adjournment today, Desk 9.

**ADJOURNMENT**

Representative Carter moved that the house adjourn until 2:15 p.m. today in honor of Sergeant Ed Stapp, Department of Public Safety Capitol Detail, on his 53rd birthday.

The motion prevailed without objection.

The house accordingly, at 12:50 p.m., adjourned until 2:15 p.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 49**

**HB 567, HB 1520, HB 2277**

**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  
Wednesday, May 7, 1997

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 1825** Shapleigh  
Relating to the State Board for Educator Certification and to certain professional employees of public schools.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 7, 1997 - 2

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:

**HB 6** Jones, Delwin SPONSOR: Barrientos  
Relating to the reapportionment of certain state representative districts.

**HB 8** Stiles SPONSOR: Barrientos  
Relating to the extension of the full faith and credit of the state to support the Texas tomorrow fund.

**HB 9** Stiles SPONSOR: Barrientos  
Relating to the prepaid higher education tuition program.  
(AMENDED)

**HB 358** Maxey SPONSOR: Zaffirini  
Relating to certain misbranded drugs and devices and the use of certain detained or embargoed articles.  
(COMMITTEE SUBSTITUTE)

**HB 614** Alexander SPONSOR: Cain  
Relating to the jurisdiction of justice courts.

**HCR 39** Delisi SPONSOR: Ogden  
Recognizing May 1, 1997, as the official National Day of Prayer.

**HCR 90** Thompson SPONSOR: Ellis  
In memory of the Honorable Barbara C. Jordan.

**HCR 221** Kubiak SPONSOR: Armbrister  
In memory of the Honorable James C. Day, Jr.

**HCR 234** Craddick SPONSOR: Bivins  
Honoring Tom Ingram on the occasion of his 80th birthday.

**HJR 8** Stiles SPONSOR: Barrientos  
Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

**HJR 59** Delisi SPONSOR: Ratliff  
Proposing a constitutional amendment limiting debt payable from the general revenue fund.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 655** (viva-voce vote)

**SB 1697** (viva-voce vote)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE  
COMMITTEE REPORTS:

**SB 263** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Page 2022**

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# HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SIXTY-SEVENTH DAY — WEDNESDAY, MAY 7, 1997

The house met at 2:15 p.m. and was called to order by the speaker.

(Speaker pro tempore in the chair)

The roll of the house was called and a quorum was announced present (Record 328).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Giddings.

### LEAVES OF ABSENCE GRANTED

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

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

Swinford on motion of Gutierrez.

Coleman on motion of Gutierrez.

Glaze on motion of Gutierrez.

Junell on motion of Gutierrez.

Delisi on motion of Gutierrez.

Gallego on motion of Gutierrez.

### **RULES SUSPENDED**

Representative Carter 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 Carter 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 CALENDAR CONSENT 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):

**SB 63** (Finnell-no)

**SB 145**

**SB 191** (Finnell-no)

**SB 330**

**SB 452**

**SB 515**

**SB 652**

**SB 911**

**SB 952**

**SB 1012**

**SB 1113**

**SB 1131** (Finnell and Heflin-no)

**SB 1174**

**SB 1422**

**SB 1465**

**SB 1826**

**HB 2183**

**HB 3588**

**HB 17**

**HB 247**

**SB 788**

**HB 479**

**HB 574**

**HB 607**

**HB 623**

**SB 126 (Finnell - no)**

**HB 685**

**HB 819**

**HB 853**

**HB 863**

**SB 526**

**SB 228**

**HB 1627**

**HB 1716 (Finnell - no)**

**HB 1734**

**HB 1779**

**HB 1812**

**HB 1865**

**HB 1941**

**HB 1990**

**SB 1243**

**HB 2017**

**HB 2078**

**HB 2088 (Finnell - no)**

**HB 2099**

**HB 2101**

**HB 2153**

**HB 2189**

**HB 2255** (Finnell - no)

**SB 887**

**HB 2384**

**HB 2386**

**HB 2503**

**HB 2587**

**SB 728**

**HB 2622**

**HB 2681**

**SB 372**

**HB 2845**

**HB 2873**

**SB 1490** (Finnell - no)

**HB 2932**

**HB 3021**

**HB 3037**

**HB 3052**

**SB 908**

**SB 1782**

**HB 3250**

**HB 3305**

**HB 3306**

**HB 3319**

**HB 3330**

**HB 3337**

**HB 3345**

**HB 3437**

**HB 3448**

**HB 3465**

**HB 3540**

**HB 3572**

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 329): 139 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Giddings; Grusendorf.

**SB 611** (139-0-2)

**SB 754** (139-0-2)

**SB 927** (139-0-2)

**SB 1044** (139-0-2)

**SB 1125** (139-0-2)

**HB 2300** (139-0-2)

**HB 3542** (139-0-2)

**HB 3549** (139-0-2)

**HB 770** (139-0-2)

**HB 836** (139-0-2)

**HB 1338** (139-0-2)

**SB 614** (139-0-2)

**HB 2094** (139-0-2)

**HB 2222** (139-0-2)

**SB 1904** (139-0-2)

**HB 2556** (139-0-2)

**HB 2850** (139-0-2)

**HB 3063** (139-0-2)

**HB 3246** (139-0-2)

**HB 3314** (139-0-2)

**HB 3441** (139-0-2)

**HB 3543** (139-0-2)

**HB 3566** (139-0-2)

**HB 3570** (139-0-2)

### STATEMENTS OF VOTE

When Record No. 329 was taken, I was absent because of important business. Had I been present, I would have voted yes.

Giddings

When Record No. 329 was taken, I was in the house but away from my desk. I would have voted yes.

Grusendorf

### 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.)

(Giddings now present)

(Speaker in the chair)

### HB 566 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Oliveira called up with senate amendments for consideration at this time,

**HB 566**, A bill to be entitled An Act relating to certain deductions from the winnings of lottery winners.

On motion of Representative Oliveira, the house concurred in the senate amendments to **HB 566**.

### Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 566** as follows:

(1) In SECTION 1 of the bill, in Section 466.407(a), Government Code, on page 1, line 16, strike “[or]” and substitute “or”.

(2) In SECTION 1 of the bill, in Section 466.407(a), Government Code,

on page 1, line 18, strike “; or” and substitute a period.

(3) In SECTION 1 of the bill, in Section 466.407(a), Government Code, on page 1, strike lines 19 through 21.

### **Senate Amendment No. 2 (Senate Committee Amendment No. 2)**

Amend **HB 566** as follows:

Strike SECTION 2 of the bill (engrossed version, page 2, lines 6-25) and substitute the following:

SECTION 2. Subchapter I, Chapter 466, Government Code, is amended by adding Section 466.4075 to read as follows:

Sec. 466.4075. DEDUCTIONS OF CHILD SUPPORT FROM CERTAIN LOTTERY WINNINGS. (a) This section applies only to a prize that is required to be awarded by the director under Section 466.402(b).

(b) The executive director shall deduct an amount a court has ordered to pay as delinquent from a person's winnings if the executive director has been provided with a certified copy of a court order and a notice of child support lien for delinquent child support created under Subchapter G, Chapter 157, Family Code.

(c) If a person's winnings exceed the amount deducted under Subsection (b) and any other section of this chapter allowing a deduction from the winnings of a lottery winner, the executive director shall pay the balance to the person. The executive director shall transfer the money deducted under Subsection (b) to the appropriate person.

(d) The commission shall adopt rules necessary to administer this section.

### **HB 708 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Hamric called up with senate amendments for consideration at this time,

**HB 708**, A bill to be entitled An Act relating to certain county and public health district fees.

On motion of Representative Hamric, the house concurred in the senate amendments to **HB 708**.

### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 708** as follows:

(1) On page 1, line 23, following "district", add "or \$300, whichever amount is less".

### **HB 1404 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Kamel called up with senate amendments for consideration at this time,

**HB 1404**, A bill to be entitled An Act relating to the authority of public institutions of higher education to offer courses by distance learning.

On motion of Representative Kamel, the house concurred in the senate amendments to **HB 1404** by (Record 330): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — King; McReynolds; Raymond.

### **Senate Committee Substitute**

**CSHB 1404**, A bill to be entitled An Act relating to the authority of public institutions of higher education to offer courses by distance learning.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.051(j), Education Code, is amended to read as follows:

(j) No off-campus courses for credit may be offered by any public technical institute, public community college, or public college or university without specific prior approval of the board. However, any of those institutions may offer a distance learning course approved by the board with no in-state geographic restrictions if the course is within the approved curriculum of the institution. To facilitate the delivery of courses by distance learning and to improve access to those courses, the board shall encourage collaborative efforts to make the benefits of computer access to educational opportunities widely available. The board shall maintain a central informational resource accessible to the general public, to be called the Texas Colleges On-Line, on which institutions can place information relating to all computer-accessible distance learning courses offered for credit by institutions of higher education and including computer links, addresses, or other directions to assist an interested



person to obtain additional information directly from the appropriate institution. The board may not prohibit a public junior college district from offering a course for credit outside the boundaries of the junior college district when such course has met the requirements for approval as adopted by the board. The board shall establish regulations for the coordination of credit activities of adult and continuing education by public technical institutes, public community colleges, or public colleges and universities.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### **HB 2185 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Goolsby called up with senate amendments for consideration at this time,

**HB 2185**, A bill to be entitled An Act relating to the collection of certain warrants or checks issued by a county treasurer.

On motion of Representative Goolsby, the house concurred in the senate amendments to **HB 2185**.

#### **Senate Committee Substitute**

**CSHB 2185**, A bill entitled An Act relating to the collection of certain warrants or checks issued by a county treasurer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 116, Local Government Code, is amended by adding Section 116.120 to read as follows:

Sec. 116.120. COLLECTION OF CERTAIN OVERDUE COUNTY WARRANTS OR CHECKS. (a) This section applies only to a warrant or check issued by a county treasurer in settlement of a claim against a county that has not been presented for payment.

(b) A person attempting to recover funds from the county for a check or warrant issued by the county treasurer may not charge the person to whom the check or warrant was issued and on whose behalf the attempted recovery is made, or that person's successors or assigns, a fee in an amount equal to more than 10 percent of the face value of the check or warrant.

(c) A county treasurer may collect a reasonable research fee to determine if a claim submitted under this section is valid. The treasurer may include the costs of inquiries to depository banks, research of accounting records, and other similar actions in setting the fee. A county treasurer may require the fee to be paid before a claim may be processed or researched under this section.

SECTION 2. This Act takes effect September 1, 1997, and applies only

to a contract for the collection of an overdue county check or warrant made on or after that date. A contract for the collection of an overdue county check or warrant made before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**SB 627 - RECOMMITTED**

Representative Place moved to recommit **SB 627** to the Committee on Criminal Jurisprudence.

The motion prevailed without objection.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 367 ON THIRD READING  
(Hightower - House Sponsor)**

**SB 367**, A bill to be entitled An Act relating to the continuation and functions of the Commission on Jail Standards.

**SB 367** was passed.

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 365 ON SECOND READING  
(Bosse - House Sponsor)**

**SB 365**, A bill to be entitled An Act relating to the continuation and functions of the Department of Information Resources.

**Amendment No. 1**

Representative Madden offered the following amendment to **SB 365**:

Amend **SB 365** in Section 2 of the bill by striking the proposed Subsections (f) and (g) (House Committee Report, page 3, lines 8 through 25 and page 4, lines 1 through 9) and substituting:

(f) To be eligible to take office or serve as a voting or nonvoting member of the board a person appointed to or scheduled to serve as an ex officio member of the board must complete at least one course of a training program that complies with this section. A voting or nonvoting board member must complete a training program that complies with subsection (g) not later than

the 180th day after the date on which the person takes office or begins serving as a member of the board.

(g) The training program must provide information to the person regarding:  
(1) the enabling legislation that created the department and its policymaking body to which the person is appointed to serve;

(2) the programs operated by the department;

(3) the role and functions of the department;

(4) the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the department;

(6) the results of the most recent formal audit of the department;

(7) the requirements of the:

(A) open meetings law, Chapter 551, Government Code;

(B) open records law, Chapter 552, Government Code; and

(C) administrative procedure law, Chapter 2001, Government

Code;

(8) the requirements of the conflict of interests laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(h) A person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the board.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Corte offered the following amendment to **SB 365**:

Amend the House Committee Report for **SB 365** as follows:

(1) On page 8, line 18, after the word "state" strike "guidelines" and substitute "laws, rules, and regulations and instructions promulgated directly from those laws, rules and regulations".

(2) On page 8, line 21, after the word "state" strike "guidelines" and substitute "laws, rules, and regulations and instructions promulgated directly from those laws, rules and regulations".

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Greenberg offered the following amendment to **SB 365**:

Amend **SB 365** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION \_\_. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.120 to read as follows:

Sec. 2054.120. ELECTRONIC MAIL ADDRESS. (a) A state agency shall establish an Internet electronic mail address for the agency. The state agency may publish the electronic mail address and use electronic mail to communicate with the public. The state agency may consult with the Department of Information Resources to establish its electronic mail address.

