

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SIXTH DAY (CONTINUED) — WEDNESDAY, MAY 19, 1999

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 369).

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

Absent, Excused — Corte; Ellis.

The invocation was offered by Steve Dorman, pastor, Westridge Baptist Church, Grand Prairie, as follows:

Our Father, we thank you today for your watch and care over this state and over this group of legislators. We ask that these men and women be esteemed highly as those whom you have allowed to assume leadership in this state and as those who will answer to you for the leadership they have assumed. May they do so joyfully in that great day of ultimate justice and may they also rest in your forgiveness should they fall short.

I know there are many needs in a state with this many people, Lord, but I also know that you are indeed the Mighty God—able to meet all these needs and more—if they will but turn to you, and pray, and follow you in righteousness. So I ask for your power, far greater than our own, to help them do things far greater than they alone would ever be able to do for this state. Grant them this privileged ability and a knowledge of yourself, in Jesus Christ's name I pray. Amen.

LEAVE OF ABSENCE GRANTED

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

Corte on motion of Grusendorf.

The following member was granted leave of absence for today because of illness in the family:

Ellis on motion of J. Solis.

CAPITOL PHYSICIAN

The speaker recognized Representative Krusee who presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

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

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. 55).

INTRODUCTION OF GUESTS

The speaker recognized Representative Uher, who introduced the family of the Honorable Jim Pearce Johnson.

HR 210, in memory of the Honorable Jim Pearce Johnson, having been previously adopted, was read.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, on noon recess today, regular committee room, E2.036, for a public hearing, to consider pending business and **SB 4**.

HR 854 - ADOPTED (by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 854**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 854, Honoring the Texas Master Gardener program.

HR 854 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Delisi, who introduced members of the Texas Master Gardener program.

HR 1005 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1005**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1005, Congratulating Nancy Bingham on her retirement as a teacher from Carl Schurz Elementary School.

HR 1005 was adopted without objection.

HR 1010 - ADOPTED
(by Hope)

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 1010**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1010, Congratulating the members of the first graduating class of the new Montgomery High School.

HR 1010 was adopted without objection.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 1010** as signers thereof.

HCR 276 - ADOPTED
(by Grusendorf)

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HCR 276**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 276, In memory of William D. Morgan.

HCR 276 was unanimously adopted by a rising vote.

On motion of Representative Goodman, the names of all the members of the house were added to **HCR 276** as signers thereof.

(Gallego in the chair)

HR 1009 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1009**.

(Speaker in the chair)

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1009, In memory of John Wesley Styles.

HR 1009 was unanimously adopted by a rising vote.

MESSAGE FROM THE GOVERNOR

The speaker laid out and had read the following message from the governor:

I hereby agree to return **HB 1987** to the House of Representatives for further consideration at the request of the Legislature presented by **HCR 281**.

Article IV, Section 14, of the Texas Constitution directs when and how the Governor can approve or veto any bill passed by both houses of the Legislature. In this instance, the Governor has taken no action on **HB 1987** and the Legislature has requested by **HCR 281** that **HB 1987** be returned to the House of Representatives. Pursuant to established case law, and while under no obligation to comply with the request, **HB 1987** is hereby returned to the House of Representatives for further consideration.

George W. Bush

Governor

(SEAL)

May 18, 1999

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

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

SB 21 (McReynolds - House Sponsor), A bill to be entitled An Act relating to the issuance of specialty license plates or disabled parking placards to certain institutions, facilities, and retirement communities that transport persons with a disability.

SB 314 (Gutierrez - House Sponsor), A bill to be entitled An Act relating to health certificates required for certain licenses and certificates issued by the Texas Cosmetology Commission.

SB 479 (George - House Sponsor), A bill to be entitled An Act relating to the fee for the electronic filing of a financing statement with the secretary of state.

CSSB 483 (Hunter - House Sponsor), A bill to be entitled An Act relating to procedures for retirement of the Texas flag.

CSSB 483 was read in full.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter, who introduced Boy Scout Troop 536 from Lubbock.

Speaker Laney presented the troop with a gavel.

SB 518 (Alexander - House Sponsor), A bill to be entitled An Act relating to licensing requirements for the operation of certain farm vehicles and trailers on the highways.

SB 537 (Alexander - House Sponsor), A bill to be entitled An Act relating to agreements by and the authority of regional tollway authorities.

SB 603 (Truitt - House Sponsor), A bill to be entitled An Act relating to the requirement that holders of certain alcoholic beverage permits or licenses furnish a bond.

SB 681 (Pickett - House Sponsor), A bill to be entitled An Act relating to the development of an intermodal transportation hub for economic development in certain municipalities.

SB 749 (Pickett - House Sponsor), A bill to be entitled An Act relating to the enforcement of weight limits for vehicles in a port-of-entry between Texas and Mexico.

SB 749 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RANGEL: Would this bill give DPS officers the authority to issue tickets to overweight trucks that either have a permit to be overweight or are destined to travel on a route that allows overweight trucks?

REPRESENTATIVE PICKETT: No.

RANGEL: Would this bill give DPS officers the authority to issue tickets to overweight trucks that are traveling on private roads and entering in private ports of entry?

PICKETT: No.

REMARKS ORDERED PRINTED

Representative J. Solis moved to print remarks by Representative Pickett and Representative Rangel.

The motion prevailed without objection.

SB 841 (Garcia - House Sponsor), A bill to be entitled An Act relating to the jurisdiction of municipal courts in certain criminal cases, punishable only by a fine, that arise under the rules, orders, and resolutions of a joint airport board.

SB 845 (Hill - House Sponsor), A bill to be entitled An Act relating to disposal of certain motor vehicles.

SB 1023 (Thompson - House Sponsor), A bill to be entitled An Act relating to records of fines and fees collected in criminal cases.

CSSB 1102 (J. Moreno - House Sponsor), A bill to be entitled An Act relating to the permissible concentration of alcohol in certain beverages sold or held by persons permitted to sell such beverages.

CSSB 1107 (Najera - House Sponsor), A bill to be entitled An Act relating to information on certain programs and services to assist certain communities and entities impacted by the North American Free Trade Agreement.

SB 1121 (Yarbrough - House Sponsor), A bill to be entitled An Act relating to certain promotional activities for certain alcoholic beverage permit holders.

SB 1136 (Pickett - House Sponsor), A bill to be entitled An Act relating to a border commerce coordinator in the governor's office.

SB 1141 (Naishtat - House Sponsor), A bill to be entitled An Act relating to surrogate parents for certain public education students with disabilities.

SB 1327 (Hunter - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Texas Historical Commission.

SB 1375 (Najera and Chavez - House Sponsors), A bill to be entitled An Act relating to a study of state government functions at border crossings.

SB 1387 (Burnam - House Sponsor), A bill to be entitled An Act relating to restructuring contracts for certain low-income housing assistance.

SB 1457 (Hunter - House Sponsor), A bill to be entitled An Act relating to recognizing July as Buffalo Soldiers Heritage Month.

SB 1512 (Krusee - House Sponsor), A bill to be entitled An Act relating to authorizing counties and municipalities to jointly establish certain recreational and cultural facilities.

SB 1546 (Hunter - House Sponsor), A bill to be entitled An Act relating to property dedicated to the State Cemetery.

SB 1609 (Hamric - House Sponsor), A bill to be entitled An Act relating to emergency services districts.

CSSB 1624 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the Hardeman County Hospital District.

CSSB 1626 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the Chillicothe Hospital District.

SB 1669 (Hamric - House Sponsor), A bill to be entitled An Act relating to the qualifications of a county purchasing agent and to county purchasing procedures.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Swinford, Representative Hamric offered the following committee amendment to **SB 1669**:

Amend **SB 1669** by adding the following to SECTION 1, Section 262.011, of the Local Government Code on Page 1, line 12:; or (3) courses offered by state agencies related to purchasing

Amendment No. 1 was adopted without objection.

SB 1731 was withdrawn.

SB 1765 (Naishtat - House Sponsor), A bill to be entitled An Act relating to certain fees charged at certain institutions of higher education.

SB 1770 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the powers, administration, financing, and validation of certain actions of the Dallas County Utility and Reclamation District.

SB 1771 (Hartnett - House Sponsor), A bill to be entitled An Act relating to Dallas County Utility and Reclamation District tax abatement agreements.

**ADDENDUM TO LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Pursuant to House Rule 6, Section 13, the house granted unanimous consent on May 18 for the following bill to be added to the calendar:

SB 1861 (Rangel - House Sponsor), A bill to be entitled An Act relating to defining a private or independent institution of higher education.

**HR 987 - ADOPTED
(by Woolley)**

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 987**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 987, Honoring the Onion Creek Club and the Ladies Professional Golf Association.

HR 987 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Woolley, who introduced members of the Ladies Professional Golf Association.

ADJOURNMENT

Representative Kuempel moved that the house adjourn until 11:25 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:21 a.m., adjourned until 11:25 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 55**HB 64, HB 434, HB 1396, HB 1402, HB 1532, HB 2416, HB 2664,
HB 2724, HB 3288, HB 3779, HCR 264, HJR 29, HJR 69**

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY — WEDNESDAY, MAY 19, 1999

The house met at 11:25 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 370).

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

Absent, Excused — Corte; Ellis.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Y. Davis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading

and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

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

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

SB 21

SB 314

SB 518

SB 537

SB 603

SB 681

SB 749

SB 841

SB 845

SB 1102

SB 1121

SB 1136

SB 1141

SB 1327

SB 1512

SB 1546

SB 1609

SB 1624

SB 1626

SB 1669

SB 1771

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 371): 143 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; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick;

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

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

Absent, Excused — Corte; Ellis.

Absent — Reyna, A.; Smith; Talton.

STATEMENT OF VOTE

When Record No. 371 was taken, I would have voted yes.

Talton

SB 479 (143-0-2)

SB 483 (143-0-2)

SB 1023 (143-0-2)

SB 1107 (143-0-2)

SB 1375 (143-0-2)

SB 1387 (143-0-2)

SB 1457 (143-0-2)

SB 1765 (143-0-2)

SB 1770 (143-0-2)

SB 1861 (143-0-2)

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

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

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Y. Davis moved to set a congratulatory and memorial calendar for 10 a.m. Saturday, May 22.

The motion prevailed without objection.

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

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Saturday, May 22.

The motion prevailed without objection.

(Speaker in the chair)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 370 ON THIRD READING
(Bosse - House Sponsor)**

SB 370, A bill to be entitled An Act relating to the continuation and functions of the Department of Public Safety of the State of Texas.

Amendment No. 1

Representative Madden offered the following amendment to **SB 370**:

Amend **SB 370** on third reading in SECTION 6 of the bill in amended Section 411.007 (b), Government Code, between "must" and "be" (page 7, line 9, house committee printing), by inserting "provide for an examination and".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Dukes, Keel, Uher, and Goolsby offered the following amendment to **SB 370**:

Amend **SB 370** on third reading by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 411.007, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall establish grades and positions for members of the capitol police district that are of equal salary and status as the grades and positions established for Texas Highway Patrol officers under Subsection (f).

Amendment No. 2 failed of adoption. (T. King recorded voting yes)

Amendment No. 3

Representative Thompson offered the following amendment to **SB 370**:

Amend **SB 370** by adding an appropriately numbered section to read as follows

SECTION _____. Amend Section 411.046 (a), Government Code, to read as follows:

(a) The bureau of identification and records shall establish and maintain a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence, including, but not limited to, incidents for which statistics are or were kept under Public Law No. 101-275, as that law existed on July 3, 1996~~[September 1, 1991]~~. On establishing the repository, the department shall develop a procedure to monitor, record, classify, and analyze information relating to incidents directed against persons and property that are apparently motivated by the factors listed in this subsection.

Amendment No. 3 was adopted without objection.

SB 370, as amended, was passed.

SB 365 ON THIRD READING (McCall - House Sponsor)

SB 365, A bill to be entitled An Act relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.

Amendment No. 1

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

Amend **SB 365**, on third reading, in SECTION 1.14 of the bill, in amended Section 497.002 (a), Government Code, by striking Subdivision (1) of that subsection, as amended by the bill, and substituting the following:

(1) provide work participants with marketable job skills to help reduce recidivism through a coordinated program of:

(A) job skills training;

(B) documentation of work history; and

(C) access to resources provided by Project RIO and the Texas Workforce Commission, including access to resources provided through assistance to local workforce development boards in referring work program participants to the Project RIO employment referral services provided under Section 306.002, Labor Code; and [adequate, regular, and suitable employment for the vocational training and rehabilitation of inmates, consistent with proper correctional purposes;]

Amendment No. 1 was adopted without objection.

Amendment No. 2

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

Amend **SB 365** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 497.091(d), Government Code, is amended to read as follows:

(d) The department shall make reasonable efforts to [may] contract with nonprofit organizations that provide services to the general public and enhance social welfare and the general well-being of the community to provide inmate labor to those organizations. In entering contracts under this subsection, the department should give preference to nonprofit organizations that will use the inmate labor in a manner that increases the inmates' vocational skills.

Amendment No. 2 was adopted without objection.

Amendment No. 3

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

Amend **SB 365** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Chapter 244, Local Government Code, is amended by adding Section 244.0055 to read as follows:

Sec. 244.0055. ADDITIONAL REQUIREMENTS FOR CERTAIN STATE FACILITIES. (a) In this section:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Facility" means a correctional or rehabilitation facility that:

(A) is used to house persons arrested for, charged with, or convicted of misdemeanors or felonies; and

(B) is located within one mile of a property described by Section 244.002(a).

(b) The requirements of this section are in addition to the requirements of this chapter.

(c) The department may not construct or operate a facility under this section unless:

(1) the department provides notice and a public hearing in accordance with this section; and

(2) consent to the construction or operation of the facility is given as provided by Subsection (h).

(d) Notwithstanding Sections 244.002 and 244.005, the department shall provide notice of a proposal to construct or operate a facility under this section to:

(1) the commissioners court of a county with an unincorporated area that includes all or part of the land that is within one mile of the proposed facility;

(2) the governing body of a municipality that includes within its boundaries all or part of the land that is within one mile of the proposed facility; and

(3) the governing body of each neighborhood association for a neighborhood within one mile of the proposed facility.

(e) Notice under Subsection (d) must:

(1) describe the proposed facility and the proposed location;

(2) provide the date, time, and location of a public hearing on the proposal; and

(3) contain the following statement in bold letters: "Under state law, consent to operate the proposed facility at the proposed location may be granted only by a unanimous vote of the commissioners court of the county, the governing body of the municipality, or both, as appropriate, and by a majority vote of the governing body of each neighborhood association for a neighborhood within one mile of the proposed facility."

(f) A copy of the notice described by Subsection (e) must be published in a newspaper of general circulation in the county or municipality where the proposed facility is to be located.

(g) Not later than the 60th day after the date the department provides notice under Subsection (d), the department shall hold a public hearing on the proposal in a public meeting facility that is located within 1-1/4 miles of the proposed location of the facility.

(h) Following the public hearing, the department may construct or operate the facility only if:

(1) the governing body of each neighborhood association for a neighborhood within one mile of the proposed facility, by majority vote, consents to the construction or operation of the proposed facility; and

(2) the commissioners court of the county and the governing body of the municipality that are entitled to receive notice under Subsection (d) determine each by unanimous vote that the construction or operation of the proposed facility is in the best interest of the county or the municipality, as appropriate.

(i) Any affected person, including a person residing within one mile of the proposed facility, may maintain an action to halt the construction or operation of a facility in violation of this section. A court may grant an injunction or any other necessary relief.

Amendment No. 3 was adopted without objection.

SB 365, as amended, was passed.

RULES SUSPENDED

Representative Junell moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider **SB 1878** at 9 a.m. tomorrow in the appropriations committee room.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, on recess today, Desk 3, for a formal meeting, to consider **SB 545** and **SB 1274**.

