

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

EIGHTY-THIRD DAY (CONTINUED) — WEDNESDAY, MAY 26, 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 469).

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; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; 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; 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; Crownover; Jones, D.

Absent — Giddings.

The invocation was offered by Bill Townsley, pastor, First Baptist Church, DeKalb, as follows:

Heavenly Father, we come to you in the precious name of the Lord, Jesus Christ. Thank you for the opportunity to begin today's session in prayer. We thank you for the great privilege of being born under the broad stripes and the bright stars of Old Glory. And now as this house of representatives convenes, help each person to make wise decisions which will shape the moral and social structures of our great State of Texas. I ask that you grant wisdom, discernment, and stamina to our Governor Bush and each representative as he fulfills the work of the day. May your unseen hand of grace continue to be upon our families as well.

Lord, we recognize your sovereignty and are accountable to you. Father, you remind us that, "When the righteous are in authority, the people rejoice, but when the wicked beareth rule, the people mourn." Take our lives today and empower us by the Holy Spirit to do your will. Lead us to be bright, shining witnesses of your glory and grace in a world that desperately needs spiritual renewal.

May we claim your promise as our own: "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land" (2 Chronicles 7:14). Lord, we ask for mercy and continued healing of our state and nation. Bless us as we follow your guidance. We offer these requests in the saving name of Jesus. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the session because of medical reasons:

Crownover on motion of Hardcastle.

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

Corte on motion of Kuempel.

### **CAPITOL PHYSICIAN**

The speaker recognized Representatives Truitt and Carter who presented Dr. Justin Bartos of Keller as the "Doctor for the Day."

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

(Giddings now present)

### **HR 1024 - ADOPTED (by Green)**

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 1024**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1024**, Recognizing Lockhart as the Barbecue Capital of Texas.

**HR 1024** was read and was adopted without objection.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Green, who introduced representatives from barbecue establishments in Lockhart.

### **HR 1016 - ADOPTED (by Hope)**

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 1016**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1016**, Honoring Patrick Brown for his myriad accomplishments.

**HR 1016** was read and was adopted without objection.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Hope, who introduced Patrick Brown and his family.

#### HR 1211 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1211**, suspending the limitations on the conferees for **HB 1**.

#### HR 1210 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1210**, suspending the limitations on the conferees for **HB 3799**.

### 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. 63).

### INTRODUCTION OF GUESTS

The speaker recognized Representative Chisum, who introduced J. C. McCollough and his family.

**HR 347**, commending J. C. McCollough for his 50 years in real estate, having been previously adopted, was read.

### INTRODUCTION OF GUEST

The speaker recognized Representative Eiland, who introduced Daniel B. Kulvicki.

**HR 761**, honoring Daniel B. Kulvicki for his efforts in promoting S.T.A.R. Day, having been previously adopted, was read.

#### HR 956 - ADOPTED (by Hunter and B. Turner)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 956**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 956**, Honoring the 30th anniversary of the Texas Special Olympics Summer Games and the Texas Law Enforcement Torch Run.

**HR 956** was adopted without objection.

#### HR 1029 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1029**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1029**, Congratulating Kate Paddock on her outstanding writing achievements at the UIL Class 4A state competition.

**HR 1029** was read and was adopted without objection.

**HR 1031 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1031**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1031**, Congratulating Janet Elbom on her receipt of the 1999 Max R. Haddick Teacher of the Year Award.

**HR 1031** was read and was adopted without objection.

**HR 1208 - ADOPTED**  
**(by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1208**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1208**, Honoring Colleen Wooten Jenkins as she retires from Reliant Energy.

**HR 1208** was adopted without objection.

On motion of Representative Coleman, the names of all the members of the house were added to **HR 1208** as signers thereof.

**HR 1081 - ADOPTED**  
**(by Coleman)**

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1081**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1081**, Congratulating Lyndon B. Johnson General Hospital in Houston on its 10-year anniversary.

**HR 1081** was adopted without objection.

**HR 1044 - ADOPTED**  
**(by Bailey)**

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 1044**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1044**, In memory of legendary Texas fiddler Leon "Pappy" Selph.

**HR 1044** was unanimously adopted by a rising vote.

**HCR 300 - ADOPTED**  
**(by Bosse)**

The following privileged resolution was laid before the house:

**HCR 300**

WHEREAS, **HB 1976** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct **HB 1976**, on page 17 of the house engrossment, by striking lines 1-7 to remove Section 21.454, Labor Code, the text of which was to have been superseded by a new section added by senate committee amendment no. 1 but which was not stricken by that amendment.

**HCR 300** was adopted without objection.

**HCR 302 - ADOPTED**  
**(by Counts)**

The following privileged resolution was laid before the house:

**HCR 302**

WHEREAS, **HB 3050** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 76th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 3050** by striking Section 46.004(d), Agriculture Code, as added by Senate Floor Amendment No. 1, and substituting the following:

(d) Supplies, materials, services, and equipment purchased with funds obtained under this section are not subject to General Services Commission authority.

**HCR 302** was adopted without objection.

**HCR 297 - ADOPTED**  
**(by Siebert)**

The following privileged resolution was laid before the house:

**HCR 297**

WHEREAS, **HB 3091** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 3091** by striking Section 5, Article 9026c, Revised Statutes, as added by Senate Amendment No. 1, and substituting the following:

Sec. 5. PROHIBITED REPRESENTATIONS. No oral or written representations shall be made by any employee or agent of the rental company which contradict the provisions of this article. No coercive language or action shall be used by any employee or agent of the rental company in an attempt to persuade a renter to purchase the damage waiver. For the purposes of this section, if the renter has declined the damage waiver, further statements or questions by an employee or agent of the rental company making reference to the 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.

**HCR 297** was adopted without objection.

#### **HB 1362 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Clark submitted the following conference committee report on **HB 1362**:

Austin, Texas, May 17, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1362** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ogden	Clark
Fraser	Krusee
Moncrief	Crabb
Madla	Howard
Lindsay	Hardcastle
On the part of the Senate	On the part of the House

**HB 1362**, A bill to be entitled An Act relating to the selection of appraisers for the dermination of compensation paid to a certain retail public utilities on annexation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 13.255, Water Code, is amended by amending Subsection (l) to read as follows:

(l) For an area incorporated by a municipality, the [The] compensation provided under Subsection (g) shall be determined by a qualified individual or firm to serve as independent appraiser, who shall be selected by the affected retail public utility, and the costs of the appraiser shall be paid by the municipality. For an area annexed by a municipality, the compensation

provided under Subsection (g) shall be determined by a qualified individual or firm to which the municipality and the retail public utility agree to serve as independent appraiser. If the retail public utility and the municipality are unable to agree on a single individual or firm to serve as the independent appraiser before the 11th day after the date the retail public utility or municipality notifies the other party of the impasse, the retail public utility and municipality each shall appoint a qualified individual or firm to serve as independent appraiser. On or before the 10th business day after the date of their appointment, the independent appraisers shall meet to reach an agreed determination of the amount of compensation. If the appraisers are unable to agree on a determination before the 16th business day after the date of their first meeting under this subsection, the retail public utility or municipality may petition the commission or a person the commission designates for the purpose to appoint a third qualified independent appraiser to reconcile the appraisals of the two originally appointed appraisers. The determination of the third appraiser may not be less than the lesser or more than the greater of the two original appraisals. The costs of the independent appraisers for an annexed area shall be shared equally by the retail public utility and the municipality. The determination of compensation under this subsection is [by the independent appraiser shall be] binding on the commission. [The costs of the independent appraiser shall be borne by the municipality.]

SECTION 2. The changes in law made by this Act apply only to an application filed with the Texas Natural Resource Conservation Commission to grant single certification to a municipality under Section 13.255(b), Water Code, that is filed on or after September 1, 1999. An application to grant single certification filed with the commission under that section before September 1, 1999, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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.

Representative Clark moved to adopt the conference committee report on **HB 1362**.

The motion prevailed without objection.

#### **SB 801 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Maxey submitted the conference committee report on **SB 801**.

Representative Maxey moved to adopt the conference committee report on **SB 801**.

A record vote was requested.

The motion prevailed by (Record 470): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Brown, F.; Flores; Hill.

### **SB 1129 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Kuempel submitted the conference committee report on **SB 1129**.

Representative Kuempel moved to adopt the conference committee report on **SB 1129**.

The motion prevailed without objection.

### **HB 98 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative A. Reyna called up with senate amendments for consideration at this time,

**HB 98**, A bill to be entitled An Act relating to the fiscal year of a school district and to the submission to a school district of an estimate of the taxable value of school district property.

On motion of Representative A. Reyna, the house concurred in the senate amendments to **HB 98**.

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

Amend **HB 98** as follows:

(1) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), between "July 1" and "of each year", insert "or September 1".



(2) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), between "each year" and the period, insert ", as determined by the board of trustees of the district".

(3) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), after the period, insert the following:

The commissioner may adopt rules concerning the submission of information by a district under Chapter 39 or 42 based on the fiscal year of the district.

(4) Strike SECTION 3 of the bill (Senate Committee Report, page 1, lines 25 through 29).

(5) Renumber SECTIONS 4 and 5 of the bill as SECTIONS 3 and 4.

### **HB 245 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 245**, A bill to be entitled An Act relating to the procedures for determining whether a defendant sentenced to death is incompetent for purposes of execution.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 245**.

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

Amend **HB 245** by striking everything below the enacting clause and substituting the following:

SECTION 1. Chapter 46, Code of Criminal Procedure, is amended by adding Article 46.04 to read as follows:

Art. 46.04. COMPETENCY TO BE EXECUTED. (a) A person who is incompetent to be executed may not be executed.

(b) The trial court retains jurisdiction over motions filed by or for a defendant under this article.

(c) A motion filed under this article must identify the proceeding in which the defendant was convicted, give the date of the final judgment, set forth the fact that an execution date has been set if the date has been set, and clearly set forth alleged facts in support of the assertion that the defendant is presently incompetent to be executed. The defendant shall attach affidavits, records, or other evidence supporting the defendant's allegations or shall state why those items are not attached. The defendant shall identify any previous proceedings in which the defendant challenged the defendant's competency in relation to the conviction and sentence in question, including any challenge to the defendant's competency to be executed, competency to stand trial, or sanity at the time of the offense. The motion must be verified by the oath of some person on the defendant's behalf.

(d) On receipt of a motion filed under this article, the trial court shall determine whether the defendant has raised a substantial doubt of the defendant's competency to be executed on the basis of:

(1) the motion, any attached documents, and any responsive pleadings; and

(2) if applicable, the presumption of competency under Subsection (e).

(e) If a defendant is determined to have previously filed a motion under this article, and has previously been determined to be competent to be executed, the previous adjudication creates a presumption of competency and the defendant is not entitled to a hearing on the subsequent motion filed under this article, unless the defendant makes a prima facie showing of a substantial change in circumstances sufficient to raise a significant question as to the defendant's competency to be executed at the time of filing the subsequent motion under this article.

(f) If the trial court determines that the defendant has made a substantial showing of incompetency, the court shall order at least two mental health experts to examine the defendant using the standard described by Subsection (h) to determine whether the defendant is incompetent to be executed.

(g) If the trial court does not determine that the defendant has made a substantial showing of incompetency, the court shall deny the motion.

(h) A defendant is incompetent to be executed if the defendant does not understand:

(1) that he or she is to be executed and that the execution is imminent; and

(2) the reason he or she is being executed.

(i) Mental health experts who examine a defendant under this article shall provide within a time ordered by the trial court copies of their reports to the attorney representing the state, the attorney representing the defendant, and the court.

(j) By filing a motion under this article, the defendant waives any claim of privilege with respect to, and consents to the release of, all mental health and medical records relevant to whether the defendant is incompetent to be executed.

(k) If, on the basis of reports provided under Subsection (i), the motion, any attached documents, any responsive pleadings, and any evidence introduced in the final competency hearing, the trial court makes a finding by a preponderance of the evidence that the defendant is incompetent to be executed, the clerk shall send immediately to the court of criminal appeals in accordance with Section 8(d), Article 11.071, the appropriate documents for that court's determination of whether any existing execution date should be withdrawn and a stay of execution issued. If a stay of execution is issued by the court of criminal appeals, the trial court periodically shall order that the defendant be reexamined by mental health experts to determine whether the defendant is no longer incompetent to be executed.

(l) If the trial court does not make the finding as described by Subsection (k), the court may set an execution date as otherwise provided by law.

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

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

**HB 352**, A bill to be entitled An Act relating to the limit on fines collected by municipalities for traffic violations.

Representative Denny 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 352**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 352**: Denny, chair, Alexander, Madden, Y. Davis, and Hawley.

**HR 1212 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1212**, suspending the limitations on the conferees for **SB 177**.

**HB 400 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 400**, A bill to be entitled An Act relating to the creation of certain district courts.

Representative Thompson 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 400**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 400**: Thompson, chair, J. Solis, Hinojosa, Haggerty, and Uresti.

**HB 580 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 580**, A bill to be entitled An Act relating to automated external defibrillator devices.

On motion of Representative Janek, the house concurred in the senate amendments to **HB 580**.

**Senate Amendment No. 1**

Amend **HB 580** in SECTION 2 of the bill, in Section 74.001(a), Civil Practice and Remedies Code (engrossed version, page 4, line 2), strike "or entity that [who]" and substitute "who".

**HB 714 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 714**, A bill to be entitled An Act relating to the establishment of a newborn hearing screening, tracking, and intervention program.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 714**.

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

Amend **HB 714**, adding an appropriately numbered SECTION to read as follows:

"SECTION 10. 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."

Renumber subsequent section.

**Senate Amendment No. 2**

Amend **HB 714** as follows:

(1) In SECTION 1 of the bill, in added Section 47.003(a), Health and Safety Code (Senate committee report, page 2, line 8), strike "if hearing loss is identified".

(2) In SECTION 1 of the bill, strike added Section 47.004(b)(5), Health and Safety Code (Senate committee report, page 2, lines 32-34), and substitute the following:

(5) provide information, as recommended by the department, to the parents on follow-up services for newborns and infants with abnormal screening results.

(3) In SECTION 1 of the bill, in added Section 47.007(c), Health and Safety Code (Senate committee report, page 3, lines 12-15), strike "a newborn is included in the information management, reporting, and tracking system or any information relating to the newborn or infant is released through the system" and substitute "any information individually identifying the newborn or infant is released through the information management, reporting, and tracking system".

(4) In SECTION 1 of the bill, in added Section 47.008(c), Health and Safety Code (Senate committee report, page 3, line 31), between "any" and "information", insert "individually identifying".

**HB 734 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 734**, A bill to be entitled An Act relating to the conversion of separate property to community property.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 734**.

### Senate Amendment No. 1

Amend **HB 734** as follows:

(1) Add the following appropriately numbered sections and renumber the sections of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter A, Chapter 3, Family Code, is amended by adding Section 3.006 to read as follows:

Sec. 3.006. PROPORTIONAL OWNERSHIP OF PROPERTY BY MARITAL ESTATES. (a) If the community estate of the spouses and the separate estate of a spouse have an ownership interest in property, the respective ownership interests of the marital estates are determined by the rule of inception of title.

(b) An equitable interest created by Subchapter E:

(1) does not create an ownership interest in a spouse's separate property; and

(2) creates a claim against the spouse who owns the property that matures on termination of the marriage.

SECTION \_\_\_\_\_. Chapter 3, Family Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. EQUITABLE INTEREST OF COMMUNITY ESTATE IN ENHANCED VALUE OF SEPARATE PROPERTY

Sec. 3.401. ENHANCEMENT IN VALUE DUE TO FINANCIAL CONTRIBUTION OF COMMUNITY PROPERTY. (a) The enhancement in value during a marriage of separate property owned by a spouse due to a financial contribution made with community property creates an equitable interest of the community estate in the separate property.

(b) The equitable interest created under this section is measured by the net amount of the enhancement in value of the separate property during the marriage due to the financial contribution made with community property.

Sec. 3.402. USE OF COMMUNITY PROPERTY TO DISCHARGE DEBT ON SEPARATE PROPERTY. (a) The use of community property to discharge all or part of a debt on separate property owned by a spouse during a marriage creates an equitable interest of the community estate in the separate property.

(b) The equitable interest created under Subsection (a) in the enhanced value of separate property due to financial contributions made with community property is computed by multiplying the net enhanced value of the separate property by the sum created by dividing:

(1) the total amount of the payments made by the community estate to reduce the principal of the debt on the separate property; by

(2) the sum of:

(A) the amount computed under Subdivision (1);

(B) the total amount of the payments made by the separate estate to reduce the principal on the debt; and

(C) the total amount of any additional amount spent by the separate estate to acquire the interest in the property.

(c) For purposes of this section, the cost of any improvements made to the separate property paid for by either the separate or community estate is included as part of the principal of the debt.

Sec. 3.403. APPLICATION OF INCEPTION OF TITLE RULE. (a) This subchapter does not affect the rule of inception of title under which the character of property is determined at the time the right to the property is acquired.

(b) The equitable interest created under this subchapter does not create an ownership interest in property.

Sec. 3.404. EQUITABLE INTEREST OF SEPARATE PROPERTY ESTATE. (a) The separate estate of a spouse has an equitable interest in the enhanced value of the separate estate of the other spouse or in the enhanced value of the community estate for:

(1) a financial contribution made to the other separate estate or to the community estate; and

(2) the discharge of all or part of a debt of the other separate estate or of the community estate.

(b) The equitable interest created by this section is measured in the manner provided by Section 3.401(b) or 3.402(b), as appropriate.

Sec. 3.405. USE AND ENJOYMENT OF PROPERTY. The use and enjoyment of property during a marriage does not create a claim of offsetting benefits to the equitable interest created by this subchapter.

Sec. 3.406. EQUITABLE LIEN. On termination of a marriage, the court shall impose an equitable lien on community or separate property to secure a claim arising by reason of an equitable interest as provided by this subchapter.

SECTION \_\_\_\_\_. Section 7.002, Family Code, is amended to read as follows:

Sec. 7.002. DIVISION OF PROPERTY UNDER SPECIAL CIRCUMSTANCES. In addition to the division of the estate of the parties required by Section 7.001, in a decree of divorce or annulment the court shall order a division of the following real and personal property, wherever situated, in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage:

(1) property that was acquired by either spouse while domiciled in another state and that would have been community property if the spouse who acquired the property had been domiciled in this state at the time of the acquisition; [or]

(2) property that was acquired by either spouse in exchange for real or personal property and that would have been community property if the spouse who acquired the property so exchanged had been domiciled in this state at the time of its acquisition; or

(3) the equitable interest, as provided by Subchapter E, Chapter 3, of the:

(A) community estate in the separate estate of a spouse;

(B) separate property of a spouse in the separate property of the other spouse; and

(C) separate estate of a spouse in the community estate.

(2) Strike SECTION 2 of the bill and substitute the following appropriately numbered section:

SECTION \_\_\_\_\_. (a) Except as provided by this section, this Act takes effect September 1, 1999.

(b) The change in law made by this Act by the addition of Subchapter C, Chapter 4, Family Code, takes effect January 1, 2000, but only if the constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, relating to the conversion of separate property to community property, is approved by the voters. If the proposed constitutional amendment is not approved by the voters, that subchapter does not take effect.

(c) The change in law made by this Act by the enactment of Section 3.006, Family Code, and Subchapter E, Chapter 3, Family Code, and by the amendment of Section 7.002, Family Code, applies to a suit for dissolution of a marriage pending on September 1, 1999, or filed on or after that date.

#### **HB 804 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 804**, A bill to be entitled An Act relating to salaries and fees for services of certain prosecutors.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 804**.

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

Amend **HB 804** in SECTION 1 of the bill (senate committee printing page 2, line 32), in added Section 46.0031(e), Government Code, after the period, by adding the following:

This subsection does not apply to a county attorney who is responsible for the prosecution of juvenile justice cases under Title 3, Family Code.

#### **HB 926 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative J. Solis called up with senate amendments for consideration at this time,

**HB 926**, A bill to be entitled An Act relating to the penalty for tampering with certain governmental records.

On motion of Representative J. Solis, the house concurred in the senate amendments to **HB 926**.

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

Amend **HB 926**, in SECTION 1 of the bill, in amended Section 37.10(d), Penal Code (Senate Committee Report, page 1, line 15), by striking "or document" and substituting ", report, or assessment instrument required under Chapter 39, Education Code,".

**HB 1104 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1104**, A bill to be entitled An Act relating to parental involvement programs in public schools.

Representative Dunnam 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 1104**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1104**: Dunnam, chair, A. Reyna, Hochberg, Lengefeld, and Smith.

**HB 1275 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS**

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

**HB 1275**, A bill to be entitled An Act relating to providing a parent with a copy of a special education student's education plan translated into the parent's native language.

Representative Luna moved that the house concur in the senate amendments to **HB 1275**.

Representative Hill offered a substitute motion that the house not concur and that a conference committee be requested to adjust the differences between the two houses on the bill.

Representative Luna moved to table the substitute motion to not concur in the senate amendments to **HB 1275**.

A record vote was requested.

The vote of the house was taken on the motion to table the substitute motion to not concur in the senate amendments to **HB 1275** and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 471): 65 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Glaze; Gray; Greenberg; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Homer; Jones, J.; King, P.; King, T.; Lengefeld; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt;



Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Wise; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; Ellis; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Keel; Keffer; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Mowery; Nixon; Palmer; Pitts; Ramsay; Reyna, E.; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Cuellar; Edwards; Garcia; George; Giddings; Hodge; Junell; McCall; Moreno, P.; Telford; Wilson; Wolens.

The speaker stated that the motion to table was lost by the above vote.

#### STATEMENT OF VOTE

I was shown voting yes on Record No. 471. I intended to vote no.

Homer

#### HB 1275 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1275**: Luna, chair, Sadler, Hill, Dunnam, and Smith.

#### LEAVES OF ABSENCE GRANTED

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

Garcia on motion of J. Solis.

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

Cuellar on motion of Hinojosa.

#### HB 1702 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

**HB 1702**, A bill to be entitled An Act relating to loss of benefits by a retiree of the Teacher Retirement System of Texas who resumes teaching.

Representative Delisi 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 1702**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1702**: Delisi, chair, Greenberg, Tillery, Telford, and Bonnen.

**HB 1924 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1924**, A bill to be entitled An Act relating to health insurance provided through the Texas Health Insurance Risk Pool.

On motion of Representative Averitt, the house concurred in the senate amendments to **HB 1924**.

**Senate Committee Substitute**

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

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

SECTION 1. Section 2(7), Article 3.77, Insurance Code, is amended to read as follows:

(7) "Health insurance" means individual or group health insurance and includes any hospital and medical expense incurred policy, a fraternal benefit society, a stipulated premium company, an approved nonprofit health corporation, health maintenance organization subscriber contract, coverage by a group hospital service plan, a multiple employer welfare arrangement subject to Subchapter I of this chapter, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. The term does not include short-term, accident, dental-only, vision-only, fixed indemnity, credit insurance, long-term care, disability income, or other limited benefit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

SECTION 2. Article 3.77, Insurance Code, is amended by adding Section 16 to read as follows:

Sec. 16. (a) An insurer may provide a notification to its insureds regarding the creation of the Texas Health Insurance Risk Pool and the address for information on cost, coverage, eligibility, and other information where an insured can compare his or her current health insurance with the benefits plan offered by the pool. The insurer shall not incur any liability solely for providing such notification.

(b) An insurer providing notice under subsection (a) shall provide such

notice as prescribed by the commissioner. The commissioner may promulgate rules to implement this section.

SECTION 3. Article 3.77, Insurance Code, as amended by this Act, applies only to an insurance policy, contract, or evidence of coverage delivered, issued for delivery, or renewed on or after January 1, 2000. A policy, contract, or evidence of coverage delivered, issued for delivery, or renewed before January 1, 2000, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 1999.

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 1924**, SECTION 1, Section 2(7), Article 3.77, Insurance Code, as follows:

On committee printing page 1, line 25, between "indemnity," and "credit", insert "including hospital indemnity insurance.".

On committee printing page 1, line 26, between "insurance," and "coverage", insert "including specified disease insurance.".

#### **HB 2045 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2045**, A bill to be entitled An Act relating to financing capital improvements and facility expansions through the assessment of impact fees.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 2045**.

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

Amend **HB 2045** as follows:

1. In SECTION 2, strike subsection (a)(7) and (a)(8), (Committee Printing page 2, lines 52-62) and substitute the following:

"(7) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the 10 year program period which are used for the payment of capital improvements, including the payment of debt that are included or could be included in the capital improvement plan; or

(8) a credit equal to 50% of the total cost of the capital improvements included in the capital improvement plan."

2. In SECTION 3(a), (Committee Printing page 2, lines 66-67) strike "subtracting the amounts described by Sections 395.014(a)(7) and (8)" and substitute "subtracting the amount in Sections 395.014(a)(7) or (8), whichever is greater,"

**HB 2145 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2145**, A bill to be entitled An Act relating to persons subject to sex offender registration requirements and to the conditions for supervised release of those persons.

Representative Allen 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 2145**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2145**: Allen, chair, B. Turner, McClendon, Berman, and Haggerty.

**HB 2175 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2175**, A bill to be entitled An Act relating to the regulation of the practice of chiropractic.

Representative Uher 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 2175**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2175**: Uher, chair, Pitts, Walker, Glaze, and Cuellar.

**HB 2202 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2202**, A bill to be entitled An Act relating to health centers on public school campuses.

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 2202** by (Record 472): 93 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bosse; Brimer; Capelo; Carter; Chavez; Coleman; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Gallego;

Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Isett; Janek; Jones, J.; Junell; King, P.; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bonnen; Brown, B.; Brown, F.; Christian; Clark; Crabb; Craddick; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; Green; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Howard; Hupp; Jones, C.; Keel; Keffer; Krusee; Kuempel; Madden; Mowery; Nixon; Palmer; Reyna, E.; Seaman; Staples; Talton; Truitt; Williams.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — Berman; Burnam; Chisum; Danburg; Flores; George; Grusendorf; Marchant; McCall; Moreno, P.; Shields; Swinford; Telford; Wilson.

### STATEMENT OF VOTE

When Record No. 472 was taken, I was in the house but away from my desk. I would have voted no.

Berman

### Senate Amendment No. 1

Amend **HB 2202** (Senate Committee Printing) as follows:

On page 2, line 59 strike "of education and the commissioner"

On page 2, line 60 strike "jointly".

On page 2, line 63 strike "commissioners" and substitute "commissioner".

On page 3, line 7 strike "and".

On page 3, line 10 after "student" insert "(3) The commissioner of public health shall adopt rules establishing standards for health care centers funded through grants that place primary emphasis on delivery of health services and secondary emphasis on population-based models that prevent emerging health threats; and

(4) All programs should be designed to meet the following goals:

(A) reducing student absenteeism;

(B) increasing a student's ability to meet the student's academic potential; and

(C) stabilizing the physical well-being of a student."

On page 3, line 11 strike all of Subsection (q).

On page 3, line 34 strike "r" and insert "q".

On page 3, line 35 strike "education and the commissioner of".

On page 3, line 36 strike "jointly".

On page 3, line 44 strike "commissioners" and insert "commissioner".

On page 3, line 47 strike "s" and insert "r"

On page 3, line 47 strike "education and the commissioner of".

On page 3, line 51 strike "r" and insert "q".

On page 4, line 5 strike all of Subsection (c).

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

Amend **HB 2202**, 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 2611 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2611**, A bill to be entitled An Act relating to electronic reporting of certain political contributions and political expenditures.

Representative Greenberg 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 2611**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2611**: Greenberg, chair, Gallego, Madden, Uher, and Danburg.

### **HB 2947 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2947**, A bill to be entitled An Act relating to the disposition of children adjudicated as having engaged in delinquent conduct.

Representative Goodman 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 2947**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2947**: Goodman, chair, A. Reyna, Naishtat, P. King, and Morrison.

(Goodman in the chair)

**HB 2997 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2997**, A bill to be entitled An Act relating to the recognition of certain symbols of the State of Texas and to the designation of various recognition days.

Representative Culberson 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 2997**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2997**: Culberson, chair, C. Jones, Berman, Madden, and Noriega.

**HB 3159 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Oliveira, the house concurred in the senate amendments to **HB 3159**.

**Senate Amendment No. 1**

Amend **HB 3159** by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Chapter 20, Transportation Code, is amended by adding Section 20.002 to read as follows:

Sec. 20.002. SCHOOL FUND BENEFIT FEE ON DIESEL FUEL USED BY CERTAIN MOTOR VEHICLES. (a) In this section, "commercial motor vehicle" has the meaning assigned by Section 548.001.

(b) This section applies to a person, other than a political subdivision, who:

(1) owns, controls, operates, or manages a commercial motor vehicle;

and

(2) is exempt from the state diesel fuel tax under Section 153.203, Tax Code.

(c) A fee to benefit the available school fund is imposed on a person for the use of diesel fuel that is:

(1) delivered exclusively into the fuel supply tank of a commercial motor vehicle; and

(2) used exclusively to transport passengers for compensation or hire between points in this state on a fixed route or schedule.

(d) The fee imposed by this section is equal to 25 percent of the diesel fuel tax rate imposed under Section 153.202(b), Tax Code.

(e) The comptroller shall prescribe the method for collecting a fee imposed under this section and shall deposit revenue received from the fee to the credit of the available school fund.

**HB 3204 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3204**, A bill to be entitled An Act relating to the election of members of the board of trustees of certain independent school districts.

On motion of Representative Danburg, the house concurred in the senate amendments to **HB 3204**.

**Senate Amendment No. 1**

Amend **HB 3204** as follows:

In SECTION 2 of the bill (Committee Printing page 1, lines 40-42), strike "for the greater of \$500 or the filing fee for a candidate for state representative under Section 172.024, Election Code" and substitute "of \$300".

**HB 3207 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3207**, A bill to be entitled An Act relating to the requirement for insurance coverage for district clerks.

On motion of Representative Ramsay, the house concurred in the senate amendments to **HB 3207** by (Record 473): 137 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; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; 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; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; 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; 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; Goodman(C).

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — George; Luna; Moreno, P.; Talton; Telford; Wilson.

### Senate Committee Substitute

**CSHB 3207**, A bill to be entitled An Act relating to the requirements for insurance coverage for district clerks.

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

SECTION 1. Sections 51.302(c), (d), (e), and (f), Government Code, are amended to read as follows:

(c) Each district clerk shall obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119, Local Government Code, or from a self-insurance fund or risk retention group created by one or more governmental units under Chapter 1084, Acts of the 70th Legislature, Regular Session, 1987 (Article 715c, Vernon's Texas Civil Statutes), to cover the district clerk and any deputy clerk against liabilities incurred through errors or omissions in the performance of official duties. The amount of the policy or other coverage document must be [~~in an amount~~] equal to the maximum amount of fees collected in any year during the term of office immediately preceding the term for which the insurance is obtained, except that the amount of the policy or other coverage document must be at least \$20,000 but not [~~may not be for less than \$10,000 nor~~] more than \$700,000. If the policy or other coverage document provides coverage for other county officials, the amount of the policy must be at least \$1 million.

(d) Each district clerk shall obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119, Local Government Code, or from a self-insurance fund or risk retention group created by one or more governmental units under Chapter 1084, Acts of the 70th Legislature, Regular Session, 1987 (Article 715c, Vernon's Texas Civil Statutes), to cover losses from burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy or other coverage document must be at least \$20,000 but not more than \$700,000.

(e) The commissioners court may establish a contingency fund to provide the coverage required by Subsection (c) or (d) if it is determined by the district clerk that insurance coverage is unavailable at a reasonable cost. The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the district clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by Subsection (c) or (d), the clerk shall stop collecting the additional fee.

~~[(e) Each district clerk shall obtain an insurance policy to cover losses due to burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy may not exceed \$20,000.]~~

(f) The commissioners court shall pay the premiums on the bonds and insurance policies or other similar coverage required under this section from the county general fund.

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

**HB 3582 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3582**, A bill to be entitled An Act relating to receivers, payors, and lessees under certain mineral lease.

Representative Keffer 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 3582**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3582**: Keffer, chair, Craddick, Nixon, Smithee, and Alvarado.

**HB 3809 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3809**, A bill to be entitled An Act relating to the release of extraterritorial jurisdiction of certain municipalities.

On motion of Representative R. Lewis, the house concurred in the senate amendments to **HB 3809** by (Record 474): 137 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; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; Goolsby; Gray; 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.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; 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; 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; Goodman(C).

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — George; Green; Moreno, P.; Ritter; Telford; Wilson.

**Senate Amendment No. 1**

Amend **HB 3809** in SECTION 1 of the bill, in Section 42.026, Local Government Code, by striking Subsections (b) and (c) (Committee Printing, page 1, lines 17-25) and substituting the following:

(b) This section applies only to an area that is:

(1) located in the extraterritorial jurisdiction of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less;

(2) located outside the county in which a majority of the land area of the municipality is located; and

(3) separated from the municipality's corporate boundaries by a navigable stream.

(c) A municipality that, on August 31, 1999, includes that area in its extraterritorial jurisdiction shall, before January 1, 2000:

(1) adopt an ordinance removing that area from the municipality's extraterritorial jurisdiction; or

(2) enter into an agreement with a municipality located in the county in which that area is located to transfer that area to the extraterritorial jurisdiction of that municipality.

(d) If the municipality that is required to act under Subsection (c) does not do so as provided by that subsection, the area is automatically removed from the extraterritorial jurisdiction of that municipality on January 1, 2000.

(e) Section 42.021 does not apply to a transfer of extraterritorial jurisdiction under Subsection (c)(2).

**SB 781 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Bailey submitted the conference committee report on **SB 781**.

Representative Bailey moved to adopt the conference committee report on **SB 781**.

The motion prevailed without objection.

**SB 4 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sadler, the house granted the request of the senate for the appointment of a conference committee on **SB 4**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 4**: Sadler, chair, Hochberg, Grusendorf, Dutton, and Dunnam.

(Speaker in the chair)

**HR 1209 - ADOPTED**  
**(by Bosse)**

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 1209**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1209**, Congratulating Chad Christopher Duplantis and Ellen Martin Duplantis on their graduation from The University of Texas Health Science Center at San Antonio.

**HR 1209** was adopted without objection.

**HR 1211 - ADOPTED**  
**(by Junell)**

The following privileged resolution was laid before the house:

**HR 1211**

[Please refer to the supplement to today's daily journal for the text to **HR 1211**, suspending limitations on conference committee jurisdiction, **HB 1**, the general appropriations bill.]

**HR 1211** was adopted without objection.

**HR 1212 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1212**, suspending the limitations on the conferees for **SB 177**.

**HR 1210 - ADOPTED**  
**(by Coleman)**

The following privileged resolution was laid before the house:

**HR 1210**

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 between the house and senate versions of **HB 3799**, relating to the creation of the East Downtown Management District, providing authority to impose a tax and issue bonds, to consider and take actions on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the phrase "multiunit residential property" from the text of Section 376.320(a), Local Government Code, as added by SECTION 1 of the bill, changing the subsection to read as follows:

(a) The district may not impose a tax, impact fee, or assessment on a residential property or condominium.

Explanation: This change is necessary to change the types of property that are subject to an exemption.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 376.324(d)(4), Local Government Code, as added by SECTION 1 of the bill, which reads as follows:

(4) participate with other entities.

Explanation: This change is necessary to delete the remainder of Section 376.324, Local Government Code, which corrects an inadvertent error in the Senate Committee amendment.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of SECTION 3 of the bill to read as follows:

SECTION 3. Notwithstanding Section 376.309, Local Government Code, as added by this Act:

(1) the initial board of directors of the East Downtown Management District consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
1	Alfred H. Bennett
2	Charlie Chea
3	Peggy Foreman
4	Sean Gorman
5	Alan Gover
6	Tri La
7	Dan Nip
8	Grant Martin
9	Andy Moran
10	Bill Chu
11	Bob Eury
12	Wayne Galt
13	George Strong
14	Ringo Kwan
15	Stephen Barth
16	Harold A. Odom, III
17	Roger Russel; and

(2) of the initial board, members in positions 1-9 serve terms that expire June 1, 2003, and members in positions 10-17 serve terms that expire June 1, 2001.

Explanation: This change is necessary to change the names of two of the initial directors.

**HR 1210** was adopted without objection.

### **HR 1215 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1215**, suspending the limitations on the conferees for **HB 610**.

(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 24** (Hinojosa and Naishtat - House Sponsors), A bill to be entitled An Act relating to the prosecution and punishment of certain domestic violence offenses.

**SB 74** (Capelo - House Sponsor), A bill to be entitled An Act relating to the designation of a portion of State Highway 44 as the Cesar Chavez Memorial Highway.

**SB 91** was withdrawn.

### **HR 713**

**HB 713**, honoring Tivy High School's Mock Trial Team of Kerrvill, having been previously adopted, was read.

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)**

**SB 92** was deferred until the end of the calendar.

**CSSB 104** (Coleman - House Sponsor), A bill to be entitled An Act relating to keeping school campuses open after school hours for recreational purposes, latchkey programs, and tutoring.

**SB 105** was deferred until the end of the calendar.

**SB 132** (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the requirements for the issuance of special license plates or vehicle parking placards to persons with disabilities.

**SB 153** was deferred until the end of the calendar.

**SB 154** (Hilbert - House Sponsor), A bill to be entitled An Act relating to the modification of restrictive covenants applicable to certain real property.

**SB 155** (Noriega - House Sponsor), A bill to be entitled An Act relating to a limitation on the amount charged for parking in connection with a special event; creating an offense.