(b) In this section, "Internet" means the largest nonproprietary nonprofit cooperative public computer network, popularly known as the Internet.

Amendment No. 3 was adopted without objection.

**SB 365**, as amended, was passed to third reading.

**SB 715 ON SECOND READING  
(D. Jones - House Sponsor)**

**SB 715**, A bill to be entitled An Act relating to apportionment of the state into state senate districts.

**SB 715** was passed to third reading.

**SB 715 ON THIRD READING  
(D. Jones - House Sponsor)  
CONSTITUTIONAL RULE SUSPENDED**

Representative D. Jones moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 715** on its third reading and final passage.

The motion prevailed by (Record 331): 137 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Danburg.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Allen; Chavez; Hernandez; McClendon.

The speaker laid **SB 715** before the house on its third reading and final passage.

**SB 715** was read third time and was passed.

**CSSB 386 ON SECOND READING****(Smithee, Berlanga, Van de Putte, Naishtat, et al. - House Sponsors)**

**CSSB 386**, A bill to be entitled An Act relating to review of and liability for certain health care treatment decisions.

**Amendment No. 1**

Representative Smithee offered the following amendment to **CSSB 386**:

Amend SECTION 1 of **CSSB 386** by striking Sec. 88.001(6) in its entirety and substituting the following:

(6) "Health insurance carrier" means an authorized insurance company that issues policies of accident and sickness insurance under Section 1, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-1, Vernon's Texas Insurance Code).

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Stiles offered the following amendment to **CSSB 386**:

Amend **CSSB 386** as follows:

(1) In Section 88.001(8), Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 2, line 15, House Committee Printing), before "acting on behalf of its employees", insert "purchasing coverage or".

(2) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 4, between lines 6 and 7, House Committee Printing), add a new Subsection (d) to read as follows:

(d) This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the Texas State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees.

(3) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 4, line 7, House Committee Printing), reletter Subsection (d) as Subsection (e).

(4) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 4, line 13, House Committee Printing), reletter Subsection (e) as Subsection (f).

(5) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 4, line 21, House Committee Printing), reletter Subsection (f) as Subsection (g).

(6) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 5, line 1, House Committee Printing), reletter Subsection (g) as Subsection (h).

(7) In Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 5, line 9, House Committee Printing), reletter Subsection (h) as Subsection (i).

(8) In Section 88.003(d), Civil Practice and Remedies Code, as added by SECTION 1 of the bill (page 6, lines 21 and 22, House Committee Printing), strike "an independent review, mediation," and substitute "an independent review or mediation".

Amendment No. 2 was adopted without objection

### **Amendment No. 3**

Representative Berlanga offered the following amendment to **CSSB 386**:

Amend **CSSB 386** as follows:

Amend SECTION 1, Sec. 88.002 by adding a new subsection (c) and relettering the remaining sections appropriately:

(c) It shall be a defense to any action asserted against a health insurance carrier, health maintenance organization, or other managed care entity for a health care plan that:

(1) neither the health insurance carrier, health maintenance organization, or other managed care entity, nor any employee, agent, ostensible agent, or representative for whose conduct such health insurance carrier, health maintenance organization or other managed care entity is liable under Section 88.002(b), controlled, influenced, or participated in the health care treatment decision, and

(2) the health insurance carrier, health maintenance organization, or other managed care entity did not deny or delay payment for any treatment prescribed or recommended by a provider to the insured or enrollee.

Amendment No. 3 was adopted without objection.

### **Amendment No. 4**

Representative Smithee offered the following amendment to **CSSB 386**:

Amend **CSSB 386** as follows:

Amend Sec. 88.002 by adding a new subsection to read as follows:

An enrollee who files an action under this Chapter shall comply with the requirements of Section 13.01 of the Medical Liability and Insurance Improvement Act, Vernon's Texas Civil Statutes, as it relates to cost bonds, deposits and expert reports.

(Haggerty in the chair)

(Swinford now present)

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative Smithee offered the following amendment to **CSSB 386**:

Amend **CSSB 386** as follows:

Amend Section 88.003(d) by striking the last sentence of that subsection which reads as follows:

"Evidence of such internal review of appeal, independent review, mediation, or alternative dispute resolution or the results of same shall be inadmissible for

any purpose in any action between an enrollee and a health insurance carrier, health maintenance organization, or managed care entity or an employee, agent, ostensible agent, or representative of such a carrier, organization, or entity."

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Smithee offered the following amendment to **CSSB 386**:

Amend **CSSB 386** page 13, line 25, by placing a period after the word "necessary" and striking the words "or are not appropriate in the allocation of health care resources."

The new (c)(1) shall read as follows: "Adverse determination" means determination by a health maintenance organization that the health care services furnished or proposed to be furnished to an enrollee are not medically necessary."

(Speaker in the chair)

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representative Longoria offered the following amendment to **CSSB 386**:

Amend **CSSB 386** as follows:

(1) Insert a new SECTION, appropriately numbered, to read as follows:  
SECTION \_\_\_\_\_. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.52G to read as follows:

Art. 21.52G. PROHIBITION OF PENALTIES FOR CERTAIN ACTS  
OF A HEALTH CARE PRACTITIONER

Sec. 1. RESTRICTIONS PROHIBITED. (a) A health benefit plan offered by an insurer may not include in a contract with a health care practitioner who provides professional services to a person covered under the plan any provision that penalizes the health care practitioner for:

(1) referring the person for additional diagnosis or treatment by a specialist; or

(2) otherwise using the practitioner's own best professional judgment in prescribing a particular medication, treatment, or device for use by the person.

(b) This section does not preclude an insurer from using utilization review in a manner that complies with Article 21.58A of this code in the operation of a health benefit plan offered by that insurer.

Sec. 2. ADMINISTRATIVE PENALTY. An insurer who violates this article in the operation of a health benefit plan offered by that insurer is subject to an administrative penalty as provided by Article 1.10E of this code.

(2) In the transitional material of the bill, add a new SECTION, appropriately lettered, to read as follows:

SECTION \_\_\_\_\_. Article 21.52G, Insurance Code, as added by this Act, applies only to an insurance policy or evidence of coverage that is delivered,

issued for delivery, or renewed on or after January 1, 1998. A policy or evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 7 was withdrawn.

### **Amendment No. 8**

Representatives Oliveira and McCall offered the following amendment to **CSSB 386**:

Amend **CSSB 386** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 88 to read as follows:

#### CHAPTER 88. HEALTH CARE LIABILITY

Sec. 88.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual who is enrolled in a health care plan, including covered dependents.

(2) "Health care plan" means a plan whereby any person or entity undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care service. A part of the plan must consist of arranging for or providing health care services as distinguished from indemnification against the cost of those services on a prepaid basis through insurance or otherwise. The term does not include a plan that indemnifies a person for the cost of health care services through insurance.

(3) "Health care provider" means a person or entity as defined in Section 1.03(a)(3), Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes.)

(4) "Health insurance carrier" means a company that is authorized to issue a policy of accident and sickness insurance under Section 1, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-1, Vernon's Texas Insurance Code.)

(5) "Health maintenance organization" means an organization licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) and shall also include an approved nonprofit health corporation licensed under Certification of Certain Nonprofit Health Corporations (Article 21.52F, Vernon's Texas Insurance Code).

(6) "Independent review organization" means an organization that is permitted to conduct independent reviews under Article 21.58C, Chapter 21, Insurance Code.

(7) "Managed care entity" means any entity or person that is authorized or otherwise permitted by law to arrange for or provide a health care plan.

(8) "Utilization review agent" means any entity or person licensed



under the Health Care Utilization Review Agents Act (Chapter 21.58A, Vernon's Texas Insurance Code).

Sec. 88.002. APPLICABILITY. A health insurance carrier, health maintenance organization, managed care entity, or utilization review agent for a health care plan is liable for damages for harm to an insured or enrollee proximately caused by its failure to comply with a determination of an independent review organization consistent with the scope of benefits under the policy or plan of the enrollee as specified in the applicable evidence of coverage contract and that is made pursuant to Section 6, Health Care Utilization Review Agents (Article 21.58A, Vernon's Texas Insurance Code) unless the review was procured by corruption or fraud, was conducted in bad faith, or otherwise involves an abuse of discretion.

Sec. 88.003. LIMITATION ON CAUSE OF ACTION. A person must bring suit for any relief from the failure to comply with a determination of an independent review organization not later than two years after the day the cause of action accrues.

SECTION 2. Section 6, Health Care Utilization Review Agents (Article 21.58A, Vernon's Texas Insurance Code), is amended to read as follows:

(a) A utilization review agent shall maintain and make available a written description of procedures for appealing adverse determinations. [~~an appeal procedure of an adverse determination~~]

(b) The procedures for appeals shall be reasonable and shall include the following:

(1) a provision that an enrollee, a person acting on behalf of the enrollee, or the enrollee's physician or health care provider may appeal the adverse determination, and shall be provided, on request, a clear and concise statement of the clinical basis for the adverse determination;

(2) a provision that, within 5 working days from receipt of the appeal, the utilization review agent shall send the appealing party a letter acknowledging the date of receipt of the appeal and include a list of the documents needed to be submitted by the appealing party to the utilization review agent for the appeal;

(3) a provision that appeal decisions shall be made by a physician, provided that, if the appeal is denied and within 10 working days the health care provider sets forth in writing good cause for having a particular type of specialty provider review the case, the denial shall be reviewed by a health care provider in the same or similar specialty as typically manages the medical condition, procedure, or treatment under discussion for review of the adverse determination;

(4) in addition to the written appeal, a method for an expedited appeal procedure for emergency care denials and denials of continued stays for hospitalized patients, which shall include a health care provider who has not previously reviewed the case. Such appeal must be completed no later than one working day following the appeal, including all information necessary to complete the appeal, is made to the utilization review agent; and

(5) written notification to the appealing party of the determination of the appeal, as soon as practical, but no later than 30 days after receiving all the required documentation of the appeal. If the appeal is denied, the written notification shall include a clear and concise statement of the clinical basis for the appeal's denial, ~~and~~ the specialty of the physician making the denial, and notice of appealing party's right to seek medical review of such denial by an independent review organization and procedures for doing so.

(c) A utilization review agent shall:

(1) contract with one or more independent review organizations designated in accordance with Art. 21.58C, Insurance Code, to review the agent's denials of appeals of adverse determinations.

(2) permit any party whose appeal of an adverse determination is denied by the agent to seek review of such determination by an independent review organization if the party has exhausted all procedures for appealing adverse determinations available from the agent and the enrollee's treating physician certifies that the items and services for which medical review is sought are medically necessary and an appropriate treatment option provided that such review is requested within two years from the date such remedies available from the agent are exhausted;

(3) provide to the appropriate independent review organization within 5 working days of the agent's receipt of a request for review:

(A) A copy of any medical records of the enrollee that are relevant to such review;

(B) A copy of any documents used by the agent in making the determination to be reviewed by the organization;

(C) A copy of the statement referred to in subsection (b)(5);  
and

(D) A copy of any documentation and written information submitted to the plan in support of the appeal;

(4) include in such contract with an independent review organization a requirement that such organization will make a determination to affirm or reverse such denial:

(A) within 30 days of receipt by the organization of the request for review, or

(B) in the case of denials of appeals for urgent and emergency care and continued stays for hospitalized patients, within 72 hours of receipt by the organization of the request for review;

(5) comply with any determination of the organization with respect to the medical necessity or appropriateness of health care items and services for an enrollee consistent with the scope of benefits under the policy or plan of the enrollee as specified in the applicable evidence of coverage contract; and

(6) be responsible for the cost of the independent review.

(d) A utilization review agent who complies with subsection (c) of this article, and any employer, payor, or administrator for whom the utilization review in question is conducted shall be held harmless for that determination

and shall not be liable for any cause of action arising from that determination or from the determination of the independent review organization except a cause of action brought pursuant to Chapter 88, Texas Civil Practice and Remedies Code.

SECTION 3. Section 2, Texas Health Maintenance Organization Act (Article 20A, Vernon's Texas Insurance Code), is amended to read as follows:

(a) "Adverse determination" means a determination by a health maintenance organization that the health care services furnished or proposed to be furnished to a patient are not medically necessary or not appropriate in the allocation of health care resources.

(b) [~~(a)~~] "Basic health care services" means health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and medical services, and outpatient medical services.

(c) [~~(b)~~] "Board" means the Texas Board of Health.

(d) [~~(c)~~] "Commissioner" means the commissioner of insurance.

(e) [~~(d)~~] "Enrollee" means an individual who is enrolled in a health care plan, including covered dependents.

(f) [~~(e)~~] "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled.

(g) [~~(f)~~] "Group hospital service corporation" means a nonprofit corporation organized and operating under Chapter 20 of the Insurance Code.

(h) [~~(g)~~] "Health care" means prevention, maintenance, rehabilitation, pharmaceutical, and chiropractic services provided by qualified persons other than medical care.