Public Education, on recess today, E2.036, for a public hearing, to consider pending matters and **SB 4**.

Judicial Affairs, on recess today, Desk 67, for a formal meeting, to consider **SB 1011** and **SB 1366**.

Local and Consent Calendars, 1:30 p.m. today, speakers committee room, for a formal meeting.

Civil Practices, on recess today, Desk 112, for a formal meeting, to consider pending business.

Pensions and Investments, on recess today, Desk 111, for a formal meeting, to consider **SB 256** and **SB 1144**.

RECESS

Representative Bosse moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:17 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

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

CSSB 30 ON SECOND READING

(Delisi - House Sponsor)

CSSB 30, A bill to be entitled An Act relating to parental notification before an abortion may be performed on certain minors; providing a criminal penalty.

Amendment No. 1

Representatives Chisum and Longoria offered the following amendment to **CSSB 30**:

Amend **CSSB 30** as follows:

(1) In SECTION 1, in added Section 33.002 (d), Family Code, in the second sentence (house committee printing, page 3, line 20), strike "conclusive".

(2) In SECTION 1, in added Section 33.002 (g), Family Code, in the second sentence (house committee printing, page 4, lines 9-10), strike "a Class A misdemeanor" and substitute "punishable by a fine not to exceed \$10,000".

(3) In SECTION 1, in added Section 33.005 (b), Family Code (house committee printing, page 11, line 6), strike "conclusively".

Amendment No. 1 was adopted without objection. (Alexander, Carter, Cook, Counts, Eiland, Gray, Hawley, Junell, Lengefeld, McReynolds, Nixon, Ramsay, Ritter, Salinas, Telford, and Yarbrough recorded voting yes; Burnam, Danburg, Giddings, Gutierrez, Hinojosa, Maxey, Naishtat, Thompson, and S. Turner, no)

CSSB 30 - STATEMENT OF LEGISLATIVE INTENT

With regard to the definition of abortion in Section 33.001, Subsection (1), in **CSSB 30**, page 1, line 9-14:

REPRESENTATIVE NIXON: Is the definition intended to require parental notification in order for a minor to obtain contraceptives?

REPRESENTATIVE P. KING: No.

NIXON: Is the definition intended to in any way limit or restrict a minor's access to contraceptives?

P. KING: No.

NIXON: Does the definition require the physician to know that the minor girl is pregnant?

P. KING: Yes.

NIXON: Is the definition intended to prohibit the use of the pill, the IUD, or morning after pill?

P. KING: No.

NIXON: Is the definition intended to conform to the definition of abortion upheld by the U.S. Supreme Court in the case of *Hogdson vs. Minnesota* in 1990?

P. KING: Yes.

With regard to the affidavit of Section 33.002(d), in **CSSB 30**:

NIXON: With regard to the affidavit set forth in Section 33.002(d), what effect does that have on the enforcement of criminal sanctions against a physician who violates this statute?

P. KING: Physicians who perform abortions and who, in fact, give notice or constructive notice of the minor's intent to have an abortion will not be prosecuted. In fact, notice by certified mail, restricted delivery, constitutes compliance with the notice requirements.

Where a physician did not use certified mail, but executes an affidavit stating that actual notice was given to a parent, guardian or managing conservator, the affidavit will provide a defense to prosecution for the offense of Performing An Abortion Without Notice, a Class A Misdemeanor. However, if the physician executes the affidavit with the intent to deceive and with knowledge of the statement's meaning, the physician will remain subject to prosecution for Perjury under Texas Penal Code Section 37.02, a Class A Misdemeanor. Additionally, the physician will remain subject to prosecution for Aggravated Perjury under Texas Penal Code Section 37.03 and Tampering With An Investigation under Texas Penal Code Section 37.09, both of which are third degree felonies. Of course, the physician's conduct must constitute a violation of the elements of these offenses to support a conviction.

A physician who performs an abortion alleging the existence of a "medical emergency" as defined in 33.002(a)(4), where no such emergency exists, may

also face criminal charges for the offense of Performing An Abortion Without Notice. In that instance, the affidavit of 33.002(d) and its “presumption” does not apply.

NIXON: Does the affidavit prevent prosecution for other offenses?

P. KING: The affidavit of 33.002(d) is intended to provide a defense where notice or constructive notice was given, but does not preclude prosecution where notice or constructive notice was not made in compliance with this chapter, nor is it intended to preclude prosecution for other criminal offenses where applicable.

NIXON: Turn with me, if you could, to page ten. I’m sorry, page eleven, line five. It is my understanding that the author will accept an amendment that is agreeable to everyone who has worked on this bill to strike the word “conclusively” on line five of page eleven.

P. KING: That is my understanding as well.

NIXON: Could you explain for us what effect the removal of the word “conclusively” will have?

P. KING: Well, again, it will avoid the creation of a non-rebuttal or an irrebuttal presumption. And there is some question as to what “conclusively rely” really means. But under the law a presumption is rebuttal if it is conclusive. There is question as to whether it can be overcome or whether in fact it becomes a statement of law. And this in removing that clarifies that at best it establishes a presumption upon which the physician who executed the affidavit in good faith may rely.

NIXON: Now this is the affidavit that requires the physician may fill out an inclusion of the minor's medical records after the minor has sought a judicial bypass?

P. KING: That is correct. Essentially the physician will be certifying that he has been notified that either the courts took no action in the minor's appeal or the minor's application for judicial bypass or that the courts did not deny the minors’ application.

NIXON: What are the requirements of this affidavit?

P. KING: That it be executed in good faith. As set forth on line five. And that it certify three points: that the minor it requires after reasonable inquiry the physician certifies or affirms that it is his belief or her belief that: one, the minor has made an application or filed notice of an appeal with the court in compliance with this chapter. Second, that the deadline for the court action imposed which is five p.m. on the second business day after filing has passed. And three, that the physician has been notified that the court has not denied the application or not denied the appeal.

NIXON: Now with regard to that third requirement, can you explain to us what are the physician obligations on lines two and three on page eleven?

P. KING: The physician has to make some reasonable inquiry. The scenario would be that there has been an application filed, that it is before the court,

and that it is the physician's understanding that that time period should have passed but he cannot proceed with abortion until he knows whether or not the court has acted. By completing this affidavit he is certifying that he has either contacted the court or possibly been informed by an attorney ad litem or guardian ad litem, or someone who would constitute a reasonable good faith inquiry that he has been informed that the court has not taken action, and with that he can then rely upon that information and proceed with the abortion.

NIXON: So a prudent physician with regard to the affidavit as set out in Section 33.005 would make notes of any phone calls or any communications he has had with the guardian ad litem or the attorney ad litem, the clerk of the court, or the court itself with regard to the status of the bypass.

P. KING: Absolutely. I think that with any physician who makes good notes in the medical record that it would be anticipated that he would have some notation of who had contacted him, when they had contacted him, or what process he had gone through.

NIXON: And that would also put the duty on the burden, the duty is on the physician?

P. KING: Without question it puts an affirmative duty on the physician to seek out and determine if the court had taken action.

NIXON: And that affidavit can say that the physician was contacted by either the guardian, the clerk, the attorney ad litem, or the court, and informed that the court took no action either?

P. KING: That is correct. And once affirming that after a reasonable inquiry the physician can rely and proceed with the abortion.

REMARKS ORDERED PRINTED

Representative Swinford moved to print remarks by Representative P. King and Representative Nixon.

The motion prevailed without objection.

Amendment No. 2

Representative Gray offered the following amendment to **CSSB 30**:

Amend **CSSB 30** as follows:

(1) In SECTION 1, in added Section 33.002(a)(1), Family Code (house committee printing, page 2, lines 4-7), strike Paragraphs (A) and (B) and substitute the following:

(A) a parent of the minor, if the minor has no managing conservator or guardian, or a court-appointed managing conservator or guardian; or

(B) any person listed in Sections 32.001(a)(1)-(3);

(2) In SECTION 1, in added Section 33.002(c), Family Code (house committee printing, page 3, lines 12-15), strike Subdivisions (1) and (2) and substitute the following:

(1) a parent of the minor, if the minor has no managing conservator or guardian, or a court-appointed managing conservator or guardian; or

(2) any person listed in Sections 32.001(a)(1)-(3).

(3) In SECTION 1, strike Subsection (a), Section 33.003, Family Code (house committee printing, page 5, lines 7-12), and substitute the following:

(a) A pregnant minor who wishes to have an abortion without notification to any person under Section 33.002(a)(1) may file an application for a court order authorizing the minor to consent to the performance of an abortion without the notification.

(4) In SECTION 1, strike Subdivision (3), Subsection (c), Section 33.003, Family Code (house committee printing, page 5, lines 21-23), and substitute the following:

(3) a statement that the minor wishes to have an abortion without notification to any person under Section 33.002(a)(1); and

(5) In SECTION 1, strike Subdivision (1), Subsection (f), Section 33.003, Family Code (house committee printing, page 6, lines 10 and 11), and renumber subsequent subdivisions of that subsection accordingly.

(6) In SECTION 1, in the first sentence of added Section 33.003(k), Family Code (house committee printing, page 8, line 7), strike "or guardian" and substitute "guardian, or any other person described by Section 33.002(a)(1)".

(7) In SECTION 1, in added Section 33.004(f), Family Code (house committee printing, page 10, lines 20 and 21), strike "notification to either of her parents or a managing conservator or guardian" and substitute "notification under Section 33.002".

Amendment No. 3

Representative Gray offered the following amendment to Amendment No. 2.

Amend the Gray amendment to **CSSB 30** by striking item 2 (page 1, lines 10-16) and renumbering subsequent items appropriately.

Amendment No. 3 was adopted without objection.

Representative Delisi moved to table Amendment No. 2 as amended.

A record vote was requested.

The motion to table prevailed by (Record 372): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Chisum; Christian; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Keel; Keffer; King, P.; Krusee; Kuempel; Lewis, R.; Longoria; Madden; Marchant; McCall; Merritt; Morrison; Mowery; Nixon; Palmer; Pickett; Pitts; Ramsay; Reyna, E.; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis, J. F.; Solomons; Staples; Swinford; Talton; Tillery; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Alexander; Bailey; Bosse; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davis, Y.; Deshotel; Dukes;

Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Jones, J.; Junell; King, T.; Lengefeld; Lewis, G.; Luna; Maxey; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Puente; Rangel; Reyna, A.; Ritter; Salinas; Solis, J.; Telford; Thompson; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis.

Absent — Clark; Homer.

STATEMENTS OF VOTE

When Record No. 372 was taken, my vote failed to register. I would have voted yes.

Clark

When Record No. 372 was taken, my vote failed to register. I would have voted no.

Homer

I was shown voting yes on Record No. 372. I intended to vote no.

J. F. Solis

Representative Dutton raised a point of order against further consideration of **CSSB 30** under Rule 4, Sections 10(2) and 32(b)(9) and (10) of the House Rules on the grounds that the summary of committee action indicates that testimony was taken during the May 14, 1999 formal meeting of the State Affairs Committee (which would be prohibited under Rule 4, Section 10(2)), and no witness list is attached to the committee report (which would be required under Rule 4, Section 32(b) (10) if testimony was taken).

The speaker sustained the point of order, and the bill was returned to the Committee on State Affairs.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Wolens requested permission for the Committee on State Affairs to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 4 p.m. speakers committee room, for a formal meeting, to consider **SB 30**.

CSSB 1421 ON SECOND READING

(Cuellar, Hinojosa, Gutierrez, Flores, Pickett, et al.- House Sponsors)

CSSB 1421, A bill to be entitled An Act relating to the regulation of the

subdivision or development of land in certain economically distressed areas, including colonias, and certain other areas; providing penalties.

Amendment No. 1

Representative Cuellar offered the following amendment to **CSSB 1421**:

Amend **CSSB 1421** in SECTION 45, Section 6(B) (iii), on page 46, line 13 by inserting the following after the word "require":

" , including a post-construction report signed by a plumbing inspector that the plumbing facilities are safe"

Amendment No. 1 was adopted without objection.

CSSB 1421, as amended, was passed to third reading.

SB 374 ON SECOND READING
(Gray and Naishtat - House Sponsors)

SB 374, A bill to be entitled An Act relating to the provision of certain long-term care services, to the continuation and functions of the Texas Department on Aging, and to the eventual consolidation of the Texas Department of Human Services and the Texas Department on Aging into a new agency on aging and disability services.

Representative Gray moved to postpone consideration of **SB 374** until 10 a.m. tomorrow.

The motion prevailed without objection.

HR 907 - ADOPTED
(by Denny)

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 907**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 907, Congratulating the sophomore class of Aubrey High School on their TAAS performance.

HR 907 was read and was adopted without objection.

CSSB 928 ON SECOND READING
(Junell - House Sponsor)

CSSB 928, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Amendment No. 1

Representative Eiland offered the following amendment to **CSSB 928**:

Amend **CSSB 928** in SECTION 18 of the bill as follows:

(1) At the end of Subsection (a) (house committee report, page 40, between lines 20 and 21), insert the following:

To pay Dedicated Care Holdings, Inc., doing business as Oak Manor Nursing Home, in care of Gregory W. Hext, trustee, for payment of nursing services \$74,574.34

To pay Dedicated Care Holdings, Inc., doing business as Truman W. Smith Children's Care Center, in care of Gregory W. Hext, trustee, for payment of nursing services \$106,740.51

To pay Dedicated Care Holdings, Inc., doing business as Health Care Plaza, in care of Gregory W. Hext, trustee, for payment of nursing services \$6,317.22

To pay Dedicated Care Holdings, Inc., doing business as Sherman Nursing Home, in care of Gregory W. Hext, trustee, for payment of nursing services \$30,134.60

(2) Strike Subsection (b) (house committee report, page 40, lines 21-24) and substitute the following:

(b) The amounts appropriated by Subsection (a) of this section shall be drawn out of the following sources: \$255,440.48 from the General Revenue Fund No. 001 and \$424,827.19 from federal funds.

Amendment No. 1 was adopted without objection.

CSSB 928, as amended, was passed to third reading.

CSSB 368 ON SECOND READING

(Bosse, Goodman, A. Reyna, and Greenberg - House Sponsors)

CSSB 368, A bill to be entitled An Act relating to court-ordered child support, including the child support enforcement functions of the office of the attorney general and the sunset review of those functions and the implementation of the child support enforcement provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing civil and criminal penalties.

Amendment No. 1

Representative Bosse offered the following amendment to **CSSB 368**:

Amend **CSSB 368** as follows:

(1) In SECTION 20 of the bill, in Section 158.103(5), Family Code (house committee printing, page 14, line 15), strike "and".

(2) In SECTION 20 of the bill, in Section 158.103(6), Family Code (house committee printing, page 14, line 18), strike "~~;~~and" and substitute "]; and".

(3) In SECTION 20 of the bill, at the end of Section 158.103, Family Code (house committee printing, page 14, line 19) strike "~~(7)~~" and substitute the following:

"(7) whether the child is to be enrolled in health insurance coverage available through the obligor's employment ["

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Bosse offered the following amendment to **CSSB 368**:

Amend **CSSB 368** as follows:

(1) In SECTION 64 of the bill (house committee printing, page 63, line 3), strike "and 234.008" and substitute "234.008, and 234.009".

(2) In SECTION 64 of the bill (house committee printing, page 67, between lines 3 and 4), insert Section 234.009, Family Code, to read as follows:

Sec. 234.009. OFFICIAL CHILD SUPPORT PAYMENT RECORD.

(a) The record of child support payments maintained by a local registry is the official record of a payment received directly by the local registry.

(b) The record of child support payments maintained by the state disbursement unit is the official record of a payment received directly by the unit.

(c) After the date child support payments formerly received by a local registry are redirected to the state disbursement unit, a local registry may accept a record of payments furnished by the state disbursement unit and may add the payments to the record of payments maintained by the local registry so that a complete payment record is available for use by the court.