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

Representative Noriega offered the following committee amendment to **SB 155**:

Amendment to **SB 155**:

Add the following to Section 3(c)(1) & Section 3(c)(2):

(1) In print at least six inches in height, the rate that is normally charged for parking a vehicle in the facility; and

(2) In print at least six inches in height, the rate that is charged for parking a vehicle in the facility in connection with a special event.

Amendment No. 1 was adopted without objection.

**SB 191** (Junell - House Sponsor), A bill to be entitled An Act relating to restrictions on certain actions involving the executive head of a state agency; providing a penalty.

**SB 214** (Isett - House Sponsor), A bill to be entitled An Act relating to the effect of certain regulations adopted by a joint airport zoning board.

**SB 223** (Junell - House Sponsor), A bill to be entitled An Act relating to restrictions on spending by state agencies for certain employee training or certain membership dues.

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

On behalf of Representative McCall, Representative Junell offered the following committee amendment to **SB 223**:

Amend **SB 223** as follows:

(1) In SECTION 1 of the bill, in added Section 656.101(1), Government Code, between "Section 572.002" and the period (engrossed version, page 1, line 9), insert "except that the terms do not include a river authority or an employee of a river authority".

(2) In SECTION 2 of the bill, in added Section 666.001, Government Code, between "Section 572.002" and the period (engrossed version, page 3, line 20), insert "except that the term does not include a river authority".

Amendment No. 1 was adopted without objection.

**SB 229** (Gallego - House Sponsor), A bill to be entitled An Act relating to the collection of certain fines, court costs, and restitution in criminal cases.

**SB 272** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to regional water planning groups.

**SB 295** was withdrawn.

**SB 329** (Keffer - House Sponsor), A bill to be entitled An Act relating to the date on which certain tax payments are due.

**SB 337** (Siebert - House Sponsor), A bill to be entitled An Act relating to the distribution of the proceeds from a property tax sale.

**SB 338** (Siebert - House Sponsor), A bill to be entitled An Act relating to the time at which the commissioners court of a county must hold a hearing on a proposed budget.

**SB 344** was withdrawn.

**SB 383** (West - House Sponsor), A bill to be entitled An Act relating to access to criminal history record information by a political subdivision for certain background checks.

**CSSB 384** was withdrawn.

**SB 391** was deferred until the end of the calendar.

**SB 399** (Allen - House Sponsor), A bill to be entitled An Act relating to requiring registration of certain offenders under the sex offender registration program.

**SB 408** (Isett - House Sponsor), A bill to be entitled An Act relating to the fee for registration of certain vehicles used for charitable purposes.

**SB 416** (B. Turner - House Sponsor), A bill to be entitled An Act relating to parking privileges for vehicles of certain veterans or the surviving spouses of certain veterans.

**SB 421** (Ehrhardt and J. Moreno - House Sponsor), A bill to be entitled An Act relating to a determination of mental competency in the prosecution of criminal cases and to the disposition of defendants found to be incompetent before trial or after conviction.

**SB 432** (Alexander - House Sponsor), A bill to be entitled An Act relating to the designation of an initial or a renewal registration period by the owner of a motor vehicle or a trailer.

**SB 463** (Ellis - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

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

On behalf of Representative Walker, Representative Ellis offered the following committee amendment to **SB 463**:

Amend **SB 463** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION 2. (a) Not later than January 31, 2000, the Texas Department of Criminal Justice shall transfer to Mitchell County the real property described by Subsection (e) of this section.

(b) Mitchell County may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Mitchell County no longer uses the property for a purpose that benefits the public interest of the state, Mitchell County shall sell the property for fair market value under the procedures provided by Section 272.001, Local Government Code, and forward the proceeds of the sale to the Texas Department of Criminal Justice. The Texas Department of Criminal Justice shall deposit proceeds received from the sale of the property as provided by this subsection in the Texas capital trust fund.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must include a provision that:

(1) requires Mitchell County to use the property only for a purpose that benefits the public interest of the state; and

(2) requires Mitchell County to sell the property and forward the proceeds of the sale to the Texas Department of Criminal Justice as provided by Subsection (b) of this section if Mitchell County no longer uses the property for a purpose that benefits the public interest of the state.

(d) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Mitchell County.

(e) The real property referred to in this section is a tract or parcel not to exceed 63.68 ACRES OF LAND OUT OF SECTION 32, BLOCK 26, T & P RWY. SURVEYS, COLORADO CITY, MITCHELL COUNTY, TEXAS. DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS: BEGINNING: AT AN IRON PIN IN THE EAST R/W OF ROGERS ROAD THAT IS N 77~ 00' 00" E—46.7' FROM THE S.W. CORNER OF BLOCK 1 OF THE J.L. HART ADDITION TO THE TOWN OF COLORADO CITY AND



S 12~ 55' 35" E—28.8' FROM A CONCRETE R/W MONUMENT IN THE EAST R/W OF INTERSTATE 20 THENCE: N 12~ 55' 35" W—162.4' ALONG THE EAST R/W OF ROGERS ROAD TO A POINT IN THE EAST R/W OF INTERSTATE 20 THENCE: N 08~ 51' 11" W—607.9' ALONG SAID EAST R/W TO A POINT IN THE SOUTH R/W OF INTERSTATE 20 THENCE: N 42~ 32' 16" E—383.4' ALONG SAID SOUTH R/W THENCE: ALONG SAID SOUTH R/W ON A CURVE TO THE RIGHT SUCH THAT

Delta = 19~ 28' 42" Radius = 3672.4'

Arc = 1248.5' Tangent = 630.3'

AND THE CHORD BEARS N 66~ 30' 22" E—1242.5' THENCE: N 76~ 17' 35" E—909.9' ALONG SAID SOUTH R/W TO A FOUND IRON PIN THENCE: S 12~ 59' 26" E—1177.1' TO AN IRON PIN IN THE NORTH R/W OF MORALES STREET THENCE: S 73~ 13' 25" W—379.1' ALONG SAID NORTH R/W THENCE: S 75~ 05' 41" W—692.4' ALONG SAID NORTH R/W THENCE: S 77~ 04' 42" W—1421.3' ALONG SAID NORTH R/W TO THE PLACE OF BEGINNING AND CONTAINING 63.68 ACRES OF LAND MORE OR LESS. SAVE AND EXCEPT ALL OF BLOCK 9, THE EAST 1/2 OF BLOCK 11, LOTS 1, 2, 3, 4 AND 5, IN BLOCK 8, LOTS 23 AND 24 IN BLOCK 7, LOTS 1, 2, 4, 13, 14, 20, 22, 23 AND 24 IN BLOCK 10, ALL IN THE AUSTIN HEIGHTS ADDITION #2 (A SUBDIVISION OF BLOCKS 4, 5, 6 AND 7 OF THE J.L. HART ADDITION TO COLORADO CITY), AND ALL OF THE STREETS AND ALLEYS IN SAID AUSTIN HEIGHTS ADDITION #2.

Amendment No. 1 was adopted without objection.

**SB 469** was deferred until the end of the calendar.

**SB 476** (Lengefeld - House Sponsor), A bill to be entitled An Act relating to inclusion of special education students in certain public education decisions.

**SB 484** (McCall - House Sponsor), A bill to be entitled An Act relating to defining a local exchange access line and an equivalent local exchange access line for purposes of the imposition of 9-1-1 emergency services fees and the exclusion of certain telephone lines used to provide Internet access.

**CSSB 510** (Rangel - House Sponsor), A bill to be entitled An Act relating to notification to students of the law that grants automatic college admission to certain students.

**SB 534** was withdrawn.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**SB 542** (Delisi - House Sponsor), A bill to be entitled An Act relating to the operation and management of local mental health and mental retardation authorities and community centers.

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

Representative Delisi offered the following committee amendment to **SB 542**:

Amend **SB 542** in SECTION 11 of the bill, in added Section 534.0603, Health and Safety Code (Engrossed printing, page 13, between lines 24 and 25), by inserting Subsection (c) to read as follows:

(c) This section, and a protocol developed under this section, do not apply to an audit conducted under Chapter 321, Government Code.

Amendment No. 1 was adopted without objection.

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

Representative Delisi offered the following committee amendment to **SB 542**:

Amend **SB 542** as follows: In Section 13 of the bill as engrossed, page 15, line 14, strike "Local Authority Advisory Committee" and substitute "Advisory Committee".

Amendment No. 2 was adopted without objection.

**SB 545** was withdrawn.

**SB 570** (Brimer - House Sponsor), A bill to be entitled An Act relating to certain business documents filed and recorded with the secretary of state.

**SB 571** (Woolley - House Sponsor), A bill to be entitled An Act relating to judicial review of the secretary of state's refusal to register or renew a trademark or service mark.

**SB 576** (Oliveira - House Sponsor), A bill to be entitled An Act relating to the reporting of public school class size.

**SB 581** was deferred until the end of the calendar.

**CSSB 602** (Capelo - House Sponsor), A bill to be entitled An Act relating to the membership and powers of the Interagency Council for Genetic Services.

**SB 607** (J. F. Solis - House Sponsor), A bill to be entitled An Act relating to developing and maintaining a database of the state's defense contractors.

**CSSB 609** (Woolley - House Sponsor), A bill to be entitled An Act relating to the duties of an attorney ad litem in a suit affecting the parent-child relationship.

**SB 624** was deferred until the end of the calendar.

**SB 657** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the development of water management strategies for periods of drought.

**SB 673** (McCall, Bailey, Burnam, Edwards, Ehrhardt, et al. - House Sponsors), A bill to be entitled An Act relating to the establishment and funding of a program to educate residents about anatomical gifts.

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

On behalf of Representative Maxey, Representative McCall offered the following committee amendment to **SB 673**:

Amend **SB 673** in SECTION 1 of the bill, added Section 46.001, Health and Safety Code, as follows:

(1) In Subdivision (a)(2), between "organ" and "donor" (senate engrossment, page 1, line 13), insert ", eye, or tissue".

(2) In Subdivision (a)(3), between "organ" and "donation" (senate engrossment, page 1, line 15), insert ", eye, or tissue".

Amendment No. 1 was adopted without objection.

**SB 694** (J. Solis - House Sponsor), A bill to be entitled An Act relating to the written notice of the appraised value of property for ad valorem tax purposes delivered by a chief appraiser to the property owner.

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

On behalf of Representative Heflin, Representative J. Solis offered the following committee amendment to **SB 694**:

Amend **SB 694** as follows:

(1) In SECTION 1 of the bill, in amended Sections 25.19(b)(3) and (4), Tax Code (Senate Engrossment, on page 1, line 23-page 2, line 1), strike:

"(3) [~~the taxable value of the property in the preceding year for each taxing unit taxing the property;~~

~~[(4)]~~", and substitute:

"(3) the taxable value of the property in the preceding year for each taxing unit taxing the property;

(4)".

(2) In SECTION 1 of the bill, in amended Section 25.19(b)(5), Tax Code (Senate Engrossment, on page 2, line 4), strike "~~(4) [(5)]~~", and substitute "(5)".

(3) In SECTION 1 of the bill, in amended Section 25.19(b)(6), Tax Code (Senate Engrossment, on page 2, line 20), strike "~~(5) [(6)]~~", and substitute "(6)".

(4) In SECTION 1 of the bill, in amended Section 25.19(b)(7), Tax Code (Senate Engrossment, on page 2, line 25), strike "~~(6) [(7)]~~", and substitute "(7)".

(5) In SECTION 1 of the bill, in amended Section 25.19(b)(8), Tax Code (Senate Engrossment, on page 3, line 1), strike "~~(7) [(8)]~~", and substitute "(8)".

(6) In SECTION 1 of the bill, in amended Section 25.19(b)(9), Tax Code (Senate Engrossment, on page 3, line 3), strike "~~(8) [(9)]~~", and substitute "(9)".

(7) In SECTION 1 of the bill, in amended Section 25.19, Tax Code (Senate Engrossment, on page 4, lines 11-15), strike:

"~~(f) [(h) In the notice of appraised value for real property, the chief appraiser shall list separately:~~

~~(1) the market value of the land; and~~

~~(2) the total market value of the structures and other improvements on the property.~~", and substitute:

"~~(f) [(h)]~~ In the notice of appraised value for real property, the chief appraiser shall list separately:

(1) the market value of the land; and

(2) the total market value of the structures and other improvements on the property.

(g) In the notice of appraised value for real property, the chief appraiser shall include the market value of each structure or improvement on the property, regardless of the date on which the structure or improvement was erected or affixed to the land.

(8) In SECTION 1 of the bill, in amended Section 25.19(i), Tax Code (Senate Engrossment, on page 4, line 16), strike "[~~(i)~~]" and substitute "(h) [~~(i)~~]"

(9) In SECTION 1 of the bill, in proposed Section 25.19(g), Tax Code (Senate Engrossment, on page 5, line 8), strike "(g)" and substitute "(i)".

(10) In SECTION 1 of the bill, in amended Section 25.19(j), Tax Code (Senate Engrossment, on page 5, line 10), strike "(h) [~~(j)~~]", and substitute "(j)".

(11) In SECTION 1 of the bill, in amended Section 25.19(j), Tax Code (Senate Engrossment, on page 5, line 15), strike "(b)(6) [~~(b)(7)~~] or (f)(3)", and substitute "(b)(7) or (h)(3)".

(12) In SECTION 1 of the bill, in amended Section 25.19(k), Tax Code (Senate Engrossment, on page 5, line 16), strike "(i) [~~(k)~~]", and substitute "(k)".

(13) In SECTION 1 of the bill, in amended Section 25.19(k), Tax Code (Senate Engrossment, on page 5, line 17), strike "(f)", and substitute "(h)".

Amendment No. 1 was adopted without objection.

**CSSB 724** (Lengefeld - House Sponsor), A bill to be entitled An Act relating to continuing education courses and programs for public school educators.

**SB 751** (Crownover - House Sponsor), A bill to be entitled An Act relating to the composition of the University of North Texas System.

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

On behalf of Representative Rangel, Representative Denny offered the following committee amendment to **SB 751**:

Amend **SB 751** by striking SECTION 4 of the bill and adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b), this Act takes effect September 1, 1999.

(b) Not later than August 31, 1999, the Texas Higher Education Coordinating Board shall review and determine whether to approve the creation of the University of North Texas System as provided by this Act. If the coordinating board does not approve the creation of that system on or before August 31, 1999, the University of North Texas System is not created and this Act has no effect.

SECTION \_\_\_\_\_. 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 according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

**SB 762** (Averitt - House Sponsor), A bill to be entitled An Act relating to limitations on the amount of funds placed in linked deposits.

**SB 773** (Delisi - House Sponsor), A bill to be entitled An Act relating to the management of a community mental health center under certain circumstances.

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

Representative Delisi offered the following committee amendment to **SB 773**:

Amend **SB 773** as follows: In Section 1 of the bill as engrossed, page 4, line 4, strike "(d) a manager or a member of a management team appointed under this section is immune from liability arising from the good faith performance of a function described by this section."

Amendment No. 1 was adopted without objection.

**CSSB 777** (Sadler - House Sponsor), A bill to be entitled An Act relating to the regulation of driver training courses. (Isett recorded voting no)

**CSSB 779** (Siebert - House Sponsor), A bill to be entitled An Act relating to the payment of ad valorem taxes by electronic funds transfer.

**SB 788** was deferred until the end of the calendar.

**CSSB 824** (J. Moreno - House Sponsor), A bill to be entitled An Act relating to the powers of municipalities that have created certain reinvestment zones.

**SB 830** (Van de Putte - House Sponsor), A bill to be entitled An Act relating to billing policies of certain health care professionals and facilities; providing administrative penalties.

**SB 836** (B. Turner - House Sponsor), A bill to be entitled An Act relating to certain buses used to transport students to school-related activities.

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

On behalf of Representative Alexander, Representative B. Turner offered the following committee amendment to **SB 836**:

Amend **SB 836** by adding a new Section 6 and renumbering as appropriate:

SECTION 6. Section 547.701, Transportation Code, is amended to read as follows:

(a) A person may not operate a school bus to transport students on a school bus route unless the bus as referenced in Section 547.7015:

(1) meets or exceeds state specifications for school buses effective during the year of vehicle manufacture;

(2) is equipped with signal lamps that:

(A) are mounted as high and as widely spaced laterally as practicable;

(B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level;

(C) display four alternately flashing amber lights, two located on the front at the same level and two located on the rear at the same level; and

(D) emit a light visible at a distance of 500 feet in normal sunlight;

(3) is maintained to meet or exceed applicable state inspection requirements; and

(4) if modified, is modified in a manner that meets or exceeds applicable state specifications for school buses effective during the year the bus is modified.

~~[A school bus shall be equipped with:~~

~~[(1) A convex mirror or other device that reflects to the school bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view; and~~

~~[(2) Signal lamps that:~~

~~(A) are mounted as high and as widely spaced laterally as practicable;~~

~~(B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level; and~~

~~(C) emit a light visible at a distance of 500 feet in normal sunlight.]~~

(b) Subsection (a)(1) does not apply to a school bus used to transport students on a school related activity trip but a person may not operate a school bus to transport students on a school related activity trip unless the bus meets or exceeds federal motor vehicle safety standards effective during the year of vehicle manufacture and state inspection requirements if modified, is modified in a manner that meets or exceeds applicable state specifications for school buses effective during the year the bus is modified.

(c) A person may not operate a school bus to transport students unless the bus accessories:

(1) meet or exceed state specifications as referenced in Section 547.7015 for school bus accessories effective during the year of accessory installation;

(2) include a convex mirror that reflects to the bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view;

(3) are maintained to meet or exceed applicable state inspection requirements; and

(4) if modified, are modified in a manner that meets or exceeds applicable state specifications for the accessory effective during the year the accessory is modified.

~~[(b)] (d) A school bus may be equipped with:~~

~~(1) rooftop warning lamps:~~

(A) that conform to and are placed on the bus in accordance with specifications adopted under Section 34.002, Education Code; and

(B) that may be operated only during inclement weather when the bus is stopping or is stopped to load or unload students; and

(2) movable stop arms:

(A) that conform to regulations adopted under Section 34.002, Education Code; and

(B) that may be operated only when the bus is stopped to load and unload students.

~~(e)~~ (e) When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children. A person may not operate such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus.

~~(f)~~ (f) The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. The department shall adopt rules to implement this subsection. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies.

(g) The department is authorized to inspect buses and vehicles for compliance with this section.

(h) For purposes of this section, "person" means an individual, firm, partnership, association, corporation, school district, county school, open enrollment charter school, regional education services center, a shared service arrangement, or any other governmental entity.

(i) An offense under this subsection is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000 to the owner of the bus.

Amendment No. 1 was adopted without objection.

**SB 867** (Capelo - House Sponsor), A bill to be entitled An Act relating to a loan guarantee to convert a contract for deed to a warranty deed.

**CSSB 870** (Olivo - House Sponsor), A bill to be entitled An Act relating to the right of parents to information concerning special education.

**CSSB 875** (Smith - House Sponsor), A bill to be entitled An Act relating to the financial accountability of school districts.

**SB 881** (J. Moreno - House Sponsor), A bill to be entitled An Act relating to enrollment periods for employer health benefit plans.

**SB 893** was withdrawn.

**SB 899** (G. Lewis - House Sponsor), A bill to be entitled An Act relating to certain investments and rate reductions by insurance companies and related organizations; providing an administrative penalty.

**Amendment No. 1**

On behalf of Representative Y. Davis, Representative G. Lewis offered the following amendment to **SB 899**:

Amend **SB 899** as follows:

(1) Strike SECTION 2 of the bill (house committee printing, page 25, lines 18-23).

(2) Strike SECTION 5 of the bill (house committee printing page 26, lines 13-15) and substitute the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. (a) Notwithstanding any other law, the comptroller may implement Subchapter B, Chapter 4, Insurance Code, as added by this Act, only if the comptroller determines, on the basis of a revenue estimate made after the adjournment sine die of the 76th Legislature, Regular Session, that revenues are anticipated in amounts sufficient to finance all appropriations made by the 76th Legislature, Regular Session, after making deductions for all reductions in taxes made by the 76th Legislature, Regular Session, including the reduction in premium tax through premium tax credits authorized under SECTION 1 of this Act.

(b) Notwithstanding any other law, if the comptroller determines under Subsection (a) of this section that revenues are anticipated to support a part, but less than all, of the premium tax credits authorized under Section 4.68(a), Insurance Code, as added by this Act, the comptroller shall:

(1) reduce the total amount of premium tax credits allowed under that section in the amount necessary to comply with Subsection (a) of this section: and

\*2) adopt rules as necessary to implement Subchapter B, Chapter 4, Insurance Code, as added by this Act after the reduction made under Subdivision (1) of this subsection.

(c) Rules adopted under Subsection (b)(2) of this section may adjust any deadline or other date established by this Act as necessary to implement Subchapter B, Chapter 4, Insurance Code, as added by this Act, as limited by this section.

(d) The Comptroller shall notify the governor, lieutenant governor, and speaker of the house of representatives of the determination made under Subsection (a) of this section.

(3) In SECTION 1 of the bill, in added Article 4.56 (f), Insurance Code (House committee printing, page 11, line 8), strike "first anniversary of" and substitute "90th day after".

(4) On page 20, Art 4.68(a): change "~~\$100 million~~" to "\$200 million".

(5) On page 20, Art. 4.68(b): change "~~\$10 million~~" to "\$20 million".

On page 26, Subchapter A, Section 4(b) change "~~January 1, 2001~~" to "September 1, 2000".

(6) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

**SB 917** (B. Turner - House Sponsor), A bill to be entitled An Act relating to the composition of the 33rd and 198th judicial districts and the composition of the Third and Sixth administrative judicial regions.



**SB 930** (D. Jones - House Sponsor), A bill to be entitled An Act relating to entities eligible for grants because of a reduction in defense-related activity.

**SB 932** (Clark and Edwards - House Sponsors), A bill to be entitled An Act relating to regulation of tattoo studios; providing penalties. (Chavez recorded voting no)

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

On behalf of Representative Maxey, Representative Clark offered the following committee amendment to **SB 932**:

Amend **SB 932** by inserting a new SECTION 4 to read as follows and renumber subsequent SECTIONS accordingly:

SECTION 4. Section 146.012, Health and Safety Code, is amended to read as follows:

(a) A tattooist may not tattoo:

(1) a person younger than 18 years of age without [~~written and notarized~~] consent from the individual's [a] parent or guardian who determines it to be in the best interest to cover a tattoo which contains:

(A) obscene or offensive language or symbols;

(B) gang-related names, symbols, or markings;

(C) drug-related names, symbols, or pictures; or

(D) some other type of words, symbols, or markings that the court considers would be in the best interest of the minor to cover; or

(2) a person whom the tattooist suspects is under the influence of alcohol or drugs.

(b) The consent required by subsection (a) may be satisfied by:

(1) written and notarized consent by the individual's parent or guardian; or

(2) the individual's parent or guardian:

(A) being physically present at the tattoo studio at the time the tattooing is performed;

(B) executing an affidavit stating that the person is the parent or guardian of the individual on whom the tattooing is to be performed;

(C) presenting evidence of the person's identity to the person who will perform the tattooing; and

(D) presenting evidence of the person's status as parent or guardian of the individual who will receive the tattoo.

(c) [~~(b)~~] If a parent or guardian of the minor and the minor agree to the covering of a tattoo described by Subsection (a), a justice court may issue the order. If the parent or guardian and the minor do not agree, the order must be issued by a district court or other court with jurisdiction of a suit affecting the parent-child relationship or a civil proceeding brought under Title 3 or 4, Family Code.

(d) [~~(c)~~] The [~~written~~] consent required by Subsection (a) must indicate the location on the person's body at which the tattoo may be placed.

Amendment No. 1 was adopted without objection.

**SB 984** (Van de Putte - House Sponsor), A bill to be entitled An Act relating to insurers' written statements of the reasons for cancellation, declination, or nonrenewal of certain insurance policies.

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

On behalf of Representative Burnam, Representative Van de Putte offered the following committee amendment to **SB 984**:

Amend **SB 984** as follows:

(1) On page 1, lines 15 through 18, strike subsection (1) and renumber the remaining subsections accordingly.

(2) On page 1, lines 19 and 20, strike subsection (2) and substitute "(1) state the precise incident, circumstance, or risk factor or factors applicable to the applicant or policyholder that violate the guideline or guidelines.".

(3) On page 1, line 22 insert "incident, circumstance, or" between "the" and "risk".

Amendment No. 1 was adopted without objection.

**SB 1001** (Hartnett - House Sponsor), A bill to be entitled An Act relating to multicounty statutory probate courts.

**SB 1007** (Hartnett - House Sponsor), A bill to be entitled An Act relating to the staffing of certain courts with statutory probate court jurisdiction.

**SB 1013** (Carter - House Sponsor), A bill to be entitled An Act relating to increasing the flexibility in the types of projects which housing finance corporations may finance.

**SB 1026** (J. Davis - House Sponsor), A bill to be entitled An Act relating to cooperative programs between certain educational institutions under which students may work at the Lyndon B. Johnson Space Center.

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

On behalf of Representative Lengefeld, Representative J. Davis offered the following committee amendment to **SB 1026**:

Amend **SB 1026** as follows:

(1) In SECTION 1 of the bill (Senate engrossment, page 1, lines 5 and 6), strike "SECTION 1. Subchapter A, Chapter 130, Education Code, is amended by adding Sections 130.010 and 130.011" and substitute "SECTION 1. Subchapter E, Chapter 111, Education Code, is amended by adding Sections 111.86 and 111.87".

(2) In SECTION 1 of the bill, in proposed Section 130.010, Education Code (Senate engrossment, page 1, line 7), strike "Sec. 130.010." and substitute "Sec. 111.86.".

(3) In SECTION 1 of the bill, in proposed Section 131.010(a), Education Code (Senate engrossment, page 1, lines 8 through 10), strike "The junior college district in which the Lyndon B. Johnson Space Center of the National Aeronautics and Space Administration is located" and substitute "The university".

(4) In SECTION 1 of the bill, in proposed Section 131.010(a), Education Code (Senate engrossment, page 1, lines 12 and 13), strike "by the junior college district" and substitute "by the university".

(5) In SECTION 1 of the bill, in proposed Section 131.010(d), Education Code (Senate engrossment, page 2, lines 9 and 11), strike "junior college district" each time that phrase occurs and substitute "university".

(6) In SECTION 1 of the bill, in proposed Section 130.011, Education Code (Senate engrossment, page 2, line 20), strike "Sec. 130.011." and substitute "Sec. 111.87.".

(7) In SECTION 1 of the bill, in proposed Section 131.011(a), Education Code (Senate engrossment, page 2, lines 21 through 23), strike "The junior college district in which the Lyndon B. Johnson Space Center of the National Aeronautics and Space Administration is located" and substitute "The university".

(8) In SECTION 1 of the bill, in proposed Section 131.011(a), Education Code (Senate engrossment, page 2, lines 25 and 26), strike "junior college district in which the space center is located" and substitute "university".

(9) In SECTION 1 of the bill, in proposed Section 131.011(d), Education Code (Senate engrossment, page 3, lines 20 and 22), strike "junior college district" each time that phrase occurs and substitute "university".

Amendment No. 1 was adopted without objection.

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

On behalf of Representative Sadler, Representative J. Davis offered the following committee amendment to **SB 1026**:

Amend **SB 1026** as follows:

(1) In SECTION 2 of the bill (Senate engrossment, page 3, line 26, through page 4, line 1), strike the introductory language and substitute the following:

SECTION 2. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.078 to read as follows:

(2) In SECTION 2 of the bill, in proposed Section 109.53, Education Code (Senate Engrossment, page 4, line 2), strike "Sec. 109.53." and substitute "Sec. 61.078.".

(3) In SECTION 2 of the bill, in proposed Section 109.53(a), Education Code (Senate engrossment, page 4, lines 6 and 7), strike "Texas Tech University" and substitute "the board".

(4) In SECTION 2 of the bill, in proposed Section 109.53(c), Education Code (Senate engrossment, page 4, lines 18 and 19), strike "Texas Higher Education Coordinating Board" and substitute "board".

(5) In SECTION 2 of the bill, strike proposed Section 109.53(e), Education Code (Senate engrossment, page 5, lines 6 and 7).

Amendment No. 2 was adopted without objection.

**SB 1073** (Noriega - House Sponsor), A bill to be entitled An Act relating to restrictions on and notice of the location of a shelter for homeless individuals in certain municipalities.

**SB 1084** was deferred until the end of the calendar.

**SB 1085** was deferred until the end of the calendar.

**SB 1088** (Isett - House Sponsor), A bill to be entitled An Act relating to the creation of the Texas Tech University System.

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

On behalf of Representative Rangel, Representative Isett offered the following committee amendment to **SB 1088**:

Amend **SB 1088** by striking SECTION 3 of the bill and adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b), this Act takes effect September 1, 1999.

(b) Not later than August 31, 1999, the Texas Higher Education Coordinating Board shall review and determine whether to approve the creation of the Texas Tech University System as provided by this Act. If the coordinating board does not approve the creation of that system on or before August 31, 1999, the Texas Tech University System is not created and this Act has no effect.

SECTION \_\_\_\_\_. 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 according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

**SB 1089** (Hill - House Sponsor), A bill to be entitled An Act relating to the investment of debt service funds by school districts, junior college districts, and community college districts.

**SB 1091** (Hill - House Sponsor), A bill to be entitled An Act relating to the issuance and sale of bonds and time warrants by school districts and the issuance of obligations and execution of credit agreements by certain school districts and junior college districts.

**SB 1097** (McReynolds - House Sponsor), A bill to be entitled An Act relating to the authority of this state or a political subdivision of this state to participate in a challenge, protest, or appeal regarding the ad valorem tax appraisal of a taxable leasehold or other possessory interest in real property owned by this state or the political subdivision.

**SB 1100** (McCall, Danburg, and Wise - House Sponsors), A bill to be entitled An Act relating to the use of certain controlled substances to facilitate the commission of the offense of aggravated sexual assault; providing a penalty.

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

On behalf of Representative Wise, Representative McCall offered the following committee amendment to **SB 1100**:

Amend **SB 1100** (senate engrossment) by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.48 to read as follows:

Sec. 12.48. PENALTY IF CONTROLLED SUBSTANCE USED TO COMMIT OFFENSE. If the court makes an affirmative finding under Article 42.015, Code of Criminal Procedure, in the punishment phase of the trial of an offense under Chapter 29, Chapter 31, or Title 5, other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense. If the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.

(b) Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.015 to read as follows:

Art. 42.015. FINDING THAT CONTROLLED SUBSTANCE USED TO COMMIT OFFENSE. In the punishment phase of the trial of an offense under Chapter 29, Chapter 31, or Title 5, Penal Code, if the court determines beyond a reasonable doubt that the defendant administered or provided a controlled substance to the victim of the offense with the intent of facilitating the commission of the offense, the court shall make an affirmative finding of that fact and enter the affirmative finding in the judgment of that case.

(c) The change in the law made by this section applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was adopted without objection.

**SB 1106** was deferred until the end of the calendar.

**SB 1150** (Hartnett - House Sponsor), A bill to be entitled An Act relating to statutory county court jurisdiction with respect to matters over which a statutory probate court has jurisdiction.

**SB 1169** (Isett - House Sponsor), A bill to be entitled An Act relating to advertising in the Texas driver's handbook.

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

On behalf of Representative B. Turner, Representative Ritter offered the following committee amendment to **SB 1169**:

Amend **SB 1169** by striking Section 521.006(c), Transportation Code, as added by SECTION 1 of the bill (Engrossed version, page 1, lines 13-16), and substituting the following:

(c) The department may not include in the driver's handbook advertising for an alcoholic beverage or a product promoting alcoholic beverages.

Amendment No. 1 was adopted without objection.

**CSSB 1171** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the power and authority of the Upper Guadalupe River Authority to borrow money for corporate purposes.

**CSSB 1183** (B. Turner - House Sponsor), A bill to be entitled An Act relating to providing financial incentives to veterinary college students and graduates who agree to practice in a rural county.

**SB 1192** was deferred until the end of the calendar.

**SB 1209** (Williams - House Sponsor), A bill to be entitled An Act relating to communication in an electronic format between a property owner and a chief appraiser of an appraisal district for the purpose of ad valorem taxation.

**SB 1224** (Allen - House Sponsor), A bill to be entitled An Act relating to sex offender civil commitment and registration and to provisions of the sex offender registration law for which a person who is in noncompliance commits a criminal offense.

**CSSB 1232** (Capelo - House Sponsor), A bill to be entitled An Act relating to the regulation of birthing centers.

**SB 1233** (Capelo - House Sponsor), A bill to be entitled An Act relating to the regulation of athletic trainers.

**CSSB 1238** (Capelo - House Sponsor), A bill to be entitled An Act relating to accreditation of environmental testing laboratories.

**SB 1239** (Gray - House Sponsor), A bill to be entitled An Act relating to the Texas Department of Health's regulation of certain food establishments.

**CSSB 1249** (Gray - House Sponsor), A bill to be entitled An Act relating to the licensing of ambulatory surgical centers.

**SB 1257** (Truitt - House Sponsor), A bill to be entitled An Act relating to developer participation contracts.

**SB 1274** was withdrawn.

**SB 1320** (Junell - House Sponsor), A bill to be entitled An Act relating to the amount retained in the lottery pooled bond fund.

**SB 1409** was withdrawn.

**SB 1426** (Isett - House Sponsor), A bill to be entitled An Act relating to the board of directors of the Lubbock Reese Redevelopment Authority.

**SB 1427** (Isett - House Sponsor), A bill to be entitled An Act relating to the powers of the Lubbock Reese Redevelopment Authority, including the power of eminent domain, the imposition of taxes, and the issuance of bonds.

**SB 1428** (Isett - House Sponsor), A bill to be entitled An Act relating to the legal description of land in the Lubbock Reese Redevelopment Authority.

(Telford in the chair)

**SB 1429** (B. Turner - House Sponsor), A bill to be entitled An Act relating to the amount paid for bounties for predatory animals.

**CSSB 1435** (Allen - House Sponsor), A bill to be entitled An Act relating to appraisal of heavy equipment for ad valorem tax purposes.

**SB 1464** (Y. Davis - House Sponsor), A bill to be entitled An Act relating to the appraisal of furniture, fixtures, and equipment for ad valorem tax purposes.

**SB 1507** (Capelo - House Sponsor), A bill to be entitled An Act relating to the evaluation by the Texas Workforce Commission of federal trade adjustment programs designed to assist certain persons in obtaining employment.

**SB 1511** (Williams - House Sponsor), A bill to be entitled An Act relating to the creation of a county assistance district in certain counties in which a rapid transit or regional transportation authority is located; authorizing a sales and use tax.

(Speaker pro tempore in the chair)

**SB 1553** (Thompson - House Sponsor), A bill to be entitled An Act relating to use of homestead property to secure debts of decedents' estates.

**SB 1577** (Allen - House Sponsor), A bill to be entitled An Act relating to training for parole officers who supervise gang members released from the Texas Department of Criminal Justice on parole or mandatory supervision.

**SB 1580** (Goodman - House Sponsor), A bill to be entitled An Act relating to the creation of the Texas Violent Gang Task Force.

**SB 1595** (Bonnen - House Sponsor), A bill to be entitled An Act relating to the operation of the Angleton-Danbury Hospital District of Brazoria County, Texas; authorizing the issuance of bonds.

(Cuellar now present)

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

On behalf of Representative Y. Davis, Representative Bonnen offered the following amendment to **SB 1595**:

Amend **SB 1595** by striking Sections 9 and 10 of the bill and substituting the following:

SECTION 9. 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.

Amendment No. 1 was adopted without objection.

**SB 1623** (Hunter - House Sponsor), A bill to be entitled An Act relating to the consideration of a trust as property liable for the support of a resident at a state facility for the mentally retarded.

**SB 1651** (J. Davis - House Sponsor), A bill to be entitled An Act relating to the establishment of the Texas Chiropractic College as a public institution of higher education.

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

On behalf of Representative Rangel, Representative J. Davis offered the following committee amendment to **SB 1651**:

Amend **SB 1651** in SECTION 2 of the bill (senate engrossment) as follows:

(1) In Subsection (a) (page 1, lines 14 and 15), strike "an institution" and substitute "a particular institution".

(2) In Subsection (a) (page 1, line 17), between "shall" and "assist", insert "review and may approve the transition and shall".

(3) In Subsection (b) (page 1, line 23), strike "selected" and substitute "as approved".

Amendment No. 1 was adopted without objection.

**SB 1670** (Bonnen - House Sponsor), A bill to be entitled An Act relating to the support of a child enrolled in courses for joint high school and junior college credit.

**SB 1677** (Hawley - House Sponsor), A bill to be entitled An Act relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

**SB 1724** (Dukes - House Sponsor), A bill to be entitled An Act relating to public school campus improvement plans and school district performance reports.

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

On behalf of Representative Oliveira, Representative Dukes offered the following committee amendment to **SB 1724**:

Amend proposed **SB 1724** as follows:

On page 2 strike lines 13-26 and on page 3 strike line 1 and substituting the following:

(8) include goals and methods for violence prevention and intervention on campus.

Amendment No. 1 was adopted without objection.

**SB 1726** (Thompson - House Sponsor), A bill to be entitled An Act relating to the filing of certain judicial office campaign treasurer appointments and campaign finance reports.

**SB 1741** (P. King - House Sponsor), A bill to be entitled An Act relating to removal of the disabilities of minority.

**SB 1751** (Cuellar - House Sponsor), A bill to be entitled An Act relating to funds maintained by and for the Texas Turnpike Authority division of the Texas Department of Transportation.