(i) [~~(h)~~] "Health care plan" means any plan whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services; provided, however, a part of such plan consists of arranging for or the provision of health care services, as distinguished from indemnification against the cost of such service, on a prepaid basis through insurance or otherwise.

(j) [~~(i)~~] "Health care services" means any services, including the furnishing to any individual of pharmaceutical services, medical, chiropractic, or dental care, or hospitalization or incident to the furnishing of such services, care, or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury or a single health care service plan.

(k) [~~(j)~~] "Health maintenance organization" means any person who arranges for or provides a health care plan or a single health care service plan to enrollees on a prepaid basis.

(l) [~~(k)~~] "Medical care" means furnishing those services defined as practicing medicine under Section 1.03(8), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

(m) [~~(l)~~] "Person" means any natural or artificial person, including, but not

limited to, individuals, partnerships, associations, organizations, trusts, hospital districts, limited liability companies, limited liability partnerships, or corporations.

(n) [~~(m)~~] "Physician" means:

- (1) an individual licensed to practice medicine in this state;
- (2) a professional association organized under the Texas Professional Association Act (Article 1528f, Vernon's Texas Civil Statutes) or a nonprofit health corporation certified under Section 5.01, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes); or
- (3) another person wholly owned by physicians.

(o) [~~(n)~~] "Provider" means:

- (1) any person other than a physician, including a licensed doctor of chiropractic, registered nurse, pharmacist, optometrist, pharmacy, hospital, or other institution or organization or person that is licensed or otherwise authorized to provide a health care service in this state;
- (2) a person who is wholly owned or controlled by a provider or by a group of providers who are licensed to provide the same health care service; or
- (3) a person who is wholly owned or controlled by one or more hospitals and physicians, including a physician-hospital organization.

(p) [~~(o)~~] "Sponsoring organization" means a person who guarantees the uncovered expenses of the health maintenance organization and who is financially capable, as determined by the commissioner, of meeting the obligations resulting from those guarantees.

(q) [~~(p)~~] "Uncovered expenses" means the estimated administrative expenses and the estimated cost of health care services that are not guaranteed, insured, or assumed by a person other than the health maintenance organization. Health care services may be considered covered if the physician or provider agrees in writing that enrollees shall in no way be liable, assessable, or in any way subject to payment for services except as described in the evidence of coverage issued to the enrollee under Section 9 of this Act. The amount due on loans in the next calendar year will be considered uncovered expenses unless specifically subordinated to uncovered medical and health care expenses or unless guaranteed by the sponsoring organization.

(r) [~~(q)~~] "Uncovered liabilities" means obligations resulting from unpaid uncovered expenses, the outstanding indebtedness of loans that are not specifically subordinated to uncovered medical and health care expenses or guaranteed by the sponsoring organization, and all other monetary obligations that are not similarly subordinated or guaranteed.

(s) [~~(r)~~] "Single health care service" means a health care service that an enrolled population may reasonably require in order to be maintained in good health with respect to a particular health care need for the purpose of preventing, alleviating, curing, or healing human illness or injury of a single specified nature and that is to be provided by one or more persons each of whom is licensed by the state to provide that specific health care service.

(t) [(s)] "Single health care service plan" means a plan under which any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of a single health care service, provided, that a part of the plan consists of arranging for or the provision of the single health care service, as distinguished from an indemnification against the cost of that service, on a prepaid basis through insurance or otherwise and that no part of that plan consists of arranging for the provision of more than one health care need of a single specified nature.

(u) [(t)] "Emergency care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- (1) placing the patient's health in serious jeopardy;
- (2) serious impairment to bodily functions; or
- (3) serious dysfunction of any bodily organ or part.

(v) [(u)] "Health maintenance organization delivery network" means a health care delivery system in which a health maintenance organization arranges for health care services directly or indirectly through contracts and subcontracts with providers and physicians.

SECTION 4. Section 9, Subsection (a)(3)(B)(iv), Texas Health Maintenance Organization Act (Article 20A, Vernon's Texas Insurance Code), is amended to read as follows:

(iv) a clear and understandable description of the health maintenance organization's methods for resolving enrollee complaints, including the enrollee's right to appeal denials of adverse determinations to an independent review organization and the process for doing so. Any subsequent changes may be evidenced in a separate document issued to the enrollee.

SECTION 5. The Texas Health Maintenance Organization Act (Article 20A, Vernon's Texas Insurance Code) is amended by adding Section 12A to read as follows:

Sec. 12A. REVIEW OF ADVERSE DETERMINATIONS. (a) The complaint system required by Section 12 of this Act (Article 20A.12, Vernon's Texas Insurance Code) shall include procedures for appealing an adverse determination and for seeking independent review of a denial of such an appeal. The provisions of Section 6, Article 21.58A, relating to independent review shall apply to a health maintenance organization under this article in the same manner and to the same extent as they apply to a utilization review agent under that section, except that subsection (d) of such section shall apply to an enrollee's treating physician and the health maintenance organization.

SECTION 6. Subchapter E, Chapter 21, Vernon's Texas Insurance Code, is amended by adding Article 21.58C to read as follows:

Art. 21.58C. STANDARDS FOR INDEPENDENT REVIEW ORGANIZATIONS

(a) The Commissioner shall:

- (1) promulgate standards for the selection of independent review

organizations to perform the medical reviews described in Section 6, Art. 21.58A(c);

(2) designate, annually, each organization meeting such standards as an independent review organization; and

(3) assure that a sufficient number of such organizations are designated to permit the expeditious medical review of all such independent review determinations and to provide a reasonable choice for entities that are required to contract with such organizations for the medical review of such independent review determinations.

(b) The standards required by subsection (a)(1) shall be designed to assure:

(1) the independence of the organizations designated under this section;

(2) the confidentiality of medical records transmitted to such organizations for use in such independent reviews;

(3) the qualifications and independence of the health care professionals making independent review determinations for such organizations; and

(4) the fairness of the procedures of such organizations for making such independent determinations.

(c) In order to be designated as an independent review organization under this section, an organization shall submit to the Commissioner (upon initial application, annually thereafter, and upon any change occurring after the immediately preceding submission under this subsection) the following information:

(1) In the case of a publicly held organization, the names of all stockholders and owners of more than 5 percent of any stock or options;

(2) The names of all holders of bonds or notes exceeding \$100,000;

(3) The names and type of business of all corporations and organizations that the organization controls or is affiliated with and the nature and extent of any ownership or control;

(4) The names and biographical sketches of all directors, officers, and executives of the organization, and a description of any relationships such individuals may have with any health benefit plan, health maintenance organization, insurer, utilization review agent, nonprofit health corporation, payor, health care provider, or group representing such entities;

(5) The percentage of the organization's revenues that is derived from such medical reviews; and

(6) A description of the areas of expertise of the health care professionals making medical review determinations for the organization.

(d) An independent review organization may not be a subsidiary of, nor in any way owned or controlled by a payor, a trade association of payors or providers, or a professional association of physicians or other health professionals.

SECTION 7. Chapter 88, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrues before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 8. The change in law made by Sections 2, 3, and 5 of this Act applies only to an adverse determination of a utilization review agent or health maintenance organization made on or after the effective date of this Act.

SECTION 9. The change in law made by Section 4 of this Act to Section 9, Texas Health Maintenance Organization Act (Article 20A.09, Vernon's Texas Insurance Code), applies only to an evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 1998. An evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 1997.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Berlanga moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 332): 120 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Burnam; Chavez; Chisum; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keffer; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Shields; Smith; Smithee; Solomons; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Brimer; Carter; Christian; Clark; Goolsby; Grusendorf; Hartnett; Keel; Krusee; Kubiak; Madden; McCall; Oliveira; Roman; Serna; Siebert; Solis; Staples; Uher; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell.

Absent — Hilderbran; Thompson.

#### STATEMENT OF VOTE

When Record No. 332 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

**Amendment No. 9**

Representative Clark offered the following amendment to **CSSB 386**:

Amend **CSSB 386** in Section 88.002, Civil Practice and Remedies Code, as added by SECTION 1 of the bill, by adding a new appropriately lettered subsection to read as follows:

( ) Subchapter J, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), applies to a claim brought under this chapter as if the health insurance carrier, health maintenance organization, or other managed care entity were a health care provider, as defined by that Act.

Representative Smithee moved to table Amendment No. 9.

The motion to table prevailed.

**CSSB 386**, as amended, was passed to third reading.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Stiles requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 6:30 p.m. today, speakers committee room.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 606 ON THIRD READING  
(Hinojosa - House Sponsor)**

**SB 606**, A bill to be entitled An Act relating to the establishment and operation of a regional academic health center by The University of Texas System.

**SB 606** was passed. (Corte, Galloway, Howard, and Shields recorded voting no)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Swinford on motion of Chisum.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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



**SB 898 ON SECOND READING**  
**(Wolens - House Sponsor)**

**SB 898**, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 74th Legislature to other Acts of that legislature.

**SB 898** was passed to third reading.

**SB 884 ON SECOND READING**  
**(Wolens - House Sponsor)**

**SB 884**, A bill to be entitled An Act relating to rules of statutory construction.

**SB 884** was passed to third reading.

**SB 1751 ON SECOND READING**  
**(McCall - House Sponsor)**

**SB 1751**, A bill to be entitled An Act relating to the adoption of a nonsubstantive revision of statutes relating to utilities, including conforming amendments, repeals, and penalties.

**SB 1751** was passed to third reading.

**SB 996 ON SECOND READING**  
**(Goolsby - House Sponsor)**

**SB 996**, A bill to be entitled An Act relating to the donation of certain surplus or salvage state property.

**SB 996** was passed to third reading.

**CSSB 1301 ON SECOND READING**  
**(Goolsby - House Sponsor)**

**CSSB 1301**, A bill to be entitled An Act relating to parking, vehicle traffic, and security in the Capitol Complex.

**Amendment No. 1**

Representative Goolsby offered the following amendment to **CSSB 1301**:

Amend **CSSB 1301** as follows:

In SECTION 1 of the bill, in amended Section 443.015, Government Code, add the following sentence at the end of Subsection (b) (page 1, line 16, House Committee Printing): "The board may reimburse the Department of Public Safety for the department's expenses in operating and maintaining the parking meters."

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Goolsby offered the following amendment to **CSSB 1301**:

Amend **CSSB 1301** as follows:

(1) In SECTION 1 of the bill, strike Subsection (d) of added Section 443.015, Government Code (House Committee Printing, Page 1, lines 19-22), and substitute the following:

(d) The revenue collected from meters installed under this section shall be deposited in the Capitol fund.

(2) Strike SECTION 10 of the bill and renumber the remaining sections accordingly.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Goolsby offered the following amendment to **CSSB 1301**:

Amend **CSSB 1301**, in SECTION 8 of the bill, by striking Subsection (b) of added Section 24B, Texas Public Finance Authority Act (page 6, lines 5-7, House Committee Printing) and substituting the following:

(b) The parking facility for state officers and employees authorized under Subsection (a) is projected to be built on current state parking Lot 20. The parking facility for visitors to the Capitol Complex is projected to built on current state parking Lot 17 and shall be under the control of the State Preservation Board.

Amendment No. 3 was adopted without objection.

**CSSB 1301**, as amended, was passed to third reading. (Finnell and Horn recorded voting no)

### **SB 297 ON SECOND READING (Junell - House Sponsor)**

**SB 297**, A bill to be entitled An Act relating to the technology allotment under the foundation school program.

**SB 297** was passed to third reading.

### **SB 206 ON SECOND READING (Eiland and G. Lewis - House Sponsors)**

**SB 206**, A bill to be entitled An Act relating to licensing requirements for certain insurance agents.

### **Amendment No. 1**

Representative Van de Putte offered the following amendment to **SB 206**:

Amend **SB 206** as follows:

(1) Insert the following sections, appropriately numbered:

SECTION \_\_. Sections 1(b) and (c), Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code), are amended to read as follows:

(b) The term "life insurance agent" for the purpose of this Act means any person or corporation that is an authorized agent of a legal reserve life insurance company, and any person who is a sub-agent of such agent, who acts as such,

whether through an oral, written, or electronic communication or otherwise, in the solicitation of, negotiation for, or procurement of, or collection of premiums on, an insurance or annuity contract with a legal reserve life insurance company; except that the term "life insurance agent" shall not include:

(1) any regular salaried officer or employee of a legal reserve life insurance company, or of a licensed life insurance agent, who devotes substantially all of his or her time to activities other than the solicitation of applications for insurance or annuity contracts and receives no commission or other compensation directly dependent upon the business obtained, and who does not solicit or accept from the public applications for insurance or annuity contracts;

(2) employers or their officers or employees, or the trustees of any employee benefit plan, to the extent that such employers, officers, employees or trustees are engaged in the administration or operation of any program of employee benefits involving the use of insurance or annuities issued by a legal reserve life insurance company, provided that such employers, officers, employees or trustees are not in any manner compensated, directly or indirectly, by the legal reserve life insurance company issuing such insurance or annuity contracts;

(3) banks, savings and loan associations, or credit unions, or the officers and employees of banks, savings and loan associations, or credit unions, to the extent that such banks, savings and loan associations, credit unions, or officers and employees collect and remit premiums by charging same against accounts of depositors on the orders of such depositors;

(4) a ticket-selling agent of a public carrier with respect to accident life insurance tickets covering risks of travel; or

(5) an agent selling credit life, health and accident insurance issued exclusively in connection with credit transactions, or acting as agent or solicitor for health and accident insurance under license issued pursuant to the provisions of Article 21.14 of the Texas Insurance Code.

