

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — SATURDAY, MAY 27, 1995

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 571).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Denny.

The invocation was offered by Representative B. Turner.

LEAVE OF ABSENCE GRANTED

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

Denny on motion of Park.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills:

HB 1, HB 632, HB 785, HB 1454, HB 1642, HB 2289

HR 1179 - ADOPTED

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1179**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Swinford,

HR 1179, Honoring the Sunnyside Family and Community Education Club.

The resolution was adopted without objection.

HR 1180 - ADOPTED

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 1180**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Telford,

HR 1180, Congratulating Marsha French on winning the 1995 UIL Class 4A shot put and discus championships.

The resolution was adopted without objection.

HR 1177 - ADOPTED

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 1177**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Telford,

HR 1177, Congratulating Valerie Brummal and Lacey Brooks on winning the UIL Class 4A girls' doubles state tennis championship.

The resolution was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on SB 673:

Janek on motion of Yarbrough.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on SB 673, 10:30 a.m. today, speakers committee room.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Edwards moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. Monday, May 29.

The motion prevailed without objection.

HR 1178 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1178**, suspending the limitations on the conferees for **HB 2027**.

HR 1145 - ADOPTED

The speaker laid before the house the following privileged resolution:

By Sadler,

HR 1145

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 1 to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 1.003, Education Code, to read as follows:

Sec. 1.003. THE FLYING OF THE UNITED STATES AND TEXAS FLAGS. On all regular school days, every school and other educational institution to which this code applies shall fly the United States and Texas flags.

Explanation: This change is necessary to require schools and educational institutions to fly the United States flag.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "vocational" and substitute "career and technology" in Section 5.001(2), Education Code.

Explanation: The language is changed to conform with terminology used in federal law.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 7.056(e)(3)(A), Education Code (Section 7.104(e)(1), Education Code, in engrossed version), to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.001 or minimum graduation requirements under Section 28.025;

Explanation: This change is necessary to conform to changes made to the commissioner of education's and State Board of Education's duties relating to curriculum requirements under Subchapter A, Chapter 28.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 7.056(e)(3)(B), Education Code (Section 7.104(e)(2), Education Code, in engrossed version), to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(3) a requirement, restriction, or prohibition relating to:

(B) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39;

Explanation: This change is necessary to conform to changes made to Chapter 39, relating to the applicability of that chapter to school districts operating under a charter.

(5) House Rule 13, Section 9(a)(1), is suspended to permit the committee to substitute "purchasing" for "competitive bidding" in Section 7.056(e)(3)(E), Education Code (Section 7.104(e)(12), Education Code, in engrossed version).

Explanation: This change is necessary to conform to Subchapter B, Chapter 44, which pertains not only to competitive bidding but also to purchasing by other means.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 7.056(f)(3)(A), Education Code (Section 7.104(f)(2), Education Code, in engrossed version), to read as follows:

(f) A school district or campus that is required to develop and implement a student achievement improvement plan under Section 39.131 may receive an exemption or waiver under this section from any law or rule other than:

(3) a requirement, restriction, or prohibition imposed by state law or rule relating to:

(A) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39; or . . .

Explanation: This change is necessary to conform to changes made to Chapter 39, relating to the applicability of that chapter to school districts operating under a charter.

(7) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in Section 7.056(f)(4), Education Code (Section 7.104(f), Education Code, in engrossed version), to read as follows:

(f) A school district or campus that is required to develop and implement a student achievement improvement plan under Section 39.131 may receive an exemption or waiver under this section from any law or rule other than:

(4) textbook selection under Chapter 31.

Explanation: This change is necessary to prohibit a school district or campus that is required to develop and implement a student achievement improvement plan from receiving an exemption or waiver from requirements regarding textbook selection.

(8) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in Section 7.057(b), Education Code (Section 7.105(b), Education Code, in engrossed version), to read as follows:

(b) Except as provided by Subsection (c), the commissioner, after due notice to the parties interested, shall hold a hearing and issue a decision without cost to the parties involved. In conducting a hearing under this subsection, the commissioner has the same authority relating to discovery and conduct of a hearing as an independent hearing examiner has under Subchapter F, Chapter 21. This section does not deprive any party of any legal remedy.

Explanation: This change is necessary to clarify the authority of the commissioner in conducting a hearing.

(9) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 7.105, Education Code (Section 7.055, Education Code, in engrossed version), to read as follows:

Sec. 7.105. COMPENSATION AND REIMBURSEMENT. (a) A member of the board is not entitled to receive compensation.

(b) A member of the board is entitled to reimbursement of the member's expenses as provided by law.

Explanation: This change is necessary because the reference to reimbursement of expenses as provided by law includes the specific instances in which reimbursement is permitted as provided by the senate and house versions of the bill.

(10) House Rule 13, Section 9(a)(1), is suspended to permit the committee to strike references in Section 7.109, Education Code (Section 7.061, Education Code, in engrossed version), to the "State Board for Career and Technical Education" and substitute references to the "State Board for Career and Technology Education."

Explanation: This change is necessary to conform to language used in federal law.

(11) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 11.051(c), Education Code, to read as follows:

A board of trustees that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Section 11.052.

Explanation: This change is necessary to require a board of trustees that decides to increase its membership to consider the benefits of adopting single-member trustee districts.

(12) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subdivision (13) to Section 11.158(a), Education Code (Section 12.109(a), Education Code, in engrossed version; Section 11.108(a), Education Code, in house special printing), to read as follows:

(13) a fee for a course offered during summer school, except that the board may charge a fee for a course required for graduation only if the course is offered without a fee during the regular school year.

Explanation: This change is necessary to allow the board of trustees of an independent school district to continue to charge a fee for certain summer school courses. Under current law boards may charge the fee based on a rule adopted by the State Board of Education under Section 20.53(c), Education Code, which conveys broad authority for rules regarding fees. Current Section 20.53(c) is omitted from S.B. 1. As a result, specific authority for the particular fee is necessary.

(13) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "vocational-technical" and substitute "career and technology" in Section 11.158(g), Education Code (Section 12.109(f), Education Code, in engrossed version; Section 11.108(g), Education Code, in house special printing).

Explanation: The language is changed to conform with terminology used in federal law.

(14) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 11.159(a), Education Code (Section 12.110(a), Education Code, in engrossed version; Section 11.109, Education Code, in house special printing), to read as follows:

(a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.

Explanation: This change is necessary to authorize regional education service centers to be the sole provider of training courses designed by the State Board of Education for members of boards of trustees.

(15) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.003, Education Code, to read as follows:

Sec. 12.003. AUTHORITY OF BOARD OF TRUSTEES TO GRANT OTHER CHARTERS. This chapter does not limit the authority of the board of trustees of a school district to grant a charter to a campus or program to operate in accordance with the other provisions of this title and rules adopted under those provisions.

Explanation: This change is necessary to clarify that the board of trustees of a school district can create a "charter school" on its own, but such a school is not exempt from Title 2.

(16) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (b) to Section 12.011, Education Code (Section 11.051, Education Code, in engrossed version; Section 12.011, Education Code, in house special printing), to read as follows:

(b) The adoption of a home-rule school district charter by a school district does not affect:

(1) the district's boundaries; or

(2) taxes or bonds of the district authorized before the effective date of the charter.

Explanation: This change is necessary to preclude legal questions as to a school district's boundaries or its ability to levy a tax or sell bonds that were approved before the district adopted a home-rule charter.

(17) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add Subsection (a) to Section 12.013, Education Code (Section 11.053, Education Code, in engrossed version; Section 12.013, Education Code, in house special printing), to read as follows:

(a) A home-rule school district has the powers and entitlements granted to school districts and school district boards of trustees under this title, including taxing authority.

Explanation: This change is necessary to clarify that a home-rule school district has the same entitlements under Title 2 as any other school district.

(18) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 12.015(b), Education Code (Section 11.055, Education Code, in engrossed version; Section 12.015, Education Code, in house special printing), to read as follows:

The membership of the charter commission must reflect the racial, ethnic, socioeconomic, and geographic diversity of the district.

Explanation: This change is necessary to ensure that a home-rule charter commission reflect the racial, ethnic, socioeconomic, and geographic diversity of the school district.

(19) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Subdivision (2) of Section 11.056, Education Code (engrossed version), and Subdivision (2) of Section 12.016, Education Code (house special printing), which reads as follows:

(2) specify the district requirements on elementary school class-size limits;

Explanation: This change is necessary to conform to changes made to Section 12.013(b), which provide that a home-rule school district is subject to elementary school class-size limits only in the case of a low-performing campus.

(20) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.017(a), Education Code (Section 12.0161, Education Code, in house special printing), to read as follows:

(a) The charter commission shall submit the proposed charter to the secretary of state. The secretary of state shall determine whether a proposed charter contains a change in the governance of the school district.

Explanation: This change is necessary to require a charter commission to submit a proposed home-rule charter to the secretary of state so that the secretary may review the charter and if necessary recommend to the governing body that the charter should be submitted for preclearance under the Voting Rights Act.

(21) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.018, Education Code (Section 11.057, Education Code, in engrossed version; Section 12.017, Education Code, in house special printing), to read as follows:

Sec. 12.018. LEGAL REVIEW. The charter commission shall submit the proposed charter to the commissioner. As soon as practicable, but not later than the 30th day after the date the commissioner receives the proposed charter, the commissioner shall review the proposed charter to ensure that the proposed charter complies with any applicable laws and shall recommend to the charter commission any modifications necessary. If the commissioner does not act within the prescribed time, the proposed charter is approved.

Explanation: This change is necessary to require a charter commission to submit a proposed home-rule charter to the commissioner and to clarify that the 30-day period provided to the commissioner for reviewing a proposed charter begins on the date the commissioner receives the charter.

(22) House Rule 13, Section 9(a)(1), is suspended to permit the committee to strike "board of trustees" and substitute "governing body" in Sections 12.020(a), (b), (d), and (i), Education Code (Section 11.059, Education Code, in engrossed version; Section 12.019, Education Code, in house special printing).

Explanation: This change is necessary because a home-rule school district may adopt a governing structure that does not include a "board of trustees."

(23) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (j) to Section 12.020, Education Code (Section 11.059, Education Code, in engrossed version; Section 12.019, Education Code, in house special printing), to read as follows:

(j) Section 12.017 applies to a proposed charter amendment, except that the governing body shall submit the proposed charter amendment to the secretary of state.

Explanation: This change is necessary to require the governing body of a home-rule school district to submit a proposed charter amendment to the secretary of state so that the secretary may review the amendment and if necessary recommend to the governing body that the amendment should be submitted for preclearance under the Voting Rights Act.

(24) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (c) to Section 12.021, Education Code (Section 11.060, Education Code, in engrossed version; Section 12.020, Education Code, in house special printing), to read as follows:

(c) As soon as practicable after a school district adopts a home-rule school district charter or charter amendment, the board of trustees or governing body shall notify the commissioner of the outcome of the election.

Explanation: This change is necessary to require the board of trustees or governing body to notify the commissioner of the outcome of an election on a home-rule charter or charter amendment, without regard to whether the charter or amendment is adopted or rejected.

(25) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.027(c), Education Code (Section 11.065(c), Education Code, in engrossed version; Section 12.025, Education Code, in house special printing), to read as follows:

(c) A district whose home-rule school district charter is revoked or rescinded under this subchapter shall operate under the other provisions of Title 1 and this title that apply to school districts.

Explanation: This change adds a reference to a home-rule school district charter that is rescinded to conform to Section 12.030.

(26) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.030, Education Code, to read as follows:

Sec. 12.030. RESCISSION OF CHARTER. (a) A home-rule school district charter may be rescinded as provided by this section.

(b) The governing body of the district shall order an election on the question of rescinding a home-rule school district charter if:

(1) the governing body receives a petition requesting a rescission election signed by at least five percent of the registered voters of the district; or

(2) at least two-thirds of the total membership of the governing body adopt a resolution ordering that a rescission election be held.

(c) As soon as practicable after the date of receipt or adoption of a resolution under Subsection (b), the governing body shall order an election.

(d) The proposition to rescind the home-rule school district charter shall be submitted to the voters of the district at an election to be held on the first uniform election date that occurs at least 45 days after the date on which the governing body orders the election.

(e) The ballot shall be printed to permit voting for or against the proposition: "Whether the home-rule school district charter of (name of school district) shall be rescinded so that the school district becomes an independent school district."

(f) A home-rule school district charter is rescinded if the rescission is approved by a majority of the qualified voters of the district voting at an election held for that purpose at which at least 25 percent of the registered voters of the district vote.

(g) The rescission takes effect on a date established by resolution of the governing body but not later than the 90th day after the date of an election held under this section at which rescission of the charter is approved and at which the number of registered voters required under Subsection (f) vote. As soon as practicable after that election, the governing body shall notify the commissioner and the secretary of state of the results of the election and of the effective date of the rescission.

(h) The rescission of a home-rule school district charter under this section does not affect:

- (1) the district's boundaries; or
- (2) taxes or bonds of the district authorized before the effective date of the rescission.

Explanation: This change is necessary to permit a home-rule school district to voluntarily return to the status the district had before adopting the home-rule charter.

(27) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (c) to Section 12.057, Education Code (Section 11.204, Education Code, in engrossed version; Section 12.057, Education Code, in house special printing), to read as follows:

(c) The campus or program is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers.

Explanation: This change is necessary to provide that a campus or program for which a charter is granted, and the campus's or program's employees and volunteers, have the same immunity from liability as a school district and its employees and volunteers.