**SB 1766** (Naishtat - House Sponsor), A bill to be entitled An Act relating to the commissioning of peace officers at the Texas School for the Deaf.



**SB 1816** (Goodman - House Sponsor), A bill to be entitled An Act relating to terms of community supervision for violation of an order in a suit affecting the parent-child relationship.

**CSSB 1832** (Smithee - House Sponsor), A bill to be entitled An Act relating to the location of polling places and to certain ballots for write-in voting.

**SB 1833** (J. Davis - House Sponsor), A bill to be entitled An Act relating to disposing of certain waste created by home health providers.

**SB 1840** (Homer - House Sponsor), A bill to be entitled An Act relating to the powers of the Hopkins County Hospital District.

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

On behalf of Representative Farabee, Representative Homer offered the following committee amendment to **SB 1840**:

Amend **SB 1840** in SECTION 8 of the bill, in added Subsection (c), Section 21, Chapter 43, Acts of the 57th Legislature, 1st Called Session, 1961 (senate engrossment, page 9, line 5), by striking "at least 500 of the registered voters of the territory of" and substituting "a number of registered voters of the district equal to at least 15 percent of the registered voters residing in".

**SB 1841** (Cuellar - House Sponsor), A bill to be entitled An Act relating to the abolition of the Texas eminent scholars program.

**SB 1846** (Brimer - House Sponsor), A bill to be entitled An Act relating to the exception from required disclosure under the public information law of certain information related to peace officers killed in the line of duty.

**SB 1860** was withdrawn.

**CSSB 1866** (Elkins - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Management District No. 1; providing authority to impose a tax and issue bonds.

**SB 1877** (Williams - House Sponsor), A bill to be entitled An Act relating to the board of supervisors and the powers of the Brookshire-Katy Drainage District; providing a civil penalty.

**Amendment No. 1**

On behalf of Representative Gutierrez, Representative Williams offered the following amendment to **SB 1877**:

Amend **SB 1877** as follows:

(1) On page 6, line 18, amend Section 6(g) by striking the word "or" after the semicolon.

(2) On line 20, delete the period after the word "acre" and insert a semicolon and the word "or"

(3) On line 21, add "(3) municipally owned land."

Amendment No. 1 was withdrawn.

**SB 1877 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CULBERSON: Mr. Williams, this legislation is designed not only to establish the boundaries of the district but also to change existing law. How has existing law changed the statute that created the district that was passed in 1961? I note that there are some deletions in Section 2, what's the effect of those deletions in Section 2?

REPRESENTATIVE WILLIAMS: The effect of this Mr. Culberson is to update the authority of the district so that they have the ability to regulate the drainage and flooding that goes on in Waller County. As you may be aware we had a very tragic situation just a few months ago where the residents of Brookshire were flooded out after a bad thunderstorm that passed through. What we found, after extensive work that Senator Ogden and I did, was that the district lacks the statutory authority to carry out the duties they were charged with. This bill would update their authority, and then require a confirming election by the residents of the district.

CULBERSON: And the language that is deleted--I note that would require the district at its own expense to relocate, raise, or re-route or change the grade of the construction of any highway, railroad, electric transmission line, telephone or telegraph property and facility. That language is struck, what is the reason for striking that language in Section 2?

WILLIAMS: Mr. Culberson, I'm not advised, the purpose of this was to specifically to update them so they had the authority. I know the City of Katy has raised some objections to this, and we worked very closely with the City of Katy to try and write them out of this bill, and it's my belief that they are not affected by this bill. There's numerous places here where they have been exempted out of the language of this bill, and with respect to the body, I am going to withdraw the bill at this time .

CULBERSON: And I want to say to Mr. Williams, that you represent the City of Katy and you do a great job of it, you're a good personal friend of mine, and I admire the work that you do. You are correct, the City of Katy has raised a number of objections to the bill which is why I am back here talking about it, but I just want to say that for the record what a good job you do for your constituents in the City of Katy. I appreciate you withdrawing this so it can be worked out over the interim.

WILLIAMS: Thank you, Mr. Culberson.

**REMARKS ORDERED PRINTED**

Representative Williams moved to print remarks by Representative Culberson and Representative Williams.

The motion prevailed without objection.

**SB 1877** was withdrawn.

**CSSB 1896** (Gray - House Sponsor), A bill to be entitled An Act relating to the sale of real property by counties.

**SB 1901** (Swinford - House Sponsor), A bill to be entitled An Act relating to the disposition or sale of impounded estrays by a county.

**SB 1902** was withdrawn.

**SB 1906** (by Gray), A bill to be entitled An Act relating to the creation of a privilege for dental records and communications with a dentist and to the availability of dental records.

**Amendment No. 1**

On behalf of Representative Ritter, Representative Gray offered the following amendment to **SB 1906**:

Amend **SB 1906** (House Committee Report) as follows:

On page 5, line 1, add a new subsection (f) that reads:

"(f) This privilege does not apply to a grand jury subpoena."

On page 8, line 11, add a new subsection (c) to Section 2 that reads:

"(c) To the extent of any conflict, this act controls over **SB 964**, Acts of the 76th Legislature, Regular Session, 1999."

Amendment No. 1 was adopted without objection.

**SCR 12** (Thompson - House Sponsor), requesting the comptroller of public accounts to develop strategies to increase efficiency and reduce complexity of fee collection and dispersal by county and municipal clerks.

**SCR 14** (Thompson - House Sponsor), requesting the Office of Court Administration to work with the Judicial Committee on Information Technology to notify counties of a defendant's residence.

**SCR 59** (P. King - House Sponsor), conferring the Texas Legislative Medal of Honor on First Lieutenant Jack Llewellyn Knight.

**SCR 75** (Wise - House Sponsor), memorializing congress to take certain actions regarding qualification of reimbursement under Medicaid.

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

Pursuant to House Rule 6, Section 13, the house granted unanimous consent on May 25 for the following bills to be added to the calendar:

**SB 376** (Solomons - House Sponsor), A bill to be entitled An Act relating to the statutory courts of Denton County.

**SB 611** (Krusee - House Sponsor), A bill to be entitled An Act relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.

**SB 760** (Isett - House Sponsor), A bill to be entitled An Act relating to magistrates in Lubbock County.

**SB 874** (Kuempel - House Sponsor), A bill to be entitled An Act relating to the general power of the Parks and Wildlife Department to contract.

**CSSB 995** (Coleman - House Sponsor), A bill to be entitled An Act relating to a review of the Harris County Hospital District.

**SB 1127** (Brimer - House Sponsor), A bill to be entitled An Act relating to the purchase of goods and services by the state.

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

Representative Brimer offered the following committee amendment to **SB 1127**:

Amend **SB 1127** by adding an appropriately numbered section to read as follows:

SECTION \_\_\_\_\_. (a) The state auditor shall contract with The University of Texas System to conduct a review of the processes and procedures of the General Services Commission for the purpose of making recommendations to improve the efficiency and effectiveness of the commission in carrying out its statutory duties and to assist the commission in implementing those recommendations. The auditor shall provide any necessary support and assistance to the system in conducting the review and may contract with other entities to assist in the review. The contract shall require the system and any other contractor to present a report to the auditor not later than December 1, 2000. The report may include recommendations for legislation. The auditor shall transmit all of the recommendations, together with any additional recommendations of the auditor, to the General Services Commission and the legislature.

(b) The General Services Commission shall cooperate with the auditor, the system, and any other contractors in carrying out the review.

(c) The lieutenant governor shall appoint two senators, and the speaker of the house shall appoint two members of the house, to an interim legislative oversight committee to oversee the review conducted under this section and to advise the auditor and the legislative audit committee in regard to the review. The chair of the legislative audit committee shall designate one member of the oversight committee to serve as chair of the oversight committee. The committee shall evaluate the effectiveness of the review conducted under this section and make recommendations to the legislative audit committee concerning this review and the possibility of future similar reviews. Those recommendations shall be included in the auditor's report to the legislature under Subsection (a).

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

On behalf of Representative Solomons, Representative Brimer offered the following amendment to **SB 1127**:

Amend **SB 1127** at the end of SECTION 6 of the bill by adding the following new Subsection (d) to Section 2155.445, Government Code:

(d) The commission and state agencies may not purchase a product to which this subsection applies if the original manufacturer of the product places a restriction on the remanufacturing or recycling of the product. This subsection applies to a product unless the commission or other state agency considering a purchase of the product determines that purchasing a different product would result in a negative fiscal impact to the state.

Amendment No. 2 was adopted without objection.

**CSSB 1436** (Cuellar - House Sponsor), A bill to be entitled An Act relating to the authority of a judge to conduct certain judicial proceedings in a county other than the one in which the suit is filed.

**CSSB 1703** (Cuellar and Hodge - House Sponsors), A bill to be entitled An Act relating to loan assistance for low-income individuals and families.

**CSSB 1775** (Brimer - House Sponsor), A bill to be entitled An Act relating to the regulation of certain providers of service contracts; providing penalties.

**SB 1824** (Hartnett - House Sponsor), A bill to be entitled An Act relating to the creation of the County Criminal Court No. 11 of Dallas County, Texas.

**SB 92** (Pitts - House Sponsor), A bill to be entitled An Act relating to the voluntary surrender or automatic forfeiture of a license of a title insurance agent, direct operation, escrow officer, or title attorney.

**SB 92** was on the calendar earlier today and was deferred until this time.

**SB 92** was read second time and was passed to third reading.

**SB 105** (Pitts - House Sponsor), A bill to be entitled An Act relating to reports of an audit by a title insurance agent or direct operation of a title insurance company.

**SB 105** was on the calendar earlier today and was deferred until this time.

**SB 105** was read second time and was passed to third reading.

**SB 153** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the payment of costs in a proceeding for court-ordered mental health services.

**SB 153** was on the calendar earlier today and was deferred until this time.

**SB 153** was read second time.

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

Representative Hilderbran offered the following committee amendment to **SB 153**:

Amend **SB 153** by striking lines 5 through 9, and replacing with the following:

SECTION 1. Section 571.018, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) When an inpatient mental health facility as defined under 571.003 (9)(B) or (E), files an affidavit with the clerk of the court certifying that it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced, the judge of the probate court shall order the clerk of the court to refund the costs.

Amendment No. 1 was adopted without objection.

**SB 153, as amended**, was passed to third reading.

**SB 391** (Truitt - House Sponsor), A bill to be entitled An Act relating to the enforcement of a child support order by a domestic relations office and to requests for related information.

**SB 391** was on the calendar earlier today and was deferred until this time.

**SB 391** was read second time.

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

On behalf of Representative Goodman, Representative Truitt offered the following committee amendment to **SB 391**:

Amend **SB 391** as ENGROSSED as follows:

(1) On page 5, delete SECTION 3 and renumber accordingly.

Amendment No. 1 was adopted without objection.

**SB 391, as amended**, was passed to third reading.

**SB 469** (G. Lewis - House Sponsor), A bill to be entitled An Act relating to the retention of certain appellate court records.

**SB 469** was on the calendar earlier today and was deferred until this time.

**SB 469** was read second time.

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

On behalf of Representative Thompson, Representative G. Lewis offered the following committee amendment to **SB 469**:

Amend **SB 469** as follows:

(1) On page 1, line 20, strike "one year" and substitute "three years".

(2) On page 2, line 2, strike "One year" and substitute "Six years".

Amendment No. 1 was adopted without objection.

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

On behalf of Representative Thompson, Representative G. Lewis offered the following committee amendment to **SB 469**:

Amend **SB 469** as follows:

(1) On page 2, line 22, strike "The clerk shall, not later than the 25th anniversary of" and substitute "Twenty-five years after".

(2) On page 2, line 24, between the comma and "destroy", insert "the clerk shall".

Amendment No. 2 was adopted without objection.

**SB 469, as amended**, was passed to third reading.

**SB 581** (P. King - House Sponsor), A bill to be entitled An Act relating to the requirements for and the liability of certain employers who are required to withhold child support from an employee's earnings.

**SB 581** was on the calendar earlier today and was deferred until this time.

**SB 581** was read second time.

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

On behalf of Representative Goodman, Representative P. King offered the following committee amendment to **SB 581**:

Amend **SB 581** as ENGROSSED as follows:

(1) On page 1, delete SECTION 1 and renumber accordingly.

Amendment No. 1 was adopted without objection.

**SB 581, as amended**, passed to third reading.

**SB 624** (Palmer - House Sponsor), A bill to be entitled An Act relating to certain crime control and prevention districts.

**SB 624** was on the calendar earlier today and was deferred until this time.

**SB 624** was read second time.

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

On behalf of Representative Swinford, Representative Palmer offered the following committee amendment to **SB 624**:

Amend **SB 624** as follows:

On page 2, line 14, between "storefront" and "jail", insert "municipal court".

Amendment No. 1 was adopted without objection.

**SB 624, as amended**, was passed to third reading.

**SB 788** (Hartnett - House Sponsor), A bill to be entitled An Act relating to claims against, including motions for the recusal or disqualification of, certain judges.

**SB 788** was on the calendar earlier today and was deferred until this time.

**SB 788** was read second time and was passed to third reading.

**SB 1084** (Smithee - House Sponsor), A bill to be entitled An Act relating to the assignment of benefits for dental care services.

**SB 1084** was on the calendar earlier today and was deferred until this time.

**SB 1084** was read second time and was passed to third reading.

**SB 1085** (Smithee - House Sponsor), A bill to be entitled An Act relating to forming a professional association for the practice of dentistry.

**SB 1085** was on the calendar earlier today and was deferred until this time.

**SB 1085** was read second time and was passed to third reading.

**CSSB 1106** (Hartnett - House Sponsor), A bill to be entitled An Act relating to a statement of facts concerning the identity of heirs.

**CSSB 1106** was on the calendar earlier today and was deferred until this time.

**CSSB 1106** was read second time and was passed to third reading.

**SB 1192** (P. King - House Sponsor), A bill to be entitled An Act relating to providing notice of a violation before filing certain suits relating to interference with a possessory interest in a child.

**SB 1192** was on the calendar earlier today and was deferred until this time.

**SB 1192** was read second time and was passed to third reading

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, on adjournment today, Desk 111, for a formal meeting, to consider **HCR 249**.

#### ADJOURNMENT

Representative Luna moved that the house adjourn until 3:25 p.m. today.

The motion prevailed without objection.

The house accordingly, at 3:11 p.m., adjourned until 3:25 p.m. today.

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#### ADDENDUM

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#### Message No. 2

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 26, 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 261** Allen SPONSOR: Armbrister  
Relating to the forfeiture of good conduct time of an inmate who files a frivolous or malicious lawsuit while confined in county jail awaiting transfer to the Texas Department of Criminal Justice.

**HB 551** Goolsby SPONSOR: Fraser  
Relating to exempting certain small corporations from the franchise tax and to the reporting requirements for those corporations.  
(AMENDED)



- HB 628** Hope SPONSOR: Shapiro  
Relating to the creation of the offense of failing to stop or report the aggravated sexual assault of a child.  
(AMENDED)
- HB 1032** Pitts SPONSOR: Cain  
Relating to parking of a motor vehicle operated by or for the transportation of a person with a disability.  
(AMENDED)
- HB 1224** Jones, Jesse SPONSOR: West, Royce  
Relating to the requirement that alcohol awareness information be included in the curriculum of certain driver education and driving safety courses.
- HB 2147** Flores SPONSOR: Shapleigh  
Relating to the identification of real property owned by the state that is suitable for the development of affordable housing.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 2954** Gray SPONSOR: Brown, J. E. "Buster"  
Relating to the application of the sunset review process to certain state agencies.  
(AMENDED)
- HB 2968** Corte SPONSOR: Wentworth  
Relating to the fee imposed on certain criminal convictions for records management and preservation services.
- HB 3229** Capelo SPONSOR: Armbrister  
Relating to the property, items, persons, or contraband subject to seizure under a search warrant.  
(AMENDED)
- HB 3324** Gallego SPONSOR: Carona  
Relating to the provision of certain services to claimants under the compensation to victims of crime fund.
- HB 3342** Naishtat SPONSOR: Wentworth  
Relating to the eligibility of certain persons to hold a driver's license.
- HB 3457** Hinojosa SPONSOR: Armbrister  
Relating to the renewal of certain bail bondsman licenses.  
(AMENDED)
- HB 3479** Greenberg SPONSOR: Zaffirini  
Relating to liability for sexual exploitation by mental health services providers who are officers or employees of governmental units.  
(AMENDED)
- HB 3682** Gutierrez SPONSOR: Shapleigh  
Relating to authorizing a state agency to waive a matching funds requirement for an economically disadvantaged county.  
(AMENDED)

**HCR 265** Gallego SPONSOR: Madla  
Honoring former State Representative Susan Gurley McBee of Del Rio.

**HCR 288** Gallego SPONSOR: Madla  
Commemorating the citizens of Del Rio and Val Verde County for their outpouring of love during the 1998 flood and remembering those that lost their lives.

**HCR 301** Craddick SPONSOR: Bivins  
Congratulating Mrs. Helen Greathouse of Midland on her 90th birthday.

**SCR 85** Brown, J. E. "Buster"  
Creating a joint interim legislative study committee on constitutional revision.

**SCR 87** Whitmire  
In memory of Kevin Phillip Roberts.

Respectfully,

Betty King  
Secretary of the Senate

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

EIGHTY-FOURTH DAY — WEDNESDAY, MAY 26, 1999

The house met at 3:25 p.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 475).

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; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; 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; 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; Crownover; Garcia; Jones, D.

### **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).

### **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 24****SB 92****SB 105****SB 154****SB 155****SB 191****SB 223****SB 229****SB 329****SB 337****SB 399****SB 408****SB 421****SB 432****SB 469****SB 542****SB 570****SB 571****SB 581****SB 602****SB 607****SB 624****SB 673****SB 694**

**SB 724**

**SB 762**

**SB 773**

**SB 788**

**SB 830**

**SB 867**

**SB 870**

**SB 881**

**SB 917**

**SB 932** (Chavez - no)

**SB 984**

**SB 1001**

**SB 1007**

**SB 1013**

**SB 1073**

**SB 1085**

**SB 1097**

**SB 1100**

**SB 1106**

**SB 1150**

**SB 1169**

**SB 1171**

**SB 1183**

**SB 1192**

**SB 1209**

**SB 1224**

**SB 1232**

**SB 1233**

**SB 1239**

**SB 1249**

**SB 1257**

**SB 1320**

**SB 1426**

**SB 1427**  
**SB 1428**  
**SB 1429**  
**SB 1435**  
**SB 1464**  
**SB 1507**  
**SB 1553**  
**SB 1577**  
**SB 1670**  
**SB 1724**  
**SB 1726**  
**SB 1741**  
**SB 1751**  
**SB 1766**  
**SB 1816**  
**SB 1832**  
**SB 1833**  
**SB 1840**  
**SB 1841**  
**SB 1901**  
**SB 1906**  
**SB 376**  
**SB 874**  
**SB 1436**  
**SB 1703**  
**SB 1775**  
**SB 1824**

**SB 1127 ON THIRD READING**  
**(Brimer - House Sponsor)**

**SB 1127**, A bill to be entitled An Act relating to the purchase of goods and services by the state.

**Amendment No. 1**

Representative Y. Davis offered the following amendment to **SB 1127**:

Amend **SB 1127** on 3rd reading by striking the text of the Solomons amendment no. 2 adopted on 2nd reading.

Amendment No. 1 was adopted without objection.

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 476): 144 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; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; 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; 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.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Corte; Crownover; Garcia; Jones, D.

**SB 1127** (144-0-2)

**SB 74** (144-0-2)

**SB 104** (144-0-2)

**SB 132** (144-0-2)

**SB 153** (144-0-2)

**SB 214** (144-0-2)

**SB 272** (144-0-2)

**SB 338** (144-0-2)

**SB 383** (144-0-2)

**SB 391** (144-0-2)

**SB 416** (144-0-2)

**SB 463** (144-0-2)

**SB 476** (144-0-2)

**SB 484** (144-0-2)

**SB 510** (144-0-2)

**SB 576** (144-0-2)  
**SB 609** (144-0-2)  
**SB 657** (144-0-2)  
**SB 751** (144-0-2)  
**SB 777** (Isett - no) (143-1-2)  
**SB 779** (144-0-2)  
**SB 824** (144-0-2)  
**SB 836** (144-0-2)  
**SB 875** (144-0-2)  
**SB 899** (144-0-2)  
**SB 930** (144-0-2)  
**SB 1026** (144-0-2)  
**SB 1084** (144-0-2)  
**SB 1088** (144-0-2)  
**SB 1089** (144-0-2)  
**SB 1091** (144-0-2)  
**SB 1238** (144-0-2)  
**SB 1511** (144-0-2)  
**SB 1580** (144-0-2)  
**SB 1595** (144-0-2)  
**SB 1623** (144-0-2)  
**SB 1651** (144-0-2)  
**SB 1677** (144-0-2)  
**SB 1846** (144-0-2)  
**SB 1866** (144-0-2)  
**SB 1896** (144-0-2)  
**SB 611** (144-0-2)  
**SB 760** (144-0-2)  
**SB 995** (144-0-2)

**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.)

(Speaker in the chair)

**HR 1212 - ADOPTED**  
**(by Junell)**

The following privileged resolution was laid before the house:

**HR 1212**

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 **SB 177**, relating to codification of certain provisions in the General Appropriations Act that authorize, restrict, or prohibit expenditures by public entities, to consider and take action on the following 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 \_\_\_\_\_. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1185 to read as follows:

Sec. 2054.1185. DELAY OF TECHNOLOGY INITIATIVE. (a) A state agency may request permission from the Legislative Budget Board and the budget division of the governor's office to delay implementation of a technology initiative, including a major information resources project as defined by Section 2054.118, if the implementation would significantly interfere with the state agency's ability to prepare adequately for the millennium date change and its attendant problems.

(b) A request for permission for a delay must be submitted in writing to the Legislative Budget Board and the budget division of the governor's office. Those entities may require the requesting state agency to provide any information the entities consider necessary for the proper evaluation of the request and may require the department or any other state agency to assist in evaluating the request.

(c) If the Legislative Budget Board and the budget division of the governor's office determine that a state agency has provided sufficient evidence of a need for a delay in implementation of a technology initiative, the agency shall be notified in writing of the determination and shall be permitted to delay implementation for the time specified by the Legislative Budget Board and the budget division of the governor's office.

Explanation: This addition is necessary to ensure computer compatibility with the millennium date change.

**HR 1212** was adopted without objection.

(Ramsay in the chair)

**HR 1215 - ADOPTED**  
**(by Janek)**

The following privileged resolution was laid before the house:

**HR 1215**

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 **HB 610**, relating to health care providers under certain health benefit plans, to consider and take action on the following matter:

1. House Rule 13, Section 9(a)(1) is suspended to permit the committee to change the text of Section 18B(d), Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), in SECTION 1 of the bill, so that the subsection reads as follows:

(d) If a prescription benefit claim is electronically adjudicated and electronically paid, and the health maintenance organization or its designated agent authorizes treatment, the claim must be paid not later than the 21st day after the treatment is authorized.

Explanation: This change is necessary to clarify that the subsection applies to prescription benefit claims that are both electronically adjudicated and paid and that payment of the claims must be made not later than the 21st day after a specified date.

2. House Rule 13, Section 9(a)(1) is suspended to permit the committee to change the text of Section 3A(d), Article 3.70-3C, Insurance Code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, in SECTION 2 of the bill, so that the subsection reads as follows:

(d) If a prescription benefit claim is electronically adjudicated and electronically paid, and the preferred provider or its designated agent authorizes treatment, the claim must be paid not later than the 21st day after the treatment is authorized.

Explanation: This change is necessary to clarify that the subsection applies to prescription benefit claims that are both electronically adjudicated and paid and that payment of the claims must be made not later than the 21st day after a specified date.

**HR 1215** was adopted without objection.

**HR 1216 - ADOPTED**  
**(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 1216**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1216**, In memory of Steve Kelley of Waxahachie.

**HR 1216** was unanimously adopted by a rising vote.

**HCR 303 - ADOPTED**  
**(by Craddick)**

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 303**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 303**, Honoring Leland and Patsy Kelley on their 50th wedding anniversary.

**HCR 303** was adopted without objection.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1130 ON THIRD READING  
(Greenberg and Telford - House Sponsors)**

**SB 1130**, A bill to be entitled An Act relating to programs and systems administered by the Employees Retirement System of Texas.

**SB 1130** was passed.

**SB 1130 - STATEMENT BY REPRESENTATIVE GREENBERG**

For the record I would like to clarify that this bill does not threaten the spirit of open records. While there is language in this bill to protect the confidentiality of individual medical records, ERS is still required to make numerous reports to various oversight entities based on aggregate information on cost containment efforts and claims experience.

Greenberg

**SB 1911 ON THIRD READING  
(Walker and R. Lewis - House Sponsors)**

**SB 1911**, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts.

**SB 1911** was passed.

(Speaker in the chair)

**SB 955 ON THIRD READING  
(Greenberg - House Sponsor)**

**SB 955**, A bill to be entitled An Act relating to pre-reading instruction and the provision of scholarships, bonuses, wage supplementation, and student loan repayment assistance for certain professional child-care workers.

**SB 955** was passed.

**SB 731 ON THIRD READING  
(Goodman - House Sponsor)**

**SB 731**, A bill to be entitled An Act relating to structured settlements.

**Amendment No. 1**

Representative Goodman offered the following amendment to **SB 731**:

Amend **SB 731**, on third reading, by striking all below the enacting clause and substituting the following:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 139 to read as follows:

CHAPTER 139. PERSONAL INJURY TO CERTAIN PERSONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 139.001. DEFINITIONS. In this chapter:

(1) "Claimant" means a person described by Section 139.002 (1) or (2) who makes a claim to which this chapter applies.

(2) "Incapacitated person" has the meaning assigned by Section 601, Texas Probate Code.

Sec. 139.002. SCOPE OF CHAPTER. This chapter applies only to a suit on a claim for damages arising from personal injury:

(1) to an incapacitated person; or

(2) in which the personal injury has resulted in the substantial disablement of the injured person.

[Sections 139.003-139.100 reserved for expansion]

SUBCHAPTER B. STRUCTURED SETTLEMENT OFFER

Sec. 139.101. WRITTEN OFFER REQUIRED. An offer of structured settlement made after a suit to which this chapter applies has been filed must be:

(1) made in writing; and

(2) presented to the attorney for the claimant.

Sec. 139.102. PRESENTATION TO CLAIMANT. (a) As soon as practicable after receiving the offer under Section 139.101, but not later than any expiration date that may accompany the quotation that outlines the terms of the structured settlement offered, the attorney receiving the offer shall present the offer to the claimant or the claimant's personal representative.

(b) To the extent reasonably necessary to permit the claimant or the claimant's personal representative to make an informed decision regarding the acceptance or rejection of a proposed structured settlement, the attorney shall advise the claimant or the claimant's personal representative with respect to:

(1) the terms, conditions, and other attributes of the proposed structured settlement; and

(2) the appropriateness of the structured settlement under the circumstances.

SECTION 2. This Act takes effect September 1, 1999, and applies only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law as it existed immediately before that date and that law is continued in effect for this purpose.

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

Amendment No. 1 was adopted without objection.

**SB 731**, as amended, was passed.

**SB 669 ON THIRD READING**  
**(Dutton - House Sponsor)**

**SB 669**, A bill to be entitled An Act relating to certain contracting procedures for school districts and institutions of higher education.

**SB 669** was passed.

**SB 71 ON THIRD READING**  
**(Thompson - House Sponsor)**

**SB 71**, A bill to be entitled An Act relating to the creation of the Judicial Compensation Commission.

**Amendment No. 1**

Representatives Shields and Clark offered the following amendment to **SB 71**:

Amend **SB 71** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 35.102, Government Code (House Committee Report, page 4, line 8), between "legislature" and the period, insert "and the governor".

(2) In SECTION 1 of the bill (House Committee Report, page 5, line 22, through page 6, line 7), strike added Section 35.103, Government Code.

(3) Strike SECTION 2 and 5 of the bill (House Committee Report, page 6, lines 8-13 and lines 20-23).

(4) Renumber the remaining SECTIONS of the bill accordingly.

Amendment No. 1 failed of adoption.

**SB 71**, as amended, was passed.

**SB 1731 ON THIRD READING**  
**(Hawley - House Sponsor)**

**SB 1731**, A bill to be entitled An Act relating to the period during which the School Land Board may reduce the royalty rate under certain oil and gas leases.

**SB 1731** was passed.

**SB 1468 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 1468**, A bill to be entitled An Act relating to the regulation of physician joint negotiation.

Representative Smithee moved to postpone consideration of **SB 1468** until 4:45 p.m. today.

The motion prevailed without objection.

**SB 441 ON THIRD READING**  
**(McCall, Goodman, Hartnett, Oliveira, and Cuellar - House Sponsors)**

**SB 441**, A bill to be entitled An Act relating to the application of the sales and use tax to certain services.

**Amendment No. 1**

Representative Craddick offered the following amendment to **SB 441**:

Amend **SB 441** on third reading by amending the Oliveira amendment adopted on second reading as follows:

(A) Strike Item (1) of the amendment (page 1, lines 2-3).

(B) Strike Item (2) of the amendment (page 1, line 4 through page 2, line 12).

(C) Strike Item (3) of the amendment (page 2, line 13) and substitute a new Item (3) to read as follows:

(3) In SECTION 3 of the bill, in Section 151.01011 (b), Tax Code, strike "2003" and substitute "2004".

(D) Strike Item (4) of the amendment (page 2, line 14).

(E) Strike Item (5) of the amendment (page 2, lines 15-16).

(F) Strike Item (7) of the amendment (page 6, lines 6-12) and substitute a new Item (7) to read as follows:

(7) In existing SECTION 7 of the bill, strike Section 151.351, Tax Code (page 5, lines 5-20) and substitute a new Section 151.351, Tax Code, to read as follows:

SECTION 7. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.351 to read as follows:

Sec. 151.351. INFORMATION SERVICES AND DATA PROCESSING SERVICES. (a) Information services and data processing services are exempted from the taxes imposed by this chapter as follows:

(1) for services rendered on or after January 1, 2001, and before October 1, 2001, 20 percent of the value of the services is exempt;

(2) for services rendered on or after October 1, 2001, and before October 1, 2002, 40 percent of the value of the services is exempt; and

(3) for services rendered on or after October 1, 2002, and before October 1, 2003, 60 percent of the value of the services is exempt; and

(4) for services rendered on or after October 1, 2003, and before October 1, 2004, 80 percent of the value of the services is exempt.

(b) This section expires October 1, 2004.

(G) Insert new Items (9) and (10) to the amendment (page 8, after line 1) to read as follows:

(9) In existing SECTION 9 (b) of the bill (page 5, line 26), strike "2003" and substitute "2004".

(10) In existing SECTION 10 of the bill, between "suspended" and the period (page 6, line 8), insert "and that this Act take effect and be in force according to its terms, and it is so enacted". (H) Correct all SECTION references and cross-references appropriately.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 32).

**SB 441 - (consideration continued)**

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative McCall offered the following amendment to **SB 441**:

Amend **SB 441** on third reading by amending the Oliveira amendment adopted on second reading by inserting new Items (9) - (11) to the amendment (page 8, after line 1) to read as follows:

(9) Strike existing SECTION 8 of the bill (page 5, lines 21-22).

(10) Strike existing SECTION 9(b) of the bill (page 5, lines 25-26) and reletter the subsequent subsection appropriately.

(11) In existing SECTION 10 of the bill, between "suspended" and the period (page 6, line 8), insert "and that this Act take effect and be in force according to its terms, and it is so enacted".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representatives Thompson and Hilderbran offered the following amendment to **SB 441**:

Amend **SB 441** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 151.302(c), Tax Code, is amended to read as follows:

(c) Internal or external wrapping, packing, and packaging supplies used by a person in wrapping, packing, or packaging tangible personal property or in the performance of a service for the purpose of furthering the sale of the tangible personal property or the service may not be purchased by the person for resale. A person may purchase for resale a hanger or material for covering a cleaned garment that is transferred to the customer as an integral part of a laundry or dry cleaning service.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Hill offered the following amendment to **SB 441**:

Amend **SB 441** by adding an appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 111, Tax Code, is amended by adding Section 111.0023 to read as follows:

Sec. 111.0023. ADOPTION OF RULE THAT IMPOSES ADDITIONAL TAX. The comptroller may not adopt a rule or practice that extends the application of a state tax to a new class of persons, property, transactions, or other items unless the extension is specifically authorized by the legislature or required by federal law.

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative B. Turner offered the following amendment to **SB 441**:

Amend **SB 441**, on third reading, by inserting the following appropriately

numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.3185 to read as follows:

Sec. 151.3185. TAXABLE ITEMS SOLD OR USED BY CERTAIN AGRICULTURAL PROCESSORS. (a) In this section:

(1) "Agricultural processing" means an establishment primarily engaged in activities described in categories 2011-2099, 2221, 2231, or 3111-3199 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(2) "Agricultural product" means an agricultural, horticultural, viticultural, or vegetable product, bees, honey, fish or other seafood, livestock, and poultry.

(3) "Economically distressed county" means a county with above state average unemployment and below state average per capita income.

(4) "Qualified agricultural processor" means an agricultural processor who engages in the activity of agricultural processing and meets the qualifications prescribed by Subsection (c).

(5) "Rural county" means a county with a population of less than 50,000.

(b) A taxable item purchased, leased, rented, stored, or used by the agricultural processing business of a qualified agricultural processor is exempted from the taxes imposed by this chapter.

(c) An agricultural processor qualifies for the exemption provided by this section only if the processor:

(1) establishes a new agricultural processing business in a rural county or economically distressed county or expands an existing agricultural processing business located in a rural county or economically distressed county; and

(2) makes a capital investment of not less than:

(A) \$750,000 in establishing the business in the location described by Subdivision (1); or

(B) \$100,000 in expanding the business in the location described by Subdivision (1).

(d) A qualified agricultural processor may claim the exemption provided by this section only until the second anniversary of the date on which the processor begins constructing or expanding a facility that is necessary or essential to the agricultural processing business described by Subsection (c) or enters into a lease for such a facility.

(e) A corporation must apply to the comptroller for the exemption provided by this section. The burden of establishing entitlement to the exemption is on the agricultural processor.

Amendment No. 5 was adopted without objection.

A record vote was requested.

**SB 441**, as amended, was passed by (Record 477): 140 Yeas, 0 Nays, 3 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; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; 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, 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; Telford; Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Corte; Crownover; Garcia; Jones, D.

Absent — Ehrhardt; Giddings; Turner, S.

#### STATEMENTS OF VOTE

When Record No. 477 was taken, I would have voted yes.

Ehrhardt

I was shown present, not voting on Record No. 477. I intended to vote yes.

Talton

#### POSTPONED BUSINESS

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

#### **SB 1468 ON THIRD READING** (Smithee - House Sponsor)

**SB 1468**, A bill to be entitled An Act relating to the regulation of physician joint negotiation.

**SB 1468** was read third time earlier today and was postponed until this time.

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

Representatives Wohlgemuth and Giddings offered the following amendment to **SB 1468**:

Amend **SB 1468**, on third reading, by amending Floor Amendment No. 1, adopted on second reading, by striking the text of the amendment and substituting the following:

(1) In SECTION 1 of the bill, in added Article 29.10, Insurance Code, after the second sentence of that article (page 10, line 23, house committee report), insert the following:

Physicians may not negotiate with the plan to exclude, limit, or otherwise

restrict non-physician health care providers from participation in a health benefit plan based substantially on the fact the health care provider is not a licensed physician unless that restriction, exclusion, or limitation is otherwise permitted by law.

Amendment No. 1 was adopted without objection.

**SB 1468**, as amended, was passed.

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

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

**SJR 10 ON THIRD READING  
(Thompson - House Sponsor)**

**SJR 10**, A joint resolution proposing a constitutional amendment relating to the creation of a judicial compensation commission.

A record vote was requested.

**SJR 10** was adopted by (Record 478): 102 Yeas, 35 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Crabb; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hunter; Janek; Jones, J.; Junell; King, T.; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Siebert; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Thompson; Turner, S.; Uresti; Van de Putte; Walker; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley.

Nays — Berman; Brown, B.; Brown, F.; Chisum; Christian; Clark; Craddick; Delisi; Ellis; George; Goolsby; Heflin; Hilderbran; Hill; Hope; Hupp; Isett; Jones, C.; Keel; Keffer; King, P.; Krusee; Madden; Morrison; Mowery; Palmer; Seaman; Shields; Smith; Swinford; Talton; Telford; Truitt; Turner, B.; Williams.

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

Absent, Excused — Corte; Crownover; Garcia; Jones, D.

Absent — Green; Howard; Maxey; Tillery; Yarbrough.

**STATEMENT OF VOTE**

When Record No. 478 was taken, my vote failed to register. I would have voted yes.

Maxey

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1441 ON THIRD READING  
(Naishtat - House Sponsor)**

**SB 1441**, A bill to be entitled An Act relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service.

**SB 1441** was passed.

**SB 1288 ON THIRD READING  
(Cuellar - House Sponsor)**

**SB 1288**, A bill to be entitled An Act relating to the establishment and operation of a campus extension of The University of Texas Health Science Center at San Antonio.

**SB 1288** was passed.

**SB 666 ON THIRD READING  
(G. Lewis and Naishtat - House Sponsors)**

**SB 666**, A bill to be entitled An Act relating to exemptions from work or employment activity participation requirements for certain Temporary Assistance for Needy Families (TANF) recipients.