(c) The term "sub-agent" means any person, except a regular salaried officer or employee of a legal reserve life insurance company, or of a licensed life insurance agent, engaging in activities defined in Paragraph 1(b), above, who acts for or on behalf of a licensed life insurance agent, whether through an oral, written, or electronic communication or otherwise, in the solicitation of, negotiation for, or procurement or making of, or collection of premiums on, an insurance or annuity contract, whether or not he is designated by such agent as a sub-agent or a solicitor or by any other title. Each such sub-agent shall be deemed to be a life insurance agent, as defined above, and wherever, in succeeding Sections of this Act, the term "life insurance agent" is used, it shall include sub-agents, whether or not they are specifically mentioned. Each such sub-agent shall be subject to the provisions of this Act to the same extent as a life insurance agent.

SECTION \_\_. Section 16(a), Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code), is amended to read as follows:

(a) In this section, "accident and health insurance agent" means any person or corporation that is an authorized agent of a legal reserve life insurance

company and who acts as such agent, whether through an oral, written, or electronic communication or otherwise, only in the solicitation of, negotiation for, procurement of, or collection of premiums on an accident and health insurance contract with a legal reserve life insurance company, but does not include:

(1) a regular salaried officer or employee of a legal reserve life insurance company, or of a licensed life or accident and health insurance agent, who devotes substantially all of his or her time to activities other than the solicitation of applications for insurance contracts and receives no commission or other compensation directly dependent upon the business obtained and who does not solicit or accept from the public applications for insurance contracts;

(2) employers or their officers or employees, or the trustees of any employee benefit plan, to the extent that those employers, officers, employees, or trustees are engaged in the administration or operation of any program of employee benefits involving the use of insurance issued by a legal reserve life insurance company, provided that those employers, officers, employees, or trustees are not in any manner compensated directly or indirectly by the legal reserve life insurance company issuing the insurance contracts;

(3) banks or their officers and employees to the extent that the banks, or their officers, and employees collect and remit premiums by charging the premiums against the account of a depositor on the orders of the depositor;

(4) a ticket-selling agent of a public carrier with respect to accident and health insurance tickets covering risks of travel; or

(5) an agent selling credit health and accident insurance issued exclusively in connection with credit transactions, or acting as agent or solicitor for health and accident insurance under a license issued under either Article 21.07, Article 21.07-1, or Article 21.14, Insurance Code.

(2) Renumber sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Shields offered the following amendment to **SB 206**:

Amend **SB 206** by inserting a SECTION to read as follows, and renumbering existing SECTIONS appropriately:

SECTION \_\_\_\_\_. Chapter 1, Insurance Code, is amended by adding Article 1.10F to read as follows:

Art. 1.10F. EXPUNCTION OF CERTAIN RECORDS. (a) In this article:

(1) "License" includes:

(A) a license, permit, certificate, approval, or registration issued by a state agency or any similar authorization required by law; or

(B) any part of an authorization described by Paragraph (A) of this subdivision.

(2) "Person" means an individual or partnership.

(b) A person is entitled to expunction of department records relating to a violation by the person of an article of this code, a rule adopted under this code, or any other law related to the practice of insurance in this state if:

(1) the person has not committed another violation during the six years following the date of the violation;

(2) the violation did not injure a policyholder or an insurance company;

(3) the violation did not result in the assessment of a monetary penalty against the person; and

(4) the violation did not involve fraud or criminal activity.

(c) A person who is entitled to expunction of a record under Subsection (b) of this article may file a petition for expunction with the commissioner.

(d) A person who files a petition for expunction of a department record shall pay an advance expunction fee to cover the costs of the expunction proceedings.

(e) On receipt of a petition for expunction, the commissioner shall set a hearing on the matter and give reasonable notice of the hearing to appropriate parties.

(f) If the commissioner finds that the person is entitled to expunction of any department record under Subsection (b) of this article, the commissioner shall issue an expunction order.

(g) After issuance of an expunction order:

(1) the department may not:

(A) release, disseminate, or use the expunged record:

(i) in considering whether to approve or deny the issuance to the person of a new or renewal license; or

(ii) in answering inquiries from another state in relation to the person applying for a new or renewal license in that state; or

(B) include the expunged record in any database after the date of the expunction order; and

(2) the person for whom the commissioner grants expunction may deny the occurrence of the violation and the existence of the expunction order.

(h) The commissioner shall adopt rules to implement this article.

Amendment No. 2 was adopted without objection.

**SB 206**, as amended, was passed to third reading.

### **POSTPONED BUSINESS**

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

#### **SB 1455 ON SECOND READING**

**(R. Lewis - House Sponsor)**

**SB 1455**, A bill to be entitled An Act relating to the ability of voters in certain counties to petition a commissioners court to increase the salary of members of the county sheriff's department.

**SB 1455** was considered in lieu of **CSHB 704**.

**SB 1455** was read second time and was passed to third reading.

#### **CSHB 704 - LAID ON THE TABLE SUBJECT TO CALL**

Representative R. Lewis moved to lay **CSHB 704** on the table subject to call.

The motion prevailed without objection.

**CSHB 2917 ON SECOND READING**  
**(by Berlanga, Culberson, Bosse, Goodman, Naishtat, et al.)**

**CSHB 2917**, A bill to be entitled An Act relating to additional court filing fees to provide basic civil legal services to the indigent.

**CSHB 2917** was read second time on May 1 and was postponed until 10 a.m. today.

Representative Berlanga moved to postpone consideration of **CSHB 2917** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

**CSHB 1561 ON SECOND READING**  
**(by Smith)**

**CSHB 1561**, A bill to be entitled An Act relating to regulation of alarm systems by municipalities and counties.

**CSHB 1561** was read second time on May 1, amended, postponed until May 2, and was again postponed until 10 a.m. today.

**Amendment No. 4**

Representative Smith offered the following amendment to **CSHB 1561**:

Amend **CSHB 1561** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 218.003(a), Local Government Code, is amended to read as follows:

(a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before the [a] person may use an alarm system in the municipality, the ordinance must provide that the permit is valid for at least one year.

SECTION 2. Section 218.005, Local Government Code, is amended to read as follows:

Sec. 218.005. TERMINATION AND DISCRIMINATION. (a) [~~Except as provided in Subsection (d) of this section, a municipality may not terminate its law enforcement response to a permit holder because of excess false alarms if the false alarm fees are paid in full.~~

[~~(b)~~] In permitting free false alarm responses and in setting false alarm fees, a municipality must administer any ordinance on a fair and equitable basis as determined by the governing body.

[~~(b)~~] A municipality may not terminate an alarm permit for nonrenewal without providing at least 30 days' notice.

[~~(c)~~] A municipality may set standards for alarm systems to be permitted [~~and may refuse to permit particular systems which in its discretion have a history of unreliability~~].

SECTION 3. Section 218.006, Local Government Code, is amended to read as follows:

Sec. 218.006. FALSE ALARM EXEMPTIONS [~~ON-SITE INSPECTION REQUIRED~~]. A municipality may not consider a false alarm to have occurred unless a response is made by an agency of the municipality within 30 minutes

of the alarm notification and the agency determines from an inspection of the interior or exterior of the premises that the alarm was false.

SECTION 4. Section 218.007, Local Government Code, is amended to read as follows:

Sec. 218.007. PENALTY LIMITATIONS. (a) During any preceding 12-month period:

(1) ~~a [A] municipality may not impose a [penalty or] fee for the signaling of a false alarm [by a burglar alarm system] unless [at least] five other false alarms have occurred; and~~

(2) a municipality may impose a fee of not more than \$100 each for the signaling of a false alarm after the fifth false alarm [during the preceding 12-month period].

(b) A municipality may terminate its law enforcement response to an alarm system only if:

(1) the person is operating the alarm system without a required permit;  
or

(2) the person has not paid a false alarm fee assessed under this section.

(c) The municipality shall notify the permit holder of an alarm system by certified mail of the termination of law enforcement response to an alarm system if law enforcement response is terminated because the person has not paid a false alarm fee assessed under this section. The notice must be deposited in the mail and have a postmark that is not later than the 10th day before the date the termination is to take effect. [A penalty or fee imposed for a false alarm must be established by ordinance based on the type and level of emergency response provided. This fee may not exceed \$50 in the case of the category of burglar alarms. The penalty or fee for a false alarm may not exceed the actual expenses incurred for the response.]

SECTION 5. Sections 237.002(b), (c), (d), and (e), Local Government Code, are amended to read as follows:

(b) ~~[A county may not impose a penalty or fee for the signaling of a false alarm by an alarm system unless five other false alarms have occurred within the preceding 12-month period.~~

~~[(c) A penalty or fee imposed for a false alarm must be established by rule based on the type and level of emergency response provided. The fee for more than five false alarms shall not exceed \$75 per false alarm above the number of free responses. If there are more than nine false alarms in a one-year period, the alarm system permit may be revoked.~~

~~[(d)] Notwithstanding the other provisions of this section, the owner or lessee of premises on which an alarm system is installed may be charged the full costs incurred by the county when the owner or lessee or the agent or employee of the owner or lessee intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice.~~

~~[(e)] The sheriff or the sheriff's representative shall provide a copy of the rules to a person and assess a fee for the copy in accordance with Chapter 552, Government Code.~~

SECTION 6. Chapter 237, Local Government Code, is amended by adding Section 237.0021 to read as follows:

Sec. 237.0021. PENALTY LIMITATIONS. (a) During any preceding 12-month period:

(1) a county may not impose a fee for the signaling of a false alarm unless five other false alarms have occurred; and

(2) a county may impose a fee of not more than \$100 each for the signaling of a false alarm after the fifth false alarm.

(b) A county may terminate its law enforcement response to an alarm system only if:

(1) the person is operating the alarm system without a required permit;

or

(2) the person has not paid a false alarm fee assessed under this section.

(c) The county shall notify the permit holder of an alarm system by certified mail of the termination of law enforcement response to an alarm system if law enforcement response is terminated because the person has not paid a false alarm fee assessed under this section. The notice must be deposited in the mail and have a postmark that is not later than the 10th day before the date the termination is to take effect.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 4 was adopted without objection.

**CSHB 1561**, as amended, was passed to engrossment.

**CSHB 573 ON SECOND READING**  
**(by Keel and Clark)**

**CSHB 573**, A bill to be entitled An Act relating to the admissibility of certain evidence in a criminal proceeding.

**CSHB 573** was read second time on May 5 and was postponed until 10 a.m. today.

Representative Dutton raised a point of order against further consideration of **CSHB 573** under Rule 4, Section 11(b) of the House Rules on the grounds that no notice was given of the April 17 formal meeting during which the bill was reported.

The speaker sustained the point of order.

The bill was returned to the Committee on Criminal Jurisprudence.

**CSHB 820 ON SECOND READING**  
**(by Cuellar, Coleman, Maxey, Dukes, Naishtat, et al.)**

**CSHB 820**, A bill to be entitled An Act relating to civil actions to recover fraudulent Medicaid claims.

**CSHB 820** was read second time on April 30 and was postponed until 10 a.m. today.



**Amendment No. 1**

Representative Cuellar offered the following amendment to **CSHB 820**:

Amend **CSHB 820** as follows:

(1) On page 3, line 22, strike "name of the state" and substitute "name of the person and of the state".

(2) Strike page 4, line 25, through page 5, line 4, and substitute the following:

Sec. 36.104. CONTINUATION OR DISMISSAL OF ACTION BASED ON STATE DECISION. (a) Not later than the last day of the period prescribed by Section 36.102(b), as extended as provided by Section 36.102(d), if applicable, the state shall:

(1) proceed with the action; or

(2) notify the court that the state declines to take over the action.

(b) If the state declines to take over the action, the court shall dismiss the action.

(3) Strike page 6, line 22, through page 7, line 5.

(4) On page 7, line 6, strike "36.109" and substitute "36.108".

(5) On page 7, lines 6-7, strike "Regardless of whether the state proceeds with the action, on" and substitute "On".

(6) On page 7, line 21, strike "36.110" and substitute "36.109".

(7) On page 8, line 13, strike "36.111" and substitute "36.110".

(8) Strike page 9, lines 2-7.

(9) On page 9, line 8, strike "(d)" and substitute "(c)".

(10) On page 9, line 14, strike "(e)" and substitute "(d)".

(11) On page 9, line 16, strike "36.112" and substitute "36.111".

(12) On page 9, lines 16-17, strike "Regardless of whether the state proceeds with the action, if" and substitute "If".

(13) On page 9, line 22, strike "36.111" and substitute "36.110".

(14) On page 10, line 4, strike "36.113" and substitute "36.112".