(28) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 12.101(a), Education Code (Section 11.151(a), Education Code, in engrossed version; Section 12.101(a), Education Code, in house special printing), to read as follows:

(a) In accordance with this subchapter, the State Board of Education may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity or a school district, including a home-rule school district. In this subsection, "eligible entity" means:

- (1) an institution of higher education as defined under Section 61.003;
- (2) a private or independent institution of higher education as defined under Section 61.003;
- (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
- (4) a governmental entity.

Explanation: This change is necessary to limit the entities that may obtain a charter for an open-enrollment school.

(29) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subdivision (4) to Section 12.102, Education Code (Section 11.152, Education Code, in engrossed version; Section 12.012, Education Code, in house special printing), to read as follows:

- (4) does not have authority to impose taxes.

Explanation: This change is necessary to clarify that an open-enrollment charter school does not have taxing authority.

(30) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 12.106(a), Education Code (Section 11.157(a), Education Code, in engrossed version; Section 12.106(a), Education Code, in house special printing), to read as follows:

(a) An open-enrollment charter school is entitled to the distribution from the available school fund for a student attending the open-enrollment charter school to which the district in which the student resides would be entitled.

Explanation: This change is necessary to clarify the amount of the distribution from the available school fund to which an open-enrollment charter school is entitled.

(31) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 12.111(6), Education Code (Section 11.162(6), Education Code, in engrossed version; Section 12.110, Education Code, in house special printing), to read as follows:

(6) prohibit discrimination in admission policy on the basis of . . . the district the child would otherwise attend in accordance with this code . . .

Explanation: This change is necessary to prohibit an open-enrollment charter school from discriminating in its admission policy on the basis of the district in which a child would otherwise attend school.

(32) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subdivision (14) to Section 12.111, Education Code (Section 11.162, Education Code, in engrossed version; Section 12.110, Education Code, in house special printing), to read as follows:

(14) specify any type of enrollment criteria to be used.

Explanation: This change is necessary to require that the charter of an open-enrollment charter school specify the school's enrollment criteria.

(33) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text in Section 13.054(f), Education Code (Section 13.058(f), Education Code, in engrossed version). The omitted text reads as follows:

A district that receives an adjustment to its local fund assignment under this section is not eligible for incentive aid under Subchapter G.

Explanation: This change is necessary because Section 13.054, Education Code, pertains to annexation, rather than consolidation, of certain school districts, and incentive aid payments under Subchapter G, Chapter 13, are available only to certain school districts created through consolidation.

(34) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend the heading of Section 13.205, Education Code (Section 13.125, Education Code, in engrossed version), to read as follows:

Sec. 13.205. DISPOSITION OF TERRITORY; AFFAIRS OF ABOLISHED DISTRICT.

Explanation: This change is necessary to clarify the contents of the section.

(35) House Rule 13, Section 9(a)(1), is suspended to permit the committee to substitute "state minimum personal leave program" for "state minimum sick leave program" in Section 19.009(f), Education Code.

Explanation: This change is necessary to conform to changes made by the committee to Section 22.003.

(36) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 21.003, Education Code, to read as follows:

Sec. 21.003. CERTIFICATION REQUIRED. (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

(b) A person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency.

Explanation: This change is necessary to clarify the text of this section and to conform to other changes made by the bill.

(37) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text in Section 21.102(c), Education Code (Section 21.152, Education Code, in the engrossed version), to read as follows:

(c) An employment contract may not extend the probationary contract period beyond the end of the third consecutive school year of the teacher's employment by the school district unless, during the third year of a teacher's probationary contract, the board of trustees determines that it is doubtful whether the teacher should be given a continuing contract or a term contract. If the board makes that determination, the district may make a probationary contract with the teacher for a term ending with the fourth consecutive school year of the teacher's employment with the district, at which time the district shall:

(1) terminate the employment of the teacher; or

(2) employ the teacher under a continuing contract or a term contract as provided by Subchapter D or E, according to district policy.

Explanation: This change is necessary to allow a school district to employ a teacher under a probationary contract for a fourth year if necessary.

(38) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text relating to hearings under probationary contracts (Section 21.153(b), Education Code, in engrossed version; Section 21.107, Education Code, in house special printing), which reads as follows:

(b) ~~[Sec. 13.104. HEARING.] A [In event a] teacher holding a probationary contract who is notified of the district's intention [of the board of trustees] to terminate the teacher's [his] employment at the end of the teacher's [his] current contract period is entitled, on[- he shall have a right upon] written request, to an informal [a] hearing before the board of trustees or a subcommittee of the board, according to board policy. At the[- and at such] hearing, the teacher shall be given the reasons for termination of the teacher's [his] employment. After the [such] hearing, the board of trustees or board subcommittee may confirm or revoke the [its previous action of] termination. The[- but in any event, the] decision of the board of trustees or board subcommittee is [shall be] final and non-appealable.~~

Explanation: This change is necessary to omit requirements relating to hearings for a teacher dismissed at the end of a probationary period.

(39) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 21.106, Education Code, to read as follows:

Sec. 21.106. RETURN TO PROBATIONARY STATUS. (a) In lieu of discharging a teacher employed under a continuing contract, terminating a teacher employed under a term contract, or not renewing a teacher's term

contract, a school district may, with the written consent of the teacher, return the teacher to probationary contract status.

(b) A teacher may agree to be returned to probationary contract status only after receiving written notice of the proposed discharge, termination, or nonrenewal.

(c) A teacher returned to probationary contract status must serve a new probationary contract period as provided by Section 21.102 as if the teacher were employed by the district for the first time.

Explanation: This change is necessary to allow a school district to return a teacher to probationary contract status in lieu of discharging or terminating the teacher or not renewing the teacher's contract.

(40) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text in Section 21.153(a), Education Code (Section 21.203, Education Code, in engrossed version; Section 21.108, Education Code, in house special printing), to read as follows:

A school district that employs a teacher under a probationary contract for the third or, if permitted, fourth consecutive year of service and that elects to employ the teacher in future years under a continuing contract shall notify the teacher in writing of the teacher's election to continuing contract status.

Explanation: This change is necessary to allow a school district to employ a teacher under a probationary contract for a fourth year if necessary.

(41) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add Subdivision (5) to Section 21.154, Education Code (Section 21.204, Education Code, in engrossed version; Section 21.102, Education Code, in house special printing), to read as follows:

(5) is discharged for a reason stated in the teacher's contract that existed on or before September 1, 1995, and in accordance with the procedures prescribed by this chapter; or

Explanation: This change is necessary to permit discharge of a teacher for a reason stated in a contract that existed before the effective date of the bill.

(42) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 21.158(a), Education Code (21.208(a), Education Code, in engrossed version; Section 21.109(a), in house special printing), to read as follows:

(a) Before a teacher employed under a continuing contract may be discharged, suspended without pay, or released because of a necessary reduction of personnel, the board of trustees must notify the teacher in writing of the proposed action and the grounds for the action.

Explanation: This change is necessary to conform to other changes made by the committee.

(43) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit provisions relating to suspension without pay pending discharge (Section 21.209, Education Code, in engrossed version; Section 21.111, Education Code, in house special printing), which read as follows:

Sec. 21.209 [~~13.113~~]. SUSPENSION WITHOUT PAY PENDING DISCHARGE. If the district proposes to [~~proposed action be~~] discharge [~~of~~] the teacher for a reason listed [~~any of the reasons set forth~~] in Section 21.206 [~~13.109 of this code~~], the superintendent may, without a hearing, suspend the

teacher ~~[may be suspended]~~ without pay. ~~If a teacher is suspended under this section, the hearing on the proposed discharge may [by order of the board of trustees, or by the superintendent of schools if such power has been delegated to him by express regulation previously adopted by the board of trustees, but in such event the hearing shall]~~ not be delayed for more than 15 days after the date the teacher requests a [request for] hearing, unless by written consent of the teacher. If the teacher is reinstated, the teacher shall immediately be paid any compensation withheld during any period of suspension without pay.

Explanation: This change is necessary to delete the provision authorizing suspension of teachers without pay.

(44) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "in consultation with the State Office of Administrative Hearings" to Section 21.252(a), Education Code (Section 21.302(a), Education Code, in engrossed version; Section 21.163(a), Education Code, in house special printing).

Explanation: This change is necessary to require the State Board of Education to consult with the State Office of Administrative Hearings before adopting rules for certifying hearing examiners.

(45) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 21.252(b), Education Code (Section 21.302(c), Education Code, in engrossed version; Section 21.163(b), Education Code, in house special printing), to read as follows:

(b) The commissioner shall certify hearing examiners according to the criteria established under Subsection (a). A person certified as a hearing examiner or the law firm with which the person is associated may not serve as an agent or representative of:

- (1) a school district;
- (2) a teacher in any dispute with a school district; or
- (3) an organization of school employees, school administrators, or school boards.

Explanation: This change is necessary to prohibit employment of a hearing examiner who is currently serving or associated with agents or representatives of certain persons or entities, without regard to whether the hearing examiner has served in that capacity in the past.

(46) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 21.301(d), Education Code (Section 21.315, Education Code, in engrossed version; Section 21.165, Education Code, in house special printing), to read as follows:

In conducting a hearing under this subchapter, the commissioner has the same authority relating to discovery and conduct of a hearing as an independent hearing examiner has under Subchapter F.

Explanation: This change is necessary to allow the commissioner to issue subpoenas and maintain decorum at a hearing in an appeal concerning a teacher contract dispute.

(47) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Paragraph (B) to Section 21.352(a)(2), Education Code (Section 21.272, Education Code, in both engrossed version and house special printing), to read as follows:

(B) containing the items described by Sections 21.351(a)(1) and (2); and

Explanation: This change is necessary to require that a teacher appraisal process developed by a board of trustees include as part of the appraisal the teacher's implementation of discipline management programs and the performance of the teacher's students.

(48) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text to Section 21.352, Education Code (Section 21.272, Education Code, in both engrossed version and house special printing), to read as follows:

(b) The board of trustees may reject an appraisal process and performance criteria developed by the district- and campus-level committees but may not modify the process or criteria.

Explanation: This change is necessary to make clear that the board of trustees may reject an appraisal process and performance criteria but may not modify them.

(49) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the following text from Section 21.401, Education Code (Section 21.401, Education Code, in engrossed version; Section 21.301, Education Code, in house special printing):

An educator employed under an 11-month contract must provide a minimum of 210 days of service. An educator employed under a 12-month contract must provide a minimum of 230 days of service.

Explanation: This change is necessary to eliminate requirements relating to educators employed under 11-month and 12-month contracts.

(50) House Rule 13, Section 9(a)(1), is suspended to permit the committee to strike "at least 225 minutes in the school week" and substitute "at least 450 minutes within each two-week period" in Section 21.404(a), Education Code (Section 21.405(a), Education Code, in engrossed version; Section 21.304(a), Education Code, in house special printing).

Explanation: This change is necessary to give districts greater flexibility in scheduling teachers' planning and preparation periods.

(51) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text relating to teacher preparation, staff development, and continuing education (Section 21.451, Education Code, in engrossed version; Section 21.351, Education Code, in house special printing), which reads as follows:

Sec. 21.451 [~~16.052~~]. [~~OPERATION OF SCHOOLS;~~] TEACHER PREPARATION, [AND] STAFF DEVELOPMENT, AND CONTINUING EDUCATION. (a) Except as provided by Subsection (b) or Section 25.084, for each school year, each [~~Each~~] school district must provide for not less than:

(1) three [~~180 days of instruction for students and not less than three~~] days of preparation for classroom teachers;

(2) four days of staff development; and

(3) three days of continuing education for educators to fulfill requirements adopted by State Board for Educator Certification rule [~~for each school year, except as provided in Subsection (c) of this section~~].

Explanation: This change is necessary to omit specific mandates relating to teacher preparation, staff development, and continuing education.

(52) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 21.452, Education Code (Section 21.452,

Education Code, in engrossed version; Section 21.352, Education Code, in house special printing), to read as follows:

Sec. 21.452. STAFF DEVELOPMENT REQUIREMENTS. (a) The staff development provided by a school district must be conducted in accordance with minimum standards developed by the commissioner for program planning, preparation, and improvement. The staff development:

(1) must include technology training and training in conflict resolution and discipline strategies; and

(2) may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, in regard to prayers in public school.

(b) The staff development must be predominantly campus-based, related to achieving campus performance objectives established under Section 11.253, and developed and approved by the campus-level committee established under Section 11.251. Campus staff development may include activities that enable the campus staff to plan together to enhance existing skills, to share effective strategies, to reflect on curricular and instructional issues, to analyze student achievement results, to reflect on means of increasing student achievement, to study research, to practice new methods, to identify students' strengths and needs, to develop meaningful programs for students, to appropriately implement site-based decision-making, and to conduct action research. The campus staff development activities may be conducted using study teams, individual research, peer coaching, workshops, seminars, conferences, or other reasonable methods that have the potential to improve student achievement.

(c) A school district may use district-wide staff development developed and approved through the district-level decision process under Section 11.251.

Explanation: These changes are necessary to conform to the change made by the committee that deletes the requirement for a minimum number of staff development days.

(53) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 21.901, Education Code (Section 11.114, Education Code, in house special printing), which reads as follows:

Sec. 21.901 [~~13.901~~]. EMPLOYMENT CONSULTATION WITH TEACHERS. The board of trustees of each independent school district [~~rural high school district, and common school district,~~] and district [~~their~~] administrative personnel[~~;~~] may consult with teachers with respect to matters of educational policy and conditions of employment. A board [~~and such boards~~] of trustees may adopt [~~and make~~] reasonable rules [~~regulations~~] and make agreements to provide for such consultation. This section does [~~shall~~] not limit or affect the power of the [~~said~~] trustees to [~~manage and~~] govern and oversee the management of the [~~said~~] schools.