(d) If the local registry does not add payments received by the state disbursement unit to the record maintained by the registry as provided by Subsection (c), the official record of child support payments consists of the record maintained by the local registry for payments received directly by the registry and the record maintained by the state disbursement unit for payments received directly by the unit.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Goodman offered the following amendment to **CSSB 368**:

Amend **CSSB 368** as follows:

On page 4, line 13, through Page 6, line 4, strike Section 5 and substitute the following:

SECTION 5. Section 111.001, Family Code, is amended to read as follows:

Sec. 111.001. REVIEW OF GUIDELINES ~~[APPOINTMENT OF ADVISORY COMMITTEE]~~. (a) Prior to each regular legislative session, the standing committees of each house of the legislature having jurisdiction over family law issues shall review and, if necessary, recommend revisions to the guidelines for possession of and access to a child under Chapter 153 and for support of a child under Chapter 154. The committee shall report the results of the review and shall include any recommended revisions in the committee's report to the Legislature. ~~[The supreme court shall appoint an advisory committee consisting of not fewer than 25 persons, composed of legislators, judges, lawyers, and laypersons, to assist the legislature in making a periodic review of and suggested revisions, if any, to the guidelines in this title:]~~

~~[(1) for the possession of a child by a parent under Chapter 153; and
(2) for the support of a child under Chapter 154.]~~

~~[(b) Not fewer than five members of this committee must be or have been:
(1) managing conservators;~~

- (2) possessory conservators;
- (3) ordered to pay child support; or
- ~~(4) entitled to receive child support.]~~

~~[(c) The guidelines shall be reviewed at least once every four years.]~~

(b) Not later than December 1 of each even-numbered year, the Title IV-D agency shall submit a report to the standing committees of each house of the legislature having jurisdiction over family law issues for use by the committee in conducting the review required by Subsection (a). The report must contain:

- (1) economic data obtained from the United States Department of Agriculture on the cost of raising children;
- (2) an analysis of case data on the application of and deviations from the child support guidelines; and
- (3) a summary of any federal legislation enacted since the date of the last review.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Goodman offered the following amendment to **CSSB 368**:

Amend **CSSB 368** by adding the following appropriately numbered SECTIONS to the bill and renumbering the existing SECTIONS of the bill appropriately:

SECTION _____. Section 521.044 (f), Transportation Code, is amended by adding at the end of the section, "unless required by Federal Law".

SECTION _____. Section 521.142 (g), Transportation Code, is amended by adding at the end of the section, "unless required by Federal Law".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Truitt offered the following amendment to **CSSB 368**:

Amend **CSSB 368** as follows:

(1) Add SECTION _____ to the bill to read as follows:

SECTION _____. Sections 156.402 (a) and (b), Family Code, are amended to read as follows:

(a) The court may consider the child support guidelines for single and multiple families under Chapter 154 [~~in Chapter 153~~] to determine whether there has been a material or substantial change of circumstances under this chapter that warrants a modification of an existing child support order if the modification is in the best interest of the child.

(b) If the amount of support contained in the order does not substantially conform with the guidelines for a single and multiple families under Chapter 154, the court may modify the order to substantially conform with the guidelines if the modification is in the best interest of the child. A court may consider other relevant evidence in addition to the factors listed in the guidelines.

(2) Add SECTION _____ to the bill to read as follows:

SECTION _____. Section 156.406, Family Code, is amended to read as follows:

Sec. 156.406. USE OF GUIDELINES FOR CHILDREN IN MORE THAN ONE HOUSEHOLD. In applying the child support guidelines in a suit under this subchapter, if the obligor has the duty to support children in more than one household, the court shall apply the percentage guidelines for multiple families under Chapter 154 [~~in Chapter 153~~].

Amendment No. 5 was adopted without objection.

(Pickett in the chair)

Amendment No. 6

Representative Van de Putte offered the following amendment to **CSSB 368**:

Amend **CSSB 368** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 203.005(a), Family Code, is amended to read as follows:

(a) The administering entity may authorize a domestic relations office to assess and collect:

(1) an initial operations fee not to exceed \$15 to be paid to the domestic relations office on the filing of a suit;

(2) in a county that has a child support enforcement cooperative agreement with the Title IV-D agency, an initial child support service fee not to exceed \$36 to be paid to the domestic relations office on the filing of a suit;

(3) a reasonable application fee to be paid by an applicant requesting services from the office;

(4) [~~(3)~~] a reasonable attorney's fee and court costs incurred or ordered by the court;

(5) [~~(4)~~] a monthly child support service fee not to exceed \$3 to be paid by a managing conservator and possessory conservator for whom the domestic relations office acts as a local child support registry;

(6) [~~(5)~~] community supervision fees as provided by Chapter 157 if community supervision officers are employed by the domestic relations office; and

(7) [~~(6)~~] a reasonable fee for preparation of a court-ordered social study.

SECTION _____. Section 110.006, Family Code, is amended to read as follows:

Sec. 110.006. DOMESTIC RELATIONS OFFICE FEES [~~OPERATIONS FEE~~]. If an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1) or an initial child support service fee under Section 203.005(a)(2), the clerk of the court shall collect the fee at the time the suit is filed and send the fee to the domestic relations office.

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).

CSSB 368 - (consideration continued)

Amendment No. 6 was withdrawn.

CSSB 368, as amended, was passed to third reading.

**CONSTITUTIONAL AMENDMENTS CALENDAR
SENATE JOINT RESOLUTIONS
SECOND READING**

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

SJR 21 ON SECOND READING

(Hamric, Allen, B. Turner, Van de Putte, and Y. Davis - House Sponsors)

SJR 21, A joint resolution proposing a constitutional amendment relating to the exemption from ad valorem taxation of certain leased motor vehicles not held primarily for the production of income.

LEAVE OF ABSENCE GRANTED

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

Noriega on motion of Flores.

SJR 21 - (consideration continued)

A record vote was requested.

SJR 21 was adopted by (Record 373): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Ellis; Noriega.

Absent — Bailey; Telford.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 107 ON THIRD READING
(Chavez - House Sponsor)**

SB 107, A bill to be entitled An Act relating to the designation of March 31 as Cesar Chavez Day.

SB 107 was passed. (Culberson, Heflin, and Keel recorded voting no)

SB 107 - REASON FOR VOTE

The establishment of a holiday reserved to specifically honor the Hispanic heritage of this state is long overdue. In our zeal to accomplish this goal by recognizing one contemporary political figure, the 76th Legislature of Texas has overlooked and passed over historical figures whose bravery and sacrifices are largely responsible for the birth and survival of this great state and the freedoms and democracy we too often take for granted.

We would not even be here as a legislature talking about this were it not for heroes like Juan Seguin and other Tejanos.

Seguin was born in 1806 in San Antonio de Bexar, Texas. Seguin led volunteers and fought in defense of the Mexican Constitution of 1824 and the freedoms it guaranteed for all citizens, including the citizens of his native Texas. Like the struggle of the United States against England, Seguin battled to preserve the rights and freedoms Mexico had won from Spain in 1821. Fighting against dictatorship, Seguin fought in the battles of Conception and Bexar. He was also one of the defenders of the Alamo, and Travis chose Seguin to leave as a courier to rally reinforcements. The Alamo was stormed by Santa Anna before Seguin could return.

Seguin thereafter commanded the rear guard of the Texan army, protecting Texan families left in the path of Santa Anna's continued incursion into Texas and he was instrumental in preventing the Mexican army from overtaking the Texan forces.

During the battle of San Jacinto, Seguin commanded the 9th company, 2nd regiment. After the battle, he was promoted to lieutenant colonel and presided over Bexar until a civilian government could be reestablished. It was Seguin who conducted a ceremony in Spanish at the site of the Alamo one year after the battle, interring the ash remains of the Alamo defenders.

Seguin served in the Senate of the Republic of Texas from 1838 to 1840 and was elected mayor of San Antonio in 1841. He was imprisoned in Laredo by the Mexicans in 1842 and suffered considerable political slander and personal deprivation for many of the following years. The city of Seguin is named in honor of Juan Seguin.

In our haste to fall into line with the political correctness of honoring a contemporary political activist, we unwittingly shortchange the Hispanic heritage of Texas by ignoring the valiant acts of our native Tejano parentage.

We allow contemporary politics to dominate this overdue action of establishing a holiday important to all of us and particularly important to persons of Hispanic heritage. It is a disservice to not consider that the actions we take today are intended to have historical impact, yet we do not even consider the historical perspective.

Keel
Culberson

SB 192 ON THIRD READING
(Junell - House Sponsor)

SB 192, A bill to be entitled An Act relating to contracts with and compensation of administrators of public institutions of higher education.

SB 192 was passed.

SB 201 ON THIRD READING
(Seaman - House Sponsor)

SB 201, A bill to be entitled An Act relating to the ability of a navigation district to contract with other parties.

A record vote was requested.

SB 201 was passed by (Record 374): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Ellis; Noriega.

Absent — Averitt; Jones, D.; Reyna, A.; Wilson.

STATEMENT OF VOTE

When Record No. 374 was taken, I would have voted yes.

Wilson

SB 60 ON THIRD READING

(Goolsby, Chavez, Delisi, and A. Reyna - House Sponsors)

SB 60, A bill to be entitled An Act relating to the wearing of safety belts by certain vehicle passengers; providing penalties.

SB 60 was passed. (Berman, Bonnen, Clark, Cook, Craddick, Denny, Elkins, Giddings, Heflin, Hodge, Homer, Howard, Hupp, Isett, Junell, Keel, Madden, Pitts, E. Reyna, Ritter, Shields, Solomons, Swinford, Staples, Talton, S. Turner, Uher, and Woolley recorded voting no)

SB 178 ON THIRD READING

(Junell and Flores - House Sponsors)

SB 178, A bill to be entitled An Act relating to codification of certain state agency practices and duties currently prescribed by the General Appropriations Act.

SB 178 was passed. (Hartnett recorded voting no)

SB 8 ON THIRD READING

(Goodman - House Sponsor)

SB 8, A bill to be entitled An Act relating to the compilation of information pertaining to criminal combinations and criminal street gangs and to the establishment of a statewide database of criminal street gang information.

Amendment No. 1

Representative G. Lewis offered the following amendment to **SB 8**:

Amend **SB 8** on 3rd reading as follows:

- (1) Page 3, Line 25, replace the word "five" with "three"
- (2) Page 4, Line 20, replace the word "three" with "two".
- (3) Page 4, line 7, strike "five-year" and substitute "three year"
- (4) Page 5, Line 4, replace the word "three" with word "two".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative S. Turner offered the following amendment to **SB 8**:

Amend **SB 8** on third reading (House Committee Report) as follows:

- (1) On page 2, line 12, strike "any two" and substitute "each".
- (2) On page 2, line 14, after the semicolon, insert "and".
- (3) On page 2, strike lines 15-25.
- (4) On page 2, line 26, strike "(f)" and substitute "(B)".

(Speaker in the chair)

Amendment No. 2 failed of adoption.

A record vote was requested.

SB 8, as amended, was passed by (Record 375): 104 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Driver; Dunnam; Eiland; Elkins; Farabee; Gallego; George; Glaze; Goodman; Goolsby; Green; Greenberg; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hochberg; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Morrison; Mowery; Nixon; Palmer; Pickett; Pitts; Ramsay; Rangel; Reyna, E.; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Telford; Tillery; Truitt; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Nays — Alvarado; Bailey; Chavez; Cuellar; Danburg; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Gray; Gutierrez; Hinojosa; Hodge; Jones, C.; Jones, J.; Longoria; Luna; Maxey; McClendon; Moreno, J.; Moreno, P.; Naishtat; Najera; Oliveira; Puente; Reyna, A.; Ritter; Salinas; Solis, J.; Solis, J. F.; Thompson; Turner, S.; Uresti; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Hawley; Olivo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 375. I intended to vote yes.

Cuellar

When Record No. 375 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

When Record No. 375 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

SB 583 ON THIRD READING

(S. Turner - House Sponsor)

SB 583, A bill to be entitled An Act relating to a prospective state contractor who is indebted to or owes delinquent taxes to the state.

SB 583 was passed.

SB 674 ON THIRD READING

(Pitts - House Sponsor)

SB 674, A bill to be entitled An Act relating to the regulation of property tax professionals, including county tax assessor-collectors.

Amendment No. 1

Representative Pitts offered the following amendment to **SB 674**:

Amend **SB 674** on third reading as follows:

(1) In SECTION 1 of the bill, in amended Section 13, Article 8885, Revised Statutes, strike "not to exceed \$55" and substitute "not less than \$45 and not to exceed \$75".

(2) In SECTION 1 of the bill, in added Section 14A(a), Article 8885, Revised Statutes, between "(a)" and "An", insert the following:

The board by rule may require a registrant to pass one or more examinations in order to be certified.

Amendment No. 1 was adopted without objection.

SB 674, as amended, was passed.

SB 778 ON THIRD READING
(Ramsay - House Sponsor)

SB 778, A bill to be entitled An Act relating to the requirements for posting a bond by a county treasurer.

SB 778 was passed.

SB 430 ON THIRD READING
(Coleman - House Sponsor)

SB 430, A bill to be entitled An Act relating to the punishment for certain Class C habitual offenders.

Amendment No. 1

Representatives Coleman, Talton, and Wilson offered the following amendment to **SB 430**:

Amend **SB 430** on 3rd Reading by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Article 42.12, Code of Criminal Procedure, is amended by adding Section 15A to read as follows:

Sec. 15A. ENHANCED DISORDERLY CONDUCT AND PUBLIC INTOXICATION OFFENSES. (a) Except as provided by Subsection (b), on conviction of an offense for which punishment is enhanced under Section 12.43(c), Penal Code, the court shall suspend the imposition of the sentence and place the defendant on community supervision. The judge may suspend in whole or in part the imposition of any fine imposed on conviction. All provisions of this article applying to a defendant placed on community supervision for a misdemeanor apply to a defendant placed on community supervision under this section, except that the court shall require the defendant as a condition of community supervision to:

(1) submit to diagnostic testing for addiction to alcohol or a controlled substance or drug;

(2) submit to a psychological assessment;

(3) if indicated as necessary by testing and assessment, participate in an alcohol or drug abuse treatment or education program; and

(4) pay the costs of testing, assessment, and treatment or education, either directly or as a court cost.

(b) Subsection (a) does not apply if it is shown at the punishment phase of a trial in which punishment is enhanced under Section 12.43(c) that the defendant had previously been convicted of an offense for which punishment was enhanced under Section 12.43(c).

Amendment No. 1 was adopted without objection.

SB 430, as amended, was passed.

SB 138 ON THIRD READING
(Hochberg, et al. - House Sponsors)

SB 138, A bill to be entitled An Act relating to government restrictions on the exercise of religion.

Amendment No. 1

Representative Hochberg offered the following amendment to **SB 138**:

Amend **SB 138** on third reading as follows:

(1) In SECTION 1, in added Section 110.006 (b), Civil Practice and Remedies Code, strike Subdivisions (1) and (2) as added by Amendment No. 1 by Hochberg and substitute the following:

(1) the exercise of governmental authority that threatens to substantially burden the person's free exercise of religion is imminent; and

(2) the person was not informed and did not otherwise have knowledge of the exercise of the governmental authority in time to reasonably provide the notice.

(2) In SECTION 1, in added Section 110.006, Civil Practice and Remedies Code, insert new Subsection (f) to read as follows:

(f) A person who complies with an inmate grievance system as required under Section 501.008, Government Code, is not required to provide a separate written notice under Subsection (a). In conjunction with the inmate grievance system, the government agency may remedy a substantial burden on the person's free exercise of religion in the manner described by, and subject to, Subsections (c), (d), and (e).