(15) On page 10, line 4, strike "OR".

(16) Strike page 10, lines 5-12.

(17) On page 10, line 13, strike "(b)".

(18) On page 10, line 15, strike "36.114" and substitute "36.113".

(19) On page 11, line 3, strike "36.115" and substitute "36.114".

(20) On page 11, line 6, strike "36.116" and substitute "36.115".

(21) On page 11, between lines 21 and 22, insert the following:

Sec. 36.116. SOVEREIGN IMMUNITY NOT WAIVED. Except as provided by Section 36.112, this subchapter does not waive sovereign immunity.

(22) Insert the following new section, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION \_\_\_\_\_. The office of the attorney general shall study the benefits of using private attorneys to prosecute civil actions under Chapter 36, Human Resources Code. The office shall report the results of the office's study to the legislature not later than September 1, 1998.

Amendment No. 1 was adopted without objection.

**CSHB 820**, as amended, was passed to engrossment.

**HB 697 ON THIRD READING**  
**(by Dutton)**

**HB 697**, A bill to be entitled An Act relating to contracting by court reporters.

**HB 697** was read third time on May 5, postponed until May 6, and was again postponed until 10 a.m. today.

**HB 697** was passed.

**HB 1665 ON SECOND READING**  
**(by Oliveira)**

**HB 1665**, A bill to be entitled An Act relating to disclosure of the location of certain subsurface conditions by a person who is selling unimproved real property to be used for residential purposes.

**HB 1665** was read second time on May 6 and was postponed until 10 a.m. today.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Woolley, Representative Oliveira offered the following committee amendment to **HB 1665**:

Amend **HB 1665**, on page 1, lines 9-20, by striking subsection (a) and inserting the following:

(a) A seller of unimproved real property to be used for residential purposes shall provide to the purchaser of the property a written notice disclosing the location of a transportation pipeline, including a pipeline for the transportation of natural gas, natural gas liquids, synthetic gas, liquefied petroleum gas, petroleum or a petroleum product, or a hazardous substance.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Corte, Representative Oliveira offered the following committee amendment to **HB 1665**:

Amend **HB 1665**, on page 2, between lines 13 and 14 add the following:

(f) A seller is not required to give the notice if:

(1) the seller is obligated under an earnest money contract to furnish a title insurance commitment to the buyer prior to closing; and

(2) the buyer is entitled to terminate the contract if the buyer's objections to title as permitted by the contract are not cured by the seller prior to closing.

Amendment No. 2 was adopted without objection.

**HB 1665**, as amended, was passed to engrossment.

**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. 3).

**HB 2500 ON SECOND READING**  
**(by Oliveira, Patterson, and Marchant)**

**HB 2500**, A bill to be entitled An Act relating to state agency loan and loan guarantee programs, the creation, administration, and operation of the Texas Economic Development Agency to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and agricultural development goals, and to the abolition of the Texas Department of Commerce and the Texas Agricultural Finance Authority.

**HB 2500** was read second time on May 1 and was postponed until 2 p.m. today.

Representative Oliveira moved to postpone consideration of **HB 2500** until 9 a.m. Thursday, May 15.

The motion prevailed without objection.

**HB 3216 ON SECOND READING**  
**(by Stiles and Brimer)**

**HB 3216**, A bill to be entitled An Act relating to the use of attorneys representing insurance carriers in certain workers' compensation proceedings.

**HB 3216** was read second time on April 16, postponed until April 23, postponed until April 30, postponed until May 5, and was again postponed until 2 p.m. today.

Representative Stiles moved to postpone consideration of **HB 3216** until 1:00 p.m. Saturday, May 10.

The motion prevailed without objection.

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 3585 ON THIRD READING**  
**(by Greenberg, Naishtat, Maxey, Dukes, and Keel)**

**HB 3585**, A bill to be entitled An Act relating to authorizing the General Services Commission to convey certain state-owned property to the City of Austin.

A record vote was requested.

**HB 3585** was passed by (Record 333): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez;

Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Glaze.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Danburg; Seaman.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 92 ON SECOND READING  
(by Brimer, Oliveira, Janek, Eiland, Corte, et al.)**

**CSHB 92**, A bill to be entitled An Act relating to the financing of sports and community venues and related infrastructure; authorizing the imposition of certain local taxes and the issuance of local bonds; providing penalties.

Representative Wolens raised a point of order against further consideration of **CSHB 92** under Rule 4, Section 33(e) of the House Rules on the grounds that the April 15 fiscal note (which was for the committee report on which a point of order was sustained on April 30) was not included in the new committee report.

The speaker overruled the point of order.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative D. Jones requested permission for the Committee on Redistricting to meet while the house is in session.

Permission to meet was granted without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Redistricting, 7:15 p.m. today, back hall.

Public Health, scheduled for tonight upon adjournment has been rescheduled for 8 a.m. Thursday, May 8, E2.026, Capitol Extension.

**CSHB 92 - (consideration continued)**

(Coleman and Glaze, now present)

Representative Wolens moved to table **CSHB 92**.

A record vote was requested.

The motion to table was lost by (Record 334): 54 Yeas, 87 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bonnen; Burnam; Chisum; Christian; Clark; Crabb; Craddick; Culberson; Davila; Davis; Driver; Ehrhardt; Finnell; Galloway; Garcia; Giddings; Glaze; Hamric; Heflin; Hightower; Hill; Hirschi; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; King; Madden; McCall; McReynolds; Nixon; Place; Rabuck; Ramsay; Rangel; Reyna, E.; Seaman; Staples; Talton; Telford; Tillery; Uher; Walker; West; Williams; Wohlgemuth; Wolens; Zbranek.

Nays — Allen; Alvarado; Bailey; Berlanga; Bosse; Brimer; Carter; Chavez; Coleman; Cook; Corte; Counts; Cuellar; Danburg; Denny; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farrar; Flores; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hartnett; Hawley; Hernandez; Hilbert; Hilderbran; Hinojosa; Hochberg; Holzheuser; Jackson; Janek; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; Merritt; Moffat; Moreno; Mowery; Naishtat; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Price; Puente; Reyna, A.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Stiles; Thompson; Torres; Turner, B.; Turner, S.; Van de Putte; Williamson; Wilson; Wise; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Delisi; Gallego; Junell; Swinford.

Absent — Marchant; Oakley; Raymond.

**Amendment No. 1**

Representative McClendon offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 1, line 16, strike "means" and substitute "includes".

(2) On page 1, line 20, strike "venue and" and substitute "venue, including areas adjacent to the venue, and".

(3) On page 1, line 22, between "venue" and the underlined period, insert ", including an expenditure for environmental remediation".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Dukes offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 4, line 11, strike "; and" and substitute ";".

(2) On page 4, between lines 11 and 12, insert the following:

(2) to the extent required by Section 334.0235 or 334.0236, a rapid transit authority determines that the implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts; and

(3) On page 4, line 12, strike "(2)" and substitute "(3)".

(4) On page 6, between lines 12 and 13, insert the following:

Sec. 334.0235. TRANSPORTATION AUTHORITY IMPACT ANALYSIS. (a) If the resolution contains a proposed sales and use tax under Subchapter D, and imposition of the tax would result in the reduction of the tax rate of a rapid transit authority created under Chapter 451, Transportation Code, the municipality or county shall send a copy of the resolution to the authority before calling an election on the resolution under Section 334.024.

(b) Before the 30th day after the date the rapid transit authority receives the copy of the resolution, the authority shall:

(1) perform an analysis to determine if implementation of the proposed sales and use tax and the resulting reduction in the authority's tax rate will:

(A) have a significant negative impact on the authority's ability to provide services; or

(B) impair any existing contracts; and

(2) provide to the municipality or county written notice of the results of the analysis.

(c) If the rapid transit authority determines that implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair any existing contracts, the written analysis required under Subsection (b)(2) must include information on how to change the resolution so that implementation on how to change the resolution so that implementation will not have a significant negative impact on the authority's ability to provide service or will not impair any existing contracts.

(d) If the rapid transit authority does not complete the analysis and provide the notice before the 30th day after the date the authority receives the copy of the resolution, the authority is considered to have determined that implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts.

Sec. 334.0236. APPEAL OF AUTHORITY DETERMINATION. (a) If a rapid transit authority determines under Section 334.0235 that implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair an existing contract, the municipality or county may contest the finding by filing an appeal with the authority not later than the 10th day after the date the municipality or county receives the written notice under Section 334.0235.

(b) Before the 11th day after the date the rapid transit authority receives the appeal under Subsection (a), the authority shall perform a new analysis to determine if implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair an existing contract and provide to the municipality or county written notice of the results of the analysis.

(c) If the authority again determines that implementation will have a significant negative impact on the authority's ability to provide services or will impair an existing contract, the written analysis required under Subsection (b) must include additional information on how to change the resolution so that implementation will not have a significant negative impact on the authority's ability to provide services and will not impair an existing contract.

(d) If the rapid transit authority does not comply with Subsection (b) before the 11th day after the date the authority receives the appeal or request for information, the authority is considered to have determined that approval and implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts.

(5) On page 6, line 16, after "revenue," insert "and, if applicable, the rapid transit authority determines under Section 334.0235 or 334.0236 that the implementation will not have a significant negative impact on the authority's ability to provide service and will not impair any existing contracts,".

(6) On page 13, line 25, after the period, add the following:

If the municipality or county is located within the boundaries of only one taxing authority, and the adoption or increase of the tax under this subchapter will result in a decrease of the tax rate of the taxing authority, the ballot at an election to impose or increase the tax must clearly state that the adoption or increase of the tax will result in a reduction of the tax rate of the taxing authority.

(7) On page 15, line 4, between "REVENUES." AND "revenue", insert "(a)".

(8) On page 15, between lines 6 and 7, insert the following:

(b) Notwithstanding Section 334.042, if the municipality or county is included within the boundaries of a rapid transit authority created under Chapter 451, Transportation Code, and the adoption or increase of the tax under this subchapter results in a reduction of the tax rate of the authority, the municipality or county may use revenue from the tax imposed under this subchapter only for a purpose for which the authority could have used the revenue.

(9) On page 37, line 9, strike "; and" and substitute ";

(10) On page 37, between lines 9 and 10, insert the following:

(2) to the extent required by Section 335.0535 or 335.0536, a rapid transit authority determines that the implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts; and

(11) On page 37, line 10, strike "(2)" and substitute "(3)".

(12) On page 39, between lines 10 and 11, insert the following:

Sec. 335.0535. TRANSPORTATION AUTHORITY IMPACT ANALYSIS. (a) If the resolution contains a proposed sales and use tax under Subchapter D, Chapter 334, and imposition of the tax would result in the reduction of the tax rate of a rapid transit authority created under Chapter 451, Transportation Code, the district shall send a copy of the resolution to the authority before calling an election on the resolution under Section 335.054.

(b) Before the 30th day after the date the rapid transit authority receives the copy of the resolution, the authority shall:

(1) perform an analysis to determine if implementation of the proposed sales and use tax and the resulting reduction in the authority's tax rate:

(A) have a significant negative impact on the authority's ability to provide services; or

(B) impair any existing contracts; and

(2) provide to the district written notice of the results of the analysis.

(c) If the rapid transit authority determines that implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair any existing contracts, the written analysis required under Subsection (b)(2) must include information on how to change the resolution so that implementation will not have a significant negative impact on the authority's ability to provide service or will not impair any existing contracts.

(d) If the rapid transit authority does not complete the analysis and provide the notice before the 30th day after the date the authority receives the copy of the resolution, the authority is considered to have determined that implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts.

Sec. 335.0536. APPEAL OF AUTHORITY DETERMINATION. (a) If a rapid transit authority determines under Section 335.0535 that implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair an existing contract, the district may contest the finding by filing an appeal with the authority not later than the 10th day after the date the district receives the written notice under Section 335.0535.

(b) Before the 11th day after the date the rapid transit authority receives the appeal under Subsection (a), the authority shall perform a new analysis to determine if implementation of the resolution will have a significant negative impact on the authority's ability to provide services or will impair an existing contract and provide to the district written notice of the results of the analysis.

(c) If the authority again determines that implementation will have a significant negative impact on the authority's ability to provide services or will impair an existing contract, the written analysis required under Subsection (b) must include additional information on how to change the resolution so that implementation will not have a significant negative impact on the authority's ability to provide services and will not impair an existing contract.

(d) If the rapid transit authority does not comply with Subsection (b) before the 11th day after the date the authority receives the appeal or request for information, the authority is considered to have determined that approval and implementation of the resolution will not have a significant negative impact on the authority's ability to provide services and will not impair any existing contracts.

(13) On page 39, line 14, after "revenue," insert "and, if applicable, the rapid transit authority determines under Section 335.0535 or 335.0536 that the implementation will not have a significant impact on the authority's ability to provide service and will not impair any existing contracts,".

Amendment No. 2 was adopted without objection.



**Amendment No. 3**

Representative Culberson offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

On page 5, line 10, delete "15th" and substitute "30th".