**SB 666** was passed.

**SB 766 ON THIRD READING  
(Allen - House Sponsor)**

**SB 766**, A bill to be entitled An Act relating to the issuance of certain permits for the emission of air contaminants.

**Amendment No. 1**

Representative Zbranek offered the following amendment to **SB 766**:

Amend **SB 766** on third reading as follows:

(1) In the recitation to Section 5 of the bill as amended on second reading by Floor Amendment No. 6 by Kuempel, strike "382.05185, 382.0519," and substitute "382.0519".

(2) Strike Section 382.05185, Health and Safety Code, as added on second reading by Floor Amendment No. 6 by Kuempel.

(3) Strike Section 9 of the bill, repealing Section 382.0518 (h), as added on second reading by Floor Amendment No. 6 by Kuempel.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Zbranek offered the following amendment to **SB 766**:

Amend **SB 766** on third reading as follows:

(1) In SECTION 5 of the bill, in proposed Section 382.05195, Health and

Safety Code (committee printing page 12, line 7), strike the heading for that section and substitute "STANDARD PERMIT FOR FACILITIES UNDER SECTION 382.0518 (g).".

(2) In Floor Amendment No. 8 adopted on second reading, at the end of proposed Subsection (g) of Section 382.05195, Health and Safety Code (page 1, between lines 24 and 25), add "The commission by rule shall provide for public notice and comment.".

Amendment No. 2 was adopted without objection.

**SB 766**, as amended, was passed.

**SB 528 ON THIRD READING**  
**(Giddings - House Sponsor)**

**SB 528**, A bill to be entitled An Act relating to the civil and criminal consequences of certain actions of a minor involving the acquisition, possession, or use of alcohol; providing penalties.

**Amendment No. 1**

Representative Yarbrough offered the following amendment to **SB 528**:

Amend **SB 528** on third reading by amending the second reading Alvarado amendment to **SB 528**, as amended by the Brimer amendment, in proposed Section 106.16 (b) (5), Alcoholic Beverage Code, by striking "fraternal organization or a veterans organization, as defined by Section 32.11," and substituting "fraternal organization or veterans organization, as defined by Section 32.11, or on the premises of a labor organization as defined by Section 21.002, Labor Code,".

Amendment No. 1 was adopted without objection.

**SB 528**, as amended, was passed.

**SB 623 ON THIRD READING**  
**(Carter, Bailey, Burnam, Edwards, Ehrhardt, et al. - House Sponsors)**

**SB 623**, A bill to be entitled An Act relating to certain requirements applicable to the construction of affordable housing.

(Garcia now present)

**SB 623 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE SEAMAN: Do the handicapped accessibility requirements of Senate Bill 623 as amended apply only to those homes financed through programs of the Texas Department of Housing and Community Affairs?

REPRESENTATIVE CLARK: This amendment applies only to the homes financed through this particular bill. Right.

SEAMAN: Do the handicapped accessibility requirements of Senate Bill 623 as amended apply to mortgage loans guaranteed by FHA?

CLARK: No. Were talking only about this bill, applies to these homes, to this particular program.

SEAMAN: Do the handicapped accessibility requirements contained in Senate Bill 623 as amended apply to mortgage loans guaranteed by the Veterans Administration?

CLARK: No.

SEAMAN: Do the handicapped accessibility requirements of Senate Bill 623 as amended pertain to any construction lending programs obtained outside the Texas Department of Housing and Community Affairs?

CLARK: No.

CLARK: Let me just add one thing, that's not to say that other requirements don't apply to those other loans. There is other federal law and state law that might apply. I'm only talking about this amendment.

SEAMAN: This amendment, that's correct. Thank you sir.

#### REMARKS ORDERED PRINTED

Representative Seaman moved to print remarks by Representative Clark and Representative Seaman.

The motion prevailed without objection.

A record vote was requested.

**SB 623** was passed by (Record 479): 123 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Counts; Craddick; Cuellar; Danburg; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; 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; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Sadler; Salinas; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Berman; Brown, B.; Christian; Crabb; Culberson; Denny; George; Green; Hartnett; Heflin; Howard; Hupp; Isett; Janek; Palmer; Ritter; Seaman; Staples; Talton; Uher; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Delisi; Hill.

**STATEMENT OF VOTE**

When Record No. 479 was taken, I would have voted yes.

Delisi

**SB 403 ON THIRD READING  
(Hinojosa - House Sponsor)**

**SB 403**, A bill to be entitled An Act relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or a bail bond.

**Amendment No. 1**

Representative Puente offered the following amendment to **SB 403**:

Amend **SB 403** by amending second reading Floor Amendment No. 1 (Puente Amendment) on line 8, after the words "after notifying" by striking the words "the principal or" and by adding the following after the words "principal's attorney": ", if the principal is represented by an attorney.".

Amendment No. 1 was adopted without objection.

**SB 403**, as amended, was passed.

**SB 434 ON THIRD READING  
(Yarbrough - House Sponsor)**

**SB 434**, A bill to be entitled An Act relating to the disclosure of certain information by a property owners' association.

**Amendment No. 1**

Representative Staples offered the following amendment to **SB 434**:

Amend **SB 434** on third reading, in SECTION 1 of the bill, by striking Section 207.002, Property Code, as added by the bill and amended on second reading by the Hamric Amendment, and substitute the following:

Sec. 207.002. APPLICABILITY. THis chapter applies to a subdivision with a property owner's association that is entitled to levy regular or special assessments.

Amendment No. 1 was adopted. (Hamric recorded voting no)

**SB 434**, as amended, was passed. (Hamric and Hochberg recorded voting no)

**SB 50 ON THIRD READING  
(Naishtat, A. Reyna, and Dukes - House Sponsors)**

**SB 50**, A bill to be entitled An Act relating to the application for, issuance of, and contents of a protective order.

**Amendment No. 1**

Representative Puente offered the following amendment to **SB 50**:

Amend **SB 50** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 82.002(a), Family Code, is amended to read as follows:

(a) An application for a protective order to protect the applicant or any other member of the applicant's family or household may be filed by:

- (1) ~~a~~ [an adult] member of the family or household; or
- (2) any adult for the protection of a child.

Amendment No. 1 was adopted without objection.

**SB 50**, as amended, was passed.

**SB 1650 ON THIRD READING**  
**(Haggerty and Allen - House Sponsors)**

**SB 1650**, A bill to be entitled An Act relating to the public notice requirements applicable to persons who are subject to sex offender registration.

**SB 1650** was passed.

**SB 1884 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 1884**, A bill to be entitled An Act relating to independent review of certain health insurance claims.

**SB 1884** was passed.

**SB 1678 ON THIRD READING**  
**(Naishtat - House Sponsor)**

**SB 1678**, A bill to be entitled An Act relating to the regulation of social workers and social work associates; providing civil and administrative penalties.

**SB 1678** was passed.

**SB 496 ON THIRD READING**  
**(Brimer - House Sponsor)**

**SB 496**, A bill to be entitled An Act relating to increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of rural and urban homesteads, and permitting an existing lien upon part of a homestead to extend to another part of the homestead.

**SB 496** was passed.

**RESOLUTIONS CALENDAR**

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

**CSSCR 24** (Brimer - House Sponsor), Granting DalMac Construction Company, Inc., permission to sue the State and Texas A&M University.

**Amendment No. 1**

Representative Brimer offered the following amendment to **CSSCR 24**:

Amend **CSSCR 24** as follows:

- (1) On Page 1, Line 9 of the resolution strike "amounts" and insert

"breach of contract for such amounts as are," after the words "Administrative Hearings for."

(2) On Page 2, Line 9 of the resolution strike the word "price."

Amendment No. 1 was adopted without objection.

**CSSCR 24**, as amended, was adopted.

(Bosse in the chair)

**CSSCR 33** (Telford - House Sponsor), Granting Gibson Recycling, Inc., permission to sue that state and the Texas Natural Resource Conservation Commission.

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

Representative Telford offered the following amendment to **CSSCR 33**:

Amend **CSSCR 33** in the first resolving clause, between "waste tires" and the semi-colon, by inserting the following:

provided that, before pursuing the contested case authorized by this resolution, Gibson Recycling, Inc., shall attempt to resolve the claim through third-party mediation and the Texas Natural Resources Conservation Commission is directed to make a good faith effort to resolve the claim through the mediation

Amendment No. 1 was adopted without objection.

**CSSCR 33**, as amended, was adopted. (Heflin recorded voting no)

**CSSCR 18** (Hilbert - House Sponsor), Granting Anderson Columbia Environmental, Inc., permission to sue the state and the Texas Natural Resource Conservation Commission.

**CSSCR 18** was adopted without objection. (Heflin recorded voting no)

**CSSCR 56** (R. Lewis - House Sponsor), Encouraging the Texas Natural Resource Conservation Commission to eliminate duplication between its Section 401 water quality certification program and the review conducted by the United States Army Corps of Engineers.

**CSSCR 56** was adopted without objection.

**SCR 72** (Glaze - House Sponsor), Granting Dean Lumber Company, Inc., permission to the state and the Texas Natural Resource Conservation Commission.

**SCR 72** was adopted without objection. (Heflin recorded voting no)

#### **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).

#### **SB 913 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Oliveira, the house granted the request of the senate for the appointment of a conference committee on **SB 913**.



The chair announced the appointment of the following conference committee, on the part of the house, on **SB 913**: Oliveira, chair, Flores, Cuellar, Chavez, and J. Solis.

**SB 1423 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Noriega, the house granted the request of the senate for the appointment of a conference committee on **SB 1423**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1423**: Noriega, chair, Naishtat, Christian, Maxey, and Truitt.

**SB 46 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hinojosa, the house granted the request of the senate for the appointment of a conference committee on **SB 46**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 46**: Hinojosa, chair, Goolsby, Keel, Smith, and Wise.

**SB 1525 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Uher, the house granted the request of the senate for the appointment of a conference committee on **SB 1525**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1525**: Uher, chair, Coleman, Hilderbran, McClendon, and Uresti.

**HB 1 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Junell submitted the conference committee report on **HB 1**:

Austin, Texas, May 24, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ratliff

Truan

Moncrief

Duncan

Fraser

On the part of the Senate

Junell

West

Coleman

Gallego

Heflin

On the part of the House

**HB 1, General Appropriations Bill.**

Representative Junell moved to adopt the conference committee report on **HB 1**.

A record vote was requested.

The motion prevailed by (Record 480): 142 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Shields.

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Talton; Turner, S.

The chair stated that **HB 1** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 480 because I waited to verify inclusion of my amendment to budget. I intended to vote yes.

Shields

When Record No. 480 was taken, I would have voted yes.

Talton

**SB 61 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Clark submitted the conference committee report on **SB 61**.

Representative Clark moved to adopt the conference committee report on **SB 61**.

The motion prevailed without objection.

**HB 23 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 23**, A bill to be entitled An Act relating to liability for certain prohibited telephone communications.

On motion of Representative Goolsby, the house concurred in the senate amendments to **HB 23**.

**Senate Committee Substitute**

**CSHB 23**, A bill to be entitled An Act relating to liability for certain prohibited telephone communications.

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

SECTION 1. Section 35.47, Business & Commerce Code, is amended by amending Subsections (c) and (d) and adding Subsections (e), (f), and (g) to read as follows:

(c) A person may not make or cause to be made a transmission for the purpose of a solicitation or sale to a facsimile recording device after 11 p.m. and before 7 a.m.

(d) A person who makes or causes to be made a transmission to a facsimile recording device for the purpose of a solicitation or sale shall include in the document transmitted or on a cover page to the document a statement, in at least 12-point type, informing the recipient of a toll-free or local exchange accessible telephone number at which the recipient may notify the person not to send any further transmissions to one or more telephone numbers specified by the recipient. On receipt of notification from a recipient under this subsection, the person:

(1) shall within 24 hours send the recipient a written acknowledgment of the recipient's notification; and

(2) may not make or cause to be made a transmission to a number specified by the recipient, except for a single transmission to comply with Subdivision (1) of this subsection.

(e) On complaint of a called person that Subsection (a), ~~(b)~~, (c), or (d) of this section has been violated, the county or district attorney of the county in which the person resides shall investigate the complaint and file charges if appropriate. A telephone company serving the caller or called person is not responsible for investigating a complaint or keeping records relating to this section.

(f) ~~(d)~~ A person who violates Subsection (a), ~~(b)~~, (c), or (d) of this section commits an offense. An offense under this section is a Class C misdemeanor.

(g) A person who receives a communication that violates 47 U.S.C. Section 227, a regulation adopted under that provision, or this section may bring an action against the person who originates the communication in a court of this state for an injunction, damages in the amount provided by this subsection, or both. A plaintiff prevailing in an action for damages under this subsection is entitled to the greater of \$500 for each violation or the

person's actual damages, except that the court may increase the amount of the award to not more than the greater of \$1,500 for each violation or three times the person's actual damages if the court finds that the defendant:

(1) committed the violation knowingly or intentionally; or  
(2) violated Subsection (c) of this section after the defendant received a notification under Subsection (d) of this section that prohibited transmissions to the telephone number to which the transmission in violation of Subsection (c) of this section was made.

SECTION 2. The change in law made by this Act applies only to a communication made on or after the effective date of this Act.

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 160 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 160**, A bill to be entitled An Act relating to the regulation of certain sales or solicitations made by children; providing a penalty.

On motion of Representative Wise, the house concurred in the senate amendments to **HB 160**.

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

Amend **HB 160** (Senate Committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 51.045, Subsection (a)(2)(A), Labor Code (Senate Committee Printing version, page 1, line 26), after "services" and before the semicolon, add ", in a setting other than a retail establishment".

(2) In SECTION 1 of the bill, in added Section 51.045(c)(4), Labor Code (Senate Committee Printing version, page 1, line 48) strike "(A) a day when the child is not legally required to attend school; and" and substitute "(A) no later than 7 p.m. on a day when the child is legally required to attend school; and".

(3) In SECTION 1 of the bill, in added Section 51.045(c)(4)(B), Labor Code (Senate Committee Printing version, page 1, line 50), after "7 p.m.", add "on all other days."

#### **HB 485 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Hill 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 485**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 485**: Hill, chair, Clark, Hilbert, Carter, and Bailey.

### **HB 508 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 508**, A bill to be entitled An Act relating to certain interlocal contracts for the construction, improvement, or repair of streets and alleys in municipalities.

On motion of Representative Wohlgemuth, the house concurred in the senate amendments to **HB 508**.

#### **Senate Committee Substitute**

**CSHB 508**, A bill to be entitled An Act relating to interlocal contracts for the construction, improvement, or repair of streets and alleys in municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.032 to read as follows:

Sec. 791.032. CONSTRUCTION, IMPROVEMENT, AND REPAIR OF STREETS IN MUNICIPALITIES. With the approval of the governing body of a municipality, a local government may enter into an interlocal contract with the municipality to finance the construction, improvement, maintenance, or repair of streets or alleys in the municipality, including portions of the municipality's streets or alleys that are not an integral part of or a connecting link to other roads or highways.

SECTION 2. Section 251.012(a), Transportation Code, is amended to read as follows:

(a) With the approval of the governing body of a municipality, the commissioners court of a county may spend county money to finance the construction, improvement, maintenance, or repair of a street or alley in the county that is located in the municipality, including the provision of:

- (1) necessary roadbed preparation or material;
- (2) paving or other hard covering of the street or alley; ~~or~~
- (3) curbs, gutters, bridges, or drainage facilities; or

(4) any construction, improvement, maintenance, or repair allowed under Section 791.032, Government Code, if the commissioners court finds that the county will receive benefits as a result of the work on the street or alley.

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

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

**HB 542**, A bill to be entitled An Act relating to the board of directors of the Texas Workers' Compensation Insurance Fund.

Representative Brimer 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 542**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 542**: Brimer, chair, Dukes, Giddings, Corte, and Woolley.

**HB 550 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 550**, A bill to be entitled An Act relating to the eligibility of certain persons to enter into a lottery contract or to purchase a lottery ticket or receive a lottery prize.

On motion of Representative Goolsby, the house concurred in the senate amendments to **HB 550**.

**Senate Amendment No. 1**

Amend **HB 550** in SECTION 1 of the bill by striking added Subsection (b) of Section 466.103, Government Code (page 1, lines 19-21, Senate Committee Printing), and substituting the following:

(b) Subsection (a) does not prohibit the executive director from awarding a contract for the purpose of conducting a promotional event to a person who would be denied a license as a sales agent under Section 466.155(a)(4)(C) but not under any other provision of Section 466.155.

**HB 577 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 577**, A bill to be entitled An Act relating to the period for which a person arrested or held without a warrant in the prevention of family violence may be held after bond is posted.

Representative Giddings 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 577**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 577**: Giddings, chair, Dutton, S. Turner, Hinojosa, and Dunnam.

**HB 662 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 662**, A bill to be entitled An Act relating to the assessment of administrative fees for certain transactions relating to the collection of court costs.

Representative Hilderbran 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 662**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 662**: Hilderbran, chair, Ramsay, Swinford, Farabee, and B. Brown.

**HB 673 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS**

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

**HB 673**, A bill to be entitled An Act relating to requiring the use of protective helmets for bicycle safety.

Representative Carter moved that the house concur in the senate amendments to **HB 673**.

Representative Walker offered a substitute motion that the house not concur and that a conference committee be requested to adjust the differences between the two houses on the bill.

The substitute motion that the house not concur and that a conference committee be requested prevailed by (Record 481): 103 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Berman; Bonnen; Brown, B.; Brown, F.; Chavez; Chisum; Christian; Clark; Cook; Counts; Craddick; Cuellar; Culberson; Davis, J.; Delisi; Denny; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Gallego; Garcia; George; Giddings; Glaze; Green; Grusendorf; Gutierrez; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; 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.; Madden; Marchant; McCall; McReynolds; Merritt; Moreno, P.; Morrison; Mowery; Nixon; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Rangel; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solomons; Staples; Swinford; Talton; Thompson; Tillery; Turner, B.; Uher; Uresti; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough.

Nays — Alvarado; Bailey; Burnam; Capelo; Carter; Coleman; Crabb; Danburg; Davis, Y.; Deshotel; Ehrhardt; Farabee; Farrar; Goodman; Goolsby; Gray; Greenberg; Hamric; Hochberg; Longoria; Luna; Maxey; Moreno, J.; Naishtat; Najera; Noriega; Ramsay; Reyna, A.; Solis, J. F.; Truitt; Van de Putte; Wise; Zbranek.

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Averitt; Brimer; Driver; Dukes; Flores; Haggerty; McClendon; Telford; Turner, S.

#### STATEMENT OF VOTE

When Record No. 481 was taken, I was in the house but away from my desk. I would have voted yes.

Telford

#### HB 817 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative J. Jones called up with senate amendments for consideration at this time,

**HB 817**, A bill to be entitled An Act relating to regulation of cemeteries.

On motion of Representative J. Jones, the house concurred in the senate amendments to **HB 817** by (Record 482): 136 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; 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; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, J.; Junell; Keel; Keffer; King, P.; 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; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Green; Heflin; Howard; Wohlgemuth.

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Carter; Danburg; Ellis; Hardcastle; King, T.

#### STATEMENTS OF VOTE

When Record No. 482 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

I was shown voting yes on Record No. 482. I intended to vote no.

Pitts

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

Amend **HB 817** by Jones as follows:

At the end of Sec. 711.011(a) after "located." add a new sentence to read "The notice must contain a legal description of the land on which the unknown, abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered."

#### HB 836 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative T. King called up with senate amendments for consideration at this time,

**HB 836**, A bill to be entitled An Act relating to access under the public information law to birth and death indexes.

On motion of Representative T. King, the house concurred in the senate amendments to **HB 836**.

#### Senate Committee Substitute

**CSHB 836**, A bill to be entitled An Act relating to access under the public information law to birth and death indexes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 552.115, Government Code, is amended to read as follows:

Sec. 552.115. EXCEPTION: BIRTH AND DEATH RECORDS. (a) A birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official is excepted from the requirements of Section 552.021, except that:

(1) a birth record is public information and available to the public on and after the 50th anniversary of the date of birth as shown on [~~which~~] the record [~~is~~] filed with the bureau of vital statistics or local registration official; [~~and~~]

(2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on [which] the record [~~is~~] filed with the bureau of vital statistics or local registration official;

(3) a general birth index or a general death index established or maintained by the bureau of vital statistics or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public under Subdivision (1) or (2); and

(4) a summary birth index or a summary death index prepared or maintained by the bureau of vital statistics or a local registration official is public information and available to the public.

(b) Notwithstanding Subsection (a), a general birth index or a summary birth index is not public information and is not available to the public if:

(1) the fact of an adoption or paternity determination can be revealed by the index; or

(2) the index contains specific identifying information relating to the parents of a child who is the subject of an adoption placement.

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

**HB 918 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative A. Reyna called up with senate amendments for consideration at this time,

**HB 918**, A bill to be entitled An Act relating to the copies prepared by a district or county clerk of certain court records.

Representative A. Reyna 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 918**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 918**: A. Reyna, chair, Thompson, Hartnett, Capelo, and Deshotel.

**HB 962 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 962**, A bill to be entitled An Act relating to requiring voter approval for the lease or sale of a certain facility owned and operated by the Lubbock County Hospital District.

On motion of Representative Isett, the house concurred in the senate amendments to **HB 962**.

### Senate Committee Substitute

**CSHB 962**, A bill to be entitled An Act relating to the sale or lease of a certain facility owned and operated by the Lubbock County Hospital District; providing a penalty.

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

SECTION 1. Section 10, Chapter 484, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

Sec. 10. CUMULATIVE POWERS. Subject to Section 10A of this Act, the [The] board of managers, with the approval of the commissioners court, shall have the power:

(a) To construct, condemn and purchase, purchase and acquire, lease, add to, maintain, operate, develop and regulate, sell, exchange and convey any and all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities and services the hospital district may require or may have available to sell, lease or exchange;

(b) To further effectuate such powers, the board of managers, with the approval of the commissioners court, may cooperate and contract with the United States government, the State of Texas, any municipality or other hospital district, or any department of those governing bodies, or with any privately owned or operated hospital, corporate or otherwise, which privately owned or operated hospital is situated in the hospital district; provided, in the opinion of the board of managers and of the commissioners court, such a contract is deemed expedient and advantageous to the hospital district under existing circumstances, and be for such fair and reasonable compensation and on such other terms and for such length of time as may be deemed to further and assist the hospital district in performing its duty to provide medical and hospital care to needy inhabitants of the county;

(c) To provide office space, equipment, supplies, and services for the use of the county medical examiner's office for medical, hospital, and other non-criminal-investigation-related purposes.

SECTION 2. Chapter 484, Acts of the 60th Legislature, Regular Session, 1967, is amended by adding Section 10A to read as follows:

Sec. 10A. SALE OR LEASE OF CERTAIN FACILITY; ELECTION; DISCLOSURE. (a) In this section:

(1) "Hospital official" means the following officers or employees, or their equivalent, of the teaching hospital described by Subsection (b) of this section:

- (A) the executive director;
- (B) the president;
- (C) the chief executive officer;
- (D) the chief operating officer;
- (E) the chief financial officer;
- (F) any vice president; and
- (G) any other officer.

(2) "Substantial interest" has the meaning assigned by Section 171.002, Local Government Code.

(b) The board of managers by resolution, and with the approval of the commissioners court, may order the sale or lease of a facility owned and operated by the hospital district as a teaching hospital that is located on the campus of Texas Tech University, contingent on certain disclosure requirements under this section and voter approval at an election called and held for that purpose. The resolution must include a finding by the board of managers that the sale or lease is in the best interests of the residents of the hospital district and that no hospital official will benefit financially from the sale or lease, other than from the continuation of a compensation package existing before the date of the sale or lease. As soon as possible after the board of managers adopts the resolution, the Commissioners Court of Lubbock County shall order an election on the question of selling or leasing the facility.

(c) An election ordered under Subsection (b) of this section shall be held on the first authorized uniform election date prescribed by Subchapter A, Chapter 41, Election Code, that occurs after the 45th day after the date the election is ordered.

(d) The ballot for the election shall be printed to permit voting for or against the proposition: "Approving the \_\_\_\_\_ (sale or lease, as appropriate) of \_\_\_\_\_ (insert the name of the facility)."

(e) The chairman of the board of managers shall disclose, not later than the 30th day before the date of an election held under this section, the terms of the proposed sale or lease of a facility described by Subsection (b) of this section. The disclosure must include both oral and written agreements relating to the sale or lease.

(f) A member of the board of managers or a hospital official shall disclose, not later than the 30th day before the date of an election held under this section, any financial interest that the person has in the sale or lease of a facility described by Subsection (b) of this section. For purposes of this subsection, a person has a financial interest in the sale or lease if the person:

(1) has a substantial interest in a business entity involved in the sale or lease;

(2) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person who has a substantial interest in a business entity involved in the sale or lease; or

(3) is a hospital official who will benefit financially from the sale or lease, other than from the continuation of a compensation package existing before the date of the sale or lease.

(g) A person shall make a disclosure required under Subsection (e) or (f) of this section by filing the disclosure with the Commissioners Court of Lubbock County and the board of managers. A disclosure of information filed under this section is a public record.

(h) A person required to make a disclosure under Subsection (f) of this section commits an offense if the person knowingly fails to make the disclosure within the period prescribed by that subsection. An offense under this subsection is a Class A misdemeanor.

(i) The Commissioners Court of Lubbock County shall cancel an election ordered under this section if a hospital official makes a disclosure of a financial interest in the sale or lease of a facility under Subsections (f) and (g) of this section at any time before the date of the election.

(j) The board of managers may sell or lease the facility only if:

(1) a hospital official has not made a disclosure under Subsections (f) and (g) of this section at any time before the date of the sale or lease; and

(2) a majority of the votes cast at an election held under this section approves the sale or lease.

(k) A disclosure under this section that is made after the date on which the sale or lease of the facility occurs does not invalidate the sale or lease.

(l) If a majority of the votes cast at the election do not approve the sale or lease of the facility, another election to approve the sale or lease, as appropriate, may not be held before the first anniversary of the most recent election on the proposition.

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.

#### **HB 1064 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1064**, A bill to be entitled An Act relating to the regulation of the sale and use of certain refrigerants.

On motion of Representative Pickett, the house concurred in the senate amendments to **HB 1064** by (Record 483): 143 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — King, P.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 483. I intended to vote no.

Howard

When Record No. 483 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

### Senate Committee Substitute

**CSHB 1064**, A bill to be entitled An Act relating to the regulation of the sale and use of certain refrigerants.

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

SECTION 1. Section 6(a), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided by Section 10 of this Act, this [~~This~~] Act does not apply to a person who:

(1) performs air conditioning and refrigeration contracting in a building owned solely by the person [~~him~~] as the person's [~~his~~] home;

(2) performs air conditioning or refrigeration maintenance work if (i) the person is a maintenance person [~~man~~] or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the maintenance work is being performed, (ii) the work is performed in connection with the business in which the person is employed, and (iii) the person and the person's employer referred to in (i) above do not engage in the occupation of air conditioning and refrigeration contracting for the general public;

(3) performs air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility;

(4) is licensed as a professional engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), performs work in connection with the business in which the person is employed, and does not engage in the practice of air conditioning and refrigeration contracting for the general public;

(5) performs process cooling or heating work for an industrial operation such as a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treating plant when employed by that operation;

(6) performs air conditioning and refrigeration contracting on:

(A) a portable or self-contained ductless air conditioning or refrigeration product that has a cooling capacity of three tons or less;

(B) a portable or self-contained heating product that does not require the forced movement of air outside the heating unit; or

(C) environmental air conditioning equipment that is intended for temporary use and is not fixed in place; or

(7) performs air conditioning services only on a motor vehicle or MVAC-like appliance air conditioner [~~conditioning unit~~] or who employs a person who performs air conditioning services only on a motor vehicle or MVAC-like appliance air conditioner [~~conditioning unit~~]. For the purposes of this article, "MVAC-like appliance" has the meaning as that term is defined in 40 CFR Section 82.152.

SECTION 2. Section 10(g), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) A purchaser may purchase refrigerants if that person's use is exempt under Section 6(a)(1), (3), (5), (6), or (7) of this Act if the person is authorized to do so under other state or federal law and is not required to provide to a seller evidence of the exemption.

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.

#### **HB 1102 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1102**, A bill to be entitled An Act relating to prohibiting discharge or release payments to certain inmates of the Texas Department of Criminal Justice.

On motion of Representative Bonnen, the house concurred in the senate amendments to **HB 1102**.

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

Amend **HB 1102** by adding the following language on Page 1, Line 10, following "facility" and before the period:

or who is subject to a felony detainer and is released to the custody of another jurisdiction

#### **HB 1111 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1111**, A bill to be entitled An Act relating to the dissolution of the Montgomery County Hospital District.

On motion of Representative Hope, the house concurred in the senate amendments to **HB 1111** by (Record 484): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Averitt.

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

Amend **HB 1111** as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (f), Section 23A, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977 (House engrossment, page 2, lines 23-26), strike "The county should use all transferred assets in a manner that benefits residents of the county residing in territory formerly constituting the district." and substitute the following:  
The county shall use all transferred assets to:

(1) pay the outstanding debts and obligations of the district relating to the assets at the time of the transfer; or

(2) furnish medical and hospital care for the needy residents of the county.

(2) In SECTION 1 of the bill, at the end of proposed Subsection (j), Section 23A, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977 (House engrossment, page 3, between lines 23 and 24), insert "Montgomery County shall use unused district money received under this section to furnish medical and hospital care for the needy residents of the county."

(3) In SECTION 1 of the bill, at the end of proposed Subsection (e), Section 23B, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977 (House engrossment, page 5, line 10), insert the following:  
The county shall use all transferred assets to:



(1) pay the outstanding debts and obligations of the district relating to the assets at the time of the transfer; or

(2) furnish medical and hospital care for the needy residents of the county.

**HB 1140 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1140**, A bill to be entitled An Act relating to notice to voter registrars concerning persons convicted of a felony.

Representative Thompson 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 1140**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1140**: Thompson, chair, Garcia, Hinojosa, Uresti, and J. Solis.

**HB 1168 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1168**, A bill to be entitled An Act relating to security services in certain court buildings.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 1168**.

**Senate Committee Substitute**

**CSHB 1168**, A bill to be entitled An Act relating to security services in certain court buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Chapter 291, Local Government Code, is amended by adding Section 291.010 to read as follows:

Sec. 291.010. SECURITY SERVICES IDENTIFICATION CARD. (a) The commissioners court of a county with a population of 2.8 million or more by order may:

(1) authorize the issuance of an identification card to individuals permitting entrance into a county building that houses a justice court, county court, county court at law, or district court without passing through the security services provided under Article 102.017, Code of Criminal Procedure; and

(2) set a reasonable fee for the issuance of the identification card to individuals other than county employees.

(b) The commissioners court shall adopt standards for issuing an

identification card described by this section to ensure public safety and security.

(c) This section does not authorize a person to possess a firearm, as that term is defined by Section 46.01, Penal Code, in a county building that houses a justice court, county court, county court at law, or district court. A person who possesses a firearm in any court described by this section or in any office used by the court without the court's written authorization or without complying with any written regulation of the court is subject to the penalties provided by Chapter 46, Penal Code.

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

**HB 1172 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1172**, A bill to be entitled An Act relating to the definition of low-level radioactive waste.

Representative Chisum 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 1172**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1172**: Chisum, chair, Allen, Palmer, Culberson, and Dukes.

**HB 1291 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1291**, A bill to be entitled An Act relating to the single certification of a water or sewer utility in an area incorporated or annexed by a municipality.

Representative Brimer 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 1291**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1291**: Brimer, chair, Walker, Mowery, F. Brown, and Crabb.

**HB 1322 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative P. King called up with senate amendments for consideration at this time,

**HB 1322**, A bill to be entitled An Act relating to a child support lien.

On motion of Representative P. King, the house concurred in the senate amendments to **HB 1322**.

**Senate Committee Substitute**

**CSHB 1322**, A bill to be entitled An Act relating to a child support lien.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 157.315, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The county clerk may not charge the Title IV-D agency, a domestic relations office, ~~[or]~~ a friend of the court, or any other party a fee for recording the notice ~~[or for release]~~ of a ~~[the]~~ lien. To qualify for this exemption, the lien notice must be styled "Notice of Child Support Lien."

(c) The county clerk may not charge the Title IV-D agency, a domestic relations office, or a friend of the court a fee for recording the release of a lien ~~[shall collect the fees for recording the notice and for the release of the lien from the obligor before filing the release]~~. The lien release must be styled "Release of Child Support Lien."

SECTION 2. This Act takes effect September 1, 1999, and applies only to a child support lien notice or release of a child support lien filed on or after that date. A notice of a child support lien or a release of a child support lien filed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

**HB 1328 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1328**, A bill to be entitled An Act relating to the regulation of the practice of professional land surveying.

On motion of Representative Uher, the house concurred in the senate amendments to **HB 1328** by (Record 485): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar;

Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; 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; 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.

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

Absent, Excused — Corte; Crownover; Jones, D.

### Senate Committee Substitute

**CSHB 1328**, A bill to be entitled An Act relating to the regulation of the practice of professional land surveying.

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

SECTION 1. Section 2(1), Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Professional surveying" means the practice of land, boundary, or property surveying or other similar professional practices. The term includes any service or work the adequate performance of which involves the application of special knowledge of the principles of geodesy, mathematics, related applied and physical sciences, and relevant laws to the measurement or [and] location of sites, points, lines, angles, elevations, natural features, and existing man-made works in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes for:

(A) the location of real property boundaries;

(B) the platting and layout of lands and subdivisions of land; or [and]

(C) the preparation and perpetuation of maps, record plats, field note records, easements, and real property descriptions that represent those surveys. To the extent these services or types of creative work meet this definition, the term includes consultation, investigation, evaluation, analysis, planning, providing an expert surveying opinion or testimony, and mapping.

SECTION 2. Section 9(a), Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The board shall have the authority and power to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act for the performance of its duties in administering this Act and for the purpose of

establishing standards of conduct and ethics for surveyors registered or licensed under this Act. The board by rule shall prescribe the minimum standards for professional surveying. The board by rule shall prescribe standards for compliance with Subchapter A, Chapter 2254, Government Code, but may not otherwise adopt rules restricting competitive bidding or advertising by a person regulated by the board except to prohibit false, misleading, or deceptive practices by the person. The board may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board a rule that:

- (1) restricts the use of any medium for advertising;
  - (2) restricts the person's personal appearance or use of the person's voice in an advertisement;
  - (3) relates to the size or duration of an advertisement by the person;
- or

- (4) restricts the person's advertisement under a trade name.

SECTION 3. Section 16(a), Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Each applicant seeking certification as a surveyor-in-training, registration as a registered professional land surveyor, or licensure as a licensed state land surveyor shall file an application in writing with the Texas Board of Professional Land Surveying. An application fee in an amount determined by the board~~[, not to exceed \$100,]~~ shall be submitted with the application. If the board determines that the applicant is qualified to take the appropriate section of the examination, it shall set and notify the applicant of the section of the examination that the applicant is approved to take and the time and place of the examination. The applicant may take the section of the examination that the applicant is approved to take on payment of an examination fee in an amount determined by the board~~[, not to exceed \$100]~~.

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 1379 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1379**, A bill to be entitled An Act relating to the information about an inmate of the Texas Department of Criminal Justice that is subject to public disclosure or excepted from public disclosure.

On motion of Representative Allen, the house concurred in the senate amendments to **HB 1379**.

#### **Senate Committee Substitute**

**CSHB 1379**, A bill to be entitled An Act relating to the information about an inmate of the Texas Department of Criminal Justice that is subject to public disclosure or excepted from public disclosure.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.131 to read as follows:

Sec. 552.131. EXCEPTION: CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE. (a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the Texas Department of Criminal Justice is excepted from the requirements of Section 552.021 if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

(b) Subsection (a) does not apply to:

(1) statistical or other aggregated information relating to inmates confined in one or more facilities operated by or under a contract with the department; or

(2) information about an inmate sentenced to death.

(c) This section does not affect whether information is considered confidential or privileged under Section 508.313.

(d) A release of information described by Subsection (a) to an eligible entity, as defined by Section 508.313(d), for a purpose related to law enforcement, prosecution, corrections, clemency, or treatment is not considered a release of information to the public for purposes of Section 552.007 and does not waive the right to assert in the future that the information is excepted from required disclosure under this section or other law.

SECTION 2. Subchapter B, Chapter 552, Government Code, is amended by adding Section 552.029 to read as follows:

Sec. 552.029. RIGHT OF ACCESS TO CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE. Notwithstanding Section 508.313 or 552.131, the following information about an inmate who is confined in a facility operated by or under a contract with the Texas Department of Criminal Justice is subject to required disclosure under Section 552.021:

(1) the inmate's name, identification number, age, birthplace, physical description, or general state of health or the nature of an injury to or critical illness suffered by the inmate;

(2) the inmate's assigned unit or the date on which the unit received the inmate, unless disclosure of the information would violate federal law relating to the confidentiality of substance abuse treatment;

(3) the offense for which the inmate was convicted or the judgment and sentence for that offense;

(4) the county and court in which the inmate was convicted;

(5) the inmate's earliest or latest possible release dates;

(6) the inmate's parole date or earliest possible parole date;

(7) any prior confinement of the inmate by the Texas Department of Criminal Justice or its predecessor; or

(8) basic information regarding the death of an inmate in custody, an incident involving the use of force, or an alleged crime involving the inmate.

SECTION 3. Section 508.313, Government Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not apply to information that is subject to required public disclosure under Section 552.029.

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 1420 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1420**, A bill to be entitled An Act relating to complaints filed with the Texas State Board of Podiatric Medical Examiners.