Explanation: This change is necessary to delete unnecessary language.

(54) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change text in Subdivision (1) of Section 25.084(a), Education Code, to read as follows:

(1) the number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law; . . .

Explanation: This change is necessary to clarify that to provide year-round instruction, a school district may modify components comprising the number of employee contract days or days of school operation.

(55) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text to Section 25.111, Education Code, to read as follows:

Sec. 25.111. STUDENT/TEACHER RATIOS. Except as provided by Section 25.112, each school district must employ a sufficient number of teachers certified under Subchapter B, Chapter 21, to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance.

Explanation: This change is necessary to clarify that in counting a teacher for purposes of computing student/teacher ratios, a teacher must have the appropriate certification to teach a particular class as determined in accordance with Subchapter B, Chapter 21.

(56) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 26.012, Education Code, to read as follows:

Sec. 26.012. FEE FOR COPIES. The agency or a school district may charge a reasonable fee in accordance with Subchapter F, Chapter 552, Government Code, for copies of materials provided to a parent under this chapter.

Explanation: The added language is necessary to allow the Texas Education Agency or a school district to charge a parent a reasonable fee for copies of materials to which a parent has access under Chapter 26.

(57) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "special education cooperatives" and substitute "shared services arrangements" in Section 29.001, Education Code.

Explanation: The language is changed to conform with current terminology and practice in providing special education services to children.

(58) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "vocational" and substitute "career and technology" in Section 29.001(8), Education Code.

Explanation: The language is changed to conform with terminology used in federal law.

(59) House Rule 13, Sections 9(a)(1) and (3) are suspended to permit the committee to add Section 29.007, Education Code, to read as follows:

Sec. 29.007. SHARED SERVICES ARRANGEMENTS. School districts may enter into a written contract to jointly operate their special education programs. The contract must be approved by the commissioner. Funds to which the cooperating districts are entitled may be allocated to the districts jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement districts' agreement.

Explanation: The change in reference from "cooperatives" to "shared services arrangements" conforms with current terminology and practice in providing special education services to children. The language requiring a written contract to be executed and presented to the commissioner of education for approval is necessary to ensure proper provision of services and use of money in shared services arrangements.

(60) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "special education cooperative" and substitute "shared services arrangement unit" in Section 29.008(a), Education Code.

Explanation: The language is changed to conform with current terminology and practice in providing special education services to children.

(61) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 29.014, Education Code, which reads as follows:

Sec. 29.014. PILOT PROGRAM FOR INCLUSION. The agency shall establish procedures and criteria for the allocation of funds appropriated under Section 42.151(l) [in house special printing; Section 42.151(m) in engrossed version] to school districts selected by the agency to establish a pilot program for the inclusion of students with disabilities in the regular classroom so that those students may receive an appropriate free public education in the least restrictive environment. This section expires August 31, 1997.

Explanation: This deletion is necessary because there is no appropriation of funds for the program in the house or senate version of Section 42.151.

(62) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.054(b), Education Code (Section 29.053(f), Education Code, in engrossed version; Section 29.054(b), Education Code, in house special printing), to read as follows:

(b) An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:

(1) documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;

(2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve limited English proficiency students;

(3) documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and

(4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

Explanation: This change is necessary to correct obsolete terminology. Educators do not receive bilingual education "endorsements."

(63) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.061(a), Education Code (Section 29.059(a), Education Code, in engrossed version; Section 29.061(a), Education Code, in house special printing), to read as follows:

(a) The State Board for Educator Certification shall provide for the issuance of teaching certificates appropriate for bilingual education instruction to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements of Chapter 21. The board shall also provide for the issuance of teaching certificates appropriate for teaching English as a second language. The board may issue emergency endorsements in bilingual education and in teaching English as a second language.

Explanation: The change is necessary to correct obsolete terminology. Educators do not currently receive "endorsements" to provide bilingual education or English as a second language instruction.

(64) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete "remedial" and substitute "accelerated" in the heading to Section 29.081, Education Code, and in Sections 29.081(a), (b), and (c), Education Code.

Explanation: The terminology is changed to avoid the negative connotations of the term "remedial."

(65) House Rule 13, Section 9(a)(1), is suspended to permit the committee to delete each reference to "vocational" in Subchapter F, Chapter 29, Education Code (Sections 29.181-29.185), and substitute "career and technology."

Explanation: The language is changed to conform with terminology used in federal law.

(66) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.251(1), Education Code, to read as follows:

(1) "Adult education" means services and instruction provided below the college level for adults by public local education agencies, public nonprofit agencies, or community-based organizations.

Explanation: The language is changed to conform to S.B. No. 170 by Ellis, reported engrossed by the Senate on April 25, 1995.

(67) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 29.251(5), Education Code, which reads as follows:

(5) "Educationally disadvantaged adult" has the meaning assigned by 20 U.S.C. Section 1201a.

Explanation: The definition is unnecessary as a result of the deletion of the term in Section 29.251(1).

(68) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.253, Education Code, to read as follows:

Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult education programs shall be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. The programs must be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

Explanation: The language is changed to conform to S.B. No. 170 by Ellis, reported engrossed by the Senate on April 25, 1995.

(69) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.254, Education Code, to read as follows:

Sec. 29.254. ADULT EDUCATION ADVISORY COMMITTEE. The State Board of Education may establish an adult education advisory committee composed of not more than 21 members representing public and private education, business, labor, minority groups, and the public to advise the board on needs, priorities, and standards of adult education programs conducted in accordance with this subchapter.

Explanation: The language is changed to allow participation of diverse groups in providing advice to the State Board of Education regarding adult education.

(70) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 29.255(a), Education Code, to read as follows:

(a) Funds shall be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education, related skill training, and pilot programs to demonstrate the effectiveness of the community education concept. The agency shall ensure that public local education agencies, public nonprofit agencies, and community-based organizations have direct and equitable access to those funds. An additional sum of money may be appropriated to the Texas Department of Commerce for the purpose of skill training in direct support of industrial expansion and start-up, and those locations, industries, and occupations designated by the Texas Department of Commerce, when such training is also in support of the basic purposes of this subchapter. To fulfill the basic purposes of this subchapter, an additional sum of money may be appropriated for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

Explanation: The language is changed to conform to S.B. No. 170 by Ellis, reported engrossed by the Senate on April 25, 1995.

(71) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit "of education" in Section 30.052(g), Education Code.

Explanation: This change is needed because "commissioner" is defined to mean the commissioner of education.

(72) House Rule 13, Sections 9(a)(2) and (3), are suspended to permit the committee to amend Section 30.087(b) to read as follows:

(b) From the amount appropriated for regional day school programs, the commissioner shall allocate funds to each program based on the number of weighted full-time equivalent students served. The commissioner may consider local resources available in allocating funds under this subsection.

Explanation: This change is needed to authorize the commissioner to allocate funds according to the number of weighted full-time equivalent students served and to consider available local resources.

(73) House Rule 13, Section 9(a)(4), is suspended to allow the committee to add Sections 30.102(a-1) and (b-1), Education Code, to read as follows:

(a-1) For the 1995-1996 school year, a classroom teacher or full-time librarian employed by the commission is entitled to receive as a minimum salary the monthly salary rate specified by Section 21.4011. A classroom teacher or full-time librarian may be paid, from funds appropriated to the commission, a salary in excess of the minimum specified by that section, but the salary may not exceed the rate of pay for a similar position in the public schools of an adjacent school district. This subsection expires September 1, 1996.

(b-1) Subsection (b) applies beginning with the 1996-1997 school year. This subsection expires January 1, 1997.

Explanation: These changes are needed to conform to the minimum salary schedules established under Chapter 21.

(74) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 31.021(c), Education Code, to read as follows:

(c) After setting aside the amounts specified by Subsection (b), the State Board of Education shall determine the amount remaining in the available school fund that is available for distribution under Chapter 43 for the following school year. The board shall use any amount by which the amount available for distribution under Chapter 43 for the following school year exceeds the amount available for distribution under Chapter 43 for the 1995-1996 school year to increase the allotment under Subsection (b)(2).

Explanation: This change is necessary to provide an increased allotment for:

- (1) purchasing electronic textbooks or technological equipment; or
- (2) training educational personnel in using electronic textbooks and providing access to technological equipment for instructional use.

(75) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 31.025, Education Code, to read as follows:

Sec. 31.025. LIMITATION ON COST. (a) The State Board of Education shall set a limit on the cost that may be paid from the state textbook fund for a textbook placed on the conforming or nonconforming list for a particular subject and grade level. The board may not reject a textbook for placement on the conforming or nonconforming list because the textbook's price exceeds the limit established under this subsection.

(b) Subject to Section 31.151, if a school district or open-enrollment charter school selects a textbook from a conforming or nonconforming list that exceeds the limit established under Subsection (a):

(1) the state shall pay the publisher an amount equal to the limit established under Subsection (a) multiplied by the number of textbooks the district or school requisitions; and

(2) the district or school is responsible for the remainder of the cost.

Explanation: This change is necessary to limit the cost of textbooks and allow school districts to exceed that limit if they pay for the remainder of the cost.

(76) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 31.029, Education Code, to read as follows:

Sec. 31.029. BILINGUAL TEXTBOOKS. The board shall purchase or otherwise acquire textbooks for use in bilingual education classes.

Explanation: This change is necessary to require the State Board of Education to acquire textbooks for use in bilingual education classes.

(77) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 33.081(e), Education Code (Section 33.081(d), Education Code, in engrossed version; Section 33.081(e), Education Code, in house special printing), which reads as follows:

(d) A student may not be suspended under this section during the period in which school is recessed for the summer or during the initial grade reporting period of a regular school term on the basis of grades received in the final grade reporting period of the preceding regular school term.

Explanation: The language is unnecessary as a result of the revised wording of Section 33.081(c), which states that "A suspension does not last beyond the end of a school year."

(78) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 34.004, Education Code (Section 34.006, Education Code, in engrossed version; Section 34.004, Education Code, in house special printing), to read as follows:

Sec. 34.004. **STANDING CHILDREN.** A school district may not require or allow a child to stand on a school bus that is in motion.

Explanation: This change is necessary to omit the provision that ties the prohibition on children standing on a school bus to the receipt of transportation funding under the Foundation School Program.

(79) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to amend and add text to Section 34.008, Education Code (Section 34.014, Education Code, in engrossed version; Section 34.008, Education Code, in house special printing), to read as follows:

Sec. 34.008. **CONTRACT WITH TRANSIT AUTHORITY OR COMMERCIAL TRANSPORTATION COMPANY.** (a) A board of county school trustees or school district board of trustees may contract with a transit authority or a commercial transportation company for all or any part of a district's public school transportation if the authority or company:

(1) requires its school bus drivers to have the qualifications required by and to be certified in accordance with standards established by the Department of Public Safety; and

(2) uses only those school motor vehicles in transporting public school students that satisfy safety requirements imposed by law on school motor vehicles operated by public school transportation systems.

(b) This section does not prohibit the county or school district board from supplementing the state transportation cost allotment with local funds necessary to provide complete transportation services.

(c) A transit authority or a commercial transportation company contracting under this section for daily transportation of pre-primary, primary, or secondary students to or from school shall conduct, in a manner and on a schedule approved by the county or district school board, the following education programs:

(1) a program to inform the public that public school students will be riding on the authority's or company's buses;

(2) a program to educate the drivers of the buses to be used under the contract of the special needs and problems of public school students riding on the buses; and

(3) a program to educate public school students on bus riding safety and any special considerations arising from the use of the authority's or company's buses.

(d) In this section, "transit authority" includes a transportation authority or a transit department.

Explanation: This change is necessary to clarify that buses operated by various governmental transportation systems may be used to transport students and to provide a definition of "transit authority".

(80) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the heading to Section 34.010, Education Code (Section 34.011, in engrossed version; Section 34.010, in house special printing), by striking "ACTIVITIES, ETC." and substituting "AND OTHER SCHOOL-RELATED ACTIVITIES."

Explanation: This change is necessary to make the section heading more descriptive.

(81) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 37.001(a), Education Code, to read as follows:

(a) Each school district shall, with the advice of its district-level committee established under Section 11.251, and jointly, as appropriate, with the juvenile board of each county in which the district is located, adopt a student code of conduct for the district. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or alternative education program;

(2) outline the responsibilities of each juvenile board concerning the establishment and operation of a juvenile justice alternative education program under Section 37.011;

(3) define the conditions on payments from the district to each juvenile board;

(4) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to an alternative education program; and

(5) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007.

Explanation: This change is necessary to specify contents of a student code of conduct, including standards for student conduct and procedures for placement of disruptive students in alternative settings.

(82) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 37.001(c), Education Code, to read as follows:

(c) Each school district shall adopt a student code of conduct as required by this section not later than September 1, 1996. This subsection expires September 1, 1997.

Explanation: This change is necessary to delay the date by which a school district must adopt a student code of conduct.

(83) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 37.005, Education Code, to read as follows:

Sec. 37.005. SUSPENSION. (a) The principal or other appropriate administrator may suspend a student who engages in conduct for which the student may be placed in an alternative education program under this subchapter.

(b) A suspension under this section may not exceed three school days.

Explanation: This change is necessary to permit the temporary suspension of a student who engages in conduct for which the student may be placed in an alternative education program.