On page 6, line 8, delete "11th" and substitute "30th".

On page 38, line 8, delete "15th" and substitute "30th".

On page 39, line 6, delete "11th" and substitute "30th".

On page 8, line 20, after "construct", insert "operate, maintain".

On page 9, line 23, after "obligations", insert "arising from an approved venue project".

On page 18, line 22, delete "venue" and insert " \_\_\_\_ (describe approved venue project)."

(Swinford now present)

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.024(b)(2), page 6, line 22, after "project", delete ";" and add "by geographic location;".

Amend Section 335.054(b)(2), page 39, line 21, after "project", delete ";" and add "by geographic location;".

Representative Coleman moved to table Amendment No. 4.

The motion to table prevailed.

**Amendment No. 5**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.041(b), page 7, line 26, by adding "at fair market value" between "property" and ", including".

Amend Section 335.071(a)(3), page 41, line 12, by adding "at fair market value" between "property" and ", including".

Representative Coleman moved to table Amendment No. 5.

A record vote was requested.

The motion to table was lost by (Record 335): 50 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Brimer; Carter; Chisum; Coleman; Cook; Corte; Danburg; Denny; Eiland; Goodman; Haggerty; Hawley; Hilderbran; Hinojosa; Jackson; Janek; Jones, D.; Kamel; Keel; King; Lewis, G.; Lewis, R.; Merritt; Moffat; Oliveira; Olivo; Palmer; Pitts; Price; Raymond; Roman; Serna; Shields; Smith; Stiles; Swinford; Talton; Thompson; Torres; Van de Putte; Williamson; Wilson; Wise; Woolley; Yarbrough.

Nays — Bosse; Burnam; Chavez; Christian; Clark; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings;

Glaze; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Hupp; Isett; Jones, J.; Keffer; Krusee; Kubiak; Kuempel; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Moreno; Mowery; Naishtat; Nixon; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Siebert; Smithee; Solis; Solomons; Staples; Telford; Tillery; Turner, B.; Turner, S.; Uher; Walker; West; Williams; Wohlgemuth; Wolens; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Delisi; Gallego; Junell.

Absent — Alexander; Bonnen; Howard; Oakley.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Cuellar on motion of R. Lewis.

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Swinford on motion of Chisum.

### CSHB 92 - (consideration continued)

(Farrar in the chair)

#### Amendment No. 6

Representative Janek offered the following amendment to Amendment No. 5:

Amend the Puente amendment to **CSHB 92** by adding the following item:

(1) On page 7, line 24, strike "acquire".

(2) On page 7, line 27, after the period, add the following:

(b) A municipality or county may acquire property or an interest in property, including an approved venue project, under terms and conditions determined by the municipality or county.

(3) On page 41, line 11, strike "acquire".

(4) On page 41, line 15, strike "and".

(5) On page 41, line 17 strike the period and substitute "; and".

(6) On page 41, between lines 17 and 18, insert:

(6) a district may acquire property or an interest in property, including an approved venue project, under terms and conditions determined by the district.

Amendment No. 6 was adopted without objection.

Amendment No. 5, as amended, was adopted without objection.

#### Amendment No. 7

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92** to read as follows:

Amend **CSHB 92** as follows:

(1) On page 8, line 7, between "chapter" and the period, insert ", other than conducting an election under this chapter".

(2) On page 41, line 24, between "chapter" and the period, insert ", other than conducting an election under this chapter".

Amendment No. 7 was adopted without objection.

#### **Amendment No. 8**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.301, page 30, line 13 after "team", add "or any other professional team."

Amendment No. 8 was adopted without objection.

#### **Amendment No. 9**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.041, by adding a new subsection (g) to read as follows:

(g) The municipality or county shall provide that funding for an approved venue project will derive as follows:

(1) 50% of the funds shall derive from:

(i) Subchapters F, G, and I, Chapter 334 of this Code;

(ii) the naming of an arena, coliseum, stadium, or other type of area or facility;

(iii) innovative funding concepts such as the sale or lease of luxury boxes or the sale of licenses for personal seats;

(iv) any other revenue derived from the approved venue project, including stadium rental payments and revenue from concessions and parking; and

(v) any dedication or grant of revenue under Section 335.075 of this Code.

(2) 25% of the funds shall derive from Subchapters D, E, and H, Chapter 334 of this Code and any pledge of tax revenue under Section 321.508, Tax Code.

(3) at least 25% of funds shall derive from other private funding sources. If more than 25% of the funds are provided by private funding sources, the percentages mandated in (g)(1) and (g)(2) shall be reduced accordingly to total 100% of the funding for the venue project.

Amend Section 335.071, to add a new subsection (g) to read as follows:

(g) The district shall provide that funding for an approved venue project will derive as follows:

(1) 50% of the funds shall derive from:

(i) Subchapters F, G, and I, Chapter 334 of this Code;

(ii) the naming of an arena, coliseum, stadium, or other type of area or facility;

(iii) innovative funding concepts such as the sale or lease of luxury boxes or the sale of licenses for personal seats;

(iv) any other revenue derived from the approved venue project, including stadium rental payments and revenue from concessions and parking; and

(v) any dedication or grant of revenue under Section 335.075 of this Code.

(2) 25% of the funds shall derive from Subchapters D, E, and H, Chapter 334 of this Code and any pledge of tax revenue under Section 321.508, Tax Code.

(3) At least 25% of funds shall derive from other private funding sources. If more than 25% of the funds are provided by private funding sources, the percentages mandated in (g)(1) and (g)(2) shall be reduced accordingly to total 100% of the funding for the venue project.

Representative Van de Putte moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 336): 80 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Brimer; Carter; Chavez; Chisum; Coleman; Cook; Corte; Denny; Driver; Dukes; Dutton; Eiland; Elkins; Flores; Goodman; Gray; Grusendorf; Haggerty; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hinojosa; Hochberg; Holzheuser; Janek; Kamel; Keel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Luna; Marchant; Maxey; McCall; McClendon; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oliveira; Palmer; Patterson; Pickett; Price; Raymond; Rhodes; Roman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Thompson; Torres; Turner, B.; Van de Putte; Walker; Williamson; Wilson; Wise; Woolley; Yarbrough.

Nays — Bosse; Burnam; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Dunnam; Edwards; Ehrhardt; Finnell; Galloway; Garcia; Giddings; Goolsby; Hamric; Heflin; Hill; Hirschi; Hodge; Horn; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keffer; Kubiak; Longoria; Madden; Olivo; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Seaman; Siebert; Telford; Tillery; Turner, S.; Uher; West; Williams; Wohlgemuth; Wolens; Zbranek.

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

Absent, Excused — Cuellar.

Absent, Excused, Committee Meeting — Delisi; Gallego; Junell; Swinford.

Absent — Danburg; Glaze; Greenberg; Gutierrez; Howard; Jackson; McReynolds; Oakley; Sadler.

(Speaker in the chair)

#### STATEMENT OF VOTE

When Record No. 336 was taken, I was in the house but away from my desk. I would have voted yes.

Danburg

**Amendment No. 10**

Representative Wolens offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 8, between lines 20 and 21, insert the following:

(g) Notwithstanding any other provision of this section, a municipality or county or an entity acting in conjunction with a municipality or county may not contract before January 1, 2008, with a professional sports team for the team to relocate and play at any approved venue project in the municipality or county if the team is located and playing in a different municipality or county in this state on January 1, 1997.

(2) On page 42, between lines 11 and 12, insert the following:

(g) Notwithstanding any other provision of this section, a district may not contract before January 1, 2008, with a professional sports team for the team to relocate and play at any approved venue project in the district if the team is located and playing in this state on January 1, 1997, at a municipality or county that is not in district.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Financial Institutions, cancelled today.

**CSHB 92 - (consideration continued)**

Representative Goodman moved to table Amendment No. 10.

The motion to table prevailed.

**Amendment No. 11**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.042, pages 8-9, by striking subsection (c), renumbering subsequent subsections accordingly, and amending subsection (b) to read as follows:

(b) The municipality or county shall deposit into the venue project fund:

(1) the proceeds of any tax imposed by the municipality or county under this chapter;

(2) all revenue from the sale of bonds or other obligations by the municipality or county under this chapter;

(3) money derived from the naming of the arena, coliseum, stadium, or other type of area or facility;

(4) money derived from innovative funding concepts such as the sale or lease of luxury boxes or the sale of licenses for personal seats;

(5) any other revenue derived from the approved venue project, including stadium rental payments and revenue from concessions and parking; and

(6) any other money required by law to be deposited in the fund.

Amend Section 335.072, page 42-43, by deleting subsection (c), renumbering subsequent subsections accordingly, and amending subsection (b) to read as follows:

- (b) The district shall deposit into the venue project fund:
- (1) the proceeds from any tax imposed by the district;
  - (2) all revenue from the sale of bonds or other obligations by the district;
  - (3) money received under Section 335.075 from a political subdivision that created the district;
  - (4) money derived from the naming of the arena, coliseum, stadium, or other type of area or facility;
  - (5) money derived from innovative funding concepts such as the sale or lease of luxury boxes or the sale of licenses for personal seats;
  - (6) any other revenue derived from the approved venue project, including stadium rental payments and revenue from concessions and parking; and
  - (7) any other money required by law to be deposited in the fund.

Amendment No. 11 was adopted without objection.

**Amendment No. 12**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.042(d), page 9, line 15, by deleting "may" and inserting "shall" after "county".

Amend **CSHB 92**, Section 335.072(d), page 43, line 5, to delete "may" and insert "shall" and from line 6, delete "only".

Amendment No. 12 was adopted without objection.

**Amendment No. 13**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, by deleting Subchapters D, E, and H of new Chapter 334 and renumbering subsequent subchapters accordingly.

Amendment No. 13 was withdrawn.

**Amendment No. 14**

Representative Wolens offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 15, line 23, strike Subchapter E and renumber the subsequent subchapters accordingly.

(2) On page 27, line 26, strike Subchapter H and renumber the subsequent subchapter accordingly.

(Junell and Swinford now present)

(Sadler in the chair)

(Speaker in the chair)

Representative Van de Putte moved to table Amendment No. 14.

A record vote was requested.

The motion to table was lost by (Record 337): 48 Yeas, 88 Nays, 1 Present, not voting.

Yeas — Bailey; Brimer; Carter; Chavez; Coleman; Cook; Corte; Danburg; Eiland; Elkins; Flores; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hawley; Hernandez; Hilbert; Hirschi; Holzheuser; Janek; Junell; Keel; King; Krusee; Lewis, G.; Maxey; Mowery; Oliveira; Olivo; Palmer; Price; Raymond; Roman; Serna; Shields; Smith; Stiles; Swinford; Thompson; Torres; Van de Putte; Williamson; Wilson; Wise; Woolley; Yarbrough.

Nays — Alexander; Averitt; Bonnen; Bosse; Burnam; Chisum; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Galloway; Garcia; Giddings; Glaze; Goolsby; Greenberg; Hamric; Hartnett; Heflin; Hightower; Hilderbran; Hill; Hochberg; Hodge; Horn; Hunter; Hupp; Isett; Jackson; Jones, J.; Kamel; Keffer; Kuempel; Lewis, R.; Longoria; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Moffat; Naishtat; Nixon; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Siebert; Smithee; Solis; Solomons; Staples; Talton; Telford; Tillery; Turner, B.; Turner, S.; Uher; Walker; West; Williams; Wohlgemuth; Wolens; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cuellar.

Absent, Excused, Committee Meeting — Delisi; Gallego.

Absent — Allen; Alvarado; Berlanga; Hinojosa; Howard; Jones, D.; Kubiak; Moreno; Oakley.

(Delisi now present)

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 337. I intended to vote no.

Hawley

I was shown voting no on Record No. 337. I intended to vote yes.

Hochberg

I was shown voting yes on Record No. 337. I intended to vote no.

Raymond

#### LEAVE OF ABSENCE GRANTED

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

Kubiak on motion of Yarbrough.

(Gallego now present)

#### CSHB 92 - (consideration continued)

#### Amendment No. 15

Representative Janek offered the following amendment to Amendment No. 14:

Amend the Wolens amendment to **CSHB 92** to read as follows:

Amend **CSHB 92** as follows:

(1) On page 28, between lines 13 and 14, insert the following:

(c) Notwithstanding any other provision of this subchapter, a municipality with a population of more than 500,000 may not impose a tax under this subchapter on a room in a hotel unless the hotel is located within 1.5 miles of an approved venue project.

(2) On page 42, line 10, strike the underlined period and insert ", except that if the district was created by a municipality with a population of more than 500,000, the district is subject to the provisions relating to the hotel occupancy tax authorized by Subchapter H, Chapter 334, that would apply to that municipality if the municipality imposed that tax."

(Speaker pro tempore in the chair)

Representative Wolens moved to table Amendment No. 15.

The motion to table was lost.

A record vote was requested.