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hochberg offered the following amendment to **SB 138**:

Amend **SB 138** on third reading in Section 110.011 (b) (1), Civil Practice and Remedies Code, as added by second reading Amendment 2 by Hochberg, by striking "the organization's primary purposes and functions" and substituting: "the organization's primary purpose and function".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representatives Hochberg, Swinford, Chisum, and Smithee offered the following amendment to **SB 138**:

Amend **SB 138** on third reading in SECTION 1, in added Section 110.006, Civil Practice and Remedies Code, by inserting new Subsection (f) to read as follows:

(f) In dealing with a claim that a person's free exercise of religion has been substantially burdened in violation of this chapter, an inmate grievance system, including an inmate grievance system required under Section 501.008, Government Code, must provide to the person making the claim a statement of the government agency's rationale for imposing the burden, if any exists, in connection with any adverse determination made in connection with the claim.

Amendment No. 3 was adopted without objection.

SB 138, as amended, was passed.

SB 306 ON THIRD READING
(Keel, Allen, and Staples - House Sponsors)

SB 306, A bill to be entitled An Act relating to the eligibility of certain defendants convicted of felonies for release on bail pending appeal.

SB 306 was passed.

SB 205 ON THIRD READING
(J. Jones - House Sponsor)

SB 205, A bill to be entitled An Act relating to the fee associated with the installation or the monitoring of a motor vehicle ignition interlock device required as a condition of bail.

SB 205 was passed.

SB 203 ON THIRD READING
(J. Jones - House Sponsor)

SB 203, A bill to be entitled An Act relating to the restrictions on political activities of full-time employees of a county elections administrator's office in certain counties.

SB 203 was passed.

SB 232 ON THIRD READING
(Haggerty - House Sponsor)

SB 232, A bill to be entitled An Act relating to the notification of a court on the discharge of a person from the Texas Department of Criminal Justice or release on parole or mandatory supervision.

SB 232 was passed.

SB 262 ON THIRD READING
(Bosse - House Sponsor)

SB 262, A bill to be entitled An Act relating to the reimbursement of landowners or developers prior to annexation of a water-related special district.

A record vote was requested.

SB 262 was passed by (Record 376): 139 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Burnam; Dukes; Ehrhardt; Greenberg; Maxey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Garcia; Wilson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 376. I intended to vote yes.

Ehrhardt

When Record No. 376 was taken, I would have voted yes.

Wilson

SB 405 ON THIRD READING (Averitt and Janek - House Sponsors)

SB 405, A bill to be entitled An Act relating to the extension of certain group life insurance coverage to spouses and children.

SB 405 was passed.

SB 187 ON THIRD READING (Keel - House Sponsor)

SB 187, A bill to be entitled An Act relating to the release of certain information relating to a juvenile offender suspected of fleeing after committing certain violent crimes.

SB 187 was passed.

SB 185 ON THIRD READING
(Coleman - House Sponsor)

SB 185, A bill to be entitled An Act relating to certain permissible conditions of placement on deferred disposition for offenses involving the use of alcohol, a controlled substance, or drugs.

SB 185 was passed.

SB 19 ON THIRD READING
(Naishtat - House Sponsor)

SB 19, A bill to be entitled An Act relating to the issuance and renewal of certain initial probationary licenses granted for a nursing or convalescent home or related institution.

SB 19 was passed.

SB 111 ON THIRD READING
(Smith - House Sponsor)

SB 111, A bill to be entitled An Act relating to an optional majority vote requirement for election of trustees in certain independent school districts.

SB 111 was passed.

SB 149 ON THIRD READING
(Goodman - House Sponsor)

SB 149, A bill to be entitled An Act relating to student intercollegiate athletic fees at The University of Texas at Arlington.

A record vote was requested.

SB 149 was passed by (Record 377): 135 Yeas, 9 Nays, 1 Present, not voting.

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

Nays — Clark; Davis, J.; Denny; Hupp; Isett; Madden; Reyna, E.; Shields; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Hilderbran; King, P.

STATEMENTS OF VOTE

When Record No. 377 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 377. I intended to vote yes.

Isett

SB 172 ON THIRD READING (Solomons - House Sponsor)

SB 172, A bill to be entitled An Act relating to a qualified commercial loan.

A record vote was requested.

SB 172 was passed by (Record 378): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

SB 557 ON THIRD READING (Keel - House Sponsor)

SB 557, A bill to be entitled An Act relating to the discovery of expert witnesses in a criminal trial.

Amendment No. 1

Representative Hinojosa offered the following amendment to **SB 557**:

Amend **SB 557** on 3rd Reading, in SECTION 1, in Article 39.14, Code of Criminal Procedure, by striking Article 39.14(c), as added by the Hinojosa 2nd Reading amendment.

Amendment No. 1 was adopted without objection.

SB 557, as amended, was passed.

**SB 358 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gray, the house granted the request of the senate for the appointment of a conference committee on **SB 358**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 358**: Gray, chair, Bosse, McCall, Capelo, and McClendon.

**SB 371 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gray, the house granted the request of the senate for the appointment of a conference committee on **SB 371**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 371**: Gray, chair, McCall, Haggerty, Bosse, and Staples.

**SB 781 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bailey, the house granted the request of the senate for the appointment of a conference committee on **SB 781**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 781**: Bailey, chair, Smithee, Eiland, Olivo, and Seaman.

**SB 1128 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Greenberg, the house granted the request of the senate for the appointment of a conference committee on **SB 1128**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1128**: Greenberg, chair, Telford, Walker, McClendon, and R. Lewis.

**HB 362 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 362, A bill to be entitled An Act relating to the eligibility of certain higher education employees to participate in group programs under the Texas Employees Uniform Group Insurance Benefits Act.

On motion of Representative Hupp, the house concurred in the senate amendments to **HB 362** by (Record 379): 143 Yeas, 1 Nays, 1 Present, not voting.

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

Nay — Edwards.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Dukes; Hochberg.

STATEMENTS OF VOTE

When Record No. 379 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting no on Record No. 379. I intended to vote yes.

Edwards

When Record No. 379 was taken, I was in the house but away from my desk. I would have voted yes.

Hochberg

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

Amend **HB 362** (house engrossment) as follows:

- (1) Strike SECTION 3 of the bill (page 2, line 14).
- (2) Renumber SECTION 4 of the bill (page 2, line 15) as SECTION 3.
- (3) Strike SECTION 5 of the bill (page 3, lines 7-11) and substitute the following:

SECTION 4. 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 690 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 690, A bill to be entitled An Act relating to the penalty for cutting a fence used for certain animals.

On motion of Representative Wohlgemuth, the house concurred in the senate amendments to **HB 690** by (Record 380): 139 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Puente; Thompson.

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

Absent, Excused — Corte; Ellis; Noriega.

Absent — Hodge; Ritter; Tillery; Uher.

STATEMENT OF VOTE

When Record No. 380 was taken, I would have voted yes.

Hodge

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

Amend **HB 690** on page 2, line 9, between "production" and "of" by inserting "or containment".

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

Amend **HB 690**, in SECTION 1, subsection (4)(C)(i), by inserting "bison," between "cattle," and "horses".

**HB 746 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 746, A bill to be entitled An Act relating to a report on certain higher education employees serving as expert witnesses in suits against the state.

Representative Gallego moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 746**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 746**: Gallego, chair, Rangel, Cuellar, Farabee, and Wohlgemuth.

**HB 1147 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1147, A bill to be entitled An Act relating to lighting and red flag requirements for certain vehicles with extended loads.

On motion of Representative Seaman, the house concurred in the senate amendments to **HB 1147**.

Senate Committee Substitute

CSHB 1147, A bill to be entitled An Act relating to lighting and red flag requirements for certain vehicles with extended loads.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 622.042, Transportation Code, is amended to read as follows:

Sec. 622.042. TIME OF OPERATION; DISPLAY OF FLAG, CLOTH, OR STROBE LIGHT. (a) A vehicle subject to this subchapter may be operated only during daytime.

(b) In this section, "daytime" has the meaning assigned by Section 541.401.

(c) A red flag or cloth not less than 12 inches square or a strobe light must be displayed at the rear of the load carried on the vehicle so that the light or the entire area of the flag or cloth is visible to the driver of a vehicle approaching from the rear.

SECTION 2. The section heading to Section 622.052, Transportation Code, is amended to read as follows:

Sec. 622.052. TIME OF OPERATION; SPEED; LIGHTING REQUIREMENTS [~~DISPLAY OF FLAG OR CLOTH~~].

SECTION 3. Section 622.052(b), Transportation Code, is amended to read as follows:

(b) A vehicle to which this subchapter applies shall display on the extreme end of the load:

(1) two red lamps visible at a distance of at least 500 feet from the rear:

(2) two red reflectors that indicate the maximum width and are visible, when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and

(3) two red lamps, one on each side, that indicate the maximum overhang and are visible at a distance of at least 500 feet from the side. [A red flag or cloth not less than 12 inches square must be displayed at the rear of the load carried on the vehicle so that the entire area is visible to the driver of a vehicle approaching from the rear.]

SECTION 4. The section heading to Section 622.062, Transportation Code, is amended to read as follows:

Sec. 622.062. TIME OF OPERATION; LIGHTING REQUIREMENTS [~~DISPLAY OF FLAG OR CLOTH~~].

SECTION 5. Section 622.062(b), Transportation Code, is amended to read as follows:

(b) A vehicle to which this subchapter applies shall display on the extreme end of the load:

(1) two red lamps visible at a distance of at least 500 feet from the rear:

(2) two red reflectors that indicate the maximum width and are visible, when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and

(3) two red lamps, one on each side, that indicate the maximum overhang and are visible at a distance of at least 500 feet from the side. [A strobe light or red flag or cloth not less than 12 inches square must be displayed at the rear of the load carried on the vehicle so that the light or the entire area of the flag or cloth is visible to the driver of a vehicle approaching from the rear.]

SECTION 6. This Act takes effect September 1, 1999, and applies only to the operation of a motor vehicle occurring on or after that date. A vehicle operated before the effective date of this Act is governed by the law in effect at the time of operation, and the former law is continued in effect for this purpose.

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.

**HB 1244 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1244, A bill to be entitled An Act relating to control of animal diseases.

On motion of Representative Crownover, the house concurred in the senate amendments to **HB 1244**.

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

Amend **HB 1244** as follows:

(1) On page 1, line 12, insert the following after "disease" and before "that": "other than bluetongue or vesicular stomatitis".

(2) On page 3, line 8, insert the following after "disease" and before "in": "other than bluetongue".

**HB 1297 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative R. Lewis called up with senate amendments for consideration at this time,

HB 1297, A bill to be entitled An Act relating to changing the names of Lamar University at Orange, Lamar University at Port Arthur, and Lamar University Institute of Technology.

On motion of Representative R. Lewis, the house concurred in the senate amendments to **HB 1297** by (Record 381): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Senate Committee Substitute

CSHB 1297, A bill to be entitled An Act relating to changing the names of Lamar University at Orange, Lamar University at Port Arthur, and Lamar University Institute of Technology.

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

SECTION 1. Section 96.703, Education Code, is amended to read as follows:

Sec. 96.703. LAMAR ~~[UNIVERSITY]~~ INSTITUTE OF TECHNOLOGY.

(a) The board shall establish and maintain an educational center of Lamar University as a separate degree-granting institution to be known as Lamar ~~[University]~~ Institute of Technology.

(b) The primary purpose of the institute is to teach technical and vocational courses and related supporting courses. The board may confer degrees appropriate to the institute's curriculum.

SECTION 2. Section 96.704, Education Code, is amended to read as follows:

Sec. 96.704. LAMAR STATE COLLEGE—PORT ARTHUR AND LAMAR STATE COLLEGE—ORANGE ~~[EDUCATIONAL CENTERS AT PORT ARTHUR AND ORANGE]~~. (a) The board shall establish and maintain coeducational lower-division institutions of higher education as separate accredited degree-granting institutions in the counties of Jefferson and Orange, to be known as Lamar State College—[University at] Port Arthur and Lamar State College—[University at] Orange, to teach only freshman- and sophomore-level courses.

(b) The board may acquire, construct, or otherwise make provision for adequate physical facilities for use by Lamar State College—[University at] Port Arthur and Lamar State College—[University at] Orange and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property tendered by any person for the use and benefit of the school.

(c) The board with approval of the Texas Higher Education Coordinating Board may prescribe courses leading to customary degrees. The board may make other rules and regulations for the operation, control, and management of Lamar State College—[University at] Port Arthur and Lamar State College—[University at] Orange as are necessary for each institution to be a first-class institution for freshman and sophomore students.

(d) Nothing in this section shall be construed to limit the powers of the board as conferred by law.

(e) For Lamar State College—[University at] Port Arthur and Lamar State College—[University at] Orange, the board may expend funds allocated to Lamar University under Chapter 62 for any of the purposes listed in Section 17, Article VII, Texas Constitution, in the same manner and under the same circumstances as expenditures for those purposes for other separate degree-granting institutions.

(f) A reference in state law to Lamar University at Port Arthur means Lamar State College—Port Arthur. A reference in state law to Lamar University at Orange means Lamar State College—Orange.

SECTION 3. Sections 54.060(a), (e), and (g), Education Code, are amended to read as follows:

(a) The nonresident tuition fee prescribed by this chapter does not apply to a nonresident student who is a resident of Arkansas, Louisiana, New Mexico, or Oklahoma and who registers in a public upper-level institution of higher education, Lamar State College—Orange, Lamar State College—Port Arthur, a [two-year institution in the Lamar University System,] Texas public junior college, or a public technical institute that is situated in a county immediately adjacent to the state in which the nonresident student resides. The nonresident tuition fee prescribed by this chapter does not apply to a nonresident student who is a resident of New Mexico or Oklahoma and who registers in a public technical institute that is situated in a county that is within 100 miles of the state in which the nonresident student resides and who is admitted for the purpose of utilizing available instructional facilities. The nonresident student described in this subsection shall pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides. For purposes of this subsection, "public upper-level institution of higher education" means an institution of higher education that offers only junior-level and senior-level courses or only junior-level, senior-level, and graduate-level courses.

(e) The payment of resident tuition at Lamar State College—Orange, Lamar State College—Port Arthur, [a two-year institution in the Lamar University System] or a public technical institute as authorized by Subsection (a) of this section or at an institution of higher education as authorized by Subsection (f) does not affect the constitutionally dedicated funding to which institutions of higher education are entitled under Article VII, Section 17, of the Texas Constitution.

(g) In this section, "public:"
[(1) "Public] technical institute" has the meaning assigned by Section 61.003 of this code.

[(2) "Two-year institution in the Lamar University System" means:

[(A) Lamar University at Orange;

[(B) Lamar University at Port Arthur; or

[(C) the Lamar University Institute of Technology in

Beaumont.]

SECTION 4. Section 55.1724(a), Education Code, is amended to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board in aggregate principal amounts not to exceed the following:

(1) Angelo State University, \$20 million;

(2) Lamar University—Beaumont, \$8 million;

(3) Lamar [University] Institute of Technology, \$2 million;

(4) Lamar State College [University]—Orange, \$3.5 million;

- (5) Lamar State College [~~University~~]—Port Arthur, \$2.75 million;
- (6) Sam Houston State University, \$7.5 million;
- (7) Southwest Texas State University, \$19.7 million; and
- (8) Sul Ross State University, \$17.5 million.

SECTION 5. Section 61.003, Education Code, is amended by amending Subdivisions (3), (7), and (8) and by adding Subdivision (16) to read as follows:

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A&M University, Main University; The University of Texas at Arlington; Tarleton State University; Prairie View A&M University; Texas Maritime Academy; Texas Tech University; University of North Texas; Lamar University; Lamar State College—Orange; Lamar State College—Port Arthur; Texas A&M University—Kingsville; Texas A&M University—Corpus Christi; Texas Woman's University; Texas Southern University; Midwestern State University; University of Houston; University of Texas—Pan American; The University of Texas at Brownsville; Texas A&M University—Commerce; Sam Houston State University; Southwest Texas State University; West Texas A&M University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; The University of Texas at Tyler; and any other college, university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

(7) "Public technical institute" means the Lamar Institute of Technology or the Texas State Technical College System.