On motion of Representative Longoria, the house concurred in the senate amendments to **HB 1420**.

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

Amend **HB 1420** by striking Section 1 in its entirety and replacing it with the following:

SECTION 1. Subsection (a), Article 4573, Revised Statutes, is amended to read as follows:

(a) The Board shall maintain an information file about each complaint filed with the Board. If a written complaint is filed with the Board, the Board may provide a copy of the complaint to the license holder, unless providing a copy would jeopardize an investigation, and, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notification would jeopardize an undercover investigation.

**HB 1444 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1444**, A bill to be entitled An Act relating to local public health services.

Representative Delisi 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 1444**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1444**: Delisi, chair, Gray, Coleman, Hilderbran, and Maxey.

**HB 1511 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1511**, A bill to be entitled An Act relating to the operation and regulation of pawnshops.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 1511**.

**Senate Committee Substitute**

**CSHB 1511**, A bill to be entitled An Act relating to the operation and regulation of pawnshops.

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

SECTION 1. Section 371.005, Finance Code, is amended to read as follows:

Sec. 371.005. REGULATORY AUTHORITY. The legislature has exclusive authority regarding the operation of pawnshops, except for a matter delegated by this chapter to the commissioner. The commissioner has the authority to [under this chapter may] regulate only a business practice that requires a pawnshop license.

SECTION 2. Section 371.006(c), Finance Code, is amended to read as follows:

(c) A copy of a rule shall be mailed to each license holder, and the rule may not take effect before the 21st day after the earliest date on which all of the copies have been mailed.

SECTION 3. Section 371.066(a), Finance Code, is amended to read as follows:

(a) The commissioner may issue a temporary pawnshop license on receipt of an application:

(1) to transfer a license from one person to another; or

(2) for a license involving principals and owners that are substantially identical to those of a pawnshop in operation at the time of receipt of the application.

SECTION 4. Sections 371.072(d) and (e), Finance Code, are amended to read as follows:

(d) Subject to Subsection (b), a pawnbroker shall maintain for each pawnshop net assets, as that term was defined at the time the license was issued, that are used or readily available for use in the business of the pawnshop of at least the amount required on:

(1) August 31, 1981, if the pawnbroker held a license on that date;

or

(2) June 20, 1987, if the pawnbroker held a license on that date but did not hold a license on August 31, 1981.

(e) Subject to Subsection (d), net [Net] assets must be represented by a capital investment unencumbered by a lien or other encumbrance and subject to a claim by a general creditor.



SECTION 5. Section 371.153(a), Finance Code, is amended to read as follows:

(a) A pawnbroker shall notify the commissioner before the pawnbroker ~~[conducts or]~~ allows another person to conduct at the pawnshop a business other than the business of a pawnbroker or the business of buying and selling goods.

SECTION 6. Section 371.154(b), Finance Code, is amended to read as follows:

(b) A pawnbroker shall secure ~~[maintain]~~ a bond:

(1) in the amount, not to exceed \$5,000, required by the commissioner;

(2) in the form required by the commissioner; and

(3) conditioned on compliance with this chapter and rules adopted under this chapter.

SECTION 7. Section 371.155, Finance Code, is amended to read as follows:

Sec. 371.155. PAWNSHOP SECURITY. ~~[(a)]~~ A pawnshop shall have:

(1) one or more alarm systems sufficient to detect and signal unauthorized entry or the presence of an unauthorized person to provide for the security of pledged goods; and

(2) a safe ~~[of a type approved by the pawnbroker's insurance underwriter]~~ to provide for the security of pledged jewelry.

~~[(b) The commissioner may adopt rules related to the keeping of firearms used solely for the security of the pawnshop by the pawnbroker.]~~

SECTION 8. Section 371.162, Finance Code, is amended to read as follows:

Sec. 371.162. PRESENTATION OF TICKET; PRESUMPTION. Except as provided by Section 371.163(a), a ~~[A]~~ person who presents proper identification and a pawn ticket to the pawnbroker is presumed to be entitled to redeem the pledged goods described by the pawn ticket.

SECTION 9. Section 371.163(c), Finance Code, is amended to read as follows:

(c) The pawnbroker shall record on the written statement:

(1) ~~[the identifying information required by Section 371.157(2);~~

~~[(2)]~~ the date the statement is made; and

(2) ~~[(3)]~~ the number of the pawn ticket lost, destroyed, or stolen.

SECTION 10. Section 371.175(a), Finance Code, is amended to read as follows:

(a) A pawnshop shall identify by a tag or similar means each item of goods located in the pawnshop that:

(1) has a retail or sale value of more than \$25 ~~[\$10]~~; and

(2) can be tagged or similarly identified.

SECTION 11. Section 371.176, Finance Code, is amended to read as follows:

Sec. 371.176. TRANSACTIONS WITH MINORS OR PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED. A pawnbroker may not:

(1) accept a pledge ~~[enter a pawn transaction with]~~ or purchase property from a person under 18 years of age; or

(2) transact business with a person believed to be under the influence of alcohol or drugs.

SECTION 12. Section 371.182, Finance Code, is amended to read as follows:

Sec. 371.182. HOLD PERIOD. The commissioner may [~~shall~~] designate a reasonable hold period during which a pawnbroker may not sell or otherwise dispose of an item of goods acquired and offered for sale or other disposition by the pawnbroker.

SECTION 13. Section 371.258(b), Finance Code, is amended to read as follows:

(b) The commissioner may reinstate a suspended pawnshop license or pawnshop employee license or issue a new license to the person whose license or licenses have been revoked if no fact or condition exists that clearly would have justified refusal to issue the license originally.

SECTION 14. Sections 371.184 and 371.185, Finance Code, are repealed.

SECTION 15. (a) This Act takes effect September 1, 1999.

(b) Any rules adopted by the commissioner relating to the use of an outdoor display or sign at a pawnshop or to the maintenance of pawnshop premises under Section 371.184 or 371.185, Finance Code, repealed by this Act, are void.

SECTION 16. 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 1542 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1542**, A bill to be entitled An Act relating to purchasing requirements for school districts and junior college districts.

On motion of Representative Keffer, the house concurred in the senate amendments to **HB 1542** by (Record 486): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Chisum.

### Senate Committee Substitute

**CSHB 1542**, A bill to be entitled An Act relating to purchasing requirements for school districts and junior college districts.

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

SECTION 1. Subchapter A, Chapter 130, Education Code, is amended by adding Section 130.010 to read as follows:

Sec. 130.010. PURCHASING CONTRACTS. (a) The provisions of Subchapter B, Chapter 44, relating to the purchase of goods and services under contract by a school district apply to the purchase of goods and services under contract by a junior college district.

(b) To the extent of any conflict, the provisions of Subchapter B, Chapter 44, prevail over any other law relating to the purchase of goods and services by a junior college district.

SECTION 2. Subchapter B, Chapter 271, Local Government Code, is amended by adding Section 271.023 to read as follows:

Sec. 271.023. CONFLICT OF LAWS. To the extent of any conflict, the provisions of Subchapter B, Chapter 44, Education Code, relating to the purchase of goods and services under contract by a school district prevail over this subchapter.

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.

### **HB 1571 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1571**, A bill to be entitled An Act relating to the name of a decedent on a grave marker.

On motion of Representative Grusendorf, the house concurred in the senate amendments to **HB 1571**.

### Senate Committee Substitute

**CSHB 1571**, A bill to be entitled An Act relating to the name of a decedent on a grave marker.

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

SECTION 1. Section 711.002, Health and Safety Code, is amended by amending Subsections (g) and (j) and adding Subsection (k) to read as follows:

(g) A person may provide written directions for the disposition, including cremation, of the person's remains in a will, a prepaid funeral contract, or a written instrument signed and acknowledged by such person. The directions may govern the inscription to be placed on a grave marker attached to any plot in which the decedent had the right of sepulture at the time of death and in which plot the decedent is subsequently interred. The directions may be modified or revoked only by a subsequent writing signed and acknowledged by such person. The person otherwise entitled to control the disposition of a decedent's remains under this section shall faithfully carry out the directions of the decedent to the extent that the decedent's estate or the person controlling the disposition are financially able to do so.

(j) In the absence of evidence of a contrary intent, it is presumed that a married woman directs that her name, as it appears on the grave marker for the plot in which she is interred, include the same last name she used at the time of her death.

(k) Any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court of competent jurisdiction. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.

SECTION 2. The change in law made by this Act applies only to a grave marker attached to a plot with respect to which a decedent interred in the plot died on or after January 1, 1998.

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.

**HB 1607 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1607**, A bill to be entitled An Act relating to the assignment of a statutory probate court judge to hear a contested probate matter.

Representative Thompson 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 1607**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1607**: Thompson, chair, Hinojosa, Hartnett, Uresti, and J. Solis.

**HB 1654 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1654**, A bill to be entitled An Act relating to the regulation of private sewage facilities; providing a criminal penalty.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1654**.

**Senate Committee Substitute**

**CSHB 1654**, A bill to be entitled An Act relating to the regulation of private sewage facilities; providing a criminal penalty.

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

SECTION 1. Section 7.173, Water Code, is amended to read as follows:

Sec. 7.173. VIOLATION RELATING TO SEWAGE DISPOSAL [~~NEAR INTERNATIONAL BORDER~~]. (a) A person commits an offense if the person violates a rule adopted by the commission under Chapter 366, Health and Safety Code, or an order or resolution adopted by an authorized agent under Subchapter C, Chapter 366, Health and Safety Code[, ~~in a county that is contiguous to an international border~~].

(b) Except as provided by this subsection, an offense under this section is a Class C misdemeanor. If it is shown on the trial of the defendant that the defendant has been previously convicted of an offense under this section, the offense is punishable under Section 7.187(1)(A) or Section 7.187(2)(A) or both.

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

SECTION 3. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

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 1655 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1655**, A bill to be entitled An Act relating to the rate and allocation of the hotel occupancy tax in certain municipalities.

On motion of Representative Luna, the house concurred in the senate amendments to **HB 1655** by (Record 487): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Coleman.

### Senate Committee Substitute

**CSHB 1655**, A bill to be entitled An Act relating to the rate and allocation of the hotel occupancy tax in certain municipalities.

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

SECTION 1. Section 351.003, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The rate in a municipality that borders on the Gulf of Mexico and has a population of more than 250,000 may not exceed nine percent of the price paid for a room.

SECTION 2. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.107 to read as follows:

Sec. 351.107. ALLOCATION OF REVENUE; CERTAIN LARGE COASTAL MUNICIPALITIES. (a) This section applies only to a municipality that borders on the Gulf of Mexico and has a population of more than 250,000.

(b) A municipality to which this section applies shall separately account for all revenue derived from the application of the tax imposed by this chapter at a rate of more than seven percent of the cost of a room.

(c) Subject to Subsection (e), revenue described by Subsection (b) may be used only for:

(1) acquiring land for a municipally owned convention center;  
(2) constructing, improving, enlarging, equipping, repairing,  
operating, and maintaining a municipally owned convention center; and  
(3) paying bonds used to finance activities described by Subdivision  
(1) or (2).

(d) For the purpose of the allocation of revenue under Section 351.103,  
revenue described by Subsection (b) is not counted.

(e) Notwithstanding any other provision of this chapter, a municipality  
to which this section applies may use all or any portion of the revenue  
derived from the municipal hotel occupancy tax from hotels previously  
subject to a county hotel occupancy tax to clean and maintain public beaches  
in the municipality.

(f) In this section:

(1) "Clean and maintain" has the meaning assigned by Section  
61.063, Natural Resources Code.

(2) "Public beach" has the meaning assigned by Section 61.001,  
Natural Resources Code.

SECTION 3. If on or after the effective date of this Act a municipality increases the rate of the tax authorized by Section 351.003(d), Tax Code, as added by this Act, the increased tax rate does not apply to the tax imposed on the use or possession of a room under a contract executed before the effective date of this Act that provides for the payment of the tax at the rate in effect when the contract was executed unless the contract is subject to change or modification by reason of the tax rate increase. The tax rate applicable to the use or possession of a room under the contract is the rate in effect when the contract was executed, and the law governing that rate is continued in effect for that purpose.

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 1703 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1703**, A bill to be entitled An Act relating to the application and enforcement of traffic regulations in certain private subdivisions.

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 1703**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1703**: Gallego, chair, Y. Davis, Hawley, Alexander, and Siebert.

**HB 1764 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1764**, A bill to be entitled An Act relating to coverage by a health benefit plan of reconstructive breast surgery after mastectomy.

On motion of Representative Farabee, the house concurred in the senate amendments to **HB 1764** by (Record 488): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; 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; Bosse(C); Hartnett.

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Shields.

**Senate Committee Substitute**

**CSHB 1764**, A bill to be entitled An Act relating to coverage by a health benefit plan of reconstructive breast surgery after mastectomy.

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

SECTION 1. Article 21.53D, Insurance Code, as added by Chapter 84, Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Article 21.53I and amended to read as follows:

Art. 21.53I [~~21.53D~~]. COVERAGE FOR RECONSTRUCTIVE SURGERY AFTER MASTECTOMY

Sec. 1. DEFINITIONS. In this article:

(1) "Health benefit plan" means a plan described by Section 2 of this article.

(2) "Breast reconstruction" means reconstruction of a breast incident to mastectomy to restore or achieve breast symmetry. The term includes



surgical reconstruction of a breast on which mastectomy surgery has been performed and surgical reconstruction of a breast on which mastectomy surgery has not been performed.

(3) "Enrollee" means a person entitled to coverage under a health benefit plan.

Sec. 2. SCOPE OF ARTICLE. (a) This article applies only to a health benefit plan that:

~~[(1)]~~ provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including:

~~[(A)]~~ an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) ~~[(1)]~~ an insurance company;

(2) ~~[(2)]~~ a group hospital service corporation operating under Chapter 20 of this code;

(3) ~~[(3)]~~ a fraternal benefit society operating under Chapter 10 of this code;

(4) ~~[(4)]~~ a stipulated premium insurance company operating under Chapter 22 of this code;

(5) a reciprocal exchange operating under Chapter 19 of this code;

(6) ~~[(6)]~~ a health maintenance organization operating under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code);

(7) a multiple employer welfare arrangement that holds a certificate of authority under Article 3.95-2 of this code; or

(8) an approved nonprofit health corporation that holds a certificate of authority issued by the commissioner under Article 21.52F of this code

~~[(B) to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a health benefit plan that is offered by:~~

~~[(i) a multiple employer welfare arrangement as defined by Section 3, Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1002); or~~

~~[(ii) another analogous benefit arrangement; or~~

~~[(2) is offered by an approved nonprofit health corporation that is certified under Section 5.01(a), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), and that holds a certificate of authority issued by the commissioner under Article 21.52F of this code].~~

(b) This article does not apply to:

(1) a plan that provides coverage:

(A) only for a specified disease or other limited benefit except for cancer;

(B) only for accidental death or dismemberment;

(C) only for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(D) only [for specified accident, hospital indemnity, or other limited benefits health insurance policies;

~~[(E)]~~ for credit insurance;  
~~(E)~~ ~~[(F)]~~ only for dental or vision care;  
~~(F)~~ only for indemnity ~~[(G)]~~ for hospital confinement  
~~[indemnity coverage only]~~; or  
~~(G)~~ ~~[(H)]~~ as a supplement to liability insurance;  
 (2) ~~[a small employer plan written under Chapter 26 of this code;~~  
~~[(3)]~~ a Medicare supplemental policy as defined by Section  
 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;  
 (3) ~~[(4)]~~ workers' compensation insurance coverage;  
 (4) ~~[(5)]~~ medical payment insurance issued as part of a motor vehicle  
 insurance policy; or  
 (5) ~~[(6)]~~ a long-term care policy, including a nursing home fixed  
 indemnity policy, unless the commissioner determines that the policy provides  
 benefit coverage so comprehensive that the policy is a health benefit plan as  
 described by Subsection (a) of this section.

Sec. 3. **COVERAGE REQUIRED.** (a) A health benefit plan that provides coverage for mastectomy must provide coverage for:

(1) reconstruction of the breast on which the mastectomy has been performed;  
(2) surgery and reconstruction of the other breast to achieve a symmetrical appearance; and  
(3) prostheses and treatment of physical complications, including lymphedemas, at all stages of mastectomy.

(b) The coverage described by this section shall be provided in a manner determined to be appropriate in consultation with the attending physician and the enrollee.

(c) The coverage described by this section may be subject to annual deductibles, copayments, and coinsurance that are consistent with annual deductibles, copayments, and coinsurance required for other benefits under the health benefit plan.

(d) The benefits required by this subchapter may not be subject to dollar limitations other than the health benefit plan's lifetime maximum benefits [breast reconstruction. The coverage may be subject to the same deductible or copayment applicable to mastectomy].

Sec. 4. **PROHIBITIONS** ~~[PROHIBITION]~~. (a) A health benefit plan may not:

(1) offer a financial incentive for a patient to forgo breast reconstruction or to waive the coverage required by Section 3 of this article;  
 (2) condition, limit, or deny the eligibility of an enrollee to enroll in the health benefit plan or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this article; or  
 (3) reduce or limit the reimbursement or payment of, or otherwise penalize, an attending physician or provider or provide financial incentives or other benefits to an attending physician or provider to induce the physician or provider to provide care to an enrollee in a manner inconsistent with this article.

(b) This section may not be construed to prevent a health benefit plan from negotiating with a physician or provider the level and type of

reimbursement that physician or provider will receive for care provided in accordance with this article.

Sec. 5. NOTICE. A health benefit plan that provides coverage under this article shall provide notice of the availability of that coverage to each enrollee in accordance with rules adopted by the commissioner.

Sec. 6. SEVERABILITY. If any provision of this article or the application of this article to any person or circumstance is held invalid, the invalidity does not affect a provision or application of this article that can be given effect without the invalid provision or application, and to this end, the provisions of this article are declared to be severable.

Sec. 7. RULES. The commissioner may adopt rules to implement this article and to meet the minimum requirements of federal law.

SECTION 2. This Act applies to a health benefit plan in effect on the effective date of this Act or that is delivered, or issued for delivery, on or after the effective date of this Act.

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.

### **HB 1876 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1876**, A bill to be entitled An Act relating to theft of or tampering with multichannel video or information services; providing penalties.

On motion of Representative Hinojosa, the house concurred in the senate amendments to **HB 1876**.

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

Amend **HB 1876** as follows:

(1) In SECTION 2 of the bill, in amended Subsection (a), Section 31.13, Penal Code (Senate Committee Printing, page 3, line 6), between "with an intent to aid" and "an offense", insert "in the commission of".

(2) In SECTION 3 of the bill, in proposed Subsection (a), Section 31.14, Penal Code (Senate Committee Printing, page 3, lines 26 and 27), strike the language between "intentionally or knowingly" and "a device" and substitute "sells or leases, with an intent to aid in the commission of an offense under Section 31.12,".

(3) In SECTION 3 of the bill, in proposed Subsection (a), Section 31.14, Penal Code (Senate Committee Printing, page 3, lines 31-34), strike the language between "information services provider" and the period at the end of the subsection.

(4) Strike SECTION 5 of the bill and renumber the existing SECTIONS of the bill accordingly.

### 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. 5).

#### **HB 1921 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1921**, A bill to be entitled An Act relating to the appointment of a bailiff for certain counties in the 84th Judicial District.

On motion of Representative Chisum, the house concurred in the senate amendments to **HB 1921** by (Record 489): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

#### **Senate Committee Substitute**

**CSHB 1921**, A bill to be entitled An Act relating to the appointment of a bailiff for certain counties in the 84th Judicial District.

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

SECTION 1. Section 53.002, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The judge of the 84th District Court may appoint a bailiff to serve the court in Hansford and Hutchinson counties.

SECTION 2. Section 53.009(k), Government Code, is amended to read as follows:

(k) The bailiffs of the 12th, 84th, 258th, and 278th district courts are entitled to receive a salary set by the judge and approved by the

commissioners court of each of the counties in which the bailiff is designated to serve, except that the amount of the salary paid the bailiff of the 84th District Court must be commensurate with the salary paid the bailiffs of other courts with similar duties. The salary shall be apportioned by the judge among the counties in which the bailiff is designated to serve. The judge shall give each commissioners court in the district written notification of the amount of compensation to be paid by the county. The salary is paid out of the general fund of each county.

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.

**HB 1984 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1984**, A bill to be entitled An Act relating to the consolidation of emergency communication districts.

Representative Chisum 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 1984**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1984**: Bosse, chair, B. Turner, Carter, Keel, and Najera.

**HB 2124 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2124**, A bill to be entitled An Act relating to protective orders and the protection of victims of family violence, including the creation of certain capital offenses.

On motion of Representative Cuellar, the house concurred in the senate amendments to **HB 2124**.

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

Amend **HB 2124** as follows:

On page 7, line 2 strike subsection (9).

On page 8, line 8 strike subsection (F).

On page 8, line 24 unstrike "imminent".

On page 9, line 8 strike "a" and unstrike "an adult".

**HB 2394 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2394**, A bill to be entitled An Act relating to the regulation of the practice of optometry.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 2394**.

**Senate Amendment No. 1**

Amend **HB 2394**, Sec. 3.085 (2) as follows:

In Sec. 3.085 (2) of the bill (page 2, line 10) strike "substantially" and after equivalent add "or superior".

**HB 2421 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2421**, A bill to be entitled An Act relating to the accrual of interest on delinquent child support.

On motion of Representative Uresti, the house concurred in the senate amendments to **HB 2421**.

**Senate Committee Substitute**

**CSHB 2421**, A bill to be entitled An Act relating to the accrual of interest on delinquent child support.

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

SECTION 1. Section 157.265(a), Family Code is amended to read as follows:

Sec. 157.265. ACCRUAL OF INTEREST ON CHILD SUPPORT.

(a) Interest accrues on the portion of delinquent child support that is greater than the amount of the monthly periodic support obligation at the rate of 12 percent simple interest per year from the date the support is delinquent until the date the support is paid or the arrearages are confirmed and reduced to money judgment.

SECTION 2. Section 157.266(a), Family Code, is amended to read as follows:

Sec. 157.266. DATE OF DELINQUENCY. (a) A child support payment is delinquent for the purpose of accrual of interest if the payment is not received before the 31st day after the payment date stated in the order by:

(1) the local registry, [or] Title IV-D registry, or state disbursement unit; or

(2) the obligee or entity specified in the order, if payments are not made through a registry.

SECTION 2. This Act takes effect January 1, 2000, and applies only to a child support payment that becomes due on or after that date. A child

support payment that becomes due before the effective date of this Act is governed by the law in effect on the date the child support payment became due, and the former law is continued in effect for that purpose.

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

**HB 2434 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2434**, A bill to be entitled An Act relating to insurance provided by or through certain development corporations created by certain political subdivisions.

Representative Uher 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 2434**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2434**: Uher, chair, Carter, Greenberg, Tillery, and Bonnen.

**HB 2441 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2441**, A bill to be entitled An Act relating to the requirement that parents participate in a parenting course and counseling in certain suits involving children.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 2441**.

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

Amend **HB 2441** as follows:

On page 4, insert a new section (l) between lines 14 and 15, to read as follows:

(l) A person who has attended a course under this section may not be required to attend the course more than twice before the fifth anniversary of the date the person completes the course for the first time.

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

Amend **HB 2441** as follows:

On page 4, line 14, insert a new sentence after the word "available." to read as follows:

A party to a suit may not be required to pay more than \$100 to attend a course ordered under this section.

**Senate Amendment No. 3 (Senate Committee Amendment No. 3)**

Amend **HB 2441** as follows:

On page 3, line 14, strike the word "~~offered~~" and insert the word "completed" after the word "be".

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

Amend **HB 2441** as follows:

1. On page 2, line 19, insert the word "or" after the word "education;"
2. On page 2, line 22, strike "~~or~~" after the word "institution"
3. On page 2, line 22, insert the words "if the litigant so chooses." after the word "institution"
4. On page 2, beginning on line 23, strike subsection (3) in its entirety

**Senate Amendment No. 5 (Senate Committee Amendment No. 5)**

Amend **HB 2441** as follows:

On page 1, line 18, insert the words ", but not more than twelve hours." after the word "hours".

**HB 2510 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2510**, A bill to be entitled An Act relating to the administration and operation of the workers' compensation program of this state.

Representative Dukes 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 2510**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2510**: Dukes, chair, Brimer, George, Ritter, and Giddings.

**HB 2522 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2522**, A bill to be entitled An Act relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

On motion of Representative Greenberg, the house concurred in the senate amendments to **HB 2522**.

**Senate Committee Substitute**

**CSHB 2522**, A bill to be entitled An Act relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.



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

SECTION 1. Section 18(a), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A board of trustees established under this Act may receive, handle, control, manage, and disburse the fund for the retirement system, hear and determine all applications for retirement and claims for disability, either partial or total, and designate beneficiaries and participants as provided by this Act. The chairman and vice chairman of a board may swear witnesses for the purpose of taking testimony before the board on any matter related to the fund. A board may issue a subpoena addressed to a sheriff or constable to require the attendance of a witness or the production of books, records, or other documents that may be necessary and proper for the purposes of a proceeding before the board.

SECTION 2. The Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) is amended by adding Section 18A to read as follows:

Sec. 18A. ENFORCEMENT OF ACT. (a) If a board of trustees fails or refuses to comply with an applicable requirement of this Act, the fire fighters' pension commissioner may issue a subpoena addressed to a sheriff' or constable to require the production of books, records, or other documents that may be necessary to provide or determine compliance.

(b) The attorney general shall represent the fire fighters' pension commissioner in the enforcement of this Act and may file an appropriate pleading or action in a district court in Travis County to enforce a subpoena or secure a writ of mandamus to compel compliance with this Act.

SECTION 3. Section 25, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 25. OTHER EXPENSES. (a) Except as provided by Subsection (b) [~~(c)~~] of this section, a board of trustees established under this Act may pay from assets of the fund all [the] costs reasonably and lawfully [of legal fees and medical fees] incurred by the retirement system and the costs of actual [~~and necessary~~] expenses incurred by board members in the performance of their duties on the board. A member of the board may not receive compensation for service on the board.

~~(b) [Except as provided by Subsection (c) of this section, a board of trustees may make payments from the fund for expenses in addition to those described by Subsection (a) of this section, if the expenses are first approved by a majority of the participating members of the retirement system voting by secret ballot at an election at which at least 50 percent of the participating members vote.]~~

~~[(c)]~~ The annual amount of payments from a fund under [~~Subsections (a) and (b) of~~] this section, excluding legal and medical fees, may not exceed:

(1) 1 percent of the book value of the assets of the fund for the first \$1 million in book value; and

(2) 1/4 of 1 percent of the book value of the assets of the fund that exceeds \$1 million.

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 2526 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2526**, A bill to be entitled An Act relating to the penalties for poaching.

On motion of Representative Cuellar, the house concurred in the senate amendments to **HB 2526**.

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

Amend **HB 2526**, Engrossed Version, on page 7, line 19, by striking "general revenue fund" and substituting "game, fish, and water safety account".

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

Amend **HB 2526**, Engrossed Version, on page 1, line 17, by striking ", motor vehicle,".

**HB 2537 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Y. Davis called up with senate amendments for consideration at this time,

**HB 2537**, A bill to be entitled An Act relating to warranty performance obligations applicable to certain motor vehicles.

On motion of Representative Y. Davis, the house concurred in the senate amendments to **HB 2537**.

**Senate Committee Substitute**

**CSHB 2537**, A bill to be entitled An Act relating to warranty performance obligations applicable to certain motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 6.07(a), Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) In addition to the other powers and duties provided for in this Act, the board [Commission] shall cause manufacturers, converters, and distributors to perform the obligations imposed by this section. In this section "owner" means a person who:

(1) purchased a vehicle at retail from a licensee and is entitled to enforce the terms of a manufacturer's warranty with respect to the vehicle;

(2) is a lessor or lessee, other than a sublessee, who purchased or leased the vehicle from a licensee; or

(3) is the transferee or assignee of any of the persons described in

~~Subdivisions (1) or (2) of this subsection if the transferee or assignee is a Texas resident and is entitled to enforce the terms of a manufacturer's warranty. [For purposes of this section, the term "owner" means a retail purchaser, lessor, lessee other than a sublessee, or the person so designated on the certificate of title to a motor vehicle issued by the Texas Department of Transportation, or an equivalent document issued by the duly authorized agency of any other state, or any person to whom such motor vehicle is legally transferred during the duration of a manufacturer's or distributor's express warranty applicable to such motor vehicle, and any other person entitled by the terms of the manufacturer's, converter's, or distributor's express warranty to enforce the obligations thereof.]~~

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 2539 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Y. Davis called up with senate amendments for consideration at this time,

**HB 2539**, A bill to be entitled An Act relating to the issuance of temporary license plates for vehicle converters.

On motion of Representative Y. Davis, the house concurred in the senate amendments to **HB 2539**.

#### **Senate Committee Substitute**

**CSHB 2539**, A bill to be entitled An Act relating to the issuance of license plates for vehicle converters.

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

SECTION 1. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0618 to read as follows:

Sec. 503.0618. CONVERTER'S LICENSE PLATES. (a) In this section, "converter" means a person who holds a converter's license issued under the Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes).

(b) Instead of registering under Chapter 502 a vehicle that a converter operates or permits to be operated on a public street or highway, the converter may apply for, receive, and attach metal converter's license plates to the vehicle if it is the type of vehicle that the converter is engaged in the business of assembling or modifying.

(c) The fee for a metal converter's license plate is \$20.

(d) The department shall prescribe the form of an application under this section.

SECTION 2. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0625 to read as follows:

Sec. 503.0625. CONVERTER'S TEMPORARY CARDBOARD TAGS. (a) In this section, "converter" means a person who holds a converter's license issued under the Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes).

(b) A converter may issue a temporary cardboard tag for use on an unregistered vehicle by the converter or the converter's employees only to:

(1) demonstrate or cause to be demonstrated to a prospective buyer who is an employee of a franchised motor vehicle dealer the vehicle; or

(2) convey or cause to be conveyed the vehicle:

(A) from one of the converter's places of business in this state to another of the converter's places of business in this state;

(B) from the converter's place of business to a place the vehicle is to be assembled, repaired, reconditioned, modified, or serviced;

(C) from the state line or a location in this state where the vehicle is unloaded to the converter's place of business;

(D) from the converter's place of business to a place of business of a franchised motor vehicle dealer; or

(E) to road test the vehicle.

(c) Subsection (b)(1) does not prohibit a converter from permitting a prospective buyer who is an employee of a franchised motor vehicle dealer to operate a vehicle while the vehicle is being demonstrated.

(d) A vehicle being conveyed while displaying a temporary tag issued under this section is exempt from the inspection requirements of Chapter 548.

(e) The department may not issue a converter temporary cardboard tag or contract for the issuance of a converter temporary cardboard tag but shall prescribe the specifications, form, and color of a converter temporary cardboard tag.

(f) A converter or employee of a converter may not use a temporary cardboard tag issued under this section as authorization to operate a vehicle for the converter's or the employee's personal use.

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 2572 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2572**, A bill to be entitled An Act relating to the reservation of riparian rights associated with land sold by certain municipalities.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 2572** by (Record 490): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; 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; 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.

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

Absent, Excused — Corte; Crownover; Jones, D.

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

Amend **HB 2572** in SECTION 1 of the bill, in Section 272.001(h), Local Government Code, by striking the added sentence (page 1, lines 15-18, Engrossed version) and substituting the following:

To protect the public health, safety, or welfare and to ensure an adequate municipal water supply, property sold by the municipality under this subsection is not eligible for and the owner is not entitled to the exemption provided by Section 11.142(a), Water Code. The instrument conveying property under this subsection must include a provision stating that the exemption does not apply to the conveyance.

#### **HB 2573 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2573**, A bill to be entitled An Act relating to tertiary medical care.

On motion of Representative Wolens, the house concurred in the senate amendments to **HB 2573**.

#### **Senate Committee Substitute**

**CSHB 2573**, A bill to be entitled An Act relating to tertiary medical care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 46 to read as follows:

#### CHAPTER 46. TERTIARY MEDICAL CARE

Sec. 46.001. DEFINITIONS. In this chapter:

(1) "Tertiary care facility" means a:

- (A) primary teaching hospital of a medical school;
- (B) level I trauma center;
- (C) level II trauma center; or
- (D) level III trauma center.

(2) "Tertiary medical services" includes, but is not limited to, services provided by state-designated trauma centers, burn center treatment, neonatology Level III unit services, pediatric surgery, trauma surgery, neurosurgery, cardiothoracic and vascular surgery, organ transplant, services provided for a life threatening dermatologic illness, services provided to a person with a high risk pregnancy or cancer, and radiation oncology.

(3) "Stabilization services" means services provided by a tertiary care facility or a level IV designated trauma center that are necessary to assure, within reasonable medical probability, that no material deterioration of a patient's medical condition is likely to result from or occur during the transfer of the patient to a tertiary care facility.

(4) "Unreimbursed tertiary medical services" means tertiary care medical services for which a tertiary care facility has not received full payment from any public or private source.

(5) "Unreimbursed stabilization services" means stabilization services for which a tertiary care facility or level IV designated trauma facility has not received full payment from any public or private source.

Sec. 46.002. RULES. (a) The board may adopt rules to implement a system that encourages hospitals to provide tertiary medical services and stabilization services.

(b) The rules must address:

(1) coordination of tertiary medical services and stabilization services among health care facilities in the delivery area;

(2) pre-hospital care management guidelines for triage, transfer, and transportation of patients and periodic evaluation of tertiary care facilities' and level IV trauma facilities' compliance with the guidelines and the trauma facility rules, as appropriate;

(3) requirements for data collection, including patient outcomes;

(4) assurances that tertiary care facilities will not refuse to accept the transfer of a patient solely because of the person's inability to pay for services or because of the person's age, sex, race, religion, or national origin; and

(5) enforcement of the rules.

Sec. 46.003. TERTIARY CARE ACCOUNT. (a) The tertiary care account is an account in the state treasury. Money in the account may be appropriated only to the department for the purposes of this chapter.

(b) The account is composed of money appropriated to the account and any other funds required to be put in the account.

(c) The department may seek and accept gifts, grants, and donations from any public or private entity on behalf of the account.

(d) Section 403.095, Government Code, does not apply to the account.

(e) For each fiscal year, five percent of the total amount in the account shall be held in reserve and may be used only for reimbursement of unpaid tertiary medical services and stabilization services provided as a result of

extraordinary emergencies occurring during that year. Of the amount remaining, not more than five percent may be used for the costs of administering the account.

(f) Except as provided by subsection (e), the account shall be allocated for payment to tertiary care facilities and level IV trauma centers for unreimbursed tertiary medical services and stabilization services, as provided for in Section 46.005 and 46.006.

Sec. 46.004. COLLECTION OF INFORMATION. (a) Each tertiary care facility or level IV trauma facility that seeks payment under this chapter shall submit to the department, in the manner and at the time required by the department, information that relates to the unreimbursed tertiary medical services or stabilization services provided to persons who reside outside the service area of the county, public hospital, or hospital district that is responsible for indigent health care under Chapter 61 in the area in which the tertiary care facility or level IV trauma facility is located.

(b) The board shall adopt rules governing the collection of the information under Subsection (a).

Sec. 46.005. CERTIFICATION TO COMPTROLLER OF UNREIMBURSED TERTIARY MEDICAL SERVICES. (a) The department shall certify to the comptroller for each tertiary care facility the cost of unreimbursed tertiary medical services provided to persons who reside outside the service area of the county, public hospital, or hospital district that is responsible for indigent health care under Chapter 61 in the area in which the tertiary care facility is located.

(b) In each fiscal year the department shall use at least 86 percent of the appropriated money in the tertiary care account to compensate tertiary care facilities for unreimbursed tertiary medical services.

(c) Each year the department shall make, for a facility that operated as a tertiary care facility during the previous year, an initial certification to the comptroller under Subsection (a) in an amount that equals 80 percent of the amount certified under this section for the facility in the previous year. The department shall make a subsequent certification of the cost of additional unreimbursed tertiary medical services provided by the facility on receipt from the facility of the information required to be submitted under Section 46.004.

(d) Except as provided by Subsection (e), each year the comptroller shall pay a tertiary care facility the certified amount determined under Subsection (a) from the funds specified under Section 46.003(f).

(e) If in any year the total cost of unreimbursed tertiary medical services certified under Subsection (a) for all tertiary care facilities exceeds the amount available for payment to the facilities under Section 46.003(f), the department shall allocate the amount available under Section 46.003(f) to each facility based on the percentages computed by dividing the cost of the facility's unreimbursed services by the total cost of all facilities' unreimbursed services. The comptroller shall pay each tertiary care facility based on the allocation made under this Subsection.

(f) For purposes of this section and Section 46.007, the cost of each service provided by a tertiary care facility is the average amount payable under Medicare reimbursement policies for that service.

Sec. 46.006. CERTIFICATION TO COMPTROLLER OF UNREIMBURSED STABILIZATION SERVICES. (a) The department shall certify to the comptroller for each tertiary care facility or level IV trauma facility the cost of unreimbursed stabilization services provided to persons who reside outside the service area of the county, public hospital, or hospital district that is responsible for indigent health care under Chapter 61 in the area in which the tertiary care facility or level IV trauma facility is located.

(b) In each fiscal year the department shall use no more than four percent of the appropriated money in the tertiary care account to compensate tertiary care facilities and level IV trauma facilities for unreimbursed stabilization services.