Amendment No. 15 failed of adoption by (Record 338): 52 Yeas, 88 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Bailey; Brimer; Carter; Chavez; Chisum; Coleman; Cook; Corte; Danburg; Denny; Eiland; Elkins; Flores; Goodman; Grusendorf; Gutierrez; Haggerty; Hawley; Hinojosa; Holzheuser; Janek; Junell; Keel; King; Krusee; Lewis, G.; Luna; Merritt; Mowery; Oliveira; Palmer; Pickett; Price; Raymond; Serna; Shields; Smith; Smithee; Solomons; Stiles; Swinford; Thompson; Torres; Van de Putte; Williams; Williamson; Wilson; Wise; Woolley; Yarbrough.

Nays — Alexander; Averitt; Bonnen; Bosse; Burnam; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Delisi; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Goolsby; Gray; Greenberg; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Kamel; Keffer; Kuempel; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Moffat; Naishtat; Nixon; Olivo; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Siebert; Solis; Staples; Talton; Telford; Tillery; Turner, B.; Turner, S.; Walker; West; Wohlgemuth; Wolens; Zbranek.

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

Absent, Excused — Cuellar; Kubiak.

Absent — Berlanga; Dukes; Glaze; Moreno; Oakley.

#### STATEMENT OF VOTE

I was shown voting no on Record No. 338. I intended to vote yes.

Hochberg



**Amendment No. 16**

On behalf of Representative Brimer, Representative Eiland offered the following amendment to Amendment No. 14:

Amend the Wolens Amendment to **CSHB 92** to read as follows:

Amend **CSHB 92** as follows:

- (1) On page 28, line 27, strike "five" and substitute "two".
- (2) On page 29, line 6, strike "five" and substitute "two".
- (3) On page 29, line 7, strike "five" and substitute "two".
- (4) On page 29, line 15, strike "five" and substitute "two".

Representative Wolens moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 339): 82 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bonnen; Bosse; Burnam; Chavez; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Driver; Dunnam; Edwards; Ehrhardt; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goolsby; Gray; Greenberg; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hill; Hirschi; Hochberg; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, J.; Kamel; Keffer; Kuempel; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Moffat; Naishtat; Nixon; Olivo; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, E.; Rhodes; Sadler; Seaman; Siebert; Solomons; Staples; Talton; Telford; Tillery; Turner, S.; Walker; West; Wohlgenuth; Wolens; Zbranek.

Nays — Allen; Bailey; Berlanga; Brimer; Carter; Chisum; Coleman; Cook; Corte; Danburg; Delisi; Denny; Dukes; Dutton; Eiland; Elkins; Farrar; Goodman; Gutierrez; Haggerty; Hawley; Hernandez; Hightower; Hinojosa; Holzheuser; Janek; Jones, D.; Junell; Keel; Krusee; Lewis, G.; Luna; Merritt; Mowery; Oliveira; Palmer; Pickett; Price; Roman; Serna; Shields; Smith; Smithee; Solis; Stiles; Swinford; Thompson; Torres; Turner, B.; Van de Putte; Williams; Williamson; Wilson; Wise; Woolley; Yarbrough.

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

Absent, Excused — Cuellar; Kubiak.

Absent — Alvarado; Hilderbran; King; Moreno; Oakley; Raymond; Reyna, A.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 339. I intended to vote no.

Chavez

When Record No. 339 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 339. I intended to vote no.

Hochberg

**Amendment No. 17**

On behalf of Representative Brimer, Representative Van de Putte offered the following amendment to Amendment No. 14:

Amend the Wolens amendment to **CSHB 92** to read as follows:

Amend **CSHB 92** as follows:

(1) On page 27, line 26, strike Subchapter H and renumber the subsequent subchapters accordingly.

Representative Wolens moved to table Amendment No. 17.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 17 and the vote was announced yeas 70, nays 69.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 340): 64 Yeas, 74 Nays, 2 Present, not voting.

Yeas — Alexander; Bosse; Burnam; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Driver; Edwards; Ehrhardt; Finnell; Garcia; Giddings; Goolsby; Hamric; Hartnett; Heflin; Hightower; Hilderbran; Hill; Hirschi; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Kamel; Keffer; Kuempel; Longoria; Madden; Marchant; Maxey; McCall; McClendon; Moffat; Nixon; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, E.; Rhodes; Siebert; Staples; Talton; Telford; Tillery; Turner, S.; Walker; West; Wilson; Wolens; Zbranek.

Nays — Allen; Alvarado; Bailey; Berlanga; Bonnen; Brimer; Carter; Chavez; Chisum; Coleman; Cook; Corte; Danburg; Delisi; Denny; Dukes; Dunnam; Dutton; Eiland; Elkins; Farrar; Flores; Gallego; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hawley; Hernandez; Hilbert; Hinojosa; Hochberg; Holzheuser; Janek; Junell; Keel; King; Krusee; Lewis, G.; Lewis, R.; Luna; McReynolds; Merritt; Mowery; Naishtat; Oliveira; Olivo; Palmer; Pickett; Price; Raymond; Reyna, A.; Roman; Sadler; Seaman; Serna; Shields; Smith; Solis; Solomons; Swinford; Thompson; Torres; Turner, B.; Van de Putte; Williams; Williamson; Wise; Wohlgemuth; Woolley; Yarbrough.

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

Absent, Excused — Cuellar; Kubiak.

Absent — Averitt; Galloway; Jackson; Moreno; Oakley; Smithee; Stiles.

The chair stated that the motion to table Amendment No. 17 was lost by the above vote.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 340. I intended to vote no.

Maxey

**LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Stiles on motion of Eiland.

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

Averitt on motion of Ramsay.

Galloway on motion of Madden.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Ways and Means, cancelled.

Business and Industry, cancelled.

Juvenile Justice and Family Issues, 8:30 a.m. Thursday, May 8, E1.026, Capitol Extension.

(Speaker in the chair)

**CSHB 92 - (consideration continued)**

A record vote was requested.

Amendment No. 17 was adopted by (Record 341): 75 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Bailey; Berlanga; Bonnen; Brimer; Carter; Coleman; Cook; Corte; Danburg; Delisi; Dukes; Dunnam; Dutton; Eiland; Elkins; Farrar; Flores; Gallego; Goodman; Greenberg; Grusendorf; Gutierrez; Haggerty; Hawley; Hernandez; Hilbert; Hinojosa; Hochberg; Holzheuser; Jackson; Janek; Jones, D.; Junell; Keel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; McClendon; McReynolds; Moreno; Naishtat; Oliveira; Olivo; Palmer; Patterson; Pickett; Price; Raymond; Reyna, A.; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smithee; Solis; Solomons; Swinford; Thompson; Torres; Turner, B.; Van de Putte; Williams; Williamson; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough.

Nays — Alexander; Bosse; Burnam; Chisum; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Denny; Driver; Edwards; Ehrhardt; Finnell; Garcia; Giddings; Goolsby; Gray; Hamric; Hartnett; Heflin; Hightower; Hilderbran; Hill; Hirschi; Hodge; Horn; Howard; Hunter; Hupp; Isett; Jones, J.; Kamel; Keffer; Luna; Madden; Marchant; Maxey; McCall; Merritt; Moffat; Mowery; Nixon; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, E.; Rhodes; Staples; Talton; Telford; Tillery; Turner, S.; Uher; Walker; West; Wolens; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Averitt; Cuellar; Galloway; Kubiak; Stiles.

Absent — Chavez; Glaze; Oakley; Smith.

Amendment No. 14, as amended, was adopted without objection.

**Amendment No. 18**

Representative Coleman offered the following amendment to **CSHB 92**:

Amend **CSHB 92** on page 2, line 12, between "exhibition hall," and "museum,", by inserting "rehearsal hall, park, zoological park,".

Amendment No. 18 was adopted without objection.

**Amendment No. 19**

Representative Wolens offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 10, between lines 1 and 2, insert the following:

Sec. 334.0425. BOOKS, RECORDS, AND PAPERS. The books, records, and papers relating to an approved venue project and the revenue used to finance the project are public information and subject to disclosure under Chapter 552, Government Code, including the books, records, and papers of:

- (1) the municipality or county; and
- (2) the owner, lessee, or operator of the project.

(2) On page 43, between lines 18 and 19, insert the following:

Sec. 335.0725. BOOKS, RECORDS, AND PAPERS. The books, records, and papers relating to an approved venue project and the revenue used to finance the project are public information and subject to disclosure under Chapter 552, Government Code, including the books, records, and papers of:

- (1) the district; and
- (2) the owner, lessee, or operator of the project.

Amendment No. 19 was adopted without objection.

**Amendment No. 20**

Representative Wolens offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 22, line 18, strike "person admitted" and substitute "ticket sold as admission to an event held at an approved venue".

(2) On page 22, lines 20 and 21, strike "monetary amount not to exceed \$2. The tax may be imposed at a percentage rate" and substitute "percentage not to exceed 10 percent of the price of the ticket sold as admission to an event held at an approved venue".

(3) On page 23, lines 2-3, strike "\$2 a person may by ordinance or order increase the rate of the tax to a maximum of \$2 a person" and substitute "the maximum percentage allowed by this subchapter may by ordinance or order increase the rate of the tax to the maximum percentage allowed by this subchapter".

(4) On page 23, lines 10-11, strike "a day (insert new maximum rate not to exceed \$2)" and substitute "percent of the price of each ticket sold as admission to an event held at an approved venue (insert new maximum rate not to exceed 10 percent of the price of each ticket sold as admission to an event held at an approved venue".

Amendment No. 20 was adopted without objection.

**Amendment No. 21**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, by deleting Section 334.116 and renumbering subsequent sections accordingly.

Amend Section 334.156, by deleting subsection (c) of that section.

Amend Section 334.206, by deleting subsection (c) of that section.

Amend Section 334.307, by deleting subsection (c) of that section.

Amendment No. 21 was adopted without objection.

**Amendment No. 22**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.202(b), page 25, line 20, to delete "\$1" and insert "\$3".

Amend Section 334.203(a), page 25, line 27, to delete "\$1" and insert "\$3".

Amend Section 334.203(a), page 26, line 1, to delete "\$1" and insert "\$3".

Amend Section 334.203(b), page 26, line 9, to delete "\$1" and insert "\$3".

Amendment No. 22 was adopted without objection. (Hochberg recorded voting no)

**Amendment No. 23**

Representative Puente offered the following amendment to **CSHB 92**:

Amend **CSHB 92**, Section 334.301, page 30, line 13 after "team", add "or any other professional team."

Amendment No. 23 was adopted without objection.

**Amendment No. 24**

Representative Haggerty offered the following amendment to **CSHB 92**:

Amend **CSHB 92** on page 33, between lines 15 and 16, by inserting the following:

SUBCHAPTER J. ATHLETIC EVENTS IN CERTAIN MUNICIPALITIES

Sec. 334.351. DEFINITION. In this subchapter, "athletic event" means a postseason intercollegiate athletic football bowl game that is held annually.

Sec. 334.352. APPLICATION OF SUBCHAPTER. This subchapter applies only to a municipality with a population of more than 500,000 that is located in a county that borders the United Mexican States.

Sec. 334.353. SHORT-TERM MOTOR VEHICLE RENTAL TAX. (a) Notwithstanding any other provision of this chapter, a municipality to which this subchapter applies may impose by ordinance a tax on the rental in the municipality of a motor vehicle.

(b) The municipality may impose the tax only if the tax is approved at an election called and held for that purpose.

(c) Except as otherwise provided by this subchapter, Subchapter E applies to the tax imposed under this subchapter.

Sec. 334.354. USE OF REVENUE. Notwithstanding any other provision of this chapter, the municipality may use revenue from the tax to:

- (1) pay the costs of collecting the tax;
- (2) operate one or more athletic events in the municipality; and
- (3) pay costs associated with an athletic event in the municipality, including paying the costs of planning, acquiring, establishing, developing, advertising, promoting, conducting, sponsoring, or otherwise supporting the event.

Amendment No. 24 was adopted without objection.

#### **Amendment No. 25**

Representative Oliveira offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

- (1) On page 35, line 10, strike "a municipality and a county" and substitute "a combination of municipalities, counties, or municipalities and counties".
- (2) On page 35, lines 15 and 16, strike "a municipality and a county" and substitute "a combination of municipalities, counties, or municipalities and counties".

Amendment No. 25 was adopted without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judicial Affairs, cancelled tonight.

#### **CSHB 92 - (consideration continued)**

#### **Amendment No. 26**

Representative Oliveira offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

- (1) On page 46, line 7, strike "(i-1)" and substitute "(s)".
- (2) On page 46, strike lines 8-10 and substitute the following:
  - (s)(1) A city that creates or has created a corporation governed by this section may submit to the voters of the city, at a separate election to be held on a uniform election date or at an election held under another provision of this Act, including the election at which the proposition to initially authorize the collection of a sales and use tax for the benefit of the corporation is submitted, a ballot proposition that authorizes the corporation to use the sales and use tax, including any amount previously authorized and collected, for a specific project or for a specific category of projects, including a sports venue and related infrastructure, that does not qualify under this section but qualifies under Section 4B of this Act. Prior approval of a specific project at an election or completion of a specific project approved at an election does not prohibit a city from seeking voter approval of an additional project or category of projects under this subsection to be funded from the same sales and use tax.
  - (2) In the election to authorize the use of the sales or use tax for a specific project or for a specific category of projects not authorized under this section, including a sports venue and related infrastructure, the project or category of

projects must be clearly described on the ballot so that a voter will be able to discern the limits of the specific project or category of projects authorized by the proposition. If maintenance and operating costs of an otherwise authorized facility are to be paid from the sales or use tax, the ballot language must clearly state that fact.