(84) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (c) to Section 37.008, Education Code (Section 37.004,

Education Code, in engrossed version; Section 37.004, Education Code, in house special printing), to read as follows:

(c) An off-campus alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39.

Explanation: This change is necessary to specify the applicability of provisions of the Education Code to off-campus alternative education programs.

(85) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 37.009(a), Education Code (Section 37.005(a), Education Code, in engrossed version), to read as follows:

The student may not be returned to the regular classroom pending the hearing.

Explanation: This change is necessary to prohibit the return of a student to the regular classroom pending a hearing on the placement of the student in an alternative education program or expulsion of the student.

(86) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (a) to Section 37.011, Education Code (Section 37.008, Education Code, in house special printing), to read as follows:

(a) The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 125,000 or less:

(1) is not required to be approved by the Texas Juvenile Probation Commission; and

(2) is not subject to Subsection (c), (d), (f), or (g).

Explanation: This change is necessary to require a juvenile justice alternative education program approved by the Texas Juvenile Probation Commission only in a county with a population of more than 125,000 and to permit a juvenile justice alternative education program in a smaller county.

(87) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (b) to Section 37.011, Education Code (Section 37.008, Education Code, in house special printing), to read as follows:

(b) If a student is found to have engaged in conduct described by Section 37.007 and the student is found by a juvenile court to have engaged in delinquent conduct under Title 3, Family Code, the juvenile court shall:

(1) require the juvenile justice alternative education program in the county in which the conduct occurred to provide educational services to the student; and

(2) order the student to attend the program from the date of adjudication.

Explanation: This change is necessary to require a juvenile court to place a student who engages in certain serious conduct in a juvenile justice alternative education program.

(88) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (f) to Section 37.011, Education Code (Section 37.008, Education Code, in house special printing), to read as follows:

- (f) A juvenile justice alternative education program must operate at least:
- (1) seven hours per day; and
 - (2) 180 days per year.

Explanation: This change is necessary to require a mandatory juvenile justice alternative education program to operate, on both a daily basis and a yearly basis, the same amount of time as a school district.

(89) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (j) to Section 37.011, Education Code (Section 37.008, Education Code, in house special printing), to read as follows:

(j) A juvenile board in a county with a population greater than 125,000 shall establish a juvenile justice alternative education program not later than September 1, 1996. A student who engages in conduct described by Section 37.007 before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation shall be expelled for a period not to exceed one year. This subsection expires September 1, 1997.

Explanation: This change is necessary to provide sufficient time for juvenile boards to establish juvenile justice alternative education programs in those counties required to do so.

(90) House Rule 13, Section 9(a)(4), is suspended to permit the committee to change the heading to Section 37.083, Education Code, by striking "PROGRAMS" and substituting "PROGRAMS; SEXUAL HARASSMENT POLICIES."

Explanation: This change is necessary to make the section heading more descriptive.

(91) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 38.009, Education Code (Section 38.008, Education Code, in engrossed version; Section 38.009, Education Code, in house special printing), to read as follows:

Sec. 38.009. ACCESS TO MEDICAL RECORDS. (a) A school administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the school district for reasons determined by district policy.

(b) A school administrator, nurse, or teacher who views medical records under this section shall maintain the confidentiality of those medical records.

(c) This section does not authorize a school administrator, nurse, or teacher to require a student to be tested to determine the student's medical condition or status.

Explanation: The change is necessary to entitle a school nurse to access to a student's medical records maintained by a school.

(92) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in Section 39.023(a), Education Code, to read as follows:

(a) The agency shall adopt appropriate criterion-referenced assessment instruments designed to assess competencies in reading, writing, mathematics, social studies, and science. All nonexempt students shall be assessed in:

- (1) reading and mathematics, annually in grades three through eight;
- (2) writing, in grades four and eight; and
- (3) social studies and science, at an appropriate grade level determined

by the State Board of Education.

Explanation: This change is necessary to require assessment instruments under the statewide assessment program to assess competencies in social studies and science.

(93) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Sections 39.023(c) and (i), Education Code, to read as follows:

(c) The agency shall adopt end-of-course assessment instruments for students in secondary grades who have completed Algebra I, Biology I, English II, and United States history.

(i) Beginning with the 1995-1996 school year, the State Board of Education shall administer the end-of-course assessment instruments under Subsection (c) in Algebra I and Biology I. Not later than the 1998-1999 school year, the State Board of Education shall administer the end-of-course assessment instruments under Subsection (c) in English II and United States history. This subsection expires September 1, 2001.

Explanation: This change is necessary to require and phase-in the administration of end-of-course assessment tests in specified subject areas.

(94) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 39.027(b), Education Code, which reads as follows:

(b) The State Board of Education shall adopt rules under which a district may determine if a student is eligible for an exemption under this section. The agency shall closely monitor compliance with those rules.

Explanation: This change is necessary to conform to changes made to Section 39.023 by the committee.

(95) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in Section 39.030(b), Education Code, to read as follows:

(b) The results of individual student performance on academic skills assessment instruments administered under this subchapter are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district and made available to the public, with appropriate interpretations, at regularly scheduled meetings of the board of trustees of each school district. The information may not contain the names of individual students or teachers.

Explanation: This change is necessary to require aggregation of overall student performance data on the basis of ethnicity and gender as well as on other bases.

(96) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (b) to Section 39.031, Education Code, to read as follows:

(b) The cost of releasing the question and answer keys under Section 39.023(d) shall be paid from amounts appropriated to the agency.

Explanation: This change is necessary to require that the Texas Education Agency pay the cost of releasing question and answer keys for assessment instruments.

(97) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to redesignate Section 39.053, Education Code, relating to a campus report card, as Section 39.052, to conform cross-references as necessary, and to add text in Subsection (c) of that section to read as follows:

(c) The commissioner shall adopt rules for requiring dissemination of appropriate student performance portions of campus report cards annually to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, the school district shall provide a copy of a campus report card to any other party.

Explanation: These changes are necessary to improve the readability of Chapter 39, and to limit the dissemination of campus report cards to appropriate student performance portions of the report cards.

(98) House Rule 13, Section 9(a)(1), is suspended to permit the committee to redesignate Section 39.052, Education Code, relating to performance reports, as Section 39.053, and to conform cross-references as necessary.

Explanation: This change is necessary to improve the readability of Chapter 39.

(99) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 39.076, relating to agency assistance, and to renumber subsequent sections of Chapter 39 appropriately.

Explanation: This change is necessary to omit the requirement that the Texas Education Agency provide certain assistance or referrals to a school district that has difficulty meeting accreditation or performance standards.

(100) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 39.094(b), Education Code, to read as follows:

(b) The campus-level committee established under Section 11.253 shall determine the use of the funds awarded to a school under this subchapter. The professional staff of the district shall determine the use of the funds awarded to the school district under this subchapter.

Explanation: This change is necessary to refer to the campus-level committee rather than the school committee to conform with the other provisions of the title.

(101) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 39.112(b)(3)(B), Education Code (Section 39.112(b)(2) in engrossed version), to read as follows:

(b) A school campus or district is not exempt under this section from:

(3) a requirement, restriction, or prohibition relating to:

(B) public school accountability as provided by Subchapters B, C, D, and G;

Explanation: This change is necessary to exclude from the exemption established by the subsection certain provisions relating to public school accountability.

(102) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsections (e)(4)-(6), Section 39.131, Education Code, to read as follows:

[(e)] . . . The master or management team:

(4) may not change the number of or method of selecting the board of trustees;

(5) may not set a tax rate for the district; and

(6) may not adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board of trustees.

Explanation: This change is necessary to clarify the duties if the commissioner appoints a master or management team as an accreditation sanction.

(103) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit sections of the Education Code relating to restricting written reports from school districts and school district employees, teachers' records and reports, and reports to the State Board of Education (Sections 39.156, 39.157, and 39.158 in engrossed version; Sections 39.151, 39.152, and 39.153 in house special printing).

Explanation: This change is necessary to omit requirements and restrictions relating to certain records and reports. As a result of the omission, Section 39.159 in engrossed version (Section 39.154 in house special printing) has been moved to Section 29.083 in the conference committee report.

(104) House Rule 13, Section 9(a)(4), is suspended to permit the committee to reorder the subsections in Section 41.002, Education Code, and to add a new Section 41.002(c) to read as follows:

(c) The amount of money necessary to replace funds made unavailable to the Foundation School Program by operation of Subsection (b) may be paid only from funds specifically appropriated for that purpose. If a sufficient amount of money is not appropriated to fully replace funds made unavailable to the Foundation School Program by operation of Subsection (b), the adjustment to the taxable values of property in each district to which Subsection (b) applies shall be modified proportionately to the extent necessary so that the amount of funds made unavailable is equal to the amount appropriated to replace those funds.

Explanation: This change is necessary to ensure that there is not less money available for Foundation School Program purposes as a result of the requirement under Subsection (b) that the commissioner of education adjust the taxable values of a school district's property to reflect a decline in value.

(105) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 41.034(c), Education Code, to read as follows:

(c) Four or more districts that consolidate into one district under this subchapter within a period of one year may elect to receive incentive aid under this section or to receive incentive aid for not more than five years under Subchapter G, Chapter 13. Incentive aid under this subsection may not provide the consolidated district with more revenue in state and local funds than the district would receive at the equalized wealth level.

Explanation: This change is necessary to provide another means of encouraging consolidation, which usually saves the state and districts money. The change provides districts, under specified circumstances, with flexibility in selecting between incentives offered to districts that consolidate.

(106) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new Section 41.099, Education Code, to read as follows:

Sec. 41.099. LIMITATIONS. Sections 41.002(e), 41.094, 41.097, and 41.098 apply only to a district that:

- (1) executes an agreement to purchase all attendance credits necessary to reduce the district's wealth per student to the equalized wealth level; or
- (2) executes an agreement to purchase attendance credits and an agreement under Subchapter E to contract for the education of nonresident

students who transfer to and are educated in the district but who are not charged tuition.

Explanation: This change, which, with a limited exception, provides certain benefits to a district only if the district achieves the equalized wealth level solely through the purchase of attendance credits, is necessary to encourage a school district to achieve the equalized wealth level through the purchase of attendance credits under Subchapter D, Chapter 41, rather than through another available means under Chapter 41 that is less beneficial to the state.

(107) House Rule 13, Section 9(a)(1), is suspended to permit the committee to strike "weighted students in average daily attendance" and substitute "students in weighted average daily attendance" in Sections 41.093, 41.121, and 41.158, Education Code.

Explanation: This change is necessary to conform Chapter 41 to similar changes made to Chapter 42.

(108) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (a-1) to Section 42.005, Education Code, to read as follows:

(a-1) Subsection (a) applies beginning with the 1997-1998 school year. For the 1995-1996 and 1996-1997 school years, average daily attendance is the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction. This subsection expires September 1, 1997.

Explanation: This change is necessary to delay including extended year program attendance in the computation of average daily attendance until the 1998-1999 biennium.

(109) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter Section 42.101, Education Code, by striking "vocational education" and substituting "career and technology education".

Explanation: This change is necessary to conform with terminology used in federal law.

(110) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 42.102(c), Education Code, to read as follows:

(c) Beginning with the 1996-1997 school year, the commissioner shall recompute the cost of education index, excluding from the computation the calculation for the diseconomies of scale component and substituting a value of 1.00.

Explanation: This change is necessary to provide for the computation of the cost of education adjustment for the 1996-1997 and subsequent school years.

(111) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 42.103(e), Education Code, to read as follows:

(e) The commissioner may make the adjustment authorized by Subsection (d)(3) only if the district's wealth per student does not exceed the equalized wealth level under Section 41.002. For purposes of this subsection, a district's wealth per student is determined in the manner provided by Section 41.001, except that the adjustment provided by Subsection (d)(3) is not used in computing the number of students in weighted average daily attendance.

Explanation: This change is necessary to provide that the mid-sized school adjustment is not applied in computing a school district's wealth per student for purposes of the equalized wealth level under Chapter 41.

(112) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text in Sections 42.152(c), (d), and (e), Education Code, by striking "remedial instruction" and substituting "accelerated instruction".

Explanation: This change is necessary to conform to preferred terminology.

(113) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a sentence at the end of Section 42.152(c), Education Code, to read as follows:

A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) to provide compensatory services but is not otherwise subject to Subchapter C, Chapter 29.

Explanation: This change is necessary to provide a home-rule school district or open-enrollment charter school with greater flexibility in providing a compensatory education program.

(114) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text in Section 42.152(m), Education Code (Section 42.152(n), Education Code, in engrossed version; Section 42.152(m), Education Code, in house special printing), by striking "students who are not disabled" and substituting "students who do not have disabilities."

Explanation: This change is necessary to conform to preferred terminology.

(115) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text in Section 42.154, Education Code, by striking "vocational education" and substituting "career and technology education" throughout the section.

Explanation: This change is necessary to conform with terminology used in federal law.

(116) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter Section 42.155(f), Education Code, by striking "vocational education" and substituting "career and technology education."

Explanation: This change is necessary to conform with terminology used in federal law.

(117) House Rule 13, Section 9(a)(4), is suspended to permit the committee to alter Section 42.155(j), Education Code (Section 42.155(h), Education Code, in engrossed version), by adding the following sentence at the end of Subsection (j):

The commissioner shall determine the appropriate allotment.

Explanation: This change is necessary to allow the commissioner of education to determine the appropriate transportation allotment for the Texas School for the Deaf.