(8) "Institution of higher education" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in this section.

(16) "Public state college" means Lamar State College—Orange, Lamar State College—Port Arthur, or the Lamar Institute of Technology.

SECTION 6. Section 54.060(h), Education Code, is repealed.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 1341 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1341, A bill to be entitled An Act relating to implementation of a Texas courthouse preservation program.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 1341**.

Senate Committee Substitute

CSHB 1341, A bill to be entitled An Act relating to implementation of a Texas courthouse preservation program.

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

SECTION 1. Section 442.001, Government Code, is amended to read as follows:

Sec. 442.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Historic courthouse" means a county courthouse that is at least 50 years old.

(2) "Historic courthouse project" means a project to preserve or restore a historic courthouse.

(3) "Historic[~~,"~~ "historic] structure" means a structure that:

(A) [~~(1)~~] is included on the National Register of Historic Places;

(B) [~~(2)~~] is designated as a Recorded Texas Historic Landmark;

(C) [~~(3)~~] is designated as a State Archeological Landmark;

(D) [~~(4)~~] is determined by the Texas Historical Commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archeological Landmark;

(E) [~~(5)~~] is certified by the Texas Historical Commission to other state agencies as worthy of preservation; or

(F) [~~(6)~~] is designated by an ordinance of a municipality with a population of more than 1.5 million as historic.

SECTION 2. Chapter 442, Government Code, is amended by adding Sections 442.0081 through 442.0083 to read as follows:

Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION PROGRAM; GRANTS AND LOANS. (a) The commission shall administer a historic courthouse preservation program.

(b) A county that owns a historic courthouse may apply to the commission for a grant or loan for a historic courthouse project. The application must:

(1) state the location of the courthouse;

(2) state whether the courthouse is or is likely to become a historic structure;

(3) state the amount of money or in-kind contributions that the county promises to contribute to the project;

(4) state whether the courthouse is currently functioning as a courthouse;

(5) include any plans, including a master preservation plan, that the county may have for the project; and

(6) include any other information that the commission by rule may require.

(c) The commission may grant or loan money to a county that owns a historic courthouse, for the purpose of preserving or restoring the courthouse, if the county's application meets the standards of the historic courthouse preservation program. In considering whether to grant an application, the

commission shall consider the preferences and factors listed in this section as well as any other factors that it may provide by rule.

(d) In considering whether to grant an application, the commission shall give preference to:

(1) a proposed project to preserve or restore a courthouse:

(A) that is or is likely to become a historic structure; and

(B) that:

(i) is still functioning as a courthouse;

(ii) was built before 1875; or

(iii) is subject to a conservation easement held by

the commission; and

(2) a county that will provide or has provided at least 15 percent of the project's costs, including:

(A) in-kind contributions; and

(B) previous expenditures for master planning and renovations on the courthouse that are the subject of the application.

(e) In considering whether to grant an application, the commission shall also consider the following factors:

(1) the amount of money available for a grant or loan and the percentage of the costs that the county will contribute;

(2) whether the county will contribute any in-kind contribution such as labor or materials;

(3) the cost to preserve or restore the courthouse;

(4) the architectural style of the courthouse;

(5) the historic significance of the courthouse;

(6) the county's master preservation plan; and

(7) any other factors that the commission by rule may provide.

(f) The commission shall adopt rules regarding the way in which it will consider the following factors in analyzing a county's contribution to project costs under Subsection (d)(2):

(1) the period during which past expenditures can be considered;

(2) the amount of past expenditures that can be considered; and

(3) the amount and type of in-kind contributions that can be considered.

(g) The commission shall appoint a Texas Courthouse Preservation Program Advisory Committee. The committee shall assist the commission on matters relating to the historic courthouse preservation program. The commission may reimburse a committee member's travel expenses and provide a per diem for other expenses from funds appropriated to the commission, but not from funds in the historic courthouse preservation fund account created by this chapter. Chapter 2110 applies to the committee, but the committee must include:

(1) members from the different geographical areas of the state;

(2) an equal number of members from counties with a population of:

(A) 24,999 or less;

(B) 25,000 to 75,000; and

(C) 75,001 or more; and

(3) at least the following members:

(A) one or more elected county officials;

(B) one or more members of historical organizations or persons with knowledge of and experience in preservation who are not elected county officials; and

(C) one or more members of the general public who do not meet the requirements of Paragraph (A) or (B).

(h) The commission shall adopt rules necessary to implement the historic courthouse preservation program.

Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS.

(a) Before incurring any expenses payable from funds received from the commission under the historic courthouse preservation program, a county must have a master preservation plan for its historic courthouse project. The commission by rule shall prescribe the minimum standards for a master preservation plan.

(b) A county that receives money under the historic courthouse preservation program must use recognized preservation standards for work on a historic courthouse project. The commission by rule shall establish standards regarding the quality of the work performed on a historic courthouse project.

(c) A county that receives money under the historic courthouse preservation program for a historic courthouse project may use the money only for eligible preservation and restoration expenses that the commission by rule shall prescribe. Eligible expenses may include costs for:

(1) structural, mechanical, electrical, and plumbing systems and weather protection and emergency public safety issues not covered by insurance;

(2) code and environmental compliance, including complying with the federal Americans with Disabilities Act of 1990 and its subsequent amendments, Article 9102, Revised Statutes, and other state laws relating to accessibility standards, hazardous materials mitigation rules, and other similar concerns;

(3) replication of a missing architectural feature;

(4) removal of an inappropriate addition or modification; and

(5) restoration of a courtroom or other significant public space in a functional and historically appropriate manner.

(d) A county's expenditure of money received under this chapter for a historic courthouse project is subject to audit by the state auditor in accordance with Chapter 321.

(e) The commission by rule shall provide for oversight procedures on a project. These rules shall provide for reasonable inspections by the commission as well as periodic reports by a county on a project's progress.

Sec. 442.0083. FUNDING FOR HISTORIC COURTHOUSE PRESERVATION PROGRAM; HISTORIC COURTHOUSE PRESERVATION FUND ACCOUNT. (a) The historic courthouse preservation fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, payments on loans made under the historic courthouse preservation program, grants and donations made for the purposes of the historic courthouse preservation program, and income earned on

investments of money in the account. Appropriations to the commission for the historic courthouse preservation program shall be deposited to the credit of the account. Notwithstanding Section 404.071, income earned on money in the account shall be deposited to the credit of the account.

(b) Except as otherwise provided by Subsection (c), the commission may use money in the historic courthouse preservation fund account to provide a grant or loan to a county that owns a historic courthouse for a historic courthouse project. The grant or loan may be in the amount and according to the terms that the commission by rule shall determine.

(c) The commission may use money in the historic courthouse preservation fund account to provide a loan under the historic courthouse preservation program only to the extent that the legislature provides in the General Appropriations Act that money appropriated to the commission for the program may be used to make loans.

(d) As a condition for providing the money under this section, the commission may require creation of a conservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state and may require creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan or any other agreements made under this section and Sections 442.0081 and 442.0082.

(e) A grant for a historic courthouse project may not exceed the greater of \$4 million or two percent of the amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(f) Biennial appropriations to the commission for administering the historic courthouse preservation program during a state fiscal biennium, including providing oversight for historic courthouse projects, may not exceed one percent of the amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(g) The commission by rule may set a limit on the loan amount for a historic courthouse project. This amount may be expressed as a dollar amount or as a percentage of the total amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(h) The commission may accept a gift, grant, or other donation for the historic courthouse preservation program or a specific historic courthouse project.

SECTION 3. Section 442.008, Government Code, is amended by amending the section heading to read as follows:

Sec. 442.008. COUNTY [HISTORIC] COURTHOUSES.

SECTION 4. (a) This Act takes effect September 1, 1999.

(b) Not later than November 1, 1999, the commission shall adopt the rules required by Sections 442.0081, 442.0082, and 442.0083, Government Code, as added by this Act.

SECTION 5. 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.

Senate Amendment No. 1

Amend **CSHB 1341**, adding an appropriately numbered SECTION to read as follows:

"SECTION __. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

**HB 1368 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Edwards, the house concurred in the senate amendments to **HB 1368** by (Record 382): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Carter; Cook; Hawley.

STATEMENT OF VOTE

When Record No. 382 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

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

Amend **HB 1368**, in SECTION 1 as follows:

(1) In Section 448.034, Government Code, after "Capitol grounds" and before the period (page 1, line 9) add ", subject to approval by the State Preservation Board of the monument location and design".

(2) Strike the second sentence of Section 448.034, Government Code (page 1, lines 9-11).

**HB 1380 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1380, A bill to be entitled An Act relating to venue projects that may be authorized and financed by a municipality.

On motion of Representative Allen, the house concurred in the senate amendments to **HB 1380** by (Record 383): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Longoria; Shields; Solis, J. F.

STATEMENT OF VOTE

When Record No. 383 was taken, I was reading bill. I would have voted yes.

Shields

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

Amend **HB 1380** as follows:

On page 2, line 1, insert the following after "(D)" and before "an":
"a municipal parks and recreation system; or improvements or additions to a parks and recreation system: or"

Between lines 4 and 5 on page 2 add a new Section 2 to be and read as follows and renumber the subsequent Section's accordingly

Section 2. Section 334.024, Local Government Code, is amended by the addition of a new subsection (f) to read as follows:

(f) If the venue project is authorized by subsection (4)(D) of Section 334.001 and the venue project does not include improvements and or additions to all parks, and or recreation facilities of the municipality the description of the venue project in the proposition, if for improvements or additions to an existing park, or recreation facility shall identify by name or location each park or recreation facility and, if for acquisition and or improvement of a new park or recreation facility, the general location within the municipality of the new park, recreational system or facility.

**HB 1479 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1479, A bill to be entitled An Act relating to wastewater discharge permits.

On motion of Representative Clark, the house concurred in the senate amendments to **HB 1479**.

Senate Committee Substitute

CSHB 1479, A bill to be entitled An Act relating to wastewater discharge permits.

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

SECTION 1. Section 26.028, Water Code, is amended to read as follows:

Sec. 26.028. ACTION ON APPLICATION. (a) Notice of an application for a permit, permit amendment, or permit renewal [~~Except as provided in Subsections (b) and (c) of this section, notice~~] shall be given to the persons who in the judgment of the commission may be affected by the [~~an~~] application, except as provided by this section [~~for a permit, permit amendment, or renewal of a permit~~].

(b) For any application involving an average daily discharge of five million gallons or more, the notice shall be given:

(1) not later than 20 days before the date on which the commission acts on the application; and

(2) [~~;~~] to each county judge in the county or counties located within 100 statute miles of the point of discharge who have requested in writing that the commission give that notice and through which water, into or adjacent to which waste or pollutants are to be discharged under the permit, flows after the discharge.

(c) Except as otherwise provided by this section, the [The] commission, on the motion of a commissioner, or on the request of the executive director or any affected person, shall hold a public hearing on the application for a permit, permit amendment, or renewal of a permit.

(d) Notwithstanding any other provision of this chapter, the commission, at a regular meeting without the necessity of holding a public hearing, may approve an [(b) An] application to renew or amend a permit if:

(1) the applicant is not applying to:

(A) increase significantly the quantity of waste authorized to be discharged; or

(B) change materially the pattern or place of discharge;

(2) the activities to be authorized by the renewed or amended permit will maintain or [to] improve the quality of waste authorized to be discharged;

(3) for NPDES permits, notice and the opportunity to request a public meeting shall be given in compliance with NPDES program requirements, and the commission shall consider and respond to all timely received and significant public comment; and

(4) the commission determines that an applicant's compliance history for the preceding five years raises no issues regarding the applicant's ability to comply with a material term of its permit [may be set for consideration and may be acted on by the commission at a regular meeting without the necessity of holding a public hearing if the applicant does not seek to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge].

(e) Notice of an [the] application under Subsection (d) shall be mailed to the mayor and health authorities for the city or town, and the county judge and health authorities for the county[;] in which the waste is or will be discharged, at least 10 days before the commission meeting, and they may present information to the commission on the application.

(f) [(e)] An application to renew a permit for a confined animal feeding operation which was issued between July 1, 1974, and December 31, 1977, may be set for consideration and may be acted on by the commission at a regular meeting without the necessity of holding a public hearing if the applicant does not seek to discharge into or adjacent to water in the state and does not seek to change materially the pattern or place of disposal.

(g) [(d)] For the purposes of Subsection (c) [(a)], the commission may act on the application without holding a public hearing if all of the following conditions are met:

(1) not less than 30 days before the date of action on the application by the commission, the applicant has published the commission's notice of the application at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge;

(2) not less than 30 days before the date of action on the application by the commission, the applicant has served or mailed the commission's notice of the application to persons who in the judgment of the commission may be affected, including the county judges as required by Subsection (b) [(a)] of this section. As part of his application the applicant shall submit an

affidavit which lists the names and addresses of the persons who may be affected by the application and includes the source of the list;

(3) within 30 days after the date of the newspaper publication of the commission's notice, neither a commissioner, the executive director, nor an affected person who objects to the application has requested a public hearing.

SECTION 2. This Act takes effect September 1, 1999, and applies only to an application to renew or amend a wastewater discharge permit under Chapter 26, Water Code, that was filed on or after that date.

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.

HB 1572 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Turner called up with senate amendments for consideration at this time,

HB 1572, A bill to be entitled An Act relating to the authority of physicians and podiatrists to form certain jointly owned entities and to the authority of certain medical schools to employ physicians.

On motion of Representative S. Turner, the house concurred in the senate amendments to **HB 1572**.

Senate Committee Substitute

CSHB 1572, A bill to be entitled An Act relating to the authority of physicians and podiatrists to form certain jointly owned entities.

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

SECTION 1. Subsection A, Article 11.01, Texas Limited Liability Company Act (Article 1528n, Vernon's Texas Civil Statutes), is amended to read as follows:

A. (1) One or more persons may organize a professional limited liability company by filing articles of organization with the Secretary of State in accordance with Part Three of this Act. In addition to other provisions required or permitted by law, the articles of organization of a professional limited liability company must include a statement:

(a) that the limited liability company is a professional limited liability company; and

(b) describing the ~~one~~ specific kind of professional service to be rendered by the limited liability company.

(2) Except as provided by Subdivision (3) of this subsection, a [A] professional limited liability company:

(a) may be organized under this Act only for the purpose of rendering one specific type of professional service and ancillary services; and

(b) ~~[— A professional limited liability company organized under this Act]~~ may not render more than one kind of professional service.

(3) Doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners and podiatrists licensed by the Texas State Board of Podiatric Medical Examiners may organize a professional limited liability company that is jointly owned by those practitioners to perform a

professional service that falls within the scope of practice of those practitioners. When doctors of medicine, osteopathy, and podiatry organize a professional limited liability company that is jointly owned by those practitioners, the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner. The Texas State Board of Medical Examiners and the Texas State Board of Podiatric Medical Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 2. Article 2.01, Texas Non-Profit Corporation Act (Article 1396-2.01, Vernon's Texas Civil Statutes), is amended by amending Subsection B and adding Subsections C and D to read as follows:

B. This Act shall not apply to any corporation, nor may any corporation be organized under this Act or obtain authority to conduct its affairs in this State under this Act:

(1) If any one or more of its purposes for the conduct of its affairs in this State is expressly forbidden by any law of this State.

(2) If any one or more of its purposes for the conduct of its affairs in this State is to engage in any activity which cannot lawfully be engaged in without first obtaining a license under the authority of the laws of this State to engage in such activity and such license cannot lawfully be granted to a corporation, except as provided by Subsection C.