(c) Each year the department shall make, for a facility that operated as a tertiary care facility or level IV trauma facility during the previous year, an initial certification to the comptroller under Subsection (a) in an amount that equals 80 percent of the amount certified under this section for the facility in the previous year. The department shall make a subsequent certification of the cost of additional unreimbursed stabilization services provided by the facility on receipt from the facility of the information required to be submitted under Section 46.004.

(d) Except as provided by Subsection (e), each year the comptroller shall pay a tertiary care facility or level IV trauma facility the certified amount determined under Subsection (a) from the funds specified under Section 46.003(f).

(e) If in any year the total cost of unreimbursed stabilization services certified under Subsection (a) for all tertiary care facilities or level IV trauma facilities exceeds the amount available for payment to the facilities under Section 46.003(f), the department shall allocate the amount available under Section 46.003(f) to each facility based on the percentages computed by dividing the cost of the facility's unreimbursed stabilization services by the total cost of all facilities' unreimbursed stabilization services. The comptroller shall pay each tertiary care facility or level IV trauma facility based on the allocation made under this Subsection.

(f) For purposes of this section and Section 46.007, the cost of each service provided by a tertiary care facility or level IV trauma facility is the average amount payable under Medicare reimbursement policies for that service.

Sec. 46.007. CERTIFICATION OF EMERGENCIES. (a) For purposes of reimbursing extraordinary emergencies under this chapter, the department shall certify an extraordinary emergency:

(1) if the governor issues an executive order or a proclamation under Chapter 418, Government Code;

(2) if a disaster is declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or

(3) for another similar disaster the department finds has resulted in an extraordinary cost to a tertiary care facility or level IV trauma facility.

(b) If an extraordinary emergency is certified under Subsection (a), the department shall certify to the comptroller the amount of unreimbursed tertiary



medical services or stabilization services or transportation services incurred by a tertiary care facility or level IV trauma facility, as appropriate, during the emergency.

(c) Except as provided by Subsection (d), each year the comptroller shall pay a tertiary care facility or level IV trauma facility the certified amount determined under Subsection (b) from the funds specified under Section 46.003(e).

(d) If in any year the total cost of unreimbursed tertiary medical services or stabilization services certified under Subsection (b) for all facilities exceeds the amount available for payment to the facilities under Section 46.003(e), the department shall allocate the amount available under Section 46.003(e) to each facility based on the percentages computed by dividing the cost of the facility's or provider unreimbursed services by the total cost of all facilities' unreimbursed services. The comptroller shall pay each tertiary care facility or level IV trauma facility based on the allocation made under this Subsection.

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

SECTION 3. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in H.B. No. 1 (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in H.B. No. 1, the General Appropriations Act, this Act has no effect.

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 2620 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2620**, A bill to be entitled An Act relating to authorizing counties to prohibit or restrict outdoor burning; providing a criminal penalty.

On motion of Representative Ramsay, the house concurred in the senate amendments to **HB 2620**.

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

Amend **HB 2620** Section 1 by adding Section 240.906(f)(3) to read Section 240.906(f) This Section does not apply to . . .

(3) harvesting of agriculture crops.

#### **HB 2748 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2748**, A bill to be entitled An Act relating to coverage for certain care for children provided through a health maintenance organization.

Representative Smithee 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 2748**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2748**: Smithee, chair, Eiland, Seaman, G. Lewis, and Olivo.

### **HB 2760 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative J. Moreno called up with senate amendments for consideration at this time,

**HB 2760**, A bill to be entitled An Act relating to special license plates for certain persons retired from service in the merchant marine of the United States.

On motion of Representative J. Moreno, the house concurred in the senate amendments to **HB 2760**.

#### **Senate Committee Substitute**

**CSHB 2760**, A bill to be entitled An Act relating to special license plates for persons retired from service in the merchant marine of the United States.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.2585 to read as follows:

Sec. 502.2585. PERSONS RETIRED FROM SERVICE IN MERCHANT MARINE OF THE UNITED STATES. (a) The department shall issue specially designed license plates for passenger cars and light trucks owned by persons retired from service in the merchant marine of the United States.

(b) License plates issued under this section must include the words "merchant marine."

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

(1) applies to the department on a form prescribed by the department;

(2) pays an annual fee of \$10 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; and

(3) submits proof that the person is eligible under this section.

(d) The department shall send 50 cents of each fee collected under this section to the county treasurer of the county in which the applicant resides. The county treasurer shall credit money received under this section to the general fund of the county to pay the costs of administering this section.

(e) A person may be issued only one set of license plates under this section.

(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. The owner may then apply for issuance of those plates to another vehicle.

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 2787 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2787**, A bill to be entitled An Act relating to the consideration of the location of a bidder's principal place of business in the award of contracts by certain local governments.

On motion of Representative Eiland, the house concurred in the senate amendments to **HB 2787**.

#### **Senate Committee Substitute**

**CSHB 2787**, A bill to be entitled An Act relating to the consideration of the location of a bidder's principal place of business in the award of contracts by certain local governments.

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

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.905 to read as follows:

Sec. 271.905. CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS. (a) In this section, "local government" means a municipality with a population of 100,000 or less, a county with a population of 300,000 or less, or another political subdivision authorized under this title to purchase real property or personal property that is not affixed to real property. The term does not include a school district.

(b) In purchasing under this title any real property or personal property that is not affixed to real property, if a local government receives one or more bids from a bidder whose principal place of business is in the local government and whose bid is within three percent of the lowest bid price received by the local government from a bidder who is not a resident of the local government, the local government may enter into a contract with:

(1) the lowest bidder; or

(2) the bidder whose principal place of business is in the local government if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government.

(c) This section does not prohibit a local government from rejecting all bids.

SECTION 2. This Act applies only to a contract that is awarded on or after the effective date of this Act.

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.

**HB 2815 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2815**, A bill to be entitled An Act relating to the petroleum storage tank program; providing a penalty.

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 2815**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2815**: Junell, chair, Counts, T. King, Cook, and Swinford.

**HB 2835 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2835**, A bill to be entitled An Act relating to information that certain state agencies must post on the Internet.

On motion of Representative S. Turner, the house concurred in the senate amendments to **HB 2835**.

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

Amend **HB 2835** as follows:

Between "exceeding" and "that" (HOUSE ENGROSSMENT, page 2, line 3), delete "\$15,000" and insert "\$100,000" in its place.

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

Amend **HB 2835** as follows:

Between "agency" and "that" (HOUSE ENGROSSMENT, page 1, line 8) insert ", other than an institution of higher education,"

**HB 2842 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2842**, A bill to be entitled An Act relating to continued payment of salary by an employer as replacement for certain workers' compensation income benefits.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 2842**.

**Senate Committee Substitute**

**CSHB 2842**, A bill to be entitled An Act relating to continued payment of salary by an employer as replacement for certain workers' compensation income benefits.

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

SECTION 1. The heading to Section 408.003, Labor Code, is amended to read as follows:

Sec. 408.003. REIMBURSABLE EMPLOYER PAYMENTS; SALARY CONTINUATION; OFFSET AGAINST INCOME BENEFITS; LIMITS.

SECTION 2. Section 408.003, Labor Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Salary continuation payments made by an employer for an employee's disability resulting from a compensable injury shall be considered payment of income benefits for the purpose of determining the accrual date of any subsequent income benefits under this subtitle.

(g) If an employer is subject to a contractual obligation with an employee or group of employees, such as a collective bargaining agreement or a written agreement or policy, under which the employer is required to make salary continuation payments, the employer is not eligible for reimbursement under this section for those payments.

(h) Payments made as salary continuation or salary supplementation do not affect the exclusive remedy provisions of Section 408.001.

SECTION 3. Subchapter F, Chapter 408, Labor Code, is amended by adding Section 408.105 to read as follows:

Sec. 408.105. SALARY CONTINUATION IN LIEU OF TEMPORARY INCOME BENEFITS. (a) In lieu of payment of temporary income benefits under this subchapter, an employer may continue to pay the salary of an employee who sustains a compensable injury under a contractual obligation between the employer and employee, such as a collective bargaining agreement, written agreement, or policy.

(b) Salary continuation may include wage supplementation if:

(1) employer reimbursement is not sought from the carrier as provided by Section 408.127; and

(2) the supplementation does not affect the employee's eligibility for any future income benefits.

SECTION 4. This Act takes effect September 1, 1999, and applies only to a claim for workers' compensation benefits based on a compensable injury

that occurs on or after that date. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

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.

**HB 2873 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2873**, A bill to be entitled An Act relating to the operation of certain Medicaid waiver programs for children with disabilities or special health care needs.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 2873** by (Record 491): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Gutierrez.

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

Amend **HB 2873** as follows:

(1) In SECTION 1 of the bill, in proposed Section 32.052(e), Human Resources Code (House engrossment, page 2, line 26), strike "department" and substitute "Health and Human Services Commission".

(2) In SECTION 1 of the bill, in proposed Section 32.052(e), Human Resources Code (House engrossment, page 2, line 27), strike "to the department".

(3) In SECTION 1 of the bill, in proposed Section 32.052(e), Human Resources Code (House engrossment, page 3, line 1), between "section" and the period, insert "to the commission and each appropriate agency providing those services".

**HB 2879 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2879**, A bill to be entitled An Act relating to creating an offense for transporting an individual under certain circumstances.

On motion of Representative Chavez, the house concurred in the senate amendments to **HB 2879**.

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

Amend **HB 2879** as follows:

In SECTION 1, amend Chapter 20, Penal Code (House Engrossed Version, on page 1, line 13) between "injury" and ".", insert "or death"

**HB 2894 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2894**, A bill to be entitled An Act relating to the creation of the Midtown Management District; providing authority to impose a tax and issue bonds.

On motion of Representative Heflin, the house concurred in the senate amendments to **HB 2894**.

**Senate Committee Substitute**

**CSHB 2894**, A bill to be entitled An Act relating to the creation of the Midtown Management District; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Chapter 376, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. MIDTOWN MANAGEMENT DISTRICT

Sec. 376.301. CREATION OF DISTRICT. (a) The Midtown Management District is created as a special district under Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the district's name.

(c) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this subchapter.

Sec. 376.302. DECLARATION OF INTENT. (a) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety, and the public welfare in the municipality's midtown area.

(b) The creation of the district and this legislation are not to be interpreted to relieve the county or the municipality from providing the level of services, as of the effective date of this subchapter, to the area in the district or to release the county or the municipality from the obligations each entity has to provide services to that area. The district is created to supplement and not supplant the municipal or county services provided in the area in the district.

(c) By creating the district and in authorizing the municipality, county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

Sec. 376.303. DEFINITIONS. In this subchapter:

(1) "Board" means the board of directors of the district.

(2) "County" means Harris County.

(3) "District" means the Midtown Management District.

(4) "Municipality" means the City of Houston.

(5) "Utility" means a person that provides to the public gas, electricity, telephone, sewage, or water service.

Sec. 376.304. BOUNDARIES. The district includes all the territory contained within the following described area:

Being all of the following described property in the Obedience Smith Survey, Abstract No. 696, and the James S. Holman Survey No. 323, City of Houston, Harris County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the westerly line of Bagby Street with the southerly line of McGowen Avenue;

THENCE in a southwesterly direction along the westerly line of Bagby Street to its intersection with the southerly line of Tuam Street;

THENCE in a southeasterly direction along the southerly line of Tuam Avenue to its intersection with the westerly line of Brazos Street;

THENCE in a southwesterly direction along the westerly line of Brazos Street to its intersection with the northerly line of Elgin Avenue;

THENCE in a southeasterly direction along the northerly line of Elgin Avenue to its intersection with the easterly line of Brazos Street which is also the easterly line of Spur 527, a segment of the Southwest Freeway;

THENCE in a southerly direction along the easterly line of said Spur 527 to its intersection with the easterly line of Milam Street;

THENCE in a southwesterly direction along the easterly line of Milam Street to its intersection with the easterly line of said Spur 527;

THENCE in a southerly and southwesterly direction along said Spur 527 to its intersection with northerly line of US 59 south;

THENCE easterly along the northerly line of said US 59 South to its intersections with the southeasterly line of Austin Street;



THENCE northeasterly along the southeasterly line of Austin Street to its intersection with the northeasterly line of Eagle Avenue;

THENCE northwesterly along northeasterly line of Eagle Avenue to the southeasterly line of San Jacinto Street;

THENCE northeasterly along the southeasterly line of San Jacinto Street to the southeasterly line of Alabama Avenue;

THENCE in a southeasterly direction along the southerly line of Alabama Avenue to its intersection with the easterly line of La Branch Street;

THENCE in a northeasterly direction along the easterly direction along the easterly line of La Branch Street to its intersection with the southerly line of Winbern Avenue;

THENCE in a southeasterly direction along the southerly line of Winbern Avenue to its intersection with the easterly line of Crawford Street;

THENCE in a northeasterly direction along the easterly line of Crawford Street to its intersection with the southerly line of Stuart Avenue;

THENCE in a southeasterly direction along the southerly line of Stuart Avenue to the intersection with the Easterly line of Hamilton Street which is adjacent to US Highway 59/State Highway 288;

THENCE in a northeasterly and northerly direction along the easterly line of Hamilton Street and westerly line of said US Highway 59/State Highway 288 to its intersection with the northerly line of West Gray Avenue;

THENCE in a northwesterly direction along the northerly line of West Gray Avenue to its intersection with the easterly line of Smith Street;

THENCE in a northeasterly direction along the easterly line of Smith Street to its intersection with the southerly line of Interstate Highway No. 45;

THENCE in a northwesterly and northerly direction along the southerly line of said Interstate Highway No. 45 to its intersection with the north line of Cleveland Street;

THENCE in a westerly direction along the northerly line of Cleveland Street to its intersection with the westerly line of Arthur Street;

THENCE in a southerly direction along the westerly line of Arthur Street to the southerly dead end thereof;

THENCE in a southeasterly direction at right angles to the northwesterly line of Baldwin Street to its intersection with said line;

THENCE in a southwesterly direction along the northwesterly line of Baldwin Street to its intersection with the southerly line of West Gray Avenue;

THENCE in a northwesterly and westerly direction along the southerly line of West Gray Avenue to its intersection with the north line of Webster Avenue;

THENCE in a southeasterly direction along the northerly line of Webster Avenue to its intersection with an easterly projection of the north line of West Webster Avenue;

THENCE westerly along the northerly line of West Webster Avenue to the westerly line of Bailey Street;

THENCE southerly along the westerly line of Bailey Street and a southerly projection thereof to its intersection with the southerly line of McGowen Avenue;

THENCE southeasterly along the southerly of McGowen Avenue to its intersection with the westerly line of Bagby Street, which is the place of beginning of the tract herein described. There is excepted from the boundaries of the district the following tract:

BEGINNING at the intersection of the center line of Pierce Avenue and Bagby Street;

THENCE in a northeasterly direction with a center line of Bagby Street to the westerly right-of-way of Interstate Highway 45;

THENCE south and southeasterly along the right-of-way of Interstate Highway 45 to its intersection with the center line of Pierce Avenue;

THENCE westerly along the center line of Pierce Avenue to the intersection with the center line of Bagby Street the point and place of beginning;

SAVE AND EXCEPT all tracts or parcels of land, rights-of-way, facilities, and improvements owned by a utility.

Sec. 376.305. FINDINGS RELATING TO BOUNDARIES. The boundaries and field notes of the district form a closure. If a mistake is made in the field notes or in copying the field notes in the legislative process, it does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment; or

(4) legality or operation.

Sec. 376.306. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All the land and other property included in the district will be benefited by the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this subchapter, and the district is created to serve a public use and benefit.

(b) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of the development and diversification of the economy of the state; and

(2) eliminate unemployment and underemployment and develop or expand transportation and commerce.

(c) The district will:

(1) promote the health, safety, and general welfare of residents, employers, employees, visitors, consumers in the district, and the general public;

(2) provide needed funding for the municipality's midtown area to preserve, maintain, and enhance the economic health and vitality of the area as a community and business center; and

(3) further promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic and aesthetic beauty.

(d) Pedestrian ways along or across a street, whether at grade or above

or below the surface, and street lighting, street landscaping, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(e) The district will not act as the agent or instrumentality of any private interest even though many private interests will be benefited by the district, as will the general public.

Sec. 376.307. APPLICATION OF OTHER LAW. Except as otherwise provided by this subchapter:

(1) Chapter 375 applies to the district, its governing body, and its employees; and

(2) the district has rights and powers of a district created under Chapter 375.

Sec. 376.308. LIBERAL CONSTRUCTION OF SUBCHAPTER. This subchapter shall be liberally construed in conformity with the findings and purposes stated in this subchapter.

Sec. 376.309. BOARD OF DIRECTORS IN GENERAL. (a) The district is governed by a board of 17 directors who serve staggered terms of four years, with eight directors' terms expiring June 1 of an odd-numbered year and nine directors' terms expiring June 1 of the following odd-numbered year.

(b) A director shall receive compensation as provided by Section 49.060, Water Code.

Sec. 376.310. APPOINTMENT OF DIRECTORS. (a) The mayor and members of the governing body of the municipality shall appoint directors from persons recommended by the board. A person is appointed if a majority of the members and the mayor vote to appoint that person.

(b) A person may not be appointed to the board if the appointment of that person would result in less than two-thirds of the directors residing in the municipality.

(c) District directors are public officials entitled to governmental immunity for their official actions.

Sec. 376.311. EX OFFICIO BOARD MEMBERS. (a) The following persons shall serve as a nonvoting ex officio director:

(1) the director of the following departments of the municipality:

(A) parks and recreation;

(B) planning and development;

(C) public works; and

(D) civic center;

(2) the municipality's chief of police;

(3) the county's general manager of the Metropolitan Transit Authority; and

(4) the presidents of any institutions of higher learning located in the district.

(b) If a department described by Subsection (a) is consolidated, renamed, or changed, the board may appoint a director of the consolidated, renamed, or changed department as a nonvoting ex officio board member. If a department described by Subsection (a) is abolished, the board may appoint a representative of another department of the municipality that performs duties comparable to those performed by the abolished department.

(c) The board may appoint the presiding officer of a nonprofit corporation that is actively involved in activities in the municipality's midtown area to serve as a nonvoting ex officio director.

Sec. 376.312. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

(a) Except as provided in this section:

(1) a director may participate in all board votes and decisions; and

(2) Chapter 171 governs conflict of interests for board members.

(b) Section 171.004 does not apply to the district. A director who has a substantial interest in a business or charitable entity that will receive a pecuniary benefit from a board action shall file a one-time affidavit declaring the interest. An additional affidavit is not required if the director's interest changes. After the affidavit is filed with the board secretary, the director may participate in a discussion or vote on that action if:

(1) a majority of the directors have a similar interest in the same entity; or

(2) all other similar business or charitable entities in the district will receive a similar pecuniary benefit.

(c) A director who is also an officer or employee of a public entity may not participate in the discussion of or vote on a matter regarding a contract with that same public entity.

(d) For purposes of this section, a director has a substantial interest in a charitable entity in the same manner that a person would have a substantial interest in a business entity under Section 171.002.

Sec. 376.313. ADDITIONAL POWERS OF DISTRICT. (a) The district may exercise the powers given to a corporation created under Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

(b) The district may exercise the powers given to a housing finance corporation created under Chapter 394 to provide housing or residential development projects in the district.

(c) The district may impose an ad valorem tax, assessment, or impact fee in accordance with Chapter 375 on all property in the district, including industrial, commercial, or residential property, to finance an improvement this subchapter authorizes the district to construct or acquire or a service this subchapter authorizes the district to provide.

Sec. 376.314. AGREEMENTS: GENERAL; DONATIONS, INTERLOCAL AGREEMENTS, AND LAW ENFORCEMENT SERVICES. (a) The district may make an agreement with or accept a donation, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

(c) To protect the public interest, the district may contract with the municipality or the county for the municipality or county to provide law enforcement services in the district for a fee.

Sec. 376.315. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act on behalf of the district in implementing a project or providing a service authorized by this subchapter.

(b) The board shall appoint the board of directors of a nonprofit corporation created under this section. The board of directors of the nonprofit corporation shall serve in the same manner, term, and conditions as a board of directors of a local government corporation created under Chapter 431, Transportation Code.

(c) A nonprofit corporation created under this section has the powers of and is considered for purposes of this subchapter to be a local government corporation created under Chapter 431, Transportation Code.

(d) A nonprofit corporation created under this section may implement any project and provide any service authorized by this subchapter.

Sec. 376.316. ANNEXATION. The district may:

(1) annex territory as provided by Subchapter C, Chapter 375; and

(2) annex territory located inside the boundaries of a reinvestment zone created by the municipality under Chapter 311, Tax Code, if the governing body of the municipality consents to the annexation.

Sec. 376.317. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. The board may not finance a service or improvement project under this subchapter unless a written petition requesting the improvement or service has been filed with the board. The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district as determined by the most recent certified county property tax rolls; or

(2) at least 25 persons who own land in the district, if there are more than 25 persons who own property in the district as determined by the most recent certified county property tax rolls.

Sec. 376.318. ELECTIONS. (a) In addition to the elections the district must hold under Subchapter L, Chapter 375, the district shall hold an election in the manner provided by that subchapter to obtain voter approval before the district imposes a maintenance tax or issues bonds payable from ad valorem taxes or assessments.

(b) The board may include more than one purpose in a single proposition at an election.

Sec. 376.319. MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 376.318, the district may impose and collect an annual ad valorem tax on taxable property in the district for the maintenance and operation of the district and the improvements constructed or acquired by the district or for the provision of services.

(b) The board shall determine the tax rate.

Sec. 376.320. ASSESSMENTS. (a) The board may impose and collect an assessment for any purpose authorized by this subchapter.

(b) Assessments, including assessments resulting from an addition to or correction of the assessment roll by the district, reassessments, penalties and interest on an assessment or reassessment, expenses of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the resolution of the board imposing the assessment until the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

Sec. 376.321. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161 does not apply to the district.

Sec. 376.322. UTILITIES. The district may not impose an assessment or impact fee on a utility's property.

Sec. 376.323. MUNICIPAL APPROVAL. (a) Except as provided by Subsection (b), the district must obtain approval from the municipality's governing body of:

(1) the issuance of bonds for an improvement project; and

(2) the plans and specifications of an improvement project financed by the bonds.

(b) If the district obtains approval from the municipality's governing body of a capital improvements budget for a period not to exceed five years, the district may finance the capital improvements and issue bonds specified in the budget without further approval from the municipality.

(c) The district must obtain approval from the municipality's governing body of the plans and specifications of any district improvement project related to the use of land owned by the municipality, an easement granted by the municipality, or a right-of-way of a street, road, or highway.

(d) Except as provided by Section 375.263, a municipality is not obligated to pay any bonds, notes, or other obligations of the district.

Sec. 376.324. DISBURSEMENTS OR TRANSFERS OF FUNDS. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 376.325. COMPETITIVE BIDDING LIMIT. Section 375.221 does not apply to the district unless the contract is for more than \$25,000.

Sec. 376.326. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH OUTSTANDING DEBTS. (a) The board may vote to dissolve a district that has debt. If the vote is in favor of dissolution, the district shall remain in existence solely for the limited purpose of discharging its debts. The dissolution is effective when all debts have been discharged.

(b) Section 375.264 does not apply to the district.

SECTION 2. The legislature finds that:

(1) proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission;

(2) the Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time;

(3) the general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with; and

(4) all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 3. Notwithstanding Section 376.310, Local Governmental Code, as added by this Act:

(1) the initial board of directors of the Midtown Management District consists of:

Pos. No.	Name of Board Member
1.	Gregory Phillips
2.	Andy Bynam
3.	Blanchard Hollins
4.	Suewan Johnson
5.	John Gonzales
6.	Doug Williams
7.	Tran Tian
8.	Al Luna
9.	Angela Lange
10.	John Kirksey
11.	Kathy Perry
12.	Dan Nip
13.	Allen Crosswell
14.	Steve Hefner
15.	Jim Lang
16.	Frank Liu
17.	Grant Martin; and

(2) of the initial board members, the members appointed for positions 1 through 9 serve until June 1, 2003, and the members appointed for positions 10 through 17 serve until June 1, 2001.

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 2977 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2977**, A bill to be entitled An Act relating to the authority of the Texas Natural Resource Conservation Commission to certify that the discharge of a pollutant will not cause a violation of certain water quality standards under the Federal Water Pollution Control Act.

On motion of Representative Hamric, the house concurred in the senate amendments to **HB 2977**.

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

Amend **HB 2977** (House Engrossment) as follows:

(1) In SECTION 26.0231 of the bill strike subsection (c) (page 5, lines 23 to 25) and substitute the following:

"(c) With respect to the activities described in Section 26.131, Water Code, the Railroad Commission of Texas may exercise the powers reserved to the state under the Federal Water Pollution Control Act (33 U.S.C. Section 1341), as amended."

(2) In SECTION 26.0231 of the bill after "mitigation" and before the "." insert "in compliance with state water quality standards"

(3) In SECTION 26.0231 of the bill, page 6, strike lines 2 through 9.

**HB 3079 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3079**, A bill to be entitled An Act relating to the development and financing of a statewide aquatic vegetation management plan.

Representative Kuempel 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 3079**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3079**: Kuempel, chair, Elkins, Merritt, Homer, and Hope.

**HB 3084 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3084**, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 3084** by (Record 492): 144 Yeas, 0 Nays, 2 Present, not voting.

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



Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; 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; Bosse(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Ramsay.

### Senate Amendment No. 1

Amend **HB 3084** by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITION. In this Act, "state agency" means an office, institution, or other agency that is in the executive branch of state government, has authority that is not limited to a geographical portion of the state, and was created by the constitution or a statute of this state, but does not include an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created in the state treasury by an Act of the 76th Legislature, Regular Session, 1999, that becomes law, and all dedications or rededications of revenue in the state treasury or otherwise collected by a state agency for a particular purpose by an Act of the 76th Legislature, Regular Session, 1999, that becomes law, are abolished on the later of August 30, 1999, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to statutory dedications, funds, and accounts that were enacted before the 76th Legislature convened to comply with requirements of state constitutional or federal law, to dedications, funds, or accounts that remained exempt from former Section 403.094(h), Government Code, at the time dedications, accounts, and funds were abolished under that provision, to increases in fees or in other revenue dedicated as described by this section, or to increases in fees or in other revenue required to be deposited in a fund or account described by this section.

SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective August 30, 1999, the following accounts and the revenue deposited to the credit of the accounts are exempt from Section 2 of this Act and are created in the general revenue fund, if created by an Act of the 76th Legislature, Regular Session, 1999, that becomes law:

(1) the blindness education, screening, and treatment program account created by Senate Bill No. 206 or House Bill No. 984;

(2) the Texas Department of Health state-owned multi-categorical teaching hospital account created by House Bill No. 1799 or other legislation;

(3) the 9-1-1 services fee fund created by House Bill No. 1983;

(4) the petroleum storage tank removal loan program account created by House Bill No. 2816; and

(5) all funds created by House Bill No. 1676.

SECTION 5. OTHER FUNDS IN TREASURY. Effective August 30, 1999, the following funds in the state treasury and the revenue deposited to the credit of the funds are exempt from Section 2 of this Act, if created by an Act of the 76th Legislature, Regular Session, 1999, that becomes law:

(1) all funds created by House Bill No. 1945; and

(2) the low-level radioactive waste perpetual care fund created by House Bill No. 1910.

SECTION 6. FUNDS TO BECOME ACCOUNTS. Effective August 30, 1999, the following funds in the state treasury are re-created as accounts in the general revenue fund and the accounts and the revenue deposited to the credit of the accounts are exempt from Section 2 of this Act, if created by an Act of the 76th Legislature, Regular Session, 1999, that becomes law:

(1) the Texas public library fund created by Senate Bill No. 691; and

(2) the Business Enterprises Program trust fund created by House Bill No. 1400.

SECTION 7. REVENUE DEDICATIONS. Effective August 30, 1999, the following dedications of revenue to existing funds or accounts in the state treasury or otherwise collected by a state agency are exempt from Section 2 of this Act, if dedicated by an Act of the 76th Legislature, Regular Session, 1999, that becomes law:

(1) the revenue dedicated by House Bill No. 89 to the state highway fund;

(2) the revenue dedicated by House Bill No. 1573 to the water resource management account;

(3) the revenue dedicated by House Bill No. 1739 to the Texas statewide emergency services personnel retirement fund;

(4) revenue dedicated by House Bill No. 1828 to the game, fish, and water safety account;

(5) revenue dedicated by House Bill No. 2004 to the state highway fund;

(6) revenue dedicated by Senate Bill No. 514 to the state highway fund;

(7) revenue dedicated by Senate Bill No. 812 to the state oil-field cleanup account; and

(8) revenue donated as provided by Senate Bill No. 673 for the anatomical gift education program.

SECTION 8. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created pursuant to an Act of the 76th Legislature, Regular Session, 1999, for which separate accounting is required by federal law, except that

the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

**SECTION 9. TRUST FUNDS.** (a) Except as provided by Subsection (b) of this section, Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 76th Legislature, Regular Session, 1999, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

(b) Section 2 of this Act applies to:

(1) the child-care worker student loan assistance trust fund created by House Bill No. 1689;

(2) the family trust fund created by House Bill No. 2442;

(3) the smart jobs rainy day fund created by House Bill No. 3657;

(4) the public employees long-term care fund created by Senate Bill No. 97;

(5) the Pan American Games trust fund created by Senate Bill No. 456;

(6) the employees' health care stabilization trust fund created by Senate Bill No. 1130;

(7) the Texas Turnpike Authority feasibility study fund, the Texas Turnpike Authority project revolving fund, and any other trust funds re-created by House Bill No. 2311; and

(8) the system benefit fund created by Senate Bill No. 7.

**SECTION 10. BOND FUNDS.** Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 76th Legislature, Regular Session, 1999, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

**SECTION 11. CONSTITUTIONAL FUNDS.** Section 2 of this Act does not apply to funds or accounts that would be created or re-created in the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under constitutional amendments proposed by the 76th Legislature, Regular Session, 1999, or to dedicated revenue deposited to funds or accounts that would be so created or re-created.

**SECTION 12. COURT COSTS.** Effective August 30, 1999, revenue consisting of court costs authorized by an Act of the 76th Legislature, Regular Session, 1999, that becomes law are exempt from Section 2 of this Act.

**SECTION 13. LICENSE PLATE FEES.** Effective August 30, 1999, revenue consisting of fees collected from the sale of motor vehicle license plates that are authorized by an Act of the 76th Legislature, Regular Session, 1999, that becomes law are exempt from Section 2 of this Act.

**SECTION 14. AMENDMENT.** Effective September 1, 1999, Section 403.095, Government Code, is amended to read as follows:

**Sec. 403.095. USE OF DEDICATED REVENUE.** (a) Revenue that has been set aside by law for a particular purpose or entity is available for that purpose or entity to the extent money is appropriated for that purpose or entity. Expenditures made in furtherance of the dedicated purpose or entity

shall be made from money received from the dedicated revenue source to the extent those funds are appropriated.

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, 2001, are estimated to [~~1999~~] exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 76th Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(c) The comptroller shall develop accounting and revenue estimating procedures so that each dedicated account maintained in the general revenue fund can be separately identified as to balances of cash and other assets and the amounts of revenues and expenditures and appropriations for each fiscal year.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 76th Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an [~~the~~] amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for [~~so that~~] cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required [~~for accounts~~] under this subsection [~~that exceed the amount appropriated for the dedicated purposes~~]. This subsection does not apply to revenues or balances in:

- (1) funds outside the treasury;
- (2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;
- (3) funds created by the constitution or a court; or
- (4) funds for which separate accounting is required by federal law.

(e) This section [~~(c) The availability of revenues for general governmental purposes conferred by Subsection (b)~~] expires on September 1, 2001 [~~1999~~].

SECTION 15. AMENDMENT. Section 771.072, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any other law, revenue derived from the equalization surcharge imposed under this section may be appropriated to the commission only for the purposes described by Sections 773.122 through 773.124.

SECTION 16. AMENDMENT. Section 773.122, Health and Safety Code, is amended to read as follows:

Sec. 773.122. PAYMENTS FROM THE ACCOUNT [~~FUND~~]. (a) The commissioner, with advice and counsel from the chairpersons of the regional advisory councils, shall use money in the account established under Section 771.072(f) [~~emergency medical services and trauma care system fund established under Section 773.121~~] to fund county and regional emergency medical services and trauma care systems in accordance with this section.

(b) The commissioner shall maintain a reserve of \$250,000 of money

appropriated from the account [~~emergency medical services and trauma care system fund~~] for extraordinary emergencies.

(c) In any fiscal year the commissioner shall use at least 70 percent of the appropriated money remaining in the account [~~emergency medical services and trauma care system fund~~], after any amount necessary to maintain the reserve established by Subsection (b) is deducted, to fund, in connection with an effort to provide coordination with the appropriate trauma support area, the cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services. The money shall be distributed to counties on behalf of eligible recipients. A county's share of the money shall be based on the relative geographic size and population of the county and on the relative number of emergency or trauma care runs performed by eligible recipients in the county. Money that is not disbursed by a county to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed to the county shall be returned to the account [~~fund~~] to be used in accordance with Subsection (f).

(d) In any fiscal year, the commissioner may use not more than 25 percent of the appropriated money remaining in the account [~~emergency medical services and trauma care system fund~~], after any amount necessary to maintain the reserve established by Subsection (b) is deducted, for operation of the 22 trauma support areas and for equipment, communications, and education and training for the areas. Money distributed under this subsection shall be distributed to the county in which the chairperson of an area's regional advisory council sits on behalf of eligible recipients. A regional advisory council's share of money distributed under this section shall be based on the relative geographic size and population of each trauma support area and the relative amount of trauma care provided. Money that is not disbursed by a county to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed to the county shall be returned to the account [~~fund~~] to be used in accordance with Subsection (f).

(e) In any fiscal year, the commissioner may use not more than three percent of the appropriated money remaining in the account [~~emergency medical services and trauma care system fund~~] after any amount necessary to maintain the reserve established by Subsection (b) is deducted to fund the administrative costs of the bureau of emergency management of the department associated with administering the state emergency medical services program, the trauma program, and the account [~~fund~~] and to fund the costs of monitoring and providing technical assistance for those programs and that account [~~fund~~].

(f) In any fiscal year, the commissioner shall use at least two percent of the appropriated money remaining in the account [~~emergency medical services and trauma care system fund~~] after any amount necessary to maintain the reserve established by Subsection (b) is deducted and the money in the account [~~fund~~] not otherwise distributed under this section to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the department. A regional advisory council chairperson may petition the department for disbursement of funds to a trauma center in

the chairperson's trauma support area that has suffered deleterious effects due to uncompensated trauma care. Funds may be disbursed under this subsection based on a proportionate share of uncompensated trauma care provided in the state and may be used to fund innovative projects to enhance the delivery of patient care in the overall emergency medical services and trauma care system.

(g) The department shall review the percentages for disbursement of funds in the account [~~emergency medical services and trauma care system fund~~] on an annual basis and shall make recommendations for proposed changes to ensure that appropriate and fair funding is provided under this section.

SECTION 17. AMENDMENT. Sections 773.123(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Except as provided by Subsection (b), money distributed from the account established under Section 771.072(f) [~~emergency medical services and trauma care system fund~~] shall be used in accordance with Section 773.122 on the authorization of the chief executive of the county to which the money is disbursed on vouchers issued by the county's treasurer.

(b) In a county with a population of 291,000 or more, money distributed from the account [~~emergency medical services and trauma care system fund~~] shall be used in accordance with Section 773.122 on the joint authorization of the chief executive of the county to which the money is disbursed and the mayor of the principal municipality in that county on vouchers issued by the county's treasurer.

SECTION 18. REPEALER. Section 403.096, Government Code, and Sections 771.071(g) and 773.121, Health and Safety Code, are repealed.

SECTION 19. EFFECT OF ACT. This Act prevails over any other Act of the 76th Legislature, Regular Session, 1999, regardless of the relative dates of enactment, that purports to create or re-create a special fund or account in the state treasury or to dedicate or rededicate revenue to a particular purpose, including any fund, account, or revenue dedication abolished under former Section 403.094, Government Code. Revenues that, under the terms of another Act of the 76th Legislature, Regular Session, 1999, would be deposited to the credit of a special account or fund shall be deposited to the credit of the unobligated portion of the general revenue fund, unless the fund, account, or dedication is exempted under this Act.

SECTION 20. EMERGENCY. 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 3191 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative J. Moreno called up with senate amendments for consideration at this time,

**HB 3191**, A bill to be entitled An Act relating to the imposition of a criminal penalty and the disposition of fines for a violation of a rule concerning the use of county parks.

On motion of Representative J. Moreno, the house concurred in the senate amendments to **HB 3191**.

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

Amend **HB 3191** as follows:

On page 1, substitute the new SECTION 1 on line 7, to read as follows:

In Subchapter C, Chapter 320, Local Government Code, is amended by adding 320.0455 to read as follows:

SECTION 1. Sec. 320.0455. RULES IN A POPULOUS COUNTY; PENALTY FOR VIOLATIONS. (a) This section applies to a county with a population of 2.8 million or more.

(b) Subject to the approval of the commissioners court, the board may adopt reasonable rules concerning the use of any park administered by the board.

(c) A person commits an offense if the person violates a rule approved by the commissioners court under Subsection (b). An offense under this subsection is a Class C misdemeanor.

(d) Fines collected under Subsection (c) shall be deposited in the county's general fund.

**HB 3197 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3197**, A bill to be entitled An Act relating to the appraisal and ad valorem taxation of retail manufactured housing inventory.

On motion of Representative Ramsay, the house concurred in the senate amendments to **HB 3197**.