(118) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a sentence at the end of Section 42.253(b), Education Code, to read as follows:

The commissioner shall reduce the entitlement of each district that has a final taxable value of property for the second year of a state fiscal biennium that is higher than the estimate under Section 42.254. A reduction under this subsection may not reduce the district's entitlement below the amount to which it is entitled at its actual taxable value of property. The sum of the reductions under this subsection may not be greater than the amount necessary to fully fund the entitlement of each district.

Explanation: This change is necessary to permit the commissioner of education, in the second year of a state fiscal biennium, to reduce the foundation school fund entitlement of a school district that has a taxable value of property that is higher than the estimate originally used to determine the district's entitlement.

(119) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 43.005, Education Code, to read as follows:

Sec. 43.005. EXTERNAL INVESTMENT MANAGERS. (a) The State Board of Education may contract with private professional investment managers to assist the board in making investments of the permanent school fund. A contract under this subsection must be approved by the board or otherwise entered into in accordance with board rules relating to contracting authority.

(b) The State Board of Education by rule may delegate a power or duty relating to the investment of the permanent school fund to a committee, officer, employee, or other agent of the board.

Explanation: This change is necessary to permit the State Board of Education to delegate a power or duty relating to the investment of the permanent school fund.

(120) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 43.006, Education Code, to read as follows:

Sec. 43.006. INVESTMENT MANAGEMENT. (a) The State Board of Education may delegate investment authority and contract for the investment of the permanent school fund to the same extent as the governing board of an institution of higher education with respect to an institutional fund under Chapter 163, Property Code.

(b) The board may enter into a contract with a nonprofit corporation for the corporation to invest funds under the control and management of the board, including the permanent school fund, as designated by the board. The corporation may not engage in any business other than investing funds designated by the board under the contract.

(c) The board must approve the:

(1) articles of incorporation and bylaws of the corporation and any amendment to the articles of incorporation or bylaws;

(2) investment policies of the corporation, including changes to those policies;

(3) audit and ethics committee of the corporation; and

(4) code of ethics of the corporation.

(d) The board of directors of the corporation must be members of the State Board of Education.

(e) If an investment contract entered into under Subsection (b) includes the permanent school fund within the scope of funds under the control and management of the State Board of Education to be invested by the corporation, the board shall provide for an annual financial audit of the permanent school fund. The audit shall be performed by the state auditor.

(f) The corporation shall file quarterly reports with the State Board of Education concerning matters required by the board.

(g) The corporation is subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

(h) The corporation may not enter into an agreement or transaction with a:

(1) director, officer, or employee of the corporation acting in other than an official capacity on behalf of the corporation;

(2) business entity in which a director, officer, or employee of the corporation has an interest;

(3) former director, officer, or employee of the corporation on or before the second anniversary of the date the person ceased to be a director, officer, or employee of the corporation; or

(4) business entity in which a former director, officer, or employee of the corporation has an interest on or before the second anniversary of the date the person ceased to be a director, officer, or employee of the corporation.

(i) An agreement or transaction entered into in violation of Subsection (h) is void.

(j) For purposes of this section, a person has an interest in a business entity if:

(1) the person owns five percent or more of the voting stock or shares of the business entity;

(2) the person owns five percent or more of the fair market value of the business entity; or

(3) money received by the person from the business entity exceeds five percent of the person's gross income for the preceding calendar year.

(k) In this section:

(1) "Governing board" and "institutional fund" have the meanings assigned by Chapter 163, Property Code.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

Explanation: This change is necessary to permit the State Board of Education to establish a nonprofit corporation to manage the investment of the permanent school fund. Similar authority with respect to the permanent university fund is granted to the board of regents of The University of Texas System under H.B. No. 1877, effective May 23, 1995.

(121) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 43.008, Education Code (Section 43.007, Education Code, in both engrossed version and house special printing), to read as follows:

Sec. 43.008. TREATMENT OF PREMIUM AND DISCOUNT. (a) If the State Board of Education authorizes the payment of a premium out of the permanent school fund for purchasing any fixed-income security as an investment for that fund, the principal of the security and a portion of the interest accruing from the security equal to the premium shall be treated as principal in the investment as provided by Subsection (c) and shall be returned to the permanent school fund.

(b) If the State Board of Education authorizes the purchase of a fixed-income security at less than par, the discount received in the purchase shall be paid to the available school fund as additional interest revenue as provided by Subsection (c).

(c) The amount of an interest payment treated as principal under Subsection (a) or the amount of a discount treated as additional revenue under

Subsection (b) shall be determined at the end of a period using an interest method that produces a periodic interest revenue or expenditure, including amortization, that represents a level effective interest rate on the sum of the maturity value of the fixed-income security and its unamortized premium or discount at the beginning of the period. The difference between the amount computed and the stated interest revenue on the outstanding amount of the fixed-income security is the amount of the periodic amortization.

(d) In this section:

(1) "Effective interest rate" means the interest rate that, when used to discount debt service payments, produces a present value equal to the debt proceeds.

(2) "Fixed-income security" means a government or corporate obligation with a specified maturity date, interest rate, and interest payment dates.

(3) "Stated interest revenue" means the face value or coupon interest rate multiplied by the maturity value of the fixed-income security.

Explanation: This change is necessary to permit the State Board of Education to use generally accepted accounting principles in amortizing the principal of and interest on certain securities purchased for the permanent school fund. This change is also necessary to conform the new code to the current code, as amended by S.B. No. 409, effective September 1, 1995.

(122) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text to Section 44.002(b), Education Code, to read as follows:

(b) The budget must be prepared according to generally accepted accounting principles, rules adopted by the State Board of Education, and adopted policies of the board of trustees.

Explanation: This change is necessary to include language that appeared in Section 12.181(d)(6) in the engrossed version.

(123) House Rule 13, Sections 9(a)(1), (2), and (3), are suspended to permit the committee to change the heading of Section 44.031, Education Code, to change Subsections (a), (b), and (c) of that section to read as follows, and to reletter subsequent subsections appropriately:

Sec. 44.031. PURCHASING CONTRACTS. (a) Except as provided by this section, all school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$25,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value to the district:

- (1) competitive bidding;
- (2) competitive sealed proposals;
- (3) a request for proposals;
- (4) a catalogue purchase as provided by Subchapter B, Chapter 2157, Government Code;
- (5) an interlocal contract; or
- (6) a design/build contract.

(b) In determining to whom to award a contract, the district may consider:

- (1) the purchase price;
- (2) the reputation of the vendor and of the vendor's goods or services;
- (3) the quality of the vendor's goods or services;

- (4) the extent to which the goods or services meet the district's needs;
- (5) the vendor's past relationship with the district;
- (6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;
- (7) the total long-term cost to the district to acquire the vendor's goods or services; and
- (8) any other relevant factor that a private business entity would consider in selecting a vendor.

Explanation: These changes are necessary to clarify the manner in which school district can make purchases of personal property and to impose consistent restrictions on purchases of personal property and certain contracts made in relation to buildings.

(124) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change Section 44.031(g), Education Code (Section 44.031(h), Education Code, in engrossed version and house special printing), to read as follows:

(g) Notice of the time when and place where the bids or proposals will be received shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the date set for awarding the contract, except that on contracts involving less than \$25,000, the advertising may be limited to two successive issues of any newspaper published in the county in which the district's central administrative office is located, and if there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located.

Explanation: This change is necessary to require publication of the date by which bids must be received, instead of the date on which the contract will be let.

(125) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text from Section 44.032(b), Education Code, to read as follows:

(b) An officer, employee, or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031(a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

Explanation: This change is necessary to conform to changes made under Section 44.031.

(126) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change Section 44.033(a), Education Code, to read as follows:

(a) A school district shall purchase personal property as provided by this section if the value of the items is at least \$10,000 but less than \$25,000, in the aggregate, for a 12-month period. In the alternative, the school district may purchase those items in accordance with Sections 44.031(a) and (b).

Explanation: This change is necessary to conform to changes made under Section 44.031.

(127) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit from Section 45.003(c), Education Code, the following:

Except as otherwise provided by this section, bonds may not be issued pursuant to Subsection (b)(1) if the aggregate principal amount of tax bond indebtedness

of the district after issuing the bonds would exceed 10 percent of the assessed valuation of taxable property in the district according to the most recent approved ad valorem tax rolls of the district. A district may issue bonds resulting in an aggregate principal amount of tax bond indebtedness that exceeds 10 percent of the district's assessed valuation if:

- (1) the bonds are issued for the purpose of constructing and equipping a replacement for a building lost to fire or natural disaster;
- (2) the bonds are issued in an amount necessary for that purpose, less the amount paid by insurance covering the loss; and
- (3) the resulting aggregate principal amount of tax bond indebtedness does not exceed 16 percent of the district's assessed valuation.

Explanation: The omission of the ad valorem tax limit computed according to assessed value of property in the district would permit greater local control of tax decisions subject to Section 45.003(e), Education Code, and would enable districts that have reached the limit to issue bonds for necessary school facilities.

(128) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 45.006, Education Code, other than Subsection (e), engrossed version, which is similar to Subsections (c) and (d) of the house special printing, relating to tax limitations, and to renumber subsequent sections appropriately.

Explanation: The omission of the tax limitations conforms to the limitation structure in Section 45.003 and eliminates unnecessary references to constitutional limitations.

(129) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text to Section 45.081(c) to read as follows:

(c) "Real property" means any interest in land, buildings, or fixtures permanently attached to buildings or land.

Explanation: This change is necessary to include fixtures permanently attached to land within the definition of real property.

(130) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add a new Subsection (c) to Section 45.082 to read as follows and to reletter subsequent subsections appropriately:

(c) The board is not required to determine that the real property is not required for the current needs of the district if the sale is:

- (1) to a corporation established by the district under Article 717s, Revised Statutes; and
- (2) subject to a lease-purchase agreement under which the district will acquire the real property.

Explanation: This change is necessary to permit a school district to sell property to be used by the district to a corporation established by the district.

(131) House Rule 13, Sections 9(a)(1), (2), and (3), are suspended to permit the committee to change the heading of Section 45.106, Education Code, and the text of Subsection (a) of that section to read as follows:

Sec. 45.106. USE OF COUNTY AVAILABLE FUND APPORTIONMENT FOR AREA SCHOOLS CAREER AND TECHNOLOGY EDUCATION. (a) A school district or accumulation of districts that operates a school designated as an area school for career and technology education purposes or that participates in a designated area career and technology

education program shall use its annual county available school fund apportionment, if any, in the operation of the area school or program or in financing facilities for the school, notwithstanding any laws to the contrary.

Explanation: This change is necessary to conform to changes in terminology made in other portions of the bill.

(132) House Rule 13, Sections 9(a)(1), (2), (3), and (4), are suspended to permit the committee to substitute the following for Subchapter H, Chapter 45, Education Code:

SUBCHAPTER H. ASSESSMENT AND COLLECTION OF TAXES

Sec. 45.231. EMPLOYMENT OF ASSESSOR AND COLLECTOR. (a) The board of trustees of an independent school district may employ a person to assess or collect the school district's taxes and may compensate the person as the board of trustees considers appropriate.

(b) This section does not prohibit an independent school district from providing for the assessment or collection of the school district's taxes under a method authorized by Subchapter B, Chapter 6, Tax Code.

Sec. 45.232. ALTERNATE METHODS OF SELECTION UNDER FORMER LAW. An independent school district that used a method of selecting the assessor or collector of the school district's taxes for the 1994 tax year that was authorized by former Subchapter F, Chapter 23, as that subchapter existed on January 1, 1994, but that is not authorized by Section 45.231 or by Subchapter B, Chapter 6, Tax Code, may continue to use that method of selection until the school district uses another method authorized by Section 45.231 or by Subchapter B, Chapter 6, Tax Code, to determine how the assessment or collection is performed.

Explanation: This change is necessary to omit outdated procedures relating to tax assessors and collectors, to allow broad local discretion to employ a tax assessor and collector, and to preserve current exceptions and authorizations.

(133) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend redesignated Chapter 133, Education Code, as amended by Section 3 of the bill (Section 31 in engrossed version) to strike references to "vocational education" and substitute "career and technology education."

Explanation: This change is necessary to conform to changes in federal law terminology.

(134) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend redesignated Chapter 133, Education Code, as amended by Section 3 of the bill (Section 31 in engrossed version) to change references to "board" to "commission" and add Section 133.001(5) to read as follows:

(5) "Commission" means the Texas Employment Commission.

Explanation: This change is necessary to transfer the proposed administration of Chapter 133 from the Texas Higher Education Coordinating Board to the Texas Employment Commission.

(135) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend redesignated Chapter 51, Education Code, as amended by Section 4 of the bill (Section 32 in engrossed version) to add Section 51.752(h) to read as follows:

(h) If the legislature fails to appropriate funds for the operation of the Educational Economic Policy Center, the Legislative Budget Board shall

perform the duties of the committee under this subchapter. The board shall make the annual reports required by Subsection (g) to the presiding officers of the standing committees of the senate and the house of representatives with primary jurisdiction over the public school system.

Explanation: This change is necessary to allow the functions of the Educational Economic Policy Center to be performed in the absence of specific appropriations.

(136) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend Section 61.077, Education Code, as amended by Section 20 of the bill (Section 40 in engrossed version; Section 15 in house special printing), to strike references to "vocational" or "vocational-technical" and substitute "career and technology" and to strike references to "State Board of Vocational Education" and substitute "State Board for Career and Technology Education".

Explanation: This change is necessary to conform to changes in federal law terminology.