(3) If any one or more of its purposes for the conduct of its affairs in this State is to organize Group Hospital Service, Rural Credit Unions, Agricultural and Livestock Pools, Mutual Loan Corporations, Co-operative Credit Associations, Farmers' Co-operative Societies, Co-operative Marketing Act Corporations, Rural Electric Co-operative Corporations, Telephone Co-operative Corporations, or fraternal organizations operating under the lodge system and heretofore or hereafter incorporated under Articles 1399 through 1407, both inclusive, of Revised Civil Statutes of Texas, 1925.

(4) If any one or more of its purposes for the conduct of its affairs in this State is to operate a bank under the banking laws of this State or to operate an insurance company of any type or character that operates under the insurance laws of this State.

(5) If any one or more of its purposes for the conduct of its affairs in this State is to engage in water or sewer service and it has heretofore or is hereafter incorporated under the Acts of 1933, Forty-third Legislature, First Called Session, Chapter 76, as amended, Acts of 1941, Forty-seventh Legislature, page 666, Chapter 407, being presently identified as Article 1434(a), Revised Civil Statutes of Texas, 1925.

C. Doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners and podiatrists licensed by the Texas State Board of Podiatric Medical Examiners may organize a non-profit corporation under this Act that is jointly owned, managed, and controlled by those practitioners to perform a professional service that falls within the scope of practice of those practitioners and consists of:

(1) carrying out research in the public interest in medical science, medical economics, public health, sociology, or a related field;

(2) supporting medical education in medical schools through grants or scholarships;

(3) developing the capabilities of individuals or institutions studying, teaching, or practicing medicine, including podiatric medicine;

(4) delivering health care to the public; or

(5) instructing the public regarding medical science, public health, hygiene, or a related matter.

D. When doctors of medicine, osteopathy, and podiatry organize a non-profit corporation that is jointly owned by those practitioners, the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, articles of incorporation, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner. The Texas State Board of Medical Examiners and the Texas State Board of Podiatric Medical Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 3. Section 2.02, Texas Revised Partnership Act (Article 6132b-2.02, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) Authority of Doctors of Medicine and Osteopathy and Podiatrists to Create Partnership. Doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners and podiatrists licensed by the Texas State Board of Podiatric Medical Examiners may create a partnership that is jointly owned by those practitioners to perform a professional service that falls within the scope of practice of those practitioners. When doctors of medicine, osteopathy, and podiatry create a partnership that is jointly owned by those practitioners, the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner. The Texas State Board of Medical Examiners and the Texas State Board of Podiatric Medical Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 4. 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 1592 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1592, A bill to be entitled An Act relating to the state's share of the costs under the brush control cost-share program.

Representative Junell moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1592**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1592**: Junell, chair, B. Turner, Swinford, Crownover, and B. Brown.

**HB 1865 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1865, A bill to be entitled An Act relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission.

Representative Edwards moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1865**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1865**: Edwards, chair, Hunter, S. Turner, Giddings, and Goolsby.

**HB 1895 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1895, A bill to be entitled An Act relating to the management of software and software licenses by state agencies.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1895**.

Senate Committee Substitute

CSHB 1895, A bill to be entitled An Act relating to the management of software and software licenses by state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Sections 2054.121 and 2054.122 to read as follows:

Sec. 2054.121. STATE AGENCY SOFTWARE PORTFOLIO MANAGEMENT TRAINING. (a) The department, General Services Commission, state auditor, and comptroller shall create an interagency panel of representatives appointed by those agencies and officers to develop and establish a training program to assist state agencies in performing software

audits, managing software, and purchasing software and software licenses. Each state agency shall cooperate with the panel in the evaluation of the agency's needs for software management and shall donate agency resources to the evaluation of the agency as the panel requires.

(b) The interagency panel initially shall concentrate on the software purchasing and management needs of the 20 state agencies that have the largest amounts budgeted for expenditures related to software.

(c) As soon as practicable, the interagency panel shall begin to conduct training programs in software management for employees and officers of state agencies. The panel may schedule a training program for an agency after consulting with the governing body of the agency. Each state agency shall cooperate with the panel in the training program and shall provide agency resources for the training program as the panel requires at no cost to the panel.

Sec. 2054.122. STATE AGENCY SOFTWARE LICENSE AUDIT.

(a) Each state agency shall perform a biennial audit of software licenses for software installed in the agency's desktop and portable computers.

(b) The audit shall report whether the agency is paying for a license for software that is not being used by the agency or that the agency does not need. The agency shall report the results of the audit to the department in a form and including information prescribed by rules of the department. The report must be included in the agency's operating plan submitted under Section 2054.100(a).

(c) An agency that determines it is paying for a license for software the agency is not using or does not need shall take necessary actions to eliminate the unnecessary license expense.

(d) The department shall compile the results of the audit reports it receives under this section into a report. The report must summarize the savings realized by the software audits under this chapter. The department shall submit the report together with the department's legislative appropriations request.

SECTION 2. Subchapter B, Chapter 2157, Government Code, is amended by adding Section 2157.068 to read as follows:

Sec. 2157.068. PURCHASE OF COMMODITY SOFTWARE ITEMS.

(a) In this section:

(1) "Commodity software items" means commercial software for personal computers that is generally available to businesses or the public and for which the department determines that a reasonable demand exists in state agencies.

(2) "Department" means the Department of Information Resources.

(b) The department shall negotiate with qualified information systems vendors to attempt to obtain a favorable price for all of state government on licenses for commodity software items, based on the aggregate volume of purchases expected to be made by the state. The terms and conditions of a license agreement between a vendor and the department under this section may not be less favorable to the state than the terms of similar license agreements between the vendor and retail distributors.

(c) The department may charge a reasonable administrative fee to a state

agency or political subdivision that purchases commodity software items through the department that is sufficient to recover costs associated with the administration of this section.

(d) The department shall compile and maintain a list of commodity software items available for purchase through the department that have a lower price than the prices for commodity software items otherwise available to state agencies under this chapter. The department shall make the list available on the world wide web or on a suitable successor to the world wide web if the technological developments involving the Internet make it advisable to do so.

(e) The department may adopt rules regulating a purchase by a state agency of a commodity software item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency must make the purchase in accordance with a contract developed by the department unless the agency obtains a waiver from the department.

SECTION 3. This Act takes effect September 1, 1999.

SECTION 4. 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.

HB 1975 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1975, A bill to be entitled An Act relating to the labeling requirements for drugs prescribed or dispensed for administration to animals in agricultural operations.

Representative Swinford moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1975**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1975**: Swinford, chair, Van de Putte, Crownover, Christian, and Green.

HB 2104 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2104, 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.

On motion of Representative Craddick, the house concurred in the senate amendments to **HB 2104** by (Record 384): 142 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Alvarado; Maxey; Turner, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Uher.

STATEMENT OF VOTE

I was shown voting yes on Record No. 384. I intended to vote no.

Longoria

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

Amend **HB 2104** as follows:

- (1) On page 1, line 16, strike "2002" and substitute "2010".
- (2) On page 1, line 22, strike "2001" and substitute "2009".

HB 2136 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2136, A bill to be entitled An Act relating to the creation of the County Court at Law of Kendall County.

On motion of Representative Hilderbran, the house concurred in the senate amendments to **HB 2136**.

Senate Committee Substitute

CSHB 2136, A bill to be entitled An Act relating to the creation of the County Court at Law of Kendall County.

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

SECTION 1. Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1321 and 25.1322 to read as follows:

Sec. 25.1321. KENDALL COUNTY. Kendall County has one statutory county court, the County Court at Law of Kendall County.

Sec. 25.1322. KENDALL COUNTY COURT AT LAW PROVISIONS.

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law of Kendall County has concurrent jurisdiction with the district court.

(b) A county court at law does not have jurisdiction of:

- (1) felony cases, except as otherwise provided by law;
- (2) misdemeanors involving official misconduct; or
- (3) contested elections.

(c) A county court at law may not issue a writ of habeas corpus in a felony case over which the court has jurisdiction.

(d) The commissioners court by order entered of record shall set at least two terms of court each year for each county court at law.

(e) A judge of a county court at law may not engage in the private practice of law.

(f) A special judge of a county court at law may be appointed or elected in the manner provided by law for the appointment or election of a special county judge.

(g) The district clerk serves as the clerk of a county court at law in matters in which the county court at law has concurrent jurisdiction with the district court. The county clerk serves as the clerk of a county court at law in all other matters. The district clerk shall establish a separate docket for each county court at law.

(h) A judge of a county court at law shall be paid an annual salary that is at least equal to the amount that is \$4,000 less than the total annual salary, including supplements, received by a district judge in the county.

(i) The county sheriff shall, in person or by deputy, attend a county court at law as required by the judge.

(j) On request of a county court at law judge, jurors regularly impaneled for a week by the district courts may be made available and shall serve for the week in the county court at law.

(k) If any cause or proceeding is lodged with the district clerk and the district clerk files, docketed, or assigns the cause or proceeding in or to a county court at law and the county court at law does not have subject matter jurisdiction over the cause or proceeding, then the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error and that clerical error shall be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to a county court at law of Kendall

County. The judge of a county court at law of Kendall County who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment.

SECTION 2. Notwithstanding Section 25.1321, Government Code, as added by this Act, the County Court at Law of Kendall County is created January 1, 2001, or on an earlier date determined by the commissioners court by an order entered in its minutes.

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.

**HB 2301 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2301, A bill to be entitled An Act relating to the disposition of the body of a deceased pauper.

On motion of Representative Farabee, the house concurred in the senate amendments to **HB 2301**.

Senate Committee Substitute

CSHB 2301, A bill to be entitled An Act relating to the disposition of the body of a deceased pauper.

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

SECTION 1. Section 694.002, Health and Safety Code, is amended to read as follows:

Sec. 694.002. DUTY OF COMMISSIONERS COURT CONCERNING DISPOSITION OF BODY OF DECEASED ~~[BURIAL OF]~~ PAUPERS. (a) The commissioners court of each county shall provide for the disposition of the body of a deceased pauper. The commissioners court may adopt rules to implement this section ~~[interment or cremation of paupers. A pauper may not be cremated if a relative or friend expresses objection to this procedure].~~

(b) The commissioners court shall consider any information, including the religious affiliation of the deceased pauper, provided by a person listed in Section 711.002(a).

SECTION 2. This Act takes effect September 1, 1999.

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.

**HB 2304 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2304, A bill to be entitled An Act relating to certain providers of family counseling services under the medical assistance program.

On motion of Representative Coleman, the house concurred in the senate amendments to **HB 2304**.

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

Amend **HB 2304** as follows:

(1) In SECTION 3, strike "September" and substitute "January" (Engrossed version, page 1, line 22).

(2) In SECTION 3, strike "1999" and substitute "2000" (Engrossed version, page 1, line 22).

**HB 2353 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2353, A bill to be entitled An Act relating to the designation of the primary residence of certain children.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 2353**.

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

(1) In **HB 2353**, House engrossed version, in Section 2 of the bill, Sec. 153.134(b)(1)(A), after the phrase "a geographic area consisting of", strike the words "the county in which the court is located and five adjacent counties", and replace the words struck with the following: "a geographic area consisting of the county in which the child is to reside and any contiguous county thereto".

**HB 2461 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2461, A bill to be entitled An Act relating to the issuance of certain specially designed license plates by the Texas Department of Transportation.

On motion of Representative Alexander, the house concurred in the senate amendments to **HB 2461**.

Senate Amendment No. 1

Amend **HB 2461** by adding a new SECTION, appropriately numbered, to read as follows, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.303 to read as follows:

Sec. 502.303. WATERFOWL AND WETLAND CONSERVATION LICENSE PLATES. (a) Except as provided by Subsection (b), the department shall issue specially designed license plates for passenger cars and light trucks to support the activities of a nonprofit organization designated by the Parks

and Wildlife Department that has as its principal purpose the conservation of waterfowl and wetland.

(b) The license plates must bear one or more graphic images designed by the Parks and Wildlife Department in consultation with the designated organization.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays a fee of \$50 for an original issuance of license plates under this section or \$40 for a renewal of issuance of license plates under this section, in addition to the fee prescribed by Section 502.161 or 502.162, and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(d) The fee for replacement of a lost, stolen, or mutilated plate issued under this section is \$35, in addition to the fee prescribed by Section 502.184(a).

(e) Of each fee collected under this section, \$5 may be used to defray the cost of administering this section by the department and the Parks and Wildlife Department. The department shall deposit the remainder of each fee collected under this section to the credit of an account in the state treasury. Money in the account may be used only by the Parks and Wildlife Department to support the activities of a designated nonprofit organization whose primary purpose is the conservation of waterfowl and wetland. The Parks and Wildlife Department shall establish reporting and other mechanisms necessary to ensure that the money is spent for purposes for which it is dedicated.

(f) If the owner of a vehicle registered under this section disposes of the vehicle during the registration year, the owner shall return the special license plates to the department.

Senate Amendment No. 2

Amend **HB 2461** by adding a new SECTION to the bill, to read as follows, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 4, Chapter 657, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 4. If at least \$500,000 has not been deposited to the credit of the animal friendly account in the general revenue fund, by September 1, 2004 [~~2001~~]:

(1) Section 502.291, Transportation Code, and Sections 828.014 and 828.015, Health and Safety Code, as added by this Act, are repealed; and

(2) money deposited to the credit of the animal friendly account shall be transferred to the undedicated portion of the general revenue fund.

Senate Amendment No. 3

Amend **HB 2461** to read as follows:

Add SECTION ____ and renumber further sections accordingly:

SECTION _____. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.298 to read as follows:

Sec. 502.298. 100TH FOOTBALL SEASON OF STEPHEN F. AUSTIN HIGH SCHOOL. (a) The department shall issue specially designed license plates for passenger cars and light trucks in honor of the 100th football season of Stephen F. Austin High School in Austin.

(b) The license plates must be of a color, quality, and design approved by the principal of Stephen F. Austin High School in consultation with the department.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays an annual fee of \$50, in addition to the fee prescribed by Section 502.161, and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(d) Of each fee collected under this section, the department shall send \$35 to the Texas Education Agency for distribution to the Austin Independent School District to be used only for the benefit of the Austin High School Athletic Department. The remainder of each fee collected under this section shall be deposited to the credit of the state highway fund.

(e) This section expires September 1, 2004.

Senate Amendment No. 4 (Senate Committee Amendment No. 1)

Amend **HB 2461** in SECTION 1 of the bill, Section 502.2525, Subsection (a) by striking number (11) and renumbering appropriately. (House Engrossment, page 2, line 1)

HB 2136 - VOTE RECONSIDERED

Representative Hilderbran moved to reconsider the vote by which the house concurred in senate amendments to **HB 2136**.

The motion to reconsider prevailed.

HB 2542 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2542, A bill to be entitled An Act relating to the McCulloch County Hospital District.

On motion of Representative Hupp, the house concurred in the senate amendments to **HB 2542**.

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

SECTION 1. Amend **HB 2542**, Section 1, on page 1, line 10, by inserting the following:

(e) The candidates elected from odd-numbered precincts at the election to be held in 2000 shall serve for a term of two years, and their successor directors shall serve for three-year terms.

**HB 2599 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2599, A bill to be entitled An Act relating to prescribed burning.

Representative McReynolds moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2599**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2599**: McReynolds, chair, Swinford, Zbranek, Dunnam, and Cook.

**HB 2768 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2768, A bill to be entitled An Act relating to the issuance of special license plates for passenger cars and light trucks owned by or used for the transportation of veterans with disabilities.

On motion of Representative Pickett, the house concurred in the senate amendments to **HB 2768**.

Senate Amendment No. 1

Amend **HB 2768** as follows:

In SECTION 1 of the bill, amend Section 502.254, Transportation Code, in subsection (a) by striking "one or more" and replacing it with "two".

**HB 2925 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2925, A bill to be entitled An Act relating to access to criminal history record information by a municipality for certain background checks.

On motion of Representative Bonnen, the house concurred in the senate amendments to **HB 2925** by (Record 385): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman;

Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

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

Absent, Excused — Corte; Ellis; Noriega.