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

Amend **HB 3197** as follows:

(1) Delete Section 3 of **HB 3197** and add a new Section 3 to read as follows:

"SECTION 3. Sections 23.128(h) and (i), Tax Code, are amended to read as follows:

"(h) An appropriate taxing unit shall, on its tax bill prepared for the owner of a retail manufactured housing inventory, separately itemize the taxes imposed on the retail manufactured housing inventory. When the tax bill is prepared for a retail manufactured housing inventory, the assessor for the taxing unit, or an entity, if any, other than the collector, that collects taxes on behalf of the taxing unit, shall provide the collector a true and correct copy of the tax bill sent to the owner, including taxes imposed on the retail manufactured housing inventory. The collector shall apply the money in the owner's escrow account to the taxes imposed and deliver a tax receipt to the

owner. The collector shall apply the amount to each appropriate taxing unit in proportion to the amount of taxes imposed, and the assessor of each taxing unit shall apply the money received from the collector to the taxes owed by the owner. No penalties or interest shall be assessed against an owner for property taxes which the owner has previously paid but which are not delivered to the appropriate taxing unit before the date on which such taxes become delinquent.

"(i) If the amount in the escrow account is not sufficient to pay the taxes in full, the collector shall apply the money to the taxes and deliver to the owner a tax receipt for the partial payment and a tax bill for the amount of the deficiency together with a statement that the owner must remit to the collector the balance of the total tax due; however, no penalty or interest shall be assessed against an owner for that portion of the property taxes which represents the amount of the partial payment if the amount of the deficiency is not paid before the date the deficiency is delinquent."

(2) Add a new Section 4 to read as follows:

"Section 4. Sections 1 and 2 of this Act take effect January 1, 2000, and apply only to an ad valorem tax year that begins on or after that date. Section 3 of this Act takes effect September 1, 1999."

(3) Appropriately renumber the remaining section of **HB 3197**.

**HB 3265 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3265**, A bill to be entitled An Act relating to the duties of a justice of the peace with respect to inquests on dead bodies.

On motion of Representative Uher the house concurred in the senate amendment to **HB 3265**.

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

Amend **HB 3265** as follows:

(1) On page 1, line 7 strike "For" and substitute "Except as required by Section 264.514, Family Code, for".

**HB 3272 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3272**, A bill to be entitled An Act relating to the enforcement and collection of child support.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 3272**.

**Senate Amendment No. 1**

Amend **HB 3272** as follows:

(1) On page 3, line 22, strike "The" and substitute "Subject to the availability of funds, the".

(2) On page 3, line 22, strike "shall" and substitute "may".



(3) On page 3, line 38, insert the following after the "(1)":  
"a plan to conduct a pilot of the use of the court monitors, in one or more locations;" and renumber the subsequent subsections appropriately.

**HB 3304 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3304**, A bill to be entitled An Act relating to the books and records of certain insurers.

Representative Thompson 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 3304**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3304**: Thompson, chair, Hartnett, Capelo, Hinojosa, and J. Solis.

**HB 3333 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 3333**.

**Senate Amendment No. 1**

Amend **HB 3333** as follows:

(1) In SECTION 1 of the bill, in the last sentence of proposed Section 2308.315, Government Code (committee printing, page 1, line 23), strike "may" and substitute "shall".

(2) In SECTION 1 of the bill, in the heading for proposed Section 2308.316, Government Code (committee printing, page 1, line 26), strike "TODDLER" and substitute "EARLY CHILDHOOD".

(3) In SECTION 1 of the bill, in the first sentence of proposed Section 2308.316, Government Code (committee printing, page 1, line 27), between "funds" and "to", insert "dedicated to quality improvement activities".

(4) In SECTION 1 of the bill, after the last sentence of proposed Section 2308.316, Government Code (committee printing, page 1, line 34), add "This section may not be interpreted to limit parental choice."

**Senate Amendment No. 2**

Amend **HB 3333** as follows:

(1) In SECTION 1 of the bill, in the heading for proposed Section

2308.316, Government Code (committee printing page 1, line 25), strike "SYSTEM" and substitute "PROCESS".

(2) In SECTION 1 of the bill, in proposed Section 2308.316, Government Code (committee printing page 1, lines 28 and 29), strike "competitive procurement system for the provision of quality child care" and substitute "competitive procurement process for a system for quality child care".

(3) In SECTION 1 of the bill, in the second sentence of proposed Section 2308.316, Government Code (committee printing page 1, line 33), strike "emphasis" and substitute "consideration".

**HB 3433 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3433**, A bill to be entitled An Act relating to dismissal of certain traffic offenses occurring in a construction or maintenance work zone.

On motion of Representative Kuempel, the house concurred in the senate amendments to **HB 3433**.

**Senate Amendment No. 1**

Amend **HB 3433** as follows:

In SECTION 2, page 1, line 20 of the Senate Committee Report, between "applies" and "." add "except upon motion of the attorney representing the State."

**HB 3458 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3458**, A bill to be entitled An Act relating to certain bonds required of a county tax assessor-collector.

On motion of Representative Kuempel, the house concurred in the senate amendments to **HB 3458**.

**Senate Committee Substitute**

**CSHB 3458**, A bill to be entitled An Act relating to certain bonds required of a county tax assessor-collector and a county treasurer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 6.28(a), Tax Code, is amended to read as follows:

(a) Before beginning to perform the duties of [~~To qualify for~~] office, a person elected or appointed as county assessor-collector must [~~within 20 days after receiving notice of his election or appointment,~~] give bonds to the state and to the county, conditioned on the faithful performance of the person's [~~his~~] duties as assessor-collector.

SECTION 2. Section 83.002(a), Local Government Code, is amended to read as follows:

(a) The county treasurer, before beginning to perform [~~entering upon~~] the

duties of office [~~and within 20 days after the date the certificate of election is received~~], must execute a bond that must be approved by the commissioners court and made payable to the county judge in an amount established by the commissioners court. The bond must be conditioned that the treasurer will:

- (1) faithfully execute the duties of office;
- (2) remit according to law all funds received as county treasurer; and
- (3) render an account of all funds received to the commissioners court at each regular term of the court.

SECTION 3. Section 6.28(a), Tax Code, as amended by this Act, applies only to a county assessor-collector who is elected or appointed on or after the effective date of this Act. A county assessor-collector who is elected or appointed before the effective date of this Act is governed by the law in effect on the date of the election or appointment, and that law is continued in effect for that purpose.

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 3481 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative T. King called up with senate amendments for consideration at this time,

**HB 3481**, A bill to be entitled An Act relating to the board of directors and the validation of certain acts of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

On motion of Representative T. King, the house concurred in the senate amendments to **HB 3481** by (Record 493): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.

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

Amend **HB 3481** as follows:

On page 2, between Line 14 and Line 15, insert the following: "(d) The provisions of Section 49.056(c), Water Code, do not apply to the District."

### **HB 3492 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3492**, A bill to be entitled An Act relating to requiring the Texas Department of Public Safety to establish minimum standards for vendors of ignition interlock devices.

On motion of Representative Dunnam, the house concurred in the senate amendments to **HB 3492**.

### **Senate Committee Substitute**

**CSHB 3492**, A bill to be entitled An Act relating to the requirement that the motor vehicle of a person convicted of certain offenses involving the operation of a motor vehicle while intoxicated be equipped with an ignition interlock device and that the Department of Public Safety establish minimum standards for vendors of ignition interlock devices.

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

SECTION 1. Section 521.246, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this section if:

(1) the previous conviction was a final conviction under Section 49.04, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted; and

(2) the person has not been convicted of an offense under Section 49.04, 49.07, or 49.08 of that code committed within 10 years before the date on which the instant offense for which the person was convicted.

SECTION 2. Subchapter L, Chapter 521, Transportation Code, is amended by adding Section 521.2476 to read as follows:

Sec. 521.2476. MINIMUM STANDARDS FOR VENDORS OF IGNITION INTERLOCK DEVICES. (a) The department by rule shall establish:

(1) minimum standards for vendors of ignition interlock devices who conduct business in this state; and

(2) procedures to ensure compliance with those standards, including procedures for the inspection of a vendor's facilities.

(b) The minimum standards shall require each vendor to:

(1) be authorized by the department to do business in this state;  
(2) install a device only if the device is approved under Section 521.247;

(3) obtain liability insurance providing coverage for damages arising out of the operation or use of devices in amounts and under the terms specified by the department;

(4) install the device and activate any anticircumvention feature of the device within a reasonable time after the vendor receives notice that installation is ordered by a court;

(5) install and inspect the device in accordance with any applicable court order;

(6) repair or replace a device not later than 48 hours after receiving notice of a complaint regarding the operation of the device;

(7) submit a written report of any violation of a court order to that court and to the person's supervising officer, if any, not later than 48 hours after the vendor discovers the violation;

(8) maintain a record of each action taken by the vendor with respect to each device installed by the vendor, including each action taken as a result of an attempt to circumvent the device, until at least the fifth anniversary after the date of installation;

(9) make a copy of the record available for inspection by or send a copy of the record to any court, supervising officer, or the department on request; and

(10) annually provide to the department a written report of each service and ignition interlock device feature made available by the vendor.

(c) The department may revoke the department's authorization for a vendor to do business in this state if the vendor or an officer or employee of the vendor violates:

(1) any law of this state that applies to the vendor; or

(2) any rule adopted by the department under this section or another law that applies to the vendor.

(d) A vendor shall reimburse the department for the reasonable cost of conducting each inspection of the vendor's facilities under this section.

(e) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

SECTION 3. Section 13(i), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(i) If a person convicted of an offense under Sections 49.04-49.08, Penal Code, is placed on community supervision, the court may require as a condition of community supervision that the defendant have a device installed, on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator and that the defendant not operate any motor vehicle that is not equipped with that device. If the person is convicted of an offense under Sections 49.04-49.06, Penal Code, and punished under Section 49.09(a) or (b), Penal Code, or of a second or subsequent offense under Section 49.07 or 49.08, Penal Code, and the person

after conviction of either offense is placed on community supervision, the court shall require as a condition of community supervision that the defendant have the device installed on the appropriate vehicle and that the defendant not operate any motor vehicle unless the vehicle is equipped with that device. Before placing on community supervision a person convicted of an offense under Sections 49.04-49.08, Penal Code, the court shall determine from criminal history record information maintained by the Department of Public Safety whether the person has one or more previous convictions under Sections 49.04-49.08, Penal Code, or has one previous conviction under Sections 49.04-49.07, Penal Code, or one previous conviction under Section 49.08, Penal Code. If the court determines that the person has one or more such previous convictions, the court shall require as a condition of community supervision that the defendant have that device installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant and that the defendant not operate any motor vehicle unless the vehicle is equipped with the device described in this subsection. The court shall require the defendant to obtain the device at the defendant's own cost before the 30th day after the date of conviction unless the court finds that to do so would not be in the best interest of justice and enters its findings on record. The court shall require the defendant to provide evidence to the court within the 30-day period that the device has been installed on the appropriate vehicle and order the device to remain installed on that vehicle for a period not less than 50 percent of the supervision period. If the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule not to exceed twice the period of the court's order. The Department of Public Safety shall approve devices for use under this subsection. The provisions of Section 23A(f), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), apply to the approval of a device under this subsection and the consequences of that approval. Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of the person's employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of that driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity that owns the vehicle is owned or controlled by the person whose driving privilege has been restricted. A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this subsection if:

(1) the previous conviction was a final conviction under Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted and placed on community supervision; and

(2) the person has not been convicted of an offense under Section 49.04, 49.05, 49.06, 49.07, or 49.08 of that code, committed within 10 years before the date on which the instant offense for which the person was convicted and placed on community supervision.

SECTION 4. This Act takes effect September 1, 1999. The changes in law to Section 521.246, Transportation Code, and Section 13(i), Article 42.12, Code of Criminal Procedure, apply only to a person convicted of an offense specified by those laws committed on or after September 1, 1999. A person convicted of an offense specified by those laws committed before September 1, 1999, is covered by the law in effect on the date the offense was committed, and the former laws are continued in effect for those purposes.

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.

(Speaker in the chair)

**HB 3598 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3598**, A bill to be entitled An Act relating to requiring notice regarding the location of establishments serving alcoholic beverages, sexually oriented businesses, and correctional or rehabilitation facilities.

On motion of Representative McClendon, the house concurred in the senate amendments to **HB 3598**.

**Senate Amendment No. 1**

Amend **HB 3598** as follows:

(1) In SECTION 1 of the bill, in Section 11.391(c), Alcoholic Beverage Code (Committee Printing page 2, line 4), strike "or 21" and substitute "21, 22, 23, 24, or 52".

(2) In SECTION 2 of the bill, in Section 61.381, Alcoholic Beverage Code (Committee Printing page 3, line 15), strike "or 66" and substitute "66, or 71".

**HB 3741 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3741**, A bill to be entitled An Act relating to regulation by the Department of Protective and Regulatory Services of certain child-care facilities, family homes, and child-placing agencies.

On motion of Representative Greenberg, the house concurred in the senate amendments to **HB 3741**.

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

Amend **HB 3741** by adding the following appropriately numbered SECTION to the bill to read as follows and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 42.059(a), Human Resources Code, is amended to read as follows:

(a) An applicant for temporary or permanent employment with a licensed facility or registered family home whose employment or potential employment with the facility or home involves direct interactions with or the opportunity to interact and associate with children must execute and submit the following affidavit with the application for employment:

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

I swear or affirm under penalty of perjury that I do not now and I have not at any time, either as an adult or as a juvenile:

1. Been convicted of;
2. Pleaded guilty to (whether or not resulting in a conviction);
3. Pleaded nolo contendere or no contest to;
4. Admitted;
5. Had any judgment or order rendered against me (whether by default or otherwise);
6. Entered into any settlement of an action or claim of;
7. Had any license, certification, employment, or volunteer position suspended, revoked, terminated, or adversely affected because of;
8. ~~Been diagnosed as having or have been treated for any mental or emotional condition arising from;~~
- ~~9.] Resigned under threat of termination of employment or volunteerism for;~~
9. ~~10.]~~ Had a report of child abuse or neglect made and substantiated against me for; or
10. ~~11.]~~ Have any pending criminal charges against me in this or any other jurisdiction for;

Any conduct, matter, or thing (irrespective of formal name thereof) constituting or involving (whether under criminal or civil law of any jurisdiction):

1. Any felony;
2. Rape or other sexual assault;
3. Physical, sexual, emotional abuse and/or neglect of a minor;
4. Incest;
5. Exploitation, including sexual, of a minor;
6. Sexual misconduct with a minor;
7. Molestation of a child;
8. Lewdness or indecent exposure;
9. Lewd and lascivious behavior;
10. Obscene or pornographic literature, photographs, or videos;
11. Assault, battery, or any violent offense involving a minor;
12. Endangerment of a child;
13. Any misdemeanor or other offense classification involving a minor or to which a minor was a witness;
14. Unfitness as a parent or custodian;
15. Removing children from a state or concealing children in violation of a court order;



16. Restrictions or limitations on contact or visitation with children or minors resulting from a court order protecting a child or minor from abuse, neglect, or exploitation; or

17. Any type of child abduction[~~;-or,~~

~~[18. Similar or related conduct, matters, or things].~~

Except the following (list all incidents, location, description, and date) (if none, write NONE)

Signed \_\_\_\_\_

Date \_\_\_\_\_.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_.

Signature of notarial officer \_\_\_\_\_.  
(seal, if any, of notarial officer)

My commission expires: \_\_\_\_\_

**HB 3757 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3757**, A bill to be entitled An Act relating to approved drug and alcohol driving awareness programs.

Representative Giddings 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 3757**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3757**: Giddings, chair, Olivo, Burnam, G. Lewis, and J. Jones.

**HB 3780 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3780**, A bill to be entitled An Act relating to the creation of a county court at law in Nueces County and to the probate jurisdiction of the county courts at law in Nueces County.

On motion of Representative Luna, the house concurred in the senate amendments to **HB 3780**.

**Senate Committee Substitute**

**CSHB 3780**, A bill to be entitled An Act relating to the creation of a county court at law in Nueces County and to the probate jurisdiction of the county courts at law in Nueces County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 25.1801, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Nueces County has the following statutory county courts:

- (1) County Court at Law No. 1 of Nueces County;
- (2) County Court at Law No. 2 of Nueces County;
- (3) County Court at Law No. 3 of Nueces County; ~~and~~
- (4) County Court at Law No. 4 of Nueces County; and
- (5) County Court at Law No. 5 of Nueces County.

(c) The County Court at Law No. 5 of Nueces County shall give preference to:

(1) any proceeding involving an order relating to a child in the possession or custody of the Department of Protective and Regulatory Services;

(2) proceedings under Title 3, Family Code; and

(3) mental health matters over which the court has jurisdiction under Section 25.1802(a)(4).

SECTION 2. Section 25.1802, Government Code, is amended by amending Subsections (a), (d), (e), (g), (i), and (n) and adding Subsection (r) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (d), a county court at law in Nueces County has:

(1) the jurisdiction provided by the constitution and by general law for district courts;

(2) ~~[the general jurisdiction provided by Section 25.0021 for a statutory probate court and the jurisdiction and authority of a probate court or a statutory probate court under Sections 4, 5, 5A, and 5B, Texas Probate Code;~~

~~[(3)]~~ concurrent jurisdiction with the district court in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(3) ~~[(4)]~~ concurrent jurisdiction with the district court over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;

(4) ~~[(5)]~~ jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, statutory probate courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Subtitle C, Title 7, Health and Safety Code;

(B) Chapter 462, Health and Safety Code; and

(C) Subtitle D, Title 7, Health and Safety Code;

(5) ~~[(6)]~~ jurisdiction over the collection and management of estates of minors, mentally disabled persons, and deceased persons;

(6) ~~[(7)]~~ concurrent jurisdiction with the district court in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(7) [(8)] the pendent and ancillary jurisdiction necessary to promote judicial efficiency and economy; and

(8) [(9)] jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094, Government Code.

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

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059, Government Code;

(3) contested elections; or

(4) except as provided by Subsection (r), family law cases.

(e) The judge of County Court at Law No. 1, 2, or 3 of Nueces County may be paid, and the judge of County Court at Law No. 4 and the judge of County Court at Law No. 5 of Nueces County shall each be paid, an annual salary equal to the amount that is \$1,000 less than the salary paid by the state to a district judge in the county. The salaries shall be paid in the same manner and from the same fund as prescribed by law for the county judge.

(g) If the regular judge of County Court at Law No. 4 or 5 of Nueces County is absent or disqualified from presiding, a special judge may be appointed by the commissioners court. The person appointed must be recommended by the regular judge or, if the judge is unable to recommend a person, by the board of directors of the Nueces County Bar Association. A special judge is entitled to the same rate of compensation as the regular judge. A special judge has all the powers, duties, and immunities of the regular judge.

(i) The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the County Courts at Law Nos. 3, ~~and~~ 4, and 5 of Nueces County.

(n) The district clerk serves as clerk of a county court at law in cases enumerated in Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases enumerated in Subsections (a)(2)[, (a)(3);] and (a)(4) [(a)(5);] and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases.

(r) In addition to the jurisdiction provided by this section for statutory county courts of Nueces County, the County Court at Law No. 5 of Nueces County has jurisdiction of:

(1) proceedings under Title 3, Family Code; and

(2) any proceeding involving an order relating to a child in the possession or custody of the Department of Protective and Regulatory Services.

SECTION 3. Section 152.1841(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board of Nueces County is composed of the county judge, ~~and~~ the district judges in Nueces County, and the judge of the County Court at Law No. 5 of Nueces County.

SECTION 4. County Court at Law No. 5 of Nueces County, Texas, is created and this Act takes effect September 1, 1999.

SECTION 5. (a) The local administrative district judge shall transfer any case described by Section 25.1801(c), Government Code, as added by this Act, that is pending in a district court in Nueces County on the effective date of this Act to the County Court at Law No. 5 of Nueces County.

(b) When a case is transferred from one court to another as provided by Subsection (a) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligee in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 6. 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.

**HOUSE DISCHARGES CONFEREES  
HB 3021 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3021**, A bill to be entitled An Act relating to a health maintenance organization's complaint and appeals procedures.

Representative Smithee moved to discharge the conferees and concur in the senate amendments to **HB 3021**.

The motion prevailed without objection.

**Senate Amendment No. 1**

Amend **HB 3021** as follows:

(1) In Article 3.70-3D, Insurance Code, as added by SECTION 5 of the bill (Committee Printing page 4, lines 52-69 and page 5, lines 1-17) by striking SECTION 5 and substituting the following:

SECTION 5. Subchapter G, Chapter 3, Insurance Code, is amended by adding Article 3.70-3D to read as follows:

Art. 3.70-3D. CONSUMER ASSISTANCE PROGRAM FOR HEALTH MAINTENANCE ORGANIZATIONS. (a) The consumer assistance program for health maintenance organizations is established. The commissioner may contract, through a request for proposals, with a nonprofit organization to operate the program.

(b) The program shall:

(1) assist individual consumers in complaints or appeals within the operation of a health maintenance organization, and outside of the operation of a health maintenance organization, including appeals under Article 21.58A of this code or in Medicaid and Medicare fair hearings; and

(2) refer consumers to other programs or agencies if appropriate.

(c) The program may:

(1) operate a statewide clearinghouse for objective consumer information about health care coverage, including options for obtaining health care coverage; and

(2) accept gifts, grants, or donations from any source for the purpose of operating the program. The program may charge reasonable fees to consumers to support the program.

(d) The commissioner or an entity contracting with the commissioner to implement this article may establish an advisory committee composed of consumers, health care providers, and health care plan representatives.

(e) A nonprofit organization contracting with the commissioner pursuant to subsection (a) must not be involved in providing health care or health care plans and must demonstrate that it has expertise in providing direct assistance to consumers with respect to their concerns and problems with health maintenance organizations.

(2) Add the following appropriately numbered SECTION and renumber subsequent sections accordingly:

SECTION \_\_\_\_\_. The changes made by Section 5 of this Act do not take effect unless the legislature appropriates money specifically for the purpose of administering that section.

### **SB 403 - VOTE RECONSIDERED**

Representative Hinojosa moved to reconsider the vote by which **SB 403** was passed.

The motion to reconsider prevailed.

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

Representative Hinojosa offered the following amendment to **SB 403**:

Amend **SB 403** in SECTION 6, page 4, line 20, after the words "peace officer" by striking "by a surety on the forfeited bond.".

Amendment No. 1 was adopted without objection.

**SB 403**, as amended, was passed.

### **ADJOURNMENT**

Representative Goolsby moved that the house adjourn until 11 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 7:40 p.m., adjourned until 11 a.m. tomorrow.

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### **ADDENDUM**

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#### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following

resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HR 1085** (by Craddick), Congratulating Lyle and Ethel Winje on their 50th wedding anniversary.

To Rules & Resolutions.

**HR 1086** (by Craddick), Congratulating O. R. and Viola Glenn on their 50th wedding anniversary.

To Rules & Resolutions.

**HR 1087** (by Craddick), Congratulating Charles and Vera Kimble of Midland on their 65th wedding anniversary.

To Rules & Resolutions.

**HR 1088** (by Craddick), Congratulating Jake and Helen Arnold on their 50th wedding anniversary.

To Rules & Resolutions.

**HR 1089** (by Craddick), Congratulating Tommy and Grace Balles on their 50th wedding anniversary.

To Rules & Resolutions.

**HR 1090** (by Craddick), Congratulating C. E. and Catherine Adams on their 64th wedding anniversary.

To Rules & Resolutions.

**HR 1092** (by Longoria), Commemorating the 25th Anniversary of the Southwest Voter Registration Education Project.

To Rules & Resolutions.

**HR 1097** (by Deshotel), In memory of Herbert Martin.

To Rules & Resolutions.

**HR 1099** (by Pitts), Honoring state employees who have worked on Y2K remediation for the state of Texas.

To Rules & Resolutions.

**HR 1100** (by McClendon), Congratulating Matthew William Adkisson on attaining the rank of Eagle Scout.

To Rules & Resolutions.

**HR 1101** (by McClendon), Congratulating Richard Stephen Allison on attaining the rank of Eagle Scout.

To Rules & Resolutions.

**HR 1102** (by Alexander), Promoting awareness of rural mail carriers in Texas.

To Rules & Resolutions.

**HR 1105** (by Flores), Congratulating Mari Gonzalez on her recent election to public office.

To Rules & Resolutions.

**HR 1106** (by Flores), Congratulating Guadalupe Rangel, Jr., on his election to the La Villa Board of Aldermen.

To Rules & Resolutions.

**HR 1107** (by Flores), Congratulating Angie Garza on her recent election to public office.

To Rules & Resolutions.

**HR 1108** (by Flores), Congratulating Johnny Cuellar on his recent election.

To Rules & Resolutions.

**HR 1109** (by Flores), Congratulating Oscar Rios on his recent election.

To Rules & Resolutions.

**HR 1110** (by Flores), Congratulating Billy Leo on his recent election.

To Rules & Resolutions.

**HR 1111** (by Flores), Congratulating Celestino Ramirez on his recent election.

To Rules & Resolutions.

**HR 1112** (by Flores), Congratulating George Gonzalez on his recent election.

To Rules & Resolutions.

**HR 1113** (by Flores), Congratulating Victor Garcia on his recent election as commissioner for the City of La Villa.

To Rules & Resolutions.

**HR 1114** (by Flores), Congratulating Jaime Cantu on his recent election as alderman for the City of Edcouch.

To Rules & Resolutions.

**HR 1115** (by Flores), Congratulating Delmira Trevino on his recent election as alderman for the City of Edcouch.

To Rules & Resolutions.

**HR 1116** (by Flores), Congratulating Ramiro Silva on his recent election as mayor of the City of Edcouch.

To Rules & Resolutions.

**HR 1117** (by Flores), Congratulating Augustin Torres on his recent election as commissioner for the City of Elsa.

To Rules & Resolutions.

**HR 1118** (by Flores), Congratulating Gregorio Madrigal on his recent election as mayor of the City of Elsa.

To Rules & Resolutions.

**HR 1119** (by Flores), Congratulating Reymundo Ruiz on his recent election as commissioner for Sullivan City.

To Rules & Resolutions.

**HR 1120** (by Flores), Congratulating Jose "Nievitos" Villalon on his recent election as commissioner for Sullivan City.

To Rules & Resolutions.

**HR 1121** (by Flores), Congratulating Gumaro Flores on his recent election as mayor of Sullivan City.

To Rules & Resolutions.

**HR 1123** (by Flores), Honoring Hoss Lozano of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1124** (by Flores), Honoring Thomas E. Wiesman of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1125** (by Flores), Honoring Lina R. Arredondo of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1126** (by Flores), Honoring Rolando Alfaro of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1127** (by Flores), Honoring Noemi Garza of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1128** (by Flores), Honoring Elisa Zuniga of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1129** (by Flores), Honoring Mike Ochoa of the Rio Hondo School Board.

To Rules & Resolutions.

**HR 1130** (by Flores), Honoring Evelia Morales of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1131** (by Flores), Honoring Ignacio Lopez, Jr., of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1132** (by Flores), Honoring Domingo Villareal, Jr., of the La Joya School Board.

To Rules & Resolutions.

**HR 1133** (by Flores), Honoring Elma Garza of the La Joya School Board.

To Rules & Resolutions.

**HR 1134** (by Flores), Honoring Amancio J. Chapa of the La Joya School Board.

To Rules & Resolutions.

**HR 1135** (by Flores), Honoring Carmen Ramirez of the La Joya School Board.

To Rules & Resolutions.



**HR 1136** (by Flores), Honoring Norma Lee Garza of the Mission School Board.

To Rules & Resolutions.

**HR 1137** (by Flores), Honoring Israel Sagredo of the Mission School Board.

To Rules & Resolutions.

**HR 1138** (by Flores), Honoring Ricardo Martinez of the Mission School Board.

To Rules & Resolutions.

**HR 1139** (by Flores), Honoring Connie Garza of the Mission School Board.

To Rules & Resolutions.

**HR 1140** (by Flores), Honoring Ruben Femat of the Mission School Board.

To Rules & Resolutions.

**HR 1141** (by Flores), Honoring Norie G. Garza of the Mission School Board.

To Rules & Resolutions.

**HR 1142** (by Flores), Honoring Ric Brown of the Mission School Board.

To Rules & Resolutions.

**HR 1143** (by Flores), Honoring Irene M. Garcia of the La Joya School Board.

To Rules & Resolutions.

**HR 1144** (by Flores), Honoring Linda P. Pereyra of the La Villa Independent School District Board Trustees.

To Rules & Resolutions.

**HR 1145** (by Flores), Honoring Guadalupe C. Ramos of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1146** (by Flores), Honoring Juan Garza of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1147** (by Flores), Honoring Maria Gloria Garcia of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1148** (by Flores), Honoring Danny Ortega of the La Villa Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1149** (by Flores), Honoring Thomas P. Wingate of the Sharyland School Board.

To Rules & Resolutions.

**HR 1150** (by Flores), Honoring Lowell Hudsonpillar of the Sharyland School Board.

To Rules & Resolutions.

**HR 1151** (by Flores), Honoring Valente Alaniz, Jr., of the La Joya School Board.

To Rules & Resolutions.

**HR 1152** (by Flores), Honoring Leo J. Leo, Jr., of the La Joya School Board.

To Rules & Resolutions.

**HR 1153** (by Flores), Honoring Dustin Roach of the Sharyland School Board.

To Rules & Resolutions.

**HR 1154** (by Flores), Honoring A. J. Gorena of the Sharyland School Board.

To Rules & Resolutions.

**HR 1155** (by Flores), Honoring Linda Cardenas of the Sharyland School Board.

To Rules & Resolutions.

**HR 1156** (by Flores), Honoring Joe D. Williamson of the Sharyland School Board.

To Rules & Resolutions.

**HR 1157** (by Flores), Honoring Joe Phillips of the Sharyland School Board.

To Rules & Resolutions.

**HR 1158** (by Flores), Honoring Cecilia Luna of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1159** (by Flores), Honoring Armando Lopez of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1160** (by Flores), Honoring Sylvia C. Faz of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1161** (by Flores), Honoring Josue Rivas of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1162** (by Flores), Honoring Martin Chapa of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1163** (by Flores), Honoring Teresa Del Toro of the Monte Alto Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1164** (by Flores), Honoring Connie Villanueva of the Monte Alto School Independent School District Board of Trustees.

To Rules & Resolutions.

**HR 1166** (by Edwards), Honoring Lawrence Collins for his legislative service.

To Rules & Resolutions.

**HR 1171** (by Hupp), Recognizing the birth of Bryan Paul Pechal and acknowledging him as an honorary Texan.

To Rules & Resolutions.

**HR 1174** (by Flores), Congratulating Michael Davis on his recent election to the school board.

To Rules & Resolutions.

**HR 1175** (by Flores), Congratulating Hector Garza on his recent election to the school board.

To Rules & Resolutions.

**HR 1176** (by Flores), Congratulating Noe Tamez on his recent election to the school board.

To Rules & Resolutions.

**HR 1177** (by Flores), Congratulating Esteben Garza on his recent election to the school board.

To Rules & Resolutions.

**HR 1178** (by Flores), Congratulating Rudy Rodriguez on his recent election to the school board.

To Rules & Resolutions.

**HR 1179** (by Flores), Congratulating Xavier Salinas on his recent election to the school board.

To Rules & Resolutions.

**HR 1180** (by Flores), Congratulating Albert Sandoval on his recent election to the school board.

To Rules & Resolutions.

**HR 1181** (by Flores), Congratulating Frank Cuellar on his recent election to the school board.

To Rules & Resolutions.

**HR 1182** (by Flores), Congratulating Paul Rodriguez on his recent election to the school board.

To Rules & Resolutions.

**HR 1183** (by Flores), Congratulating Fred Borrego on his recent election to the school board.

To Rules & Resolutions.

**HR 1184** (by Flores), Congratulating Jose G. Ramirez on his recent election to the school board.

To Rules & Resolutions.

**HR 1185** (by Flores), Congratulating Roy Rodriguez on his recent election to the school board.

To Rules & Resolutions.

**HR 1186** (by Flores), Congratulating Michael Ozuna on his recent election to the school board.

To Rules & Resolutions.

**HR 1187** (by Flores), Congratulating Joe Cisneros on his recent election to the school board.

To Rules & Resolutions.

**HR 1188** (by Flores), Congratulating Felix Garza on his recent election to the school board.

To Rules & Resolutions.

**HR 1189** (by Flores), Congratulating Rodolfo Ramirez on his recent election to the school board.

To Rules & Resolutions.

**HR 1190** (by Flores), Congratulating William Peisen on his recent election to the school board.

To Rules & Resolutions.

**HR 1191** (by Flores), Congratulating George Cardenas on his recent election to the school board.

To Rules & Resolutions.

**HR 1192** (by Flores), Congratulating Eddie Olivarez on his recent election to the school board.

To Rules & Resolutions.

**HR 1193** (by Flores), Congratulating Aaron Gonzalez on his recent election to the school board.

To Rules & Resolutions.

**HR 1194** (by Flores), Congratulating Juan Rodriguez on his recent election to the school board.

To Rules & Resolutions.

**HR 1195** (by Flores), Congratulating Robert Contreras on his recent election to the school board.

To Rules & Resolutions.

**HR 1196** (by Flores), Congratulating Juan Garza on his recent election to the school board.

To Rules & Resolutions.

**HR 1197** (by Flores), Congratulating Ramon Rosales on his recent election to the school board.

To Rules & Resolutions.

**HR 1198** (by Flores), Congratulating Juan J. Ramos on his recent election to the school board.

To Rules & Resolutions.

**HR 1199** (by Flores), Congratulating Tony Leal on his recent election to the school board.

To Rules & Resolutions.

**HR 1201** (by Counts), Honoring Tiffany Green of Hamlin High School.  
To Rules & Resolutions.

**HR 1202** (by Goolsby), Honoring the employees of the House Business Office.  
To Rules & Resolutions.

**HR 1203** (by Goolsby), Honoring the house parking guards on their diligent service during the 76th Legislature.  
To Rules & Resolutions.

**HR 1204** (by Dunnam), Honoring the myriad accomplishments of George Davis Dixon.  
To Rules & Resolutions.

**HR 1205** (by R. Lewis), Honoring the retirement of Orangefield High School girls basketball coach Bill Tennison.  
To Rules & Resolutions.

**SCR 86** to Rules & Resolutions.

#### **SIGNED BY THE SPEAKER**

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

#### **Senate List No. 32**

**SB 23, SB 79, SB 99, SB 139, SB 167, SB 172, SB 260, SB 315, SB 322, SB 352, SB 424, SB 445, SB 451, SB 507, SB 519, SB 529, SB 577, SB 621, SB 627, SB 677, SB 734, SB 792, SB 846, SB 851, SB 916, SB 928, SB 977, SB 987, SB 1030, SB 1118, SB 1197, SB 1223, SB 1234, SB 1272, SB 1292, SB 1293, SB 1310, SB 1319, SB 1359, SB 1361, SB 1379, SB 1391, SB 1421, SB 1514, SB 1571, SB 1587, SB 1593, SB 1603, SB 1640, SB 1665, SB 1718, SB 1734, SB 1794, SB 1862, SB 1883, SCR 2, SCR 9, SCR 22, SCR 83, SJR 22**

#### **House List No. 63**

**HB 217, HB 323, HB 707, HB 820, HB 954, HB 1187, HB 1752, HB 1777, HB 1916, HB 2025, HB 2307, HB 2382, HB 2424, HB 2534, HB 2557, HB 2617, HB 2961, HB 3033, HB 3092, HB 3300, HB 3456, HB 3516, HB 3624, HCR 285, HCR 287, HCR 292, HCR 295, HCR 296**

#### **MESSAGES FROM THE SENATE**

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

#### **Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas  
Wednesday, May 26, 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 153** Nixon, Joe SPONSOR: Moncrief  
Relating to establishing a procedure to prevent the fraudulent use of an individual's identification in circumstances affecting proper law enforcement.  
(AMENDED)

**HB 801** Uher SPONSOR: Armbrister  
Relating to public participation in certain environmental permitting procedures of the Texas Natural Resource Conservation Commission.  
(COMMITTEE SUBSTITUTE/AMENDED)

**HB 2186** Dutton SPONSOR: Ellis, Rodney  
Relating to summary judgments issued by a court.  
(AMENDED)

**HB 2281** Garcia SPONSOR: Lucio  
Relating to a program of the Texas Department of Housing and Community Affairs to promote for-profit construction of affordable homes for low and very low income homebuyers.

**HB 3014** Hawley SPONSOR: Bernsen  
Relating to the Texas Department of Transportation's automated registration and title system.  
(AMENDED)

**HB 3059** Hill SPONSOR: Lucio  
Relating to the operation of the Texas State Affordable Housing Corporation.

**HB 3255** Gallego SPONSOR: Carona  
Relating to compensation to certain victims of domestic violence from the compensation to victims of crime fund.  
(AMENDED)

**HB 3846** Lewis, Ron SPONSOR: Bernsen  
Relating to the composition of the board of directors of the Sabine River Authority of Texas.  
(AMENDED)

**HCR 289** West, George "Buddy" SPONSOR: Brown, J. E. "Buster"  
Commending Dan N. MacLemore III on his selection as moderator of the Presbytery of New Covenant.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 26, 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:

**LOCAL AND UNCONTESTED CALENDAR**

**HB 27** Goolsby SPONSOR: Jackson  
Relating to the medical records of the patient of a physician.

**HB 51** Cuellar SPONSOR: Gallegos  
Relating to the authority of a taxing unit to permit certain persons to perform services or to provide persons to perform services for the taxing unit in lieu of paying ad valorem taxes owed to the unit.