(137) House Rule 13, Section 9(a)(4), is suspended to permit the committee to amend Section 822.201(c), Government Code, as amended in Section 35 of the bill, to read as follows:

(c) Excluded from salary and wages are expense payments, allowances, payments for unused vacation or sick leave, maintenance or other nonmonetary compensation, fringe benefits, deferred compensation other than as provided by Subsection (b)(3), compensation that is not made pursuant to a valid employment agreement, payments received in the 1995-96 or a subsequent school year for teaching a driver education and traffic safety course, and any compensation not described in Subsection (b).

Explanation: This change is necessary to exclude payments made for nonacademic activities from being used to determine contributions or benefits under the Teacher Retirement System of Texas.

(138) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to amend Subsections (a) and (b) of and add Subsection (b-1) to Section 825.405, Government Code, as amended in Section 37 of the bill (Section 52 in engrossed version; Section 29 in house special printing), to read as follows:

(a) For members entitled to the minimum salary for certain school personnel under Section 21.402 [~~16.056~~], Education Code, and for members who would have been entitled to the minimum salary for certain school personnel under former Section 16.056, Education Code, as that section existed on January 1, 1995, the employing district shall pay the state's contribution on the portion of the member's salary that exceeds the statutory minimum or former statutory minimum, as applicable.

(b) For purposes of this section, the statutory minimum salary is the salary provided by Section 21.402 or the former Sections 16.056 and 16.058, Education Code, multiplied by the cost of education adjustment applicable under Section 42.102 [~~16.102~~], Education Code, to the district in which the member is employed.

(b-1) Notwithstanding Subsections (a) and (b), for the 1995-1996 school year, for a member entitled to the minimum salary for certain school personnel under Section 21.4011, Education Code, the employing district shall pay the

state's contribution on the portion of the member's salary that exceeds the statutory minimum. For purposes of this section, for the 1995-1996 school year, the statutory minimum salary is the salary provided by Section 21.4011, Education Code, multiplied by the cost of education adjustment applicable under Section 42.102, Education Code, to the district in which the member is employed. This subsection expires September 1, 1996.

Explanation: This change is necessary to continue to allow the state to recover retirement contributions on excess salary payments and to provide a one-year transition to the changes in the provision.

(139) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the section amending Section 98A(b), Public Utility Regulatory Act (Section 61 in the senate engrossment; Section 47 in the house special printing), which reads as follows:

SECTION 47. CONFORMING AMENDMENT. Subsection (b), Section 98A, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) In this section, "interactive multimedia communications" means real-time, two-way, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations [~~has the meaning assigned by Section 14.0451(a), Education Code~~].

Explanation: The omission is necessary because the provision amended the Public Utility Regulatory Act, which has since been repealed and replaced with the Public Utility Regulatory Act of 1995.

(140) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add the following sections:

SECTION 49. CONFORMING AMENDMENT. Section 3.355(h)(2), Public Utility Regulatory Act of 1995, as enacted by Chapter 9, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

(2) "Educational institution" means and includes:

(A) accredited primary or secondary schools owned or operated by state and local governmental entities or private entities;

(B) institutions of higher education as defined by Section 61.003, Education Code;

(C) private institutions of higher education accredited by a recognized accrediting agency as defined by Section 61.003(13), Education Code;

(D) the Texas [~~Central~~] Education Agency, its successors and assigns;

(E) regional education service centers established and operated pursuant to Chapter 8 [~~Sections 11.32 and 11.33~~], Education Code; and

(F) the Texas Higher Education Coordinating Board, its successors and assigns.

SECTION 50. CONFORMING AMENDMENT. Section 3.358(b), Public Utility Regulatory Act of 1995, as enacted by Chapter 9, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

(b) In this section, "interactive multimedia communications" means real-time, two-way, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations [~~has the meaning~~

assigned by Section 14.0451(a), Education Code, as added by Chapter 868, Acts of the 73rd Legislature, Regular Session, 1993].

Explanation: Section 49 is necessary to correct references to the Texas Education Agency and the statutory authority for operation of regional education service centers. Section 50 is necessary because the comparable provisions in the house special printing (Section 47) and senate engrossment (Section 61) amended the Public Utility Regulatory Act, which has since been repealed and replaced with the Public Utility Regulatory Act of 1995.

(141) House Rule 13, Section 9(a)(4), is suspended to permit the committee in Section 51 of the conference committee report to amend Section 22, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), to read as follows:

Sec. 22. EXEMPTIONS. Nothing in this Act shall be construed to apply to:

(a) the activities, services and use of official title on the part of a person employed as a psychologist or psychological associate by any: (1) governmental agency[~~-, (2) public school district,~~] or (2) [(3)] regionally accredited institution of higher education provided such employee is performing those duties for which he is employed by such agency[~~-, district,~~] or institution and within the confines of such agency[~~-, district,~~] or institution insofar as such activities and services are a part of the duties of his office or position as a psychologist or psychological associate with such agency[~~-, district,~~] or institution; except that persons employed as psychologists or psychological associates who offer or provide psychological services to the public (other than lecture services) for a fee, monetary or otherwise, over and above the salary that they receive for the performance of their regular duties, and/or persons employed as psychologists or psychological associates by organizations that sell psychological services to the public (other than lecture services) for a fee, monetary or otherwise must be licensed under the provisions of this Act;

(b) the activities and services of a student, intern or resident in psychology, pursuing a course of study in preparation for the profession of psychology under qualified supervision in recognized training institutions or facilities, if these activities and services constitute a part of his supervised course of study, provided that such an individual is designated by a title such as "psychological intern," "psychological trainee," or others clearly indicating such training status;

(c) the activities and services of members of other licensed professions, including physicians, surgeons, attorneys, registered nurses, licensed vocational nurses, occupational therapists, certified social workers, licensed professional counselors, career counselors, licensed marriage and family therapists, and licensed chemical dependency counselors, if the activities and services are permitted under the applicable license and the members do not represent themselves to be psychologists or describe their services by the use of the term "psychological";

(d) the activities and services of duly recognized members of the clergy who are acting within the members' ministerial capabilities, if the members do not represent themselves to be psychologists or describe their services by the use of the term "psychological";

(e) the voluntary activities and services of persons employed by or working on the behalf of charitable nonprofit organizations, if the persons do not represent themselves to be psychologists or describe their services by the use of the term "psychological."

Explanation: This change is necessary to require school psychologists to be licensed by the Texas State Board of Examiners of Psychologists rather than certified by the Central Education Agency.

(142) House Rule 13, Section 9(a)(4), is suspended to permit the committee in Section 51 of the conference committee report to add Section 26, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), to read as follows:

Sec. 26. LICENSED SPECIALIST IN SCHOOL PSYCHOLOGY. (a) The board by rule shall adopt the license classification of "licensed specialist in school psychology." A license issued under this section constitutes the appropriate credential for a person to provide psychological services in a school in this state as required by Section 21.003(b), Education Code.

(b) The board shall set the standards for qualification of a license issued under this section. The standards must include:

(1) minimum recognized graduate degree requirements;

(2) completion of graduate course work at a regionally accredited institution of higher education in the following areas:

(A) psychological foundations;

(B) educational foundations;

(C) interventions;

(D) assessments; and

(E) professional issues and ethics;

(3) completion of a minimum of 1,200 hours of supervised experience;

(4) receipt of a passing score on a nationally recognized qualifying examination determined to be appropriate by the board and on any other examination determined to be necessary by the board; and

(5) satisfaction of the requirements imposed under Section 11(d) of this Act.

(c) The rules of practice for a licensed specialist in school psychology must comply with nationally recognized standards for the practice of school psychology.

Explanation: This change is necessary to require the setting of standards for persons who provide psychological services in schools.

(143) House Rule 13, Section 9(a)(1), is suspended to permit the committee in Section 53 of the conference committee report (Section 63 in engrossed version; Section 50 in house special printing) to strike references to "vocational education" and the "State Board of Vocational Education" in Section 2.06, Workforce and Economic Competitiveness Act (Article 5190.7a, Vernon's Texas Civil Statutes), and substitute references to "career and technology education" and "State Board for Career and Technology Education," respectively.

Explanation: This change is necessary to conform to terminology used in federal law.

(144) House Rule 13, Section 9(a)(4), is suspended to permit the committee in Section 58 of the conference committee report (Section 79 in engrossed

version; Section 54 in house special printing) to repeal the heading to Subchapter A, Chapter 34, Education Code.

Explanation: This change is necessary because the substance of Subchapter A, Chapter 34, has been repealed.

(145) House Rule 13, Section 9(a)(4), is suspended to permit the committee in Section 58 of the conference committee report (Section 79 in engrossed version; Section 54 in house special printing) to repeal Section 3A, Chapter 280, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d-1, Vernon's Texas Civil Statutes).

Explanation: This change is necessary to conform to changes made to Section 34.004.

(146) House Rule 13, Section 9(a)(4), is suspended to permit the committee in Section 63 of the conference committee report (Section 89 in engrossed version) to add the following text:

(f) The Texas Education Agency may issue certificates under Subchapter B, Chapter 13, Education Code, as that subchapter existed on January 1, 1995, until:

(1) September 1, 1996, in the case of a person required to be licensed by a state agency other than the State Board for Educator Certification, as provided by Section 21.003(b), Education Code; and

(2) the effective date of rules of the State Board for Educator Certification for certification under Subchapter B, Chapter 21, Education Code, as added by this Act, in the case of a person required to hold a certificate under Section 21.003(a), Education Code, as added by this Act.

(g) A person who is employed by a public school in a position described by Section 21.003(b), Education Code, as added by this Act, other than the position of school psychologist or associate school psychologist, and who holds a certificate issued by the Central Education Agency or the Texas Education Agency under former Subchapter B, Chapter 13, Education Code, before September 1, 1996, may continue to practice under that certificate. A person practicing under a certificate to which this subsection applies may practice only in the employment of a public school.

(h) Not later than November 1, 1997, the State Board for Educator Certification shall propose rules relating to educator certification, including alternative certification, educator appraisals, and certification sanctions, and other rules the board is required to propose under Subchapter B, Chapter 21. Rules adopted by the State Board of Education under Subchapter B, Chapter 13, Education Code, as that subchapter existed on January 1, 1995, continue in effect until the effective date of rules of the State Board for Educator Certification under Subchapter B, Chapter 21.

Explanation: This change is necessary to provide for the transition to certification of educators by the State Board for Educator Certification.

(147) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change and add text in Section 64(a) of the conference committee report (Section 90(a) in engrossed version; Section 58(a) in house special printing) to read as follows:

(a) Not later than November 1, 1995, the State Board of Education shall adopt rules for the certification of hearing examiners under Section 21.252,

Education Code, as added by this Act. Notwithstanding Section 7.102(e), Education Code, as added by this Act, rules adopted under this subsection take effect as provided by Chapter 2001, Government Code.

Explanation: This change is necessary to provide that rules for the certification of hearing examiners take effect as provided by the Administrative Procedure Act rather than as provided by Section 7.102(e), Education Code, under which a rule does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted.

(148) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 66 of the conference committee report to read as follows:

SECTION 66. TRANSITION RELATING TO MINIMUM SICK LEAVE PROGRAM. A public school employee retains any sick leave the employee has accumulated as state minimum sick leave under former Section 13.904(a), Education Code, as that subsection existed on January 1, 1995. Former Section 13.904(c), Education Code, as that subsection existed on January 1, 1995, governs the use of that sick leave, and that law is continued in effect for that purpose.

Explanation: This change is necessary to permit a public school employee to retain any sick leave the employee accumulated as state minimum sick leave under former Section 13.904(c).

(149) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 69 of the conference committee report to read as follows:

SECTION 69. TRANSITION PROVISION RELATING TO TEXTBOOKS. (a) The addition of Chapter 31, Education Code, by this Act does not affect the terms or validity of any contract entered into by the State Board of Education in accordance with former Chapter 12, Education Code, as that chapter existed at the time the contract was entered into, and that chapter is continued in effect for that purpose.

(b) The State Board of Education shall proceed with the adoption of textbooks whose adoption is in progress on the effective date of this Act, and Chapter 12, Education Code, as that chapter existed on January 1, 1995, is continued in effect for that purpose.

Explanation: This change is necessary to clarify that Chapter 31, Education Code, does not affect existing textbook contracts and to permit the State Board of Education to proceed with the adoption of textbooks under the former law if the adoption was in progress on the effective date of S.B. 1.

(150) House Rule 13, Section 9(a)(1), is suspended to permit the committee to strike references in Section 72 of the conference committee report (Section 98 in engrossed version; Section 68 in house special printing) to the "commissioner of higher education" and the "Texas Higher Education Coordinating Board" and substitute references to the "Texas Employment Commission" and to strike references to the "State Board for Career and Technical Education" and substitute references to the "State Board for Career and Technology Education."

Explanation: The change regarding the references to the Texas Employment Commission is necessary to conform to provisions granting the Texas Employment Commission authority over apprenticeship training provisions. The change regarding references to the State Board for Career and Technology Education is necessary to conform to terminology used in federal law.

(151) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 73 of the conference committee report to read as follows:

SECTION 73. APPLICABILITY OF SECTION 41.098, EDUCATION CODE. Section 41.098, Education Code, as added by this Act, applies beginning with the 1996-1997 school year.

Explanation: This change is necessary to postpone the applicability of Section 41.098, which pertains to early agreement credit, until the 1996-1997 school year.