Absent — McReynolds; Williams; Zbranek.

Senate Committee Substitute

CSHB 2925, A bill to be entitled An Act relating to access to criminal history record information by a municipality for certain background checks.

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

SECTION 1. Section 411.129(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a municipality is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for employment by the municipality. Not later than September 1, 2000, the department shall make available through electronic means the information available to municipalities under this section.

SECTION 2. Section 411.088, Government Code, is amended to read as follows:

Sec. 411.088. FEES. (a) The department may charge a person that is not primarily a criminal justice agency a fee for processing inquiries for criminal history record information and information described as public information under Section 5, Article 6252-13c.1, Revised Statutes. The department may charge:

(1) a fee of \$10 for each inquiry for criminal history record information or information described as public information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which event the fee is \$1;

(2) a fee of \$15 for each inquiry for criminal history record information or information described as public information on a person that is processed on the basis of a fingerprint comparison search; and

(3) actual costs for processing all other information inquiries.

(b) The fee a municipality pays under Subsection (a)(1) for an inquiry submitted electronically or by magnetic media may be used to allow the department to make the information available through electronic means under Section 411.129.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Allen in the chair)

**HB 2965 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2965, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the North Harris County Regional Water Authority; granting the power of eminent domain and the authority to issue bonds; providing a civil penalty.

On motion of Representative Hilbert, the house concurred in the senate amendments to **HB 2965** by (Record 386): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Ellis; Noriega.

Absent — Cuellar; Talton.

STATEMENT OF VOTE

When Record No. 386 was taken, I was in the house but away from my desk. I would have voted yes.

Cuellar

Senate Amendment No. 1

Amend **HB 2965** (Senate Committee Report) as follows:

- (1) In SECTION 1.03 of the bill, strike subsection (d).
- (2) In SECTION 1.04(a)(1)(B) of the bill strike "January" (page 1, line 55) and substitute "March".
- (3) In SECTION 2.01(a) of the bill strike "nine" (page 4, line 58) and substitute "five".
- (4) In SECTION 2.02(a) of the bill strike "nine" (page 4, line 68) and substitute "five".
- (5) In SECTION 2.02(d)(1) of the bill strike "nine" (page 5, line 11) and substitute "five".
- (6) In SECTION 2.02(d)(2)(A) of the bill strike "four" (page 5, line 15) and substitute "two".
- (7) In SECTION 2.02(d)(2)(B) of the bill strike "five" (page 5, line 16) and substitute "three".
- (8) In SECTION 2.05(a)(1) of the bill strike "nine" (page 5, line 42) and substitute "five".
- (9) In SECTION 2.05(a)(2) strike "nine" (page 5, line 45) and substitute "five".
- (10) In SECTION 2.05(e)(1) of the bill strike "four" (page 5, line 68) and substitute "two".
- (11) In SECTION 2.05(e)(2) of the bill strike "five" (page 6, line 2) and substitute "three".
- (12) In SECTION 4.13 of the bill strike "district" (page 9, line 23) and substitute "authority".
- (13) In SECTION 5.02(f) of the bill strike "district" (page 9, line 65) and substitute "authority".

Senate Amendment No. 2 (Senate Committee Amendment No. 1)

Amend **HB 2965** (House Engrossment) as follows:

- (1) In SECTION 1.03(b) of the bill strike subdivisions (1) and (2) (page 5, lines 24 and 25) and renumber accordingly.

Senate Amendment No. 3 (Senate Committee Amendment No. 2)

Amend **HB 2965** (House Engrossment) as follows:

- (1) In SECTION 2.05(a)(2) of the bill strike "Saturday in May" (page 8, line 20) and substitute "uniform election date of the calendar year".
- (2) In SECTION 2.06 of the bill strike "Saturday in May" (page 10, line 13) and substitute "uniform election date of the calendar year".

Senate Amendment No. 4 (Senate Committee Amendment No. 3)

Amend **HB 2965** (House engrossment) as follows:

- (1) In SECTION 1.03(b) of the bill strike "(b) The district" (page 5, line 18) and substitute "(b) The authority" and strike Subdivisions (5) and (6) (page 6, lines 1 and 2) and substitute:
 - (5) District 130;
 - (6) District 135; and
 - (7) District 150."
- (2) In SECTION 1.03 of the bill, following Subsection (c) of that section (page 6, between lines 6 and 7), insert:

"(d) After the confirmation election held under Section 2.05 of this Act, the authority includes only that part of the area described by this section that the temporary board determines is inside the authority's boundaries as provided by Section 2.05(e) of this Act.

(e) On a municipality's annexation of any of the authority's territory, the annexed territory is excluded from the authority's territory. The authority shall continue to provide services to the annexed territory in accordance with contracts in effect at the time of the annexation unless a written agreement between the board and the governing body of the municipality provides otherwise."

(3) Following SECTION 1.03 of the bill (page 6, between lines 6 and 7), add the following section:

"SECTION 1.04. EXCLUSION OF CERTAIN TERRITORY. (a) A district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that is located in the portion of the territory described by Section 1.03(a) of this Act that is south of Beltway 8 or east of U.S. Highway 59 may petition for exclusion of its territory from the authority's territory. Before the 61st day after the date the authority receives the petition, the board shall:

(1) grant the petition and order the territory excluded if the petition:
(A) includes an accurate legal description of the boundaries of the territory to be excluded; and
(B) the petition is filed with the authority before March 1, 2001; and

(2) if the board grants the petition, file for recording in the office of the county clerk of Harris County a copy of the order and a description of the authority's boundaries as they exist after the exclusion of the territory.

(b) The order excluding the territory is effective immediately after the order and description are recorded."

(4) In ARTICLE 1 of the bill, redesignate SECTION 1.04 of the bill (page 6, lines 7-11) as SECTION 1.05 and redesignate SECTION 1.05 of the bill (page 6, lines 12-16) as SECTION 1.06.

(5) In SECTION 2.02(a) of the bill (page 7, line 2), strike "the nine" and substitute "nine".

(6) In SECTION 4.01 of the bill, following Subsection (b) of that section (page 13, between lines 6 and 7), insert:

"(c) The authority's rights, powers, privileges, authority, functions, and duties are subject to the continuing right of supervision of the state, to be exercised by and through the commission.

(d) The authority shall exercise its rights, powers, privileges, and authority in a manner that will promote regionalization of water treatment and distribution."

(7) In SECTION 4.03 of the bill:

(A) at the end of Subdivision (2) of Subsection (b) (page 13, line 25), strike "or"; and

(B) at the end of Subdivision (3) of Subsection (b) (page 13, line 26), between "crops" and the period, insert:

"(4) that produces 10 million gallons or less annually; or

(5) used solely for electric generation".

(8) In the heading of SECTION 4.06 of the bill between "SYSTEMS." and "The" (page 15, line 10), insert "(a)".

(9) Following Section 4.06(4) of the bill (page 15, between lines 20 and 21), insert:

"(b) The authority shall give persons outside the authority's boundaries, including the City of Houston, the option to contract for available excess capacity of the authority's water treatment or supply system or, before construction of a water treatment or supply system begins, for additional capacity of the system. The authority must offer a contract that would enable the person to pay for the excess capacity or additional capacity in accordance with the person's pro rata share of the capital investment and operational and maintenance costs for providing the excess capacity or additional capacity."

(10) In SECTION 4.10 of the bill, following Subsection (b) of that section (page 17, between lines 17 and 18), insert:

"(c) The board shall coordinate with the City of Houston to develop an interregional plan for a system to distribute treated surface water in an economical and efficient manner."

(Speaker in the chair)

HB 3091 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3091, A bill to be entitled An Act relating to rental car damage waivers; providing a penalty.

On motion of Representative Siebert, the house concurred in the senate amendments to **HB 3091**.

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

Amend **HB 3091** as follows:

(1) On page 3, line 20, between the period and "A rental company" insert "(a)".

(2) On page 4, line 6, after the final period, insert the following: (b) In addition to the notice provided to each renter who purchases a damage waiver, a rental company shall post in a conspicuous location where the waiver is being offered the following notice:

Notice to Texas Residents Regarding Damage Waivers

The Texas personal automobile insurance policy provides coverage with NO DEDUCTIBLE for the legal liabilities of the policyholder in connection with the loss of or damage to a rented vehicle, except for damages caused intentionally, up to the maximum of the property damage limits under your liability coverage. If you file a claim under your personal automobile insurance policy, your insurance company may choose to nonrenew your policy at your renewal date, but may do so only if you are at fault for the claim.

(3) On page 3, line 1, strike Sec. 2(b)(1) and replace it with the following:

(1) damage is caused intentionally by an authorized driver or as a result of willful and wanton misconduct of an authorized driver;

(4) On page 3, line 6, strike Sec. 2(b)(3) and replace it with the following:

(3) the rental company entered into the rental transaction based on fraudulent information supplied by the renter;

(5) On page 4, line 20, insert new Sec. 5 to read as follows and renumber subsequent sections:

Sec. 5. PROHIBITED REPRESENTATIONS. No oral or written representations shall be made by any employee or agent of the rental car company which contradict the provisions of this Act. No coercive language or action shall be used by any employee or agent of the rental car company in an attempt to persuade a rental customer to purchase the loss damage waiver. For the purposes of this subsection, if the rental customer has declined the waiver, further statements or questions by an employee or agent of the rental company making reference to the loss damage waiver, other than a statement that the waiver has been declined made in conjunction with a review of the rental agreement, shall be deemed coercive.

HB 3330 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3330, A bill to be entitled An Act relating to the administration of regulations for water well drillers and water well pump installers.

On motion of Representative Walker, the house concurred in the senate amendments to **HB 3330** by (Record 387): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Ellis; Noriega.

Absent — Bonnen; Eiland.

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

1. Amend **HB 3330** by deleting proposed subdivision (b)(3) of Section 32.010, Water Code, at page 1, lines 14 and 15, and renumbering subsequent sections appropriately.

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

1. Amend **HB 3330** as follows:

a) By adding a new SECTION 1 at page 1, line 5 to read as follows and renumbering subsequent SECTIONs appropriately:

SECTION 1. Sec. 32.002, Water Code, is amended by adding subsection (k) to read as follows:

(k) This Section does not apply to a person who drills, bores, cores or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

b) By adding a new SECTION 6 at page 2, line 24 to read as follows and renumbering subsequent SECTIONs appropriately:

SECTION 6. Sec. 33.002, Water Code, is amended by adding subsection (j) to read as follows:

(j) This section does not apply to a person who installs or repairs well pumps and equipment to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

Senate Amendment No. 3 (Senate Committee Amendment No 3)

Amend **HB 3330**, House engrossed version, as follows:

On page 1, line 21 add the word "or" after the semicolon.

On page 1, line 23, after the word "department", delete "; or" and replace it with a period.

On page 1, line 24, delete subsection (6) in its entirety.

**HB 3799 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3799, A bill to be entitled An Act relating to the creation of the East Downtown Management District; providing authority to impose a tax and issue bonds.

Representative Coleman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3799**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3799**: Coleman, chair, Ramsay, Salinas, Gallego, and Bonnen.

**HCR 134 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HCR 134, urging the Veterans' Land Board to establish a veterans home in El Paso County.

On motion of Representative Haggerty, the house concurred in the senate amendments to **HCR 134**.

Senate Committee Substitute

CSHCR 134

WHEREAS, The debt of gratitude that the nation owes to the men and women who have served in the United States armed forces is immense; these brave veterans have defended the values that our country holds dear, many facing perils of life and limb to carry out their duties; and

WHEREAS, Throughout the years, the people of the United States have chosen to reward veterans for their service; various federal and state programs designed to assist veterans with many aspects of their lives, such as obtaining an education, buying a home, and receiving quality medical care, have been created to show appreciation for their efforts; and

WHEREAS, One of the most innovative programs of this nature is state-owned veterans homes; these facilities represent a unique partnership of veterans organizations, health care providers, and governmental entities at the local, state, and national level working together to provide affordable, quality long-term care for veterans; and

WHEREAS, While some states have funded state-owned veterans homes since the end of the Civil War, Texas has only recently begun to support such homes; under authority granted by the 75th Legislature, the Veterans' Land Board is currently establishing four state veterans homes and has secured funding from the United States Department of Veterans Affairs to cover over half of the construction costs; and

WHEREAS, Although the construction of these veterans homes is a positive step, Texas is challenged by a growing aged veteran population, and several additional regions will soon need long-term care facilities to serve veterans in their area; and

WHEREAS, The need for additional state veterans homes was documented by the Needs Analysis and Feasibility Study conducted by the Texas Veterans Commission; and

WHEREAS, Given that Texas will need a total of 42 veterans homes to meet projected long-term care demands, the Veterans' Land Board should be ever vigilant in monitoring where strong need for such homes exists and should take action to ensure that funding is available; now, therefore, be it

RESOLVED, That the 76th Legislature of the State of Texas hereby urge the Veterans' Land Board to request funding from the United States Department of Veterans Affairs for funds for future construction of veterans homes throughout the State of Texas as the need arises; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the chairman and members of the Veterans' Land Board.

HR 985 - ADOPTED
(by Kuempel)

The following privileged resolution was laid before the house:

HR 985

BE IT RESOLVED by the House of Representatives of the State of Texas, 76th Legislature, Regular Session, 1999, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 1129 to consider and take action on the following specific matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section to the bill to read as follows:

SECTION _____. Subsections (a) and (c), Section 845.301, Government Code, are amended to read as follows:

(a) The assets of the retirement system shall be invested and reinvested without distinction as to their source in accordance with Section 67, Article XVI, Texas Constitution. For purposes of the investment authority of the board of trustees under Section 67, Article XVI, Texas Constitution, "securities" means any investment instrument within the meaning of the term as defined by Section 4, The Securities Act (Article 581-4, Vernon's Texas Civil Statutes), 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10). Investment decisions are subject to the standard provided in the Texas Trust Code by Section 113.056(a), Property Code.

(c) The board of trustees, acting on the recommendations of the investment officer, may contract with private professional investment managers to assist in investing the assets of the retirement system. The board of trustees also has the authority set forth in Section 802.204 to appoint investment managers for the retirement system, with the effect described by Section 802.203(c).

Explanation: This addition is necessary to clarify current law.

HR 985 was adopted without objection.

HR 1013 - ADOPTED
(by Bosse)

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 1013**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1013, Congratulating Sara Meridith Allen on her graduation from The University of Texas at Austin.

HR 1013 was adopted without objection.

HCR 261 - ADOPTED
(by Junell)

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HCR 261**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 261, Honoring Vollie Urbantke on the occasion of her 80th birthday.

HCR 261 was adopted without objection.

HCR 284 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HCR 284**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 284, Declaring October 20, 1999, and October 18, 2000, as Legislators in Schools Day.

HCR 284 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. 4).

HR 1014 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1014**, suspending the limitations on the conferees for **HB 2025**.

RULES SUSPENDED

Representative Wolens moved to suspend House Rule 4, Section 18(c) as it applies to the May 14 minutes of the State Affairs Committee for consideration of the following bills:

SB 560, **SB 513**, **SB 382**, and **SB 1846**. The minutes were filed one day late and none of the bills have been placed on a calendar.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **SB 568**, **SB 1703**, and **SB 1806**.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **SB 1911**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 9 a.m. tomorrow, appropriations committee room, for a public hearing, to consider **SB 1878**.

Natural Resources, on adjournment today, Desk 9, for a formal meeting, to consider **SB 1911**, **HR 942**, and **SCR 68**.

Public Education, on adjournment today, E2.036, for a public hearing, to consider pending matters.

Urban Affairs, on adjournment today, E2.016, for a public hearing, to consider **SB 568**, **SB 1703**, and **SB 1806**.

Calendars, on adjournment today, speakers committee room, for a formal meeting, to consider the calendar.