**HB 59** Cuellar SPONSOR: Duncan  
Relating to making a voter information guide for judicial elections available to the public on the Internet.

**HB 89** Gutierrez SPONSOR: Sibley  
Relating to the delinquent registration of a motor vehicle.

**HB 91** Giddings SPONSOR: Ellis, Rodney  
Relating to prohibiting female genital mutilation; imposing a penalty.

**HB 108** Alvarado SPONSOR: Madla  
Relating to motor vehicle liability insurance for vehicles operated by peace officers in certain counties.

**HB 116** Smith SPONSOR: Harris  
Relating to judicial review of a decision by a municipal board of adjustment.

**HB 163** Chisum SPONSOR: Bivins  
Relating to the offense of possession of a controlled substance or dangerous drug in a correctional facility.

**HB 213** Hochberg SPONSOR: Nelson  
Relating to certain claims for health care services.

**HB 236** Krusee SPONSOR: Wentworth  
Relating to the composition of the board of directors of certain metropolitan rapid transit authorities.

**HB 243** West, George "Buddy" SPONSOR: Gallegos  
Relating to authorizing peace officers to administer certain oaths.

- HB 269** Flores SPONSOR: West, Royce  
Relating to jury service by public school employees.
- HB 318** Driver SPONSOR: Duncan  
Relating to the penalty for a false application for a driver's license or a certificate issued by the Department of Public Safety.
- HB 319** Driver SPONSOR: Cain  
Relating to the penalty for tampering with certain governmental records.
- HB 351** Denny SPONSOR: Ellis, Rodney  
Relating to the civil liability of a county tax assessor-collector.
- HB 426** Turner, Bob SPONSOR: Haywood  
Relating to educational requirements for the executive director of the Texas Animal Health Commission.
- HB 450** Pitts SPONSOR: Cain  
Relating to disconnection of a telephone call made by an automated dial announcing device.
- HB 496** Flores SPONSOR: Lucio  
Relating to the operation of vehicle theft checkpoints near the Mexican border.
- HB 509** Hochberg SPONSOR: Ellis, Rodney  
Relating to disputes concerning enforcement of deed restrictions in justice court.
- HB 512** Gray SPONSOR: Ellis, Rodney  
Relating to the admissibility in a civil action of certain communications of sympathy.
- HB 524** McReynolds SPONSOR: Nixon, Drew  
Relating to the application of the professional prosecutors law to the district attorney of the 1st Judicial District.
- HB 635** Allen SPONSOR: Shapiro  
Relating to the offense of taking or attempting to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer.
- HB 641** Howard SPONSOR: Lindsay  
Relating to requiring a municipal utility district to disclose to the purchaser of residential real property whether the property is located in a municipality's corporate boundaries or extraterritorial jurisdiction.
- HB 652** Berman SPONSOR: Ratliff  
Relating to the application of the sales tax to certain eating utensils.
- HB 668** Wise SPONSOR: Armbrister  
Relating to missing children, to the duty of law enforcement with respect to missing children, and to certain criminal offenses frequently committed against missing children.



- HB 703** Wilson SPONSOR: Barrientos  
Relating to the purchase and sale of lottery tickets.
- HB 722** Staples SPONSOR: Nixon, Drew  
Relating to the number of certified peace officers employed by the Texas Forest Service.
- HB 729** Hochberg SPONSOR: Duncan  
Relating to certain requirements for an insurance carrier that pays workers' compensation benefits.
- HB 747** Gallego SPONSOR: Shapleigh  
Relating to certain evaluations made by the governing body of a hospital district, hospital authority, or public hospital.
- HB 756** Hartnett SPONSOR: Madla  
Relating to certain meetings held by a nonprofit corporation.
- HB 780** Thompson SPONSOR: Ellis, Rodney  
Relating to designation of a municipal court judge as a member of a county bail bond board.
- HB 806** Jones, Jesse SPONSOR: Carona  
Relating to the use of electronic devices for the production and authentication of certain court documents.
- HB 834** Eiland SPONSOR: Jackson  
Relating to the qualifications of a member of the board of directors of an appraisal district.
- HB 861** Dukes SPONSOR: Ellis, Rodney  
Relating to the creation of the offense of coercing, soliciting, or inducing a child to participate in the activities of a criminal street gang.
- HB 916** Gallego SPONSOR: Shapleigh  
Relating to regulation of outdoor lighting at state-funded entities.
- HB 947** Palmer SPONSOR: Harris  
Relating to the criminal penalty for a violation of law relating to the regulation of fireworks.
- HB 953** Uher SPONSOR: Brown, J. E. "Buster"  
Relating to the conducting of a driver education course by the student's grandparent or stepparent.
- HB 955** Uher SPONSOR: Ellis, Rodney  
Relating to providing parties with notice of the attorney of record representing the office of attorney general.
- HB 964** Cuellar SPONSOR: Zaffirini  
Relating to allowing school crossing guards to direct traffic in a school crossing zone.
- HB 965** Swinford SPONSOR: Duncan  
Relating to certain dealer agreements concerning forestry harvesting and off-road construction equipment.

- HB 969** Van de Putte SPONSOR: Carona  
Relating to the definition under certain health benefit plans of treatment for craniofacial abnormalities of a child.
- HB 998** Farrar SPONSOR: Jackson  
Relating to the prosecution of the offense of burglary.
- HB 1001** Hartnett SPONSOR: West, Royce  
Relating to the creation of the criminal offense of unlawful installation of a tracking device on a motor vehicle.
- HB 1027** Solomons SPONSOR: Haywood  
Relating to the authority of the board of regents of Texas Woman's University to levy fees for student centers.
- HB 1066** Swinford SPONSOR: Duncan  
Relating to dealers of certain farm and industrial equipment.
- HB 1070** Merritt SPONSOR: Truan  
Relating to parking privileges of a disabled veteran.
- HB 1078** Solis, Jim SPONSOR: Madla  
Relating to restoration of benefits to a fire fighter or police officer on reinstatement to a position as a result of a successful appeal of a disciplinary suspension.
- HB 1082** Bosse SPONSOR: Ellis, Rodney  
Relating to the composition of the Harris County Juvenile Board.
- HB 1086** Solomons SPONSOR: Shapleigh  
Relating to liens on manufactured homes.
- HB 1097** Coleman SPONSOR: Madla  
Relating to application requirements for participation in the Texas Health Insurance Risk Pool.
- HB 1103** Smith SPONSOR: Shapiro  
Relating to when a vehicle becomes a junked vehicle.
- HB 1137** Thompson SPONSOR: Ellis, Rodney  
Relating to the penalty imposed on certain persons who fail to timely pay or deliver abandoned property.
- HB 1148** Seaman SPONSOR: Madla  
Relating to reports related to certain offices within the Texas Department of Economic Development.
- HB 1159** Ellis, Dan SPONSOR: Cain  
Relating to county regulation of public nuisances.
- HB 1176** Junell SPONSOR: Wentworth  
Relating to certain documents required to be filed with an application for probate of a foreign will.
- HB 1184** Hilbert SPONSOR: Gallegos  
Relating to the regulation of staff leasing services.

- HB 1211** Averitt SPONSOR: Sibley  
Relating to health maintenance organization plans for small employers.
- HB 1217** Moreno, Joe SPONSOR: Jackson  
Relating to enrollment periods for employer health benefit plans.
- HB 1219** Keel SPONSOR: Wentworth  
Relating to the accounting system in certain counties.
- HB 1227** Jones, Jesse SPONSOR: Bernsen  
Relating to special license plates to support reading programs of public libraries.
- HB 1265** McClendon SPONSOR: Barrientos  
Relating to the penalty for trespassing onto a Superfund site.
- HB 1321** King, Phil SPONSOR: Harris  
Relating to the authority of a magistrate to impose certain reasonable conditions of bond and to revoke a bond for violation of one of those conditions.
- HB 1333** Hardcastle SPONSOR: Sibley  
Relating to the time limit regarding a protest for potential chargebacks under the unemployment compensation system.
- HB 1337** Uresti SPONSOR: Madla  
Relating to evidence of domestic violence in the appointment of a managing conservator for a child.
- HB 1350** Solis, Jim SPONSOR: Lucio  
Relating to the jurisdiction of the statutory county courts of Cameron County.
- HB 1353** Deshotel SPONSOR: Bernsen  
Relating to certain information used for emergency management and disaster services.
- HB 1354** Hartnett SPONSOR: Carona  
Relating to requiring notice of certain appeal rights to a person insured or applying for medical liability insurance provided through a joint underwriting association.
- HB 1374** Gallego SPONSOR: Madla  
Relating to contracts executed by and the election of the board of directors of the Val Verde County Hospital District.
- HB 1425** Staples SPONSOR: Nixon, Drew  
Relating to a traffic offense committed in a construction or maintenance work zone.
- HB 1432** Grusendorf SPONSOR: Shapiro  
Relating to the authority of the Texas Department of Public Safety to charge a fee for processing certain inquiries for certain sex offender registration information.
- HB 1436** Salinas SPONSOR: Truan  
Relating to designating Farm-to-Market Road 1931 in Alice as Flournoy Road.

- HB 1510** Marchant SPONSOR: Shapiro  
Relating to documentary fee included in a vehicle retail installment contract.
- HB 1517** Solis, Jim SPONSOR: Lucio  
Relating to a study and strategic plan concerning the development of the apparel industry in the border region.
- HB 1522** Siebert SPONSOR: Armbrister  
Relating to prompt payment requirements for work performed by contractors and subcontractors on certain real property.
- HB 1538** Uher SPONSOR: Cain  
Relating to the issuance by the Texas Department of Transportation of annual permits to move certain superheavy or oversize equipment on a state highway.
- HB 1545** Danburg SPONSOR: Shapleigh  
Relating to accessibility standards at polling places and precinct convention places for the elderly and persons with physical disabilities.
- HB 1562** Reyna, Elvira SPONSOR: Carona  
Relating to matters that may be referred to a criminal law magistrate in Dallas County.
- HB 1563** Bosse SPONSOR: Lindsay  
Relating to prohibiting the recording of a plat or replat of a subdivision of real property if ad valorem taxes are delinquent.
- HB 1575** Maxey SPONSOR: Barrientos  
Relating to double parking in a central business district.
- HB 1583** Jones, Jesse SPONSOR: West, Royce  
Relating to the confidentiality of certain juvenile records or files.
- HB 1586** Naishtat SPONSOR: Zaffirini  
Relating to the coverage by long-term care insurance policies of the parents of an insured or the parents of the spouse of an insured.
- HB 1604** Thompson SPONSOR: Ellis, Rodney  
Relating to certain procedures involving the ad valorem taxation of property owned or acquired by a religious organization.
- HB 1606** Thompson SPONSOR: Wentworth  
Relating to the assignment of visiting judges in certain county courts.
- HB 1616** Uher SPONSOR: Bernsen  
Relating to the issuance of volunteer firefighter license plates.
- HB 1618** Keel SPONSOR: Wentworth  
Relating to the creation of library districts.
- HB 1627** Maxey SPONSOR: Cain  
Relating to certain requirements for insurers that contract with municipalities.
- HB 1666** Green SPONSOR: Armbrister  
Relating to the operation of the Nixon Hospital District of Gonzales and Wilson Counties, Texas, and Gonzales Healthcare Systems.

- HB 1697** Greenberg SPONSOR: Barrientos  
Relating to eligibility and benefits under public retirement systems for employees of certain municipalities.
- HB 1733** Luna, Vilma SPONSOR: Zaffirini  
Relating to a continuing advisory panel to provide policy guidance concerning special education and related services.
- HB 1743** Shields SPONSOR: Truan  
Relating to the registration and the transfer of motor vehicles owned by certain persons on active duty in the armed forces of the United States.
- HB 1754** Hill SPONSOR: Carona  
Relating to summoning prospective jurors to justice court.
- HB 1798** King, Phil SPONSOR: Harris  
Relating to the prosecution of theft of services provided at certain service establishments.
- HB 1802** Eiland SPONSOR: Jackson  
Relating to an affirmative defense to certain gambling offenses committed on an ocean-going vessel.
- HB 1805** Dunnam SPONSOR: Ellis, Rodney  
Relating to the exemption of insurance benefits from garnishment, attachment, execution, or other seizure.
- HB 1847** Hill SPONSOR: Madla  
Relating to the presumed validity of a district act or proceeding.
- HB 1874** Hinojosa SPONSOR: Lucio  
Relating to the operation and administration of The University of Texas—Pan American.
- HB 1896** Keel SPONSOR: Barrientos  
Relating to the compensation of criminal law magistrates in Travis County.
- HB 1906** West, George "Buddy" SPONSOR: Brown, J. E. "Buster"  
Relating to special license plates benefiting parks, fisheries, and wildlife.
- HB 1919** Gallego SPONSOR: Harris  
Relating to legislative review of health care benefits that are mandated to be provided by health benefit plans.
- HB 1925** Carter SPONSOR: Duncan  
Relating to the display of certain flags at the Capitol building.
- HB 1956** Danburg SPONSOR: Gallegos  
Relating to the amendment or termination of restrictive covenants affecting real property in certain historic neighborhoods.
- HB 1999** Telford SPONSOR: Armbrister  
Relating to employee benefits available to employees of community supervision and corrections departments.
- HB 2009** Palmer SPONSOR: Harris  
Relating to the qualifications for service as constable.

- HB 2017** Christian SPONSOR: Carona  
Relating to the designation of certain state employees as liaisons to faith-based organizations for the purpose of promoting community services for the needy and to the promotion of cooperation and coordination among certain organizations by local workforce development boards.
- HB 2019** Staples SPONSOR: Nixon, Drew  
Relating to the conveyance of certain state-owned real property in Cherokee County to the City of Rusk.
- HB 2032** Kuempel SPONSOR: Armbrister  
Relating to surrender of a suspended or revoked driver's license or vehicle registration.
- HB 2034** Gray SPONSOR: Jackson  
Relating to the authority of certain counties to delegate traffic regulation functions.
- HB 2035** Hawley SPONSOR: Armbrister  
Relating to insurance coverage for employees of certain motor carriers.
- HB 2049** Thompson SPONSOR: Madla  
Relating to the right of a person entitled to coverage under certain health and accident insurance policies to select certain health care practitioners.
- HB 2057** Yarbrough SPONSOR: Whitmire  
Relating to the form for an application for an early voting ballot to be voted by mail.
- HB 2059** Uher SPONSOR: Brown, J. E. "Buster"  
Relating to the determination of the amount of child support for a child of certain disabled obligors.
- HB 2101** Pitts SPONSOR: Ellis, Rodney  
Relating to compliance by financial institutions with requests relating to judgment debtors.
- HB 2109** Bonnen SPONSOR: Brown, J. E. "Buster"  
Relating to limits on liability of a taxing unit for storage tanks.
- HB 2135** Solomons SPONSOR: Harris  
Relating to establishing a mechanic's lien for landscaping installations.
- HB 2146** Allen SPONSOR: Harris  
Relating to the application of the sales tax to certain items sold through coin-operated vending machines.
- HB 2151** Bosse SPONSOR: Whitmire  
Relating to immunity from liability of a member of the board of directors of a public facility corporation.
- HB 2152** King, Phil SPONSOR: Shapiro  
Relating to a partial lump-sum distribution on retirement from the Texas County and District Retirement System.
- HB 2162** Naishtat SPONSOR: Barrientos  
Relating to the process for preparing a development plan before certain state-owned real property is offered for sale or lease.

- HB 2164** Naishtat SPONSOR: Moncrief  
Relating to the appointment of a guardian for certain incapacitated minors.
- HB 2166** Naishtat SPONSOR: Moncrief  
Relating to the appointment of successor guardians for wards of guardianship programs or governmental entities serving as guardians.
- HB 2172** Luna, Vilma SPONSOR: Cain  
Relating to school district compliance with special education laws.
- HB 2201** Tillery SPONSOR: Madla  
Relating to the authority of a municipal court judge to sit for another municipal court judge under certain circumstances.
- HB 2207** Olivo SPONSOR: Ellis, Rodney  
Relating to parking of a commercial motor vehicle in a residential subdivision.
- HB 2219** Hilbert SPONSOR: Lindsay  
Relating to an exemption from investment training for officers and employees of emergency services and rural fire prevention districts.
- HB 2220** Hilbert SPONSOR: Brown, J. E. "Buster"  
Relating to refunds of overpayments or erroneous payments of ad valorem taxes.
- HB 2231** Crabb SPONSOR: Cain  
Relating to the punishment for the offense of burglary of a rail car.
- HB 2247** Hawley SPONSOR: Bernsen  
Relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.
- HB 2252** Eiland SPONSOR: Jackson  
Relating to commercial windstorm insurance rates.
- HB 2253** Eiland SPONSOR: Jackson  
Relating to the operation of the catastrophe reserve trust fund.
- HB 2260** Noriega SPONSOR: Gallegos  
Relating to contracts for the replacement or repair of public school equipment or public school facilities.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 26, 1999 - 5

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:

**LOCAL AND UNCONTESTED CALENDAR**

- HB 656** Noriega SPONSOR: Whitmire  
Relating to the penalty for sale or delivery of a substance containing a volatile chemical to a minor.
- HB 2265** Hamric SPONSOR: Brown, J. E. "Buster"  
Relating to the Harris County Road Law; providing a civil penalty.
- HB 2269** Hamric SPONSOR: Barrientos  
Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations performing certain functions.
- HB 2272** Ritter SPONSOR: Haywood  
Relating to advisory committees to the Parks and Wildlife Commission.
- HB 2274** Keel SPONSOR: Barrientos  
Relating to the administration, powers, duties, operation and financing of Wells Branch Municipal Utility District in Travis and Williamson counties.
- HB 2275** Keel SPONSOR: Wentworth  
Relating to the board of directors, boundaries, and financing of the Southwest Travis County Water District.
- HB 2300** Hunter SPONSOR: Ellis, Rodney  
Relating to the publication by the Texas Board of Professional Engineers of a roster of engineers.
- HB 2317** Hartnett SPONSOR: Wentworth  
Relating to venue in an action concerning a trust.
- HB 2337** Ehrhardt SPONSOR: Carona  
Relating to additional interest for default on a loan contract including simple interest.
- HB 2388** Solis, Jim SPONSOR: Madla  
Relating to the sale or lease by a county of real property in connection with certain economic development programs.
- HB 2397** Carter SPONSOR: Nelson  
Relating to the Crime Stoppers Advisory Council.
- HB 2408** Hill SPONSOR: Lucio  
Relating to notice to tenants of certain changes in policy by a landlord.
- HB 2415** Keffer SPONSOR: Sibley  
Relating to a junior college district branch campus, center, or extension facility.



- HB 2429** King, Tracy SPONSOR: Zaffirini  
Relating to the method used by the comptroller of public accounts to pay vendors and other persons.
- HB 2455** Edwards SPONSOR: Ellis, Rodney  
Relating to access for certain persons to the medical records of a child.
- HB 2456** Hartnett SPONSOR: Wentworth  
Relating to the statute of limitations for certain civil actions.
- HB 2469** Ramsay SPONSOR: Shapiro  
Relating to facilities requirements for county jails.
- HB 2511** Giddings SPONSOR: Armbrister  
Relating to the reporting and transmission of certain information in connection with workers' compensation coverage.
- HB 2513** Ritter SPONSOR: Armbrister  
Relating to certain workers' compensation benefits and procedures designed to enable an injured worker to return to work.
- HB 2514** Ritter SPONSOR: Armbrister  
Relating to certain workers' compensation programs conducted to increase worker safety.
- HB 2536** Davis, Yvonne SPONSOR: West, Royce  
Relating to the salary of the county judge of Dallas County.
- HB 2538** Davis, Yvonne SPONSOR: Cain  
Relating to compulsory inspection of certain vehicles to be registered and titled outside this state.
- HB 2541** Hupp SPONSOR: Haywood  
Relating to traffic offenses occurring in a construction or maintenance work zone.
- HB 2547** Williams SPONSOR: Bernsen  
Relating to the operation of the Geo-Technology Research Institute.
- HB 2559** Turner, Bob SPONSOR: Ratliff  
Relating to increasing the policy limit on stipulated insurance company policies.
- HB 2563** Lewis, Glenn SPONSOR: Ellis, Rodney  
Relating to creation of a pilot program to establish individual development accounts for certain low-income individuals.
- HB 2574** Hilbert SPONSOR: Brown, J. E. "Buster"  
Relating to allocation for ad valorem tax purposes of the value of certain business aircraft used outside this state.
- HB 2585** Woolley SPONSOR: Cain  
Relating to the substitution of and equivalency for the single currency of the European Union in certain contracts, securities, and instruments.
- HB 2603** Solomons SPONSOR: Nelson  
Relating to appropriations to historical foundations by certain counties.

- HB 2655** Elkins SPONSOR: Carona  
Relating to repossession of a motor vehicle for repair charges.
- HB 2663** Ramsay SPONSOR: Moncrief  
Relating to permitting a commissioners court to authorize payment of certain continuing education expenses incurred by elected county and precinct officers.
- HB 2667** Capelo SPONSOR: Shapiro  
Relating to the regulation of industrial hygienists; providing a civil penalty.
- HB 2706** Gallego SPONSOR: Gallegos  
Relating to eligibility for workers' compensation benefits for certain persons who provide certain volunteer services.
- HB 2711** Thompson SPONSOR: Carona  
Relating to restrictions on the deposit and investment of funds of a domestic insurance company.
- HB 2729** Longoria SPONSOR: Madla  
Relating to regional business certification programs for purchasing by political subdivisions.
- HB 2754** Smithee SPONSOR: Sibley  
Relating to the administration of risk pools that provide health and accident coverage for political subdivisions.
- HB 2758** Turner, Bob SPONSOR: Fraser  
Relating to the application of the professional prosecutors law to the district attorney for the 33rd Judicial District.
- HB 2759** Deshotel SPONSOR: Moncrief  
Relating to the prostate cancer education program.
- HB 2764** Solomons SPONSOR: Nixon, Drew  
Relating to the authority of a county to regulate automotive wrecking and salvage yards.
- HB 2769** Pickett SPONSOR: Cain  
Relating to the disposition of the personal property and security deposit of a deceased residential tenant.
- HB 2781** Pitts SPONSOR: Ellis, Rodney  
Relating to the definition of a qualified commercial loan.
- HB 2785** Dunnam SPONSOR: Madla  
Relating to the effective date of a change in a boundary of certain political subdivisions for purposes of an election.
- HB 2795** Naishtat SPONSOR: Zaffirini  
Relating to notice and hearing for the appointment of a guardian for incapacitated persons.
- HB 2800** Driver SPONSOR: Carona  
Relating to requiring a financial institution to maintain certain information from a business account holder.

**HB 2806** Garcia SPONSOR: West, Royce  
Relating to establishing a mentoring program at the University of North Texas.

**HB 2819** Hunter SPONSOR: Haywood  
Relating to the designation of the interchange at U.S. Highways 83 and 84 and Loop 322 in Abilene as the Sam Waldrop Highway Interchange.

**HB 2822** Deshotel SPONSOR: Ellis, Rodney  
Relating to the fees charged by a county clerk for probate filings.

**HB 2853** Bosse SPONSOR: Ellis, Rodney  
Relating to the provision of insurance for mutual indemnity obligations in certain mineral agreements.

**HB 2856** Yarbrough SPONSOR: Carona  
Relating to the quantity of alcoholic beverages which may be sold by package store and wine only package store permittees in a single transaction.

**HB 2858** Siebert SPONSOR: Wentworth  
Relating to the authority of certain taxing entities to repeal the local sales and use tax exemption for telecommunications services.

**HB 2862** Uher SPONSOR: Brown, J. E. "Buster"  
Relating to the appointment of election judges for county elections.

**HB 2869** Capelo SPONSOR: Ellis, Rodney  
Relating to the requirement that a child provide certain information to a juvenile probation officer as a condition of probation for certain offenses involving a handgun.

**HB 2870** Capelo SPONSOR: Ellis, Rodney  
Relating to the grounds for an appeal or a postconviction writ of habeas corpus brought by a child.

**HB 2890** Bonnen SPONSOR: Madla  
Relating to the report, delivery, and claims process for unclaimed property held by certain local governments.

**HB 2892** Hartnett SPONSOR: Nelson  
Relating to the procedures for returning an absent patient to a facility for court-ordered treatment or care.

**HB 2898** Coleman SPONSOR: Whitmire  
Relating to the execution of credit agreements and issuance of obligations by certain political subdivisions.

**HB 2914** Pitts SPONSOR: Nelson  
Relating to notice of the drug testing policy followed by a convalescent or nursing home or a home and community support services agency.

**HB 2915** Pitts SPONSOR: Sibley  
Relating to the powers and duties of the executive director of the workforce development division of the Texas Workforce Commission.

**HB 2920** Pitts SPONSOR: Cain  
Relating to the operation of a motorcycle on a public street or highway.

- HB 2922**           Dunnam                   SPONSOR: Sibley  
Relating to the offense of obstructing a railroad crossing with a train.
- HB 2930**           Walker                    SPONSOR: Duncan  
Relating to the application of nepotism prohibitions to certain municipalities.
- HB 2937**           Turner, Bob              SPONSOR: Wentworth  
Relating to the duties of the district attorney for the 35th Judicial District.
- HB 2941**           Lewis, Glenn             SPONSOR: Armbrister  
Relating to certain home protection insurance.
- HB 2969**           Averitt                  SPONSOR: Sibley  
Relating to small and large employer health plan certification, discontinuance, and dependent participation requirements.
- HB 2971**           Staples                  SPONSOR: Nixon, Drew  
Relating to certain training and licensing requirements for appointment as a county jailer.
- HB 2990**           Davis, John              SPONSOR: Harris  
Relating to the enforcement of an order for possession of or access to a child.
- HB 3001**           Hartnett                 SPONSOR: Cain  
Relating to authorizing certain trusts to convert to nonprofit corporations.
- HB 3002**           Seaman                  SPONSOR: Truan  
Relating to designating the ferry landing at Port Aransas as the Melvin O. Littleton Ferry Landing.
- HB 3020**           Smithee                 SPONSOR: Sibley  
Relating to the withdrawal from operations by a health maintenance organization.
- HB 3034**           Oliveira                 SPONSOR: Sibley  
Relating to property tax abatement agreements.
- HB 3072**           Averitt                  SPONSOR: Brown, J. E. "Buster"  
Relating to certain payments by a retail seller in a retail installment transaction involving a motor vehicle.
- HB 3093**           Gutierrez                SPONSOR: Ellis, Rodney  
Relating to general standing to file a suit affecting the parent-child relationship.
- HB 3114**           Uresti                   SPONSOR: Madla  
Relating to authorizing counties to permit certain veterans to park free of charge in county parking facilities.
- HB 3125**           Chisum                  SPONSOR: Fraser  
Relating to the management of vehicles owned by the state.
- HB 3126**           Chisum                  SPONSOR: Zaffirini  
Relating to the establishment and application of uniform criteria for evaluating state-funded drug abuse prevention programs.
- HB 3176**           King, Phil                SPONSOR: Sibley  
Relating to the jurisdiction of the County Court at Law of Parker County.

**HB 3178** Lewis, Glenn SPONSOR: Shapleigh  
Relating to coverage for certain health benefits under the Texas State College and University Employees Uniform Insurance Benefits Act.

**HB 3185** Gray SPONSOR: Jackson  
Relating to the assistance a county may provide another governmental entity for a construction project.

**HB 3230** Capelo SPONSOR: Ellis, Rodney  
Relating to the selection of alternate jurors to serve during the term of a grand jury.

**HB 3249** Allen SPONSOR: Armbrister  
Relating to permitting local prosecutors to accept federal funds for the purpose of defraying a portion of the cost of prosecution.

**HB 3257** Homer SPONSOR: Cain  
Relating to allowing certain political subdivisions to change the date of the general election for officers.

**HB 3262** Uher SPONSOR: Madla  
Relating to information in a rabies vaccination certificate or in a county or municipal registry of dogs and cats; providing criminal penalties.

**HB 3276** Averitt SPONSOR: Sibley  
Relating to the application of the Texas Non-Profit Corporation Act to charitable trustees.

**HB 3277** Cook SPONSOR: Armbrister  
Relating to research in agriculture production and its effect on water use and availability and wildlife habitats.

**HB 3285** Van de Putte SPONSOR: Armbrister  
Relating to covenants not to compete by physicians.

**HB 3340** Naishtat SPONSOR: Lucio  
Relating to a rental housing pilot program to expand long-term care housing options for elderly residents of this state with low, very low, or extremely low income.

**HB 3343** Naishtat SPONSOR: Wentworth  
Relating to receiverships for certain missing persons.

**HB 3355** Staples SPONSOR: Duncan  
Relating to the responsibility for transporting certain juvenile offenders.

**HB 3401** Hardcastle SPONSOR: Haywood  
Relating to the creation, administration, powers, duties, operation, and financing of the Wilbarger County Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain.

**HB 3425** Najera SPONSOR: Shapleigh  
Relating to eligibility for the Texas Legislative Medal of Honor.

**HB 3446** Swinford SPONSOR: Ogden  
Relating to the regulation of the practice of veterinary medicine; imposing criminal, civil, and administrative penalties.

- HB 3447** Swinford SPONSOR: Bivins  
Relating to the creation of a student endowment scholarship and internship program.
- HB 3448** Swinford SPONSOR: Bivins  
Relating to the Moore County Hospital District.
- HB 3450** Hilderbran SPONSOR: Moncrief  
Relating to the collection of civil penalties assessed against a convalescent or nursing home or related institution.
- HB 3451** Hilderbran SPONSOR: Moncrief  
Relating to arbitration to resolve certain matters relating to nursing homes and related institutions.
- HB 3452** Hilderbran SPONSOR: Moncrief  
Relating to binding arbitration to resolve certain disputes involving certain residential and custodial facilities licensed by the Texas Department of Human Services.
- HB 3463** Alexander SPONSOR: Cain  
Relating to the dissolution of the Cedar Creek Hospital District.
- HB 3480** Greenberg SPONSOR: Sibley  
Relating to the membership of a local workforce development board.
- HB 3551** Giddings SPONSOR: Ratliff  
Relating to disposition of proceeds from read to succeed license plates.
- HB 3604** Uresti SPONSOR: Madla  
Relating to the imposition of sanctions by a court on a person who signs a pleading or motion.
- HB 3606** Salinas SPONSOR: Zaffirini  
Relating to licensing requirements for alternative education programs that provide chemical dependency treatment services.
- HB 3616** Hilbert SPONSOR: Brown, J. E. "Buster"  
Relating to amending a petition for judicial review of certain ad valorem tax determinations.
- HB 3630** Naishtat SPONSOR: Wentworth  
Relating to guardianships for incapacitated persons.
- HB 3641** Turner, Bob SPONSOR: Wentworth  
Relating to the suspension, revocation, cancellation, and certain other actions in connection with a license to operate a motor vehicle on a highway in this state.
- HB 3642** Turner, Bob SPONSOR: Lucio  
Relating to certain administrative procedures of the Teacher Retirement System of Texas.
- HB 3656** Oliveira SPONSOR: Madla  
Relating to the participation of community-based organizations in the skills development fund.

- HB 3658** Oliveira SPONSOR: Sibley  
Relating to the enterprise zone program.
- HB 3660** Maxey SPONSOR: Barrientos  
Relating to service credit under the Teacher Retirement System of Texas for certain work experience of certified career and technology education teachers.
- HB 3684** Flores SPONSOR: Madla  
Relating to gates on certain third-class and neighborhood roads.
- HB 3685** Flores SPONSOR: Lucio  
Relating to the appeal of a driver's license or vehicle registration suspension, cancellation, or revocation.
- HB 3696** Hawley SPONSOR: Lucio  
Relating to the approval of assignments of oil and gas leases covering certain state land.
- HB 3736** Eiland SPONSOR: Jackson  
Relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions.
- HB 3739** Greenberg SPONSOR: West, Royce  
Relating to ethics requirements in regard to management and investment of the permanent school fund.
- HB 3773** Greenberg SPONSOR: Barrientos  
Relating to credit in and benefits and administration of retirement systems for police officers in certain municipalities.
- HB 3775** Olivo SPONSOR: Armbrister  
Relating to the persons a justice of the peace may order to take a specimen of blood from the body of a person who died in a vehicle accident.
- HB 3776** Luna, Vilma SPONSOR: Truan  
Relating to the use of certain funds by the Nueces County Hospital District.
- HB 3786** Reyna, Arthur SPONSOR: Ellis, Rodney  
Relating to the transfer of certain proceedings in a suit affecting the parent-child relationship.
- HB 3794** Zbranek SPONSOR: Bernsen  
Relating to the authority of certain counties to impose a county hotel occupancy tax throughout the county.
- HB 3803** Smithee SPONSOR: Bivins  
Relating to the appointment of a bailiff for the County Court at Law of Randall County.
- HB 3804** Crownover SPONSOR: Nelson  
Relating to the Lake Cities Municipal Utility Authority; granting the power of eminent domain; authorizing an ad valorem tax; and granting the authority to issue bonds.
- HB 3807** Uher SPONSOR: Armbrister  
Relating to the creation of a statutory county court in Matagorda County.

- HB 3814** Counts SPONSOR: Haywood  
Relating to the creation of the Salt Fork Water Quality District; authorizing the issuance of bonds.
- HB 3817** Kuempel SPONSOR: Armbrister  
Relating to the boundaries, confirmation election, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.
- HB 3821** Salinas SPONSOR: Zaffirini  
Relating to the creation of a juvenile board in Duval County.
- HB 3822** Telford SPONSOR: Ratliff  
Relating to the creation of the County Court at Law of Bowie County.
- HB 3823** Zbranek SPONSOR: Bernsen  
Relating to appointment of commissioners of the Chambers-Liberty Counties Navigation District.
- HB 3825** Counts SPONSOR: Haywood  
Relating to the jurisdiction of the County Court of King County.
- HB 3826** Counts SPONSOR: Haywood  
Relating to the jurisdiction of the County Court of Baylor County.
- HB 3827** Counts SPONSOR: Haywood  
Relating to the jurisdiction of the County Court of Cottle County.
- HB 3832** Delisi SPONSOR: Fraser  
Relating to the composition of the Bell County Juvenile Board.
- HB 3836** Truitt SPONSOR: Harris  
Relating to the removal of a member of the governing body of a general-law municipality.
- HB 3838** Goodman SPONSOR: Harris  
Relating to the protection of certain children.
- HB 3845** Zbranek SPONSOR: Bernsen  
Relating to the creation of the Southeast Texas Agricultural Development District; granting the right to issue bonds.
- HB 3847** Ritter SPONSOR: Bernsen  
Relating to powers and duties of the Jefferson County Drainage District No. 7.
- HB 3849** Swinford SPONSOR: Bivins  
Relating to the name and powers of, and the validation of certain acts of, the North Plains Ground Water Conservation District No. Two.
- HB 3854** Thompson SPONSOR: Lindsay  
Relating to the assignment and docketing of cases filed in Harris County statutory probate courts.
- HCR 66** Flores SPONSOR: Lucio  
Designating Mission the Home of the Grapefruit.



**HCR 96** Coleman SPONSOR: Ellis, Rodney  
Directing the Texas Health and Human Services Commission to maximize federal funding for outreach activities related to children's health insurance.

**HCR 111** Noriega SPONSOR: Gallegos  
Naming the state building at 5425 Polk Avenue in Houston the Elias Ramirez Building.

**HCR 117** Keffer SPONSOR: Ellis, Rodney  
Supporting and encouraging the future development and expansion of career and technology academic programs throughout Texas high schools.

**HCR 124** Seaman SPONSOR: Truan  
Designating the Asian Cultures Museum & Educational Center the Official State Museum of Asian Cultures.

**HCR 141** Solis, Juan SPONSOR: Truan  
Memorializing congress to maintain their commitment to the veterans of America.

**HCR 181** Madden SPONSOR: Shapiro  
Designating Plano as the Hot Air Balloon Capital of Texas.

**HCR 267** Coleman SPONSOR: Ellis, Rodney  
Honoring the 25th season of the Houston Shakespeare Festival.

**HCR 277** Jones, Delwin SPONSOR: Duncan  
Relating to a legislative oversight committee with jurisdiction over the Lubbock County Hospital District's relationship to Texas Tech University Health Sciences Center.

**SCR 78** West, Royce  
Creating the Special Commission on Twenty-First Century Colleges and Universities.

Respectfully,

Betty King  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 25**

Juvenile Justice & Family Issues - **SCR 79**

### ENROLLED

**May 25 - HB 217, HB 323, HB 617, HB 707, HB 820, HB 954, HB 1187, HB 1494, HB 1752, HB 1777, HB 1916, HB 2025, HB 2307, HB 2382, HB 2424, HB 2534, HB 2557, HB 2617, HB 2961, HB 3033,**

**HB 3092, HB 3300, HB 3456, HB 3516, HB 3624, HCR 285, HCR 287,  
HCR 292, HCR 295, HCR 296**

**SENT TO THE GOVERNOR**

**May 25 - HB 617, HB 855, HB 937, HB 1016, HB 1018, HB 1151,  
HB 1418, HB 1428, HB 1475, HB 1494, HB 1628, HB 1678, HB 1687,  
HB 1869, HB 1987, HB 2070, HB 2165, HB 2187, HB 2255, HB 2609,  
HB 2653, HB 2877, HB 2909, HB 3130, HB 3467, HB 3504, HB 3623**

**SIGNED BY THE GOVERNOR**

**May 25 - HB 1269, HCR 35, HCR 135, HCR 254, HCR 259, HCR 275**