(152) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 74 of the conference committee report to read as follows:

SECTION 74. AUDIT OF PERMANENT SCHOOL FUND. The State Board of Education shall retain an independent accounting firm to perform a financial audit of the permanent school fund before the board implements a contract for investment of the permanent school fund by a corporation pursuant to the authority granted by Section 43.006, Education Code, as added by this Act.

Explanation: This change is necessary to require an audit of the permanent school fund before a corporation invests the money in the fund on behalf of the State Board of Education.

(153) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 75 of the conference committee report to read as follows:

SECTION 75. APPLICABILITY OF SECTION 43.008(c), EDUCATION CODE. Section 43.008(c), Education Code, as added by this Act, applies to each fixed-income security purchased as an investment for the permanent school fund regardless of the date of purchase.

Explanation: This change is necessary to clarify the fixed-income securities to which Section 43.008(c), applies.

(154) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 78 of the conference committee report to read as follows:

SECTION 78. TRANSITION PROVISION RELATING TO SCHOOL PSYCHOLOGISTS. (a) A person who, on or after September 1, 1992, but before September 1, 1996, was employed as a school psychologist or associate school psychologist by a school district of this state under the Education Code, as that code existed on January 1, 1995, is entitled to a license as a licensed school psychologist under Section 26, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), as added by this Act, without examination, if the person applies to the Texas State Board of Examiners of Psychologists for the license before September 1, 1997, and pays the appropriate fees set by that board.

(b) A person who is employed by a public school as a school psychologist or associate school psychologist and who holds a certificate issued by the Central Education Agency or the Texas Education Agency under former Subchapter B, Chapter 13, Education Code, may continue to practice under that certificate until the person obtains a license as a licensed school psychologist as provided by Subsection (a) of this section.

Explanation: This change is necessary to provide a transition provision for licensing of school psychologists.

(155) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 83 of the conference committee report to read as follows:

SECTION 83. PROPOSAL TO IDENTIFY AND ASSIST STUDENTS REQUIRING SPECIAL SERVICES. Not later than December 1, 1996, the State Board of Education shall submit to the legislature a proposal to identify and assist students who do not qualify for special education services under Subchapter A, Chapter 29, Education Code, as added by this Act, but who require special services beyond the regular school program. The proposal must include methods of assessing the special abilities and needs of these students as well as a system to provide these students with appropriate education and career training. Individuals trained in diagnostic and evaluation procedures must be involved in the development of the board's proposal.

Explanation: This change is necessary to require the State Board of Education to submit to the legislature a proposal to identify and assist certain students requiring special services.

(156) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 84 of the conference committee report to read as follows:

SECTION 84. RECOMMENDATION CONCERNING HIGH SCHOOL PROGRAMS OF STUDY. Not later than January 1, 1997, the commissioner of education shall report to the legislature concerning recommended high school programs of study for college preparation and for broad career concentrations in areas such as arts and communication, business and management, health services, human resources, industrial and engineering systems, and natural resources. The recommendations must address providing guidance to a student on sequences of rigorous courses that will prepare the student for continued learning in postsecondary educational, training, or employment settings.

Explanation: This change is necessary to require the commissioner of education to report to the legislature concerning recommended high school programs of study to prepare students for college and employment.

(157) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in Section 85 of the conference committee report to read as follows:

SECTION 85. LEGISLATIVE BUDGET BOARD STUDY OF ALLOTMENTS AND ADJUSTMENTS UNDER CHAPTER 42, EDUCATION CODE. (a) The Legislative Budget Board shall study the various allotments and adjustments provided for by Chapter 42, Education Code, for the purpose of improving the efficient distribution of state funds.

(b) As part of this study, the board shall review the method by which the state funds the school transportation system. The purpose of this review is to improve efficiency and reduce the paperwork burden on school districts. The board shall also audit each school district whose transportation allocation significantly deviates from the average allocation on a student density basis to determine the reasons for that deviation.

(c) The board shall report its findings to the legislature not later than November 1, 1996.

Explanation: This change is necessary to require the Legislative Budget Board to study the various allotments and adjustments provided for by Chapter 42 for the purpose of improving the efficient distribution of state funds.

A record vote was requested.

The resolution was adopted by (Record 572): 111 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Black; Bosse; Brimer; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; De La Garza; Dear; Delisi; Driver; Duncan; Eiland; Elkins; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Carter; Clemons; Conley; Davis; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Grusendorf; Hartnett; Hudson; Jones, J.; Kubiak; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Pickett; Price; Rangel; Raymond; Rodriguez; Serna; Shields; Thompson; Turner, S.; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny.

Absent, Excused, Committee Meeting — Janek.

Absent — Berlanga; Brady; Carona; Dukes; Torres.

STATEMENT OF VOTE

When Record No. 572 was taken, I was in the house but away from my desk. I would have voted yes.

Carona

SB 1 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Sadler submitted the conference committee report on **SB 1**.

Representative S. Turner raised a point of order against further consideration of the conference committee report on **SB 1** on the grounds that the conference committee report on **SB 1** violates Rule 13, Section 7, of the House Rules.

The point of order was withdrawn.

SB 1 - STATEMENT OF LEGISLATIVE INTENT

Representative Chisum: Paul, I hate to go over the same subject matter again, but I believe it's extremely important to begin this because we're going to be talking about the exclusive constitutional right of a person to pray. Can you tell me why we changed the language, which was solid in the senate bill from what left here in the house, to the existing language that's in the bill now?

Representative Sadler: We went back to the original language because it was the opinion of the conference committee that that clearly stated the case authority, and we did not in any way want to create a controversy concerning

that. We felt like it was a clear and concise statement that came straight out of the United States Supreme Court opinions, and that is why we went back to that language.

Chisum: OK, well, and Mr. Chairman, I'm going to ask you to establish legislative intent with the next few questions I'm going to ask you. Representative Counts is also going to ask that they be included into the journal or into the record so that we certainly have it in writing. Now, my question to you is, when you say that a student in public school has an absolute, individual right to individual, voluntary, and silent prayer and meditation in school in a manner that does not disrupt the institutional or other activities of the school. When you say that, you do not intend that group prayer that is initiated by a student to be prohibited, is that correct?

Sadler: I do not.

Chisum: OK. So prayer around the flagpole initiated by students alone is certainly not your intent to prohibit?

Sadler: It is not and is, in my opinion, been held acceptable.

Chisum: OK. And also by an athletic team who may wish to pray prior to the game, initiated solely by the students is...

Sadler: Solely by the students and voluntarily—that is correct.

Chisum: OK. And also when you say in there—a person may not request, encourage, or coerce a student to engage or refrain from such prayer or meditation during a school activity—you are not...what you're doing is tracking first amendment rights and saying that school employees are quasi-government employees and should not be involved in religious activity, is that correct?

Sadler: That is absolutely correct.

Chisum: So it's your intent that the school should not encourage nor discourage prayer in any manner?

Sadler: That is correct.

Chisum: OK. I believe Mr. Counts wants to make a motion.

REMARKS ORDERED PRINTED

Representative Counts moved to print remarks by Representatives Sadler and Chisum.

The motion prevailed without objection.

(Janek now present)

(Maxey in the chair)

(Speaker in the chair)

SB 1 - POINT OF ORDER

Representative S. Turner raised a point of order against further consideration of the conference committee report on **SB 1** on the grounds that the conference committee report on **SB 1** violates Rule 13, Section 9(a)(4), and Rule 13, Sections 6 and 7, of the House Rules.

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

Representative S. Turner raises a point of order against further consideration of the conference committee report on **SB 1**, under Rule 13, Section 9(a)(4), in that the conference committee report includes subject matter not included in either version of the bill.

In adjusting the differences, the conferees must compare the senate engrossment with the house amendments to determine the limits of their jurisdiction. If either house addresses a subject matter on which the other house is silent, that subject matter is properly before the conference committee and the conferees may change the text before them as necessary to make the matter agreeable to the house that did not address that subject matter. Similarly, if the subject matter is in both versions of the bill, but the text is in disagreement, the conferees may adjust those differences.

Having reviewed the written points submitted by Representative S. Turner, the chair finds that each of the provisions listed addresses matters within the jurisdiction of the conference committee, and a point by point response will be attached to this ruling for entry in the journal. Accordingly, the point of order is respectfully overruled.

Representative S. Turner raises an additional point of order against further consideration of the conference committee report on **SB 1** in that the posting of a meeting of the committee violates Rule 13, Section 7. The chair finds that, since the rules do not require minutes to be kept on conference committee meetings, there do not exist official records to determine the actual time that a conference committee meeting convened. In the absence of official records, the chair has no basis for resolving such a question of fact. Accordingly, the point of order is respectfully overruled.

The following table notes the basis for the chair's determination, listed in the order presented in the Turner written point of order.

Page 3:	Subject matter (Objectives) in House version; Senate silent
Page 5:	House and Senate Text (Agency powers) in disagreement
Page 89:	Subject matter (definitions) in House version; Senate silent
Page 91:	House and Senate Text (campus charters) in disagreement
Page 150:	House and Senate Text (probationary contracts) in disagreement
Page 163:	Subject matter (superintendent contracts) in Senate version; House silent
Page 333:	House and Senate Text (textbooks) in disagreement
Page 340:	House and Senate Text (textbooks) in disagreement
Page 430:	House and Senate Text (migratory children) in disagreement
Page 694:	Subject matter (alcohol-free zones) in House version; Senate silent
Page 136:	Subject matter (board for educator certification) in Senate version; House silent
Page 141:	Subject matter (board for educator certification) in Senate version; House silent
Page 141:	Subject matter in Senate version (board for educator certification); House silent
Page 156:	House and Senate text (teacher contracts) in disagreement
Page 160:	House and Senate text (teacher contracts) in disagreement
Page 160:	House and Senate text (teacher contracts) in disagreement
Page 161:	House and Senate text (teacher contracts) in disagreement
Page 180:	House and Senate text (counselor appraisal) in disagreement
Page 182:	House and Senate text (teacher salaries) in disagreement
Page 237:	Section 33.003 in House version; moved to Section 28.003

Page 278: Section 39.154 in House version; moved to Section 29.083

Page 695: Subject matter (alcohol free zones) in House version; Senate silent

Page 740: Subject matter (weapon-free zones) in Section 37 of House Version; Senate silent

SB 1 - (consideration continued)

Representative Sadler moved to adopt the conference committee report on **SB 1**.

A record vote was requested.

The motion prevailed by (Record 573): 116 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; De La Garza; Dear; Delisi; Driver; Duncan; Edwards; Eiland; Elkins; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Naishtat; Nixon; Oakley; Ogden; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Alvarado; Bailey; Clemons; Conley; Cuellar, R.; Davila; Davis; Dutton; Ehrhardt; Farrar; Finnell; Jones, J.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Oliveira; Price; Rangel; Raymond; Rodriguez; Serna; Solis; Thompson; Turner, S.; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny.

Absent — Dukes; Grusendorf; Hudson.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

Local and Uncontested Bills

HCR 94 by Wohlgemuth, Hunter, Bob, and Patterson, L.P. "Pete" (Sponsor-Sibley), designating the monarch butterfly as the official State Insect.

HCR 129 by Rodriguez (Sponsor-Madla), directing the Texas Department of Mental Health and Mental Retardation to conduct a feasibility study to ascertain the costs for constructing and/or renovating buildings on the campus of the San Antonio State Chest Hospital and San Antonio State School.

HCR 134 by Munoz (Sponsor-Lucio), requesting the Texas Department of Transportation to expedite improvements to and the expansion of U.S. Highway 83.

HCR 178 by Hunter, Bob and Chisum (Sponsor-Haywood), designating the longhorn the official Large State Mammal of Texas and the armadillo the official Small State Mammal of Texas.

HCR 209 by Eiland (Sponsor-Patterson, Jerry), designating the Lone Star Flight Museum of Galveston the Texas Aviation Hall of Fame.

HB 43 by McCall, Goodman, Naishtat, Finnell, et al. (Sponsor-Moncrief), relating to civil liability for stalking.

HB 46 by McCall (Sponsor-Patterson, Jerry), relating to consideration of certain claims in nonrenewal of certain insurance policies.

HB 120 by Kamel, Park, Dear, et al. (Sponsor-Sibley), relating to the imposition of a fee on a defendant who requests participation in a teen court program.

HB 127 by Danburg, Madden, Jones, Jesse, and Munoz (Sponsor-Ellis), relating to the implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties.

HB 158 by Kamel (Sponsor-Cain), relating to authorizing the provision of state; financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities.

HB 170 by Thompson, et al. (Sponsor-Armbrister), relating to the requirement that certain child support payments be forwarded by electronic funds transfer.

HB 179 by Combs (Sponsor-Barrientos), relating to the participation of certain defendants in county jail work release programs.

HB 253 by Alvarado (Sponsor-Whitmire), relating to requiring that parole officers receive information on new parolees within 14 days after release.

HB 269 by Cook (Sponsor-Sims), relating to the redundant reporting of information within the criminal justice information system.

HB 330 by Dear, Park, and Kamel (Sponsor-Sibley), relating to the payment of certain fees and court costs by a person who successfully completes a teen court program.

HB 334 by Uher (Sponsor-Armbrister), relating to the state's official marine education center.

HB 341 by Kamel and Bosse (Sponsor-Nixon, Drew), relating to an offense for operation of a motor vehicle on a hike and bike trail.

HB 387 by Hochberg (Sponsor-Gallegos), relating to the jurisdiction of certain justice courts.

HB 391 by Goodman, et al. (Sponsor-Ratliff), relating to the availability of motor vehicle accident reports.

HB 485 by Denny and Hamric (Sponsor-Nelson), relating to the characterization of expenses incurred in connection with a meeting of an organization or club affiliated with a political party.