ADJOURNMENT

Representative Glaze moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 6:48 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HR 978 (by Maxey and Naishtat), Honoring Mexic-Arte Museum in Austin.

To Rules & Resolutions.

HR 979 (by Hilderbran), In memory of Frank Peter Zoch III.

To Rules & Resolutions.

HR 980 (by Hilderbran), In memory of John Leslie Sherman of Kerrville.

To Rules & Resolutions.

HR 981 (by Y. Davis), Honoring Future Speak, a student-designed weekly newspaper distributed by The Dallas Examiner.

To Rules & Resolutions.

HR 982 (by Tillery), Honoring Jonathon Alan Dobernecki on his First Holy Communion.

To Rules & Resolutions.

HR 984 (by Dukes), Congratulating Wilhelmina Ruth Fitzgerald Delco on being named a "Legend of Texas."

To Rules & Resolutions.

HR 989 (by Van de Putte), Honoring Christi Cano of Edison High School in San Antonio for winning the 1999 UIL Class 4A state individual golf title.

To Rules & Resolutions.

HR 990 (by Counts), In memory of Carl W. Willingham.

To Rules & Resolutions.

HR 991 (by Naishtat), Congratulating the winners and participants of the Texas Association of Homes and Services for the Aging's Ninth Annual Art Exhibition.

To Rules & Resolutions.

HR 992 (by Gallego), In memory of William "Bill" Christopher.

To Rules & Resolutions.

HR 993 (by Gallego), Commending Justin Ormsby for his tenure as executive director of the Rio Grande Council of Governments.

To Rules & Resolutions.

HR 994 (by Gallego), Honoring Irene Cardenas Cardwell for her outstanding contributions to education and her community and celebrating the dedication of the Irene C. Cardwell Elementary School.

To Rules & Resolutions.

HR 995 (by Gallego), Honoring the citizens of Alpine on their visit to the State Capitol on May 21, 1999.

To Rules & Resolutions.

HR 998 (by Krusee), In memory of Elaine Grace Miller Bizzell.

To Rules & Resolutions.

HR 999 (by Nixon), Honoring William Clay Ellison for achieving the rank of Eagle Scout.

To Rules & Resolutions.

HR 1000 (by Christian), Expressing the legislature's support for students' right to voluntary, student-initiated prayer in public schools and encouraging the attorney general to litigate on school districts' behalf to ensure this right.

To State Affairs.

HR 1001 (by Chisum, Howard), Congratulating the Honorable Charlie Howard on the birth of his second grandchild, Keaton Rivers Ashworth Drenner.

To Rules & Resolutions.

SB 82 to Pensions & Investments.

SB 193 to Transportation.

SB 899 to Insurance.

SB 1274 to Business & Industry.

SB 1751 to Transportation.

SB 1875 to Judicial Affairs.

SB 1905 to Transportation.

SCR 75 to Public Health.

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 19, 1999

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 145 Thompson SPONSOR: Harris
Relating to garnishment of wages for the enforcement of court-ordered spousal maintenance.

HB 156 Wolens SPONSOR: Wentworth
Relating to the application of the open meetings law to certain gatherings at which a governmental body receives information from third persons, including government employees.
(AMENDED)

HB 595 Maxey SPONSOR: Wentworth
Relating to allowing a governmental body to discuss its test questions in a closed meeting.

HB 820 Naishtat SPONSOR: Zaffirini
Relating to review of certain children's continued eligibility for medical assistance.
(AMENDED)

HB 1513 Maxey SPONSOR: Moncrief
Relating to powers and duties of the Texas Health Care Information Council; providing penalties.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 2171 Luna, Vilma SPONSOR: Truan
Relating to the establishment and operation of a medical committee or medical peer review committee by certain public and private entities.
(COMMITTEE SUBSTITUTE)

HB 2401 Keffer SPONSOR: Ellis, Rodney
Relating to the establishment of voluntary workforce training programs for certain students.
(AMENDED)

HB 3016 Smithee SPONSOR: Sibley
Relating to health care utilization review agents.
(AMENDED)

HB 3211 McCall SPONSOR: Duncan
Relating to state fiscal matters.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 3504 Solis, Jim SPONSOR: Lucio
Relating to the long-range plan for the South Texas Hospital and the provision of tuberculosis and other health care services in the Lower Rio Grande Valley.
(COMMITTEE SUBSTITUTE/AMENDED)

HCR 274 Isett SPONSOR: Ratliff
Honoring Robert Flowers on the occasion of his retirement from the State Commission on Judicial Conduct.

HJR 16 Thompson SPONSOR: Harris
Proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.

HJR 74 Gray : Brown, J. E. "Buster"
Proposing a constitutional amendment to provide a four-year term for the commissioner of health and human services and to provide that the term runs concurrently with the term of the governor.
(AMENDED)

SB 326 Ellis, Rodney
Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

SB 480 Bernsen
Relating to the penalty for evading arrest or detention.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 19, 1999 - 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 149 Keel SPONSOR: Barrientos
Relating to fees assessed on the filing of certain applications or petitions for a writ of habeas corpus.

HB 1188 Gallego SPONSOR: Shapiro
Relating to the creation of a DNA record for certain persons convicted of, or adjudicated as having engaged in delinquent conduct violating, the offense of murder, aggravated assault, burglary, or an offense on conviction of which registration as a sex o
(AMENDED)

HB 1237 Naishtat SPONSOR: Zaffirini
Relating to suits for retaliation against volunteers and employees of nursing homes.

HB 1453 Smith SPONSOR: Madla
Relating to coverage under a title insurance policy issued with respect to residential real property.
(AMENDED)

HB 1544 Haggerty SPONSOR: Madla
Relating to registration of engineering firms and to the publication by the Texas Board of Professional Engineers of a roster of engineers and engineering firms.
(AMENDED)

HB 1864 Capelo SPONSOR: Shapleigh
Relating to the study and development of outreach and education programs for promotoras or community health workers under which community residents provide public health education services.
(AMENDED)

HB 2175 Uher SPONSOR: Armbrister
Relating to the regulation of the practice of chiropractic.
(AMENDED)

HB 2631 Turner, Sylvester SPONSOR: Ellis, Rodney
Relating to a grant program for agricultural projects in certain public school districts.
(AMENDED)

HB 2641 Gray SPONSOR: Brown, J. E. "Buster"
Relating to the continuation and functions of the Health and Human Services Commission.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 2997 Culberson SPONSOR: Lindsay
Relating to the recognition of certain symbols of the State of Texas and to the designation of various recognition days.
(AMENDED)

- HCR 203** Lewis, Glenn
Congratulating Kimberly Dennis on being named an Outstanding Teacher.
- HCR 209** Lewis, Glenn
Congratulating Denise O'Dell on being named an Outstanding Teacher.
- HCR 210** Lewis, Glenn
Congratulating Donna Driver on being named an Outstanding Teacher.
- HCR 211** Lewis, Glenn
Congratulating LaTreace Bailey on being named an Outstanding Teacher.
- HCR 212** Lewis, Glenn
Congratulating Deborah Allen-White on being named an Outstanding Teacher.
- HCR 213** Lewis, Glenn
Congratulating Ann Elwood on being named an Outstanding Teacher.
- HCR 214** Lewis, Glenn
Congratulating Wesley Dismuke on being named an Outstanding Teacher.
- HCR 215** Lewis, Glenn
Congratulating Patrick Oliver on being named an Outstanding Teacher.
- HCR 216** Lewis, Glenn
Congratulating Gloria Horton on being named an Outstanding Teacher.
- HCR 217** Lewis, Glenn
Congratulating Sarah Weeks on being named an Outstanding Teacher.
- HCR 218** Lewis, Glenn
Congratulating Glory Griggs on being named an Outstanding Teacher.
- HCR 219** Lewis, Glenn
Congratulating Virginia Nichols on being named an Outstanding Teacher.
- HCR 220** Lewis, Glenn
Congratulating Birdie White on being named an Outstanding Teacher.
- HCR 221** Lewis, Glenn
Congratulating Nikitra K. Hamilton on being named an Outstanding Teacher.
- HCR 222** Lewis, Glenn
Congratulating Joye Franklin on being named an Outstanding Teacher.
- HCR 223** Lewis, Glenn
Congratulating Gwendolyn Davis on being named an Outstanding Teacher.
- HCR 224** Lewis, Glenn
Congratulating Patrick Oliver on being named an Outstanding Teacher.
- HCR 225** Lewis, Glenn
Congratulating Jacqueline Whitfield on being named an Outstanding Teacher.
- HCR 226** Lewis, Glenn
Congratulating Howardine Smith on being named an Outstanding Teacher.
- HCR 227** Lewis, Glenn
Congratulating Mae Pearl Johnson on being named an Outstanding Teacher.

HCR 228 Lewis, Glenn
Congratulating Phyllis McAnally on being named an Outstanding Teacher.

SB 1098 Cain
Relating to crew requirements for railroads.

SB 1598 Cain
Relating to nonrepairable and salvage motor vehicles.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1676
Senate Conferees: Ratliff - Chair/Duncan/Fraser/Moncrief/Truan

HB 1945
Senate Conferees: Ratliff - Chair/Duncan/Fraser/Moncrief/Truan

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 19, 1999 - 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:

HB 385 Walker SPONSOR: Duncan
Relating to certain buses used to transport students to school-related activities.
(COMMITTEE SUBSTITUTE)

HB 541 Maxey SPONSOR: Barrientos
Relating to an exemption from ad valorem taxation for property of an association of ambulatory health care centers.

HB 792 Maxey SPONSOR: Carona
Relating to the regulation of viatical settlement agreements and life settlement agreements.
(AMENDED)

HB 1543 Keffer SPONSOR: Fraser
Relating to the residency requirements for directors of certain economic development corporations.
(AMENDED)

- HB 1620** Wohlgemuth SPONSOR: Fraser
Relating to the regulation of aircraft on water.
(AMENDED)
- HB 1700** Danburg SPONSOR: Barrientos
Relating to lifeline and tel-assistance telecommunications services.
- HB 1814** Brimer SPONSOR: Harris
Relating to a local option election for the sale of mixed beverages by a food and beverage certificate holder.
(AMENDED)
- HB 1822** Yarbrough SPONSOR: Carona
Relating to the regulation of air conditioning and refrigeration contractors; providing penalties.
(AMENDED)
- HB 1860** Gutierrez SPONSOR: Madla
Relating to establishing an acanthosis nigricans screening pilot program in public and private schools in certain counties.
(AMENDED)
- HB 1933** Lewis, Glenn SPONSOR: Shapiro
Relating to allowing a county clerk to impose a fee for certain background checks.
(AMENDED)
- HB 2011** Cuellar SPONSOR: Zaffirini
Relating to the administration of the Texas Academic Skills Program.
(AMENDED)
- HB 2180** Averitt SPONSOR: Cain
Relating to usury and the regulation of lenders.
(COMMITTEE SUBSTITUTE)
- HB 2224** Solomons SPONSOR: Shapiro
Relating to requiring disclosure notices for the sale of real property governed by a property owners' association and requiring the filing of dedicatory instruments governing property owners' associations.
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 2338** Ehrhardt SPONSOR: Carona
Relating to certain charges for administration of loans and loan applications.
- HB 2406** Cuellar SPONSOR: Madla
Relating to a refund of sales and use taxes paid on items exported beyond the limits of the United States.
- HB 2512** Giddings SPONSOR: West, Royce
Relating to interlocutory orders and decisions used in adjudication of disputes regarding workers' compensation benefits and to reimbursement from the subsequent injury fund for overpayments of benefits made under those interlocutory orders or decisions.

HB 2844 Brimer SPONSOR: Moncrief
 Relating to the purposes for which the municipal hotel occupancy tax may be used.
 (AMENDED)

HB 3092 Siebert SPONSOR: Cain
 Relating to the authority and duties of the Texas Motor Vehicle Board.
 (COMMITTEE SUBSTITUTE/AMENDED)

HB 3182 Grusendorf SPONSOR: Harris
 Relating to procedures applicable in a suit filed by a landlord to evict a tenant and recover unpaid rent.
 (AMENDED)

HB 3460 Kuempel SPONSOR: Wentworth
 Relating to taxes on certain services in park and recreation districts.

HB 3462 Alexander SPONSOR: Armbrister
 Relating to the identification of vessels without identification numbers and outboard motors without serial numbers.

HB 3650 Hartnett SPONSOR: Harris
 Relating to reimbursement of expenses of jurors.
 (AMENDED)

SB 1906 Sibley
 Relating to the creation of a privilege for dental records and communications with a dentist and to the availability of dental records.

Respectfully,

Betty King
 Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Wednesday, May 19, 1999 - 4

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:

HJR 44 Ramsay SPONSOR: Truan
 Proposing a constitutional amendment relating to the filling of a vacancy in the office of governor or lieutenant governor.

Respectfully,

Betty King
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 18

Appropriations - **SB 1491**

Business & Industry - **SB 699, SB 1590, SB 1742**

Criminal Jurisprudence - **SB 31**

Higher Education - **SB 893, SB 947, SB 1027, SB 1841, SB 1853, SB 1902**

Land & Resource Management - **SB 396, SB 1443**

Natural Resources - **HR 910, SB 1733**

Transportation - **SB 1176, SB 1487, SB 1648, SB 1677**

Ways & Means - **SB 1435**

ENROLLED

May 18 - HB 2, HB 64, HB 128, HB 313, HB 347, HB 368, HB 434, HB 469, HB 516, HB 523, HB 681, HB 692, HB 794, HB 889, HB 912, HB 1053, HB 1069, HB 1112, HB 1162, HB 1274, HB 1318, HB 1351, HB 1363, HB 1396, HB 1477, HB 1588, HB 1615, HB 1713, HB 1723, HB 1739, HB 1767, HB 1845, HB 1877, HB 1879, HB 2060, HB 2061, HB 2066, HB 2199, HB 2200, HB 2209, HB 2223, HB 2235, HB 2238, HB 2296, HB 2299, HB 2303, HB 2314, HB 2320, HB 2354, HB 2374, HB 2407, HB 2416, HB 2490, HB 2492, HB 2593, HB 2594, HB 2597, HB 2622, HB 2626, HB 2662, HB 2664, HB 2724, HB 3089, HB 3122, HB 3133, HB 3232, HB 3288, HB 3294, HB 3299, HB 3337, HB 3366, HB 3377, HB 3477, HB 3531, HB 3532, HB 3771, HB 3772, HB 3779, HCR 135, HCR 235, HCR 236, HCR 237, HCR 254, HCR 281

SENT TO THE GOVERNOR

May 18 - HB 2, HB 127, HB 128, HB 313, HB 347, HB 368, HB 469, HB 516, HB 523, HB 681, HB 692, HB 794, HB 856, HB 889, HB 912, HB 1053, HB 1069, HB 1085, HB 1112, HB 1162, HB 1274, HB 1318, HB 1351, HB 1363, HB 1477, HB 1588, HB 1615, HB 1713, HB 1723, HB 1739, HB 1767, HB 1845, HB 1877, HB 1879, HB 2060, HB 2061, HB 2066, HB 2199, HB 2200, HB 2209, HB 2223, HB 2235, HB 2238, HB 2296, HB 2299, HB 2303, HB 2314, HB 2320, HB 2354, HB 2374, HB 2407, HB 2490, HB 2492, HB 2593, HB 2594, HB 2597, HB 2622, HB 2626, HB 2662, HB 3089, HB 3122, HB 3133, HB 3232, HB 3294, HB 3299, HB 3337, HB 3366, HB 3377, HB 3477, HB 3531, HB 3532, HB 3771, HB 3772, HCR 135, HCR 235, HCR 236, HCR 237, HCR 254, HCR 281

SIGNED BY THE GOVERNOR

**May 18 - HB 221, HB 431, HB 573, HB 624, HB 870, HB 873,
HB 963, HB 1138, HB 1401, HB 1643, HCR 115, HCR 190, HCR 191,
HCR 281**