(3) Before an election may be held under this subsection, a public hearing shall be held in the city to inform the residents of the city of the cost and impact of the project or category of projects. At least 30 days before the date set for the hearing, a notice of the date, time, place, and subject of the hearing shall be published in a newspaper with general circulation in the city in which the project is located. The notice shall be published on a weekly basis until the date of the hearing.

(4) If a majority of the voters voting on the issue do not approve a specific project or a specific category of projects at an election under this subsection, another election may not be held on the same project or category of projects before the first anniversary of the date of the most recent election disapproving the project or category of projects.

(5) In this subsection:

(3) On page 46, line 11, strike "(1)" and substitute "(A)".

(4) On page 46, line 13, strike "(2)" and substitute "(B)".

(5) On page 46, line 15, strike "(A)" and substitute "(i)".

(6) On page 46, line 18, strike "(B)" and substitute "(ii)".

(7) On page 46, strike lines 23-27 and on page 47, strike lines 1-25, and substitute the following:

adding Subsections (a-3) and (a-4) to read as follows:

(a-3)(1) A city that creates or has created a corporation governed by this section may submit to the voters of the city, at a separate election to be held on a uniform election date or at an election held under another provision of this Act, including the election at which the proposition to initially authorize the collection of a sales and use tax for the benefit of the corporation is submitted, a ballot proposition that authorizes the corporation to use the sales and use tax, including any amount previously authorized and collected, for a specific sports venue project, including related infrastructure, or for a specific category of sports venue projects, including related infrastructure. Prior approval of a specific sports venue project at an election or completion of a specific sports venue project approved at an election does not prohibit a city from seeking voter approval of an additional project or category of projects under this subsection to be funded from the same sales and use tax.

(2) In the election to authorize the use of the sales or use tax for a specific sports venue project or for a specific category of sports venue projects, the project or category of projects must be clearly described on the ballot so that a voter will be able to discern the limits of the specific project or category of projects authorized by the proposition. If maintenance and operating costs of an otherwise authorized facility are to be paid from the sales or use tax, the ballot language must clearly state that fact.

(3) Before an election may be held under this subsection, a public hearing shall be held in the city to inform the residents of the city of the cost and impact of the project or category of projects. At least 30 days before the date

set for the hearing, a notice of the date, time, place, and subject of the hearing shall be published in a newspaper with general circulation in the city in which the project is located. The notice shall be published on a weekly basis until the date of the hearing.

(4) If a majority of the voters voting on the issue do not approve a specific sports venue project or a specific category of sports venue projects at an election under this subsection, another election may not be held on the same project or category of projects before the first anniversary of the date of the most recent election disapproving the project or category of projects.

Amendment No. 26 was adopted without objection.

#### **Amendment No. 27**

Representatives Berlanga and Luna offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

- (1) On page 48, line 3, strike the underlined semicolon.
- (2) On page 48, line 5, strike "(A)".
- (3) On page 48, line 6, strike "; and" and substitute "and".
- (4) On page 48, line 7, strike "(B)".
- (5) On page 48, line 9, insert the following after the period:

The term does not include an arena, coliseum, stadium, or other type of area or facility that is or will be owned and operated by a state-supported institution of higher education.

Amendment No. 27 was adopted without objection.

#### **Amendment No. 28**

Representatives S. Turner, Culberson, Hamric, Heflin, Thompson, Edwards, Davila, Nixon, Hilbert, Crabb, Dutton, Farrar, Talton, Elkins, and Wilson offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

- (1) Strike SECTION 7 (page 50, line 19 through page 51, line 20).
- (2) Renumber the subsequent SECTIONS appropriately.

A record vote was requested.

Amendment No. 28 was adopted by (Record 342): 43 Yeas, 7 Nays, 83 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Corte; Crabb; Culberson; Davila; Davis; Dutton; Edwards; Elkins; Farrar; Finnell; Garcia; Giddings; Goolsby; Gray; Hamric; Heflin; Hilbert; Hodge; Holzheuser; Horn; Howard; Jackson; Janek; Jones, J.; McClendon; Moffat; Mowery; Nixon; Olivo; Pitts; Puente; Rabuck; Shields; Solomons; Talton; Thompson; Turner, S.; Wilson; Wolens; Yarbrough.

Nays — Christian; Coleman; Danburg; Hilderbran; Hochberg; Torres; Turner, B.

Present, not voting — Mr. Speaker(C); Alexander; Allen; Alvarado; Berlanga; Bonnen; Brimer; Carter; Chavez; Chisum; Clark; Cook; Counts; Craddick; Delisi; Denny; Driver; Dukes; Dunnam; Ehrhardt; Eiland; Flores;



Gallego; Glaze; Goodman; Greenberg; Grusendorf; Gutierrez; Haggerty; Hartnett; Hawley; Hernandez; Hightower; Hill; Hinojosa; Hunter; Hupp; Isett; Junell; Kamel; Keel; Keffer; King; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Maxey; McReynolds; Merritt; Moreno; Naishtat; Palmer; Patterson; Pickett; Place; Price; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Serna; Siebert; Smith; Smithee; Solis; Staples; Swinford; Telford; Tillery; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Woolley; Zbranek.

Absent, Excused — Averitt; Cuellar; Galloway; Kubiak; Stiles.

Absent — Hirschi; Jones, D.; Krusee; Longoria; Marchant; McCall; Oakley; Oliveira; Raymond; Seaman; Wohlgemuth.

### **Amendment No. 29**

Representative Wolens offered the following amendment to **CSHB 92**:

Amend **CSHB 92** as follows:

(1) On page 52, line 17, add a new Section 11 of the bill to read as follows and renumber the subsequent section accordingly:

SECTION 11. This Act expires August 31, 2001. The terms, conditions, and procedures provided by this Act are continued in force and effect with respect to a project approved under the terms of this Act prior to August 31, 2001.

Amendment No. 29 was adopted without objection.

### **LEAVES OF ABSENCE GRANTED**

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

D. Jones on motion of Brimer.

Marchant on motion of Smithee.

### **CSHB 92 - (consideration continued)**

A record vote was requested.

The vote of the house was taken on passage to engrossment of **CSHB 92**, as amended, and the vote was announced yeas 69, nays 65.

A verification of the vote was requested and was granted.

The roll of those voting yea was again called and the verified vote resulted, as follows (Record 343): 71 Yeas, 65 Nays, 4 Present, not voting.

Yeas — Allen; Alvarado; Bailey; Berlanga; Brimer; Carter; Chavez; Chisum; Coleman; Cook; Corte; Danburg; Delisi; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farrar; Flores; Gallego; Glaze; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hawley; Hernandez; Hilbert; Hilderbran; Hinojosa; Hochberg; Janek; Junell; Kamel; Keel; Krusee; Lewis, G.; Lewis, R.; Luna; McReynolds; Moffat; Moreno; Naishtat; Oliveira; Olivo; Palmer; Patterson; Pickett; Price; Raymond; Reyna, A.; Roman; Sadler; Serna; Shields; Smith; Solis; Solomons; Swinford; Thompson; Torres; Turner, B.; Van de Putte; Williamson; Wilson; Wise; Woolley; Yarbrough.

Nays — Alexander; Bonnen; Bosse; Burnam; Christian; Clark; Counts; Crabb; Craddick; Culberson; Davila; Davis; Denny; Driver; Ehrhardt; Finnell; Garcia; Giddings; Goolsby; Hamric; Hartnett; Heflin; Hightower; Hill; Hirschi; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, J.; Keffer; Kuempel; Longoria; Madden; McCall; McClendon; Merritt; Mowery; Nixon; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna, E.; Rhodes; Seaman; Siebert; Staples; Talton; Telford; Tillery; Turner, S.; Uher; Walker; West; Williams; Wohlgemuth; Wolens; Zbranek.

Present, not voting — Mr. Speaker(C); Greenberg; Maxey; Smithee.

Absent, Excused — Averitt; Cuellar; Galloway; Jones, D.; Kubiak; Marchant; Stiles.

Absent — King; Oakley.

By unanimous consent, the house dispensed with the verification of those voting nay.

The speaker stated that **CSHB 92**, as amended, was passed to engrossment by the above vote.

### PAIRED

Smithee (present), who would vote yes, with Marchant (absent), who would vote no.

### STATEMENT OF VOTE

When Record No. 343 was taken, I was in the house but away from my desk. I would have voted no.

King

### RULES SUSPENDED

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 617**, **SB 910**, and **SB 1081**.

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 9 a.m. Thursday, May 8.

### ADJOURNMENT

Representative Van de Putte moved that the house adjourn until 10 a.m. this morning in memory of Jesse F. Bricker, Jr., San Antonio firefighter killed in the line of duty.

The motion prevailed without objection.

The house accordingly, at 12:39 a.m., Wednesday, May 8, adjourned until 10 a.m. this morning.

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**ADDENDUM**

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**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 3608** (by Hamric), Relating to the statutory probate courts of Harris County.

To Judicial Affairs.

**SB 27** to Business & Industry.

**SB 108** to Corrections.

**SB 371** to Urban Affairs.

**SB 577** to Licensing & Administrative Procedures.

**SB 612** to Criminal Jurisprudence.

**SB 813** to Public Education.

**SB 1099** to Judicial Affairs.

**SB 1101** to State Affairs.

**SB 1340** to Natural Resources.

**SB 1479** to Civil Practices.

**SCR 84** to Rules & Resolutions.

**MESSAGES FROM THE SENATE**

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

**Message No. 3**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 7, 1997 - 3

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 1048** Truan

Relating to exempting from ad valorem taxation property owned by certain organizations constructing, repairing, and providing housing for low-income and moderate-income persons.

**SB 1440** Wentworth

Relating to tax exemptions on oil and gas production.

**SB 1476** Shapiro

Relating to exempting certain children in foster or residential care from the payment of tuition and fees at state-supported institutions of higher education.

**SCR 75** West, Royce

Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

May 6

Agriculture & Livestock - **SB 372**

Business & Industry - **HB 1172**

Civil Practices - **HB 2547**

Corrections - **HB 405, SB 663**

County Affairs - **HB 2868**

Elections - **HB 754, HB 1918, HB 2712, HB 2784, HB 2785, HB 2971**

Environmental Regulation - **HB 3192**

Higher Education - **SB 1485**

Insurance - **HB 18, HB 652**

Judicial Affairs - **HB 2837, HB 3229, HJR 22, HJR 69, SB 1304, SB 1924**

Land & Resource Management - **HB 3578, SB 728**

Natural Resources - **HB 3567, HB 3579, HB 3597, HB 3602, HB 3606, HB 3607**

Pensions & Investments - **HB 862, SB 701**

Public Education - **SB 1158**

Public Health - **HB 3410, SB 939**

Public Safety - **SB 270**

State Recreational Resources - **HB 1452**

State, Federal & International Relations - **HB 2356**

Transportation - **HCR 176, SB 557, SB 735**

Urban Affairs - **SB 1502**

Ways & Means - **HB 2669, HB 3210, SB 126, SB 1183, SB 1266, SB 1437, SB 1739**

#### **ENGROSSED**

May 6 - **HB 89, HB 561, HB 671, HB 767, HB 864, HB 891, HB 1028, HB 1166, HB 1336, HB 1418, HB 1427, HB 1476, HB 1637, HB 1664, HB 1751, HB 1784, HB 1937, HB 2001, HB 2062, HB 2491, HB 2606, HB 2673, HB 2749, HB 2799, HB 2846, HB 2900, HB 3380, HB 3530**

#### **ENROLLED**

May 6 - **HB 160, HB 243, HB 376, HB 527, HB 565, HB 567, HB 634, HB 707, HB 799, HB 991, HB 1190, HB 1520, HB 1567, HB 2066, HB 2274, HB 2277, HCR 9, HCR 10, HCR 11, HCR 15, HCR 17, HCR 18, HCR 20, HCR 122, HCR 138, HCR 159, HCR 160, HCR 170, HCR 178, HCR 199**

#### **SENT TO THE GOVERNOR**

May 6 - **HB 160, HB 243, HB 376, HB 527, HB 565, HB 634, HB 707, HB 799, HB 991, HB 1190, HB 1567, HB 2066, HB 2274, HCR 9, HCR 10, HCR 11, HCR 15, HCR 17, HCR 18, HCR 20, HCR 122, HCR 138, HCR 159, HCR 160, HCR 170, HCR 178, HCR 199**

#### **RECOMMENDATIONS FILED WITH THE SPEAKER**

May 6 - **HB 3586, HB 3590, HB 3592, HB 3593**

**Page 2084**

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