HB 603 by Gray (Sponsor-Zaffirini), relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits.

HB 647 by Farrar (Sponsor-Luna, Gregory), relating to the modification of an order providing for a managing conservator's or possessory conservator's possession of and access to a child on a conviction for child abuse; providing a penalty.

HB 690 by Van de Putte (Sponsor-Luna, Gregory), relating to notices required to be posted by certain applicants for an on-premises alcoholic beverage permit or license.

HB 770 by Smithee (Sponsor-Sibley), relating to the attorney for service of process of certain insurance companies.

HB 774 by Smithee (Sponsor-Sibley), relating to certain technical corrections to the Insurance Code.

HB 775 by Smithee (Sponsor-Sibley), relating to corporations transacting certain insurance business.

HB 835 by Craddick, et al. (Sponsor-Sibley), relating to violation of speed limits required by federal law.

HB 871 by Maxey (Sponsor-Ellis), relating to securing a hospital lien.

HB 885 by Madden (Sponsor-Haywood), relating to the amount of insurance coverage allowed under group life insurance policies.

HB 1027 by Oliveira (Sponsor-Sibley), relating to certain eligibility conditions for receipt of unemployment compensation benefits.

HB 1028 by Oliveira (Sponsor-Sibley), relating to the enforcement of certain regulations regarding the employment of children.

HB 1030 by Oliveira (Sponsor-Sibley), relating to extended benefits for unemployment compensation.

HB 1053 by Raymond, Maxey, Naishtat, Greenberg, et al. (Sponsor-Zaffirini), relating to funding for victims of family violence.

HB 1108 by Greenberg (Sponsor-Moncrief), relating to requiring a criminal background check for a prospective adoptive parent.

HB 1109 by Greenberg (Sponsor-Moncrief), relating to a mandatory study into the circumstances and condition of the home of a person seeking to adopt a child.

HB 1125 by Danburg (Sponsor-Henderson), relating to the forced sale of a co-owner's interest in certain real property.

HB 1195 by Naishtat (Sponsor-Henderson), relating to the appointment of persons convicted of certain crimes as guardians.

HB 1259 by Carona (Sponsor-Rosson), relating to security obligations of a licensed seller of checks.

HB 1274 by Naishtat (Sponsor-Harris, Chris), relating to information about a registered voter that may be obtained by a domestic relations office from state voter registration records.

HB 1275 by Turner, Bob (Sponsor-Armbrister), relating to apprehension specialists of the Texas Youth Commission as peace officers.

HB 1281 by Duncan (Sponsor-Montford), relating to the operation of cable television systems by general-law municipalities.

HB 1302 by Greenberg (Sponsor-Barrientos), relating to the powers of the Tanglewood Forest Municipal Utility District.

HB 1338 by Rodriguez (Sponsor-Luna, Gregory), relating to testing and remedial education of a student enrolled in a certificate program.

HB 1361 by Alexander (Sponsor-Nixon, Drew), relating to the authority of a rural fire prevention district to borrow money.

HB 1384 by Saunders (Sponsor-Armbrister), relating to the purchase and sale of certain fish taken from fresh water in certain counties.

HB 1388 by Saunders and Kamel (Sponsor-Nixon, Drew), relating to certain information collected in the jury selection process.

HB 1407 by Holzheuser and Kamel (Sponsor-Barrientos), relating to applications for oil and gas permits and revocation of permits, certificates of compliance, and organization reports filed with the Railroad Commission of Texas.

HB 1457 by Hudson (Sponsor-Ellis), relating to review of enforcement of the federal fair housing laws in this state.

HB 1496 by Sadler (Sponsor-Nixon, Drew), relating to indemnity provisions in certain mineral agreements.

HB 1608 by Grusendorf (Sponsor-Rosson), relating to the regulation of the sale of checks.

HB 1637 by Brady and Gray (Sponsor-Shapiro), relating to smoke detectors in leased residential premises.

HB 1649 by Raymond and Maxey (Sponsor-Zaffirini), relating to the development and implementation of an electronic data processing system to expedite payments to certain child-care providers.

HB 1736 by Swinford (Sponsor-Bivins), relating to termination of certain agreements between suppliers of and dealers in farm, industrial, and outdoor power equipment.

HB 1765 by King (Sponsor-Wentworth), relating to the regulation of the fitting and dispensing of hearing instruments.

HB 1794 by Johnson (Sponsor-Turner, Jim), relating to issuance of special license plates for a forestry vehicle.

HB 1798 by McCoulskey (Sponsor-Armbrister), relating to the creation of a panel with authority to approve the release of the state's interest in land in certain circumstances.

HB 1823 by Bosse (Sponsor-Truan), relating to regulation by the Parks and Wildlife Department of the taking of marl, sand, gravel, shell, or mudshell; providing penalties.

HB 1844 by Mowery (Sponsor-Bivins), relating to the bond and oath requirements applicable to constables.

HB 1846 by Haggerty (Sponsor-Rosson), relating to the establishment of the El Paso Quadricentennial Commission.

HB 1856 by Dear (Sponsor-Sibley), relating to the creation of municipal courts of record in White Settlement.

HB 1879 by Solomons (Sponsor-Haywood), relating to the change of name of a party to a suit for dissolution of a marriage.

HB 1885 by Rhodes (Sponsor-Armbrister), relating to solicitation transactions that take place outside a merchant's place of business.

HB 1922 by Maxey (Sponsor-Rosson), relating to authorized activities of the holder of a brewer's permit.

HB 1933 by De La Garza (Sponsor-Rosson), relating to the provision of information to the holders of certain insurance policies.

HB 1966 by Moffat (Sponsor-Sibley), relating to the use of optical imaging and other electronic means for certain business records and records in municipal courts.

HB 1976 by Janek (Sponsor-Brown), relating to the conveyance of certain state-owned real property in Harris County to the City of Bellaire.

HB 1987 by Duncan (Sponsor-Lucio), relating to surplus lines insurance.

HB 2029 by Naishtat (Sponsor-Henderson), relating to guardianships and incapacitated persons.

HB 2034 by Hamric (Sponsor-Ellis), relating to the disbursement of emergency services district funds.

HB 2039 by Cook (Sponsor-Nixon, Drew), relating to plugging notices of the Railroad Commission of Texas.

HB 2083 by Coleman (Sponsor-Brown), relating to the issuance of special license plates and parking placards for vehicles owned by or transporting disabled persons and the enforcement of the law relating to parking by or for disabled persons.

HB 2098 by Thompson (Sponsor-Henderson), relating to justice court juries in certain counties.

HB 2177 by Jackson (Sponsor-Patterson, Jerry), relating to the validation of all acts, governmental proceedings, officials, bonds, and obligations of navigation districts.

HB 2180 by Horn (Sponsor-Rosson), relating to financial assistance for aviation facilities development.

HB 2197 by Stiles (Sponsor-Zaffirini), relating to the payment in installments of ad valorem taxes on certain property located in a disaster area.

HB 2198 by Raymond (Sponsor-Ellis), relating to establishing a pilot program to use suitable underutilized state property for community gardens and farmers markets for the benefit of low-income and needy families.

HB 2226 by Bailey (Sponsor-Gallegos), relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear a uniform purchased from the state while providing law enforcement services for entities other than the department.

HB 2267 by Hilbert (Sponsor-Wentworth), relating to the types of permit or license which may be held by a wine only package store permittee.

HB 2296 by Jackson (Sponsor-Brown), relating to the creation of a voluntary cleanup program for solid and hazardous wastes.

HB 2330 by Moffat (Sponsor-Harris, Chris), relating to the statute of limitations for personal injury or death as a result of sexual assault.

HB 2331 by Lewis, Ron (Sponsor-Gallegos), relating to the creation of the offense of preventing execution of civil process.

HB 2345 by Brimer (Sponsor-Harris, Chris), relating to the regulation of slaughterers by a county; providing a penalty.

HB 2358 by Williamson (Sponsor-Sibley), relating to the authority of certain municipal hospital authorities to borrow money.

HB 2362 by Goolsby (Sponsor-Rosson), relating to exemptions from the study requirements applicable to local recording agents.

HB 2370 by Junell (Sponsor-Cain), relating to revival of a dormant judgment.

HB 2382 by McDonald (Sponsor-Armbrister), relating to the training of food service workers.

HB 2402 by Thompson and Maxey (Sponsor-Nixon, Drew), relating to the regulation of tattoo studios.

HB 2405 by Elkins (Sponsor-Henderson), relating to municipal court proceedings in a municipality participating with another municipality in a joint police department contract.

HB 2448 by Duncan (Sponsor-Cain), relating to information from and policies of certain state agencies and the analysis of some of the information and policies.

HB 2449 by Duncan (Sponsor-Cain), relating to the distribution of state agency binding encumbrance reports and state agency reports about utility audits.

HB 2487 by Gutierrez (Sponsor-Rosson), relating to certain fees charged for consumer credit purposes.

HB 2501 by Averitt (Sponsor-Cain), relating to insurance requirements for certain persons who engage in a business regarding fire alarms or fire detection devices.

HB 2516 by Bosse (Sponsor-Paterson, Jerry), relating to payment of certain amounts due to the operator of a vehicle storage facility.

HB 2522 by Stiles (Sponsor-Madla), relating to participation in benefits from the Employees Retirement System of Texas for certain law enforcement and custodial officers.

HB 2525 by McCoulskey (Sponsor-Armbrister), relating to the authority of certain hospital authorities to issue short-term obligations.

HB 2527 by Marchant (Sponsor-Shapiro), relating to the regulation of foreign credit unions.

HB 2529 by Marchant (Sponsor-Lucio), relating to the conservation of credit unions.

HB 2553 by Madden, Combs, Rabuck, Uher, Janek, et al. (Sponsor-Harris, Chris), relating to the regulation of bed and breakfast establishments as food service establishments.

HB 2584 by Alexander (Sponsor-Lucio), relating to the weight of vehicles transporting recyclable materials; providing penalties.

HB 2618 by Howard (Sponsor-Brown), relating to the repeal of the separate reporting requirement for the Texas irrigators fund.

HB 2662 by Naishtat and Combs (Sponsor-Shapiro), relating to the form of a person's name in an indictment.

HB 2704 by Naishtat, et al. (Sponsor-Rosson), relating to criminal history checks of employees and applicants for employment in certain facilities serving the elderly or persons with disabilities.

HB 2710 by Haggerty (Sponsor-Lucio), relating to the applicability of the Insurance Holding Company System Regulatory Act.

HB 2745 by Romo (Sponsor-Rosson), relating to user safety at unmanned teller machines.

HB 2803 by Naishtat and Ehrhardt (Sponsor-Barrientos), relating to prohibiting improper utility disconnections in residential tenancies.

HB 2805 by Naishtat (Sponsor-Ellis), relating to the appointment of a tenant member to the governing body of a municipal housing authority.

HB 2845 by Counts (Sponsor-Cain), relating to the powers, functions, authority, and duties of the Automobile Theft Prevention Authority.

HB 2859 by King (Sponsor-Zaffirini), relating to the powers, duties, and name of the Texas Commission for the Deaf and Hearing Impaired.

HB 2873 by Johnson (Sponsor-Nixon, Drew), relating to the Nacogdoches County Hospital District.

HB 2925 by Cook (Sponsor-Nixon, Drew), relating to the sale or transfer of Water Supply or Sewer Service Corporation stock, membership, or other right of participation of the person or entity or whom the membership is transferred.

HB 2944 by Dukes (Sponsor-Ellis), relating to solid waste disposal fees.

HB 2949 by Kamel and Saunders (Sponsor-Nixon, Drew), relating to the use of certain court services and facilities after a change of venue has been ordered in a criminal proceeding.

HB 2951 by Kamel and Saunders (Sponsor-Nixon, Drew), relating to mechanical or electronic selection of a "special venire" jury panel in a capital case.

HB 2960 by Counts (Sponsor-Armbrister), relating to the liquidation of insolvent insurers, the commissioner of insurance in his statutory capacity as receiver, and the insurance guaranty associations.

HB 2980 by Hamric (Sponsor-Ellis), relating to coverage for district judges and volunteer fire departments under the County Government Risk Management Pool.

HB 3017 by Seidlits (Sponsor-Shapiro), relating to fees charged by and to records retained by certain law enforcement agencies for fingerprinting.

HB 3086 by Combs (Sponsor-Henderson), relating to implementing federal energy policy through the energy management center.

HB 3179 by Harris, Jack, et al. (Sponsor-Brown), relating to the creation, administration, powers, duties, operation, and financing of the Clear Creek Watershed Regional Flood Control District, granting the power of eminent domain, authorizing the issuance of bonds, providing for the levy, assessment, and collection of ad valorem taxes, and providing for a civil penalty.

HB 3186 by Serna (Sponsor-Rosson), relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 2.

HB 3187 by Serna (Sponsor-Rosson), relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 1.

HB 3197 by Zbranek (Sponsor-Galloway), relating to recording of proceedings in a county court at law in Liberty County.

HB 3207 by Rangel (Sponsor-Cain), relating to the exemption of certain personal property from seizure for the satisfaction of debts.

HB 3208 by Brimer (Sponsor-Harris, Chris), relating to requiring safety chains for certain vehicles towing trailers.

HB 3214 by Hawley (Sponsor-Zaffirini), relating to the creation of a statutory county court in Bee County.

HB 3215 by Hamric (Sponsor-Henderson), relating to the board of directors of the Harris-Galveston Coastal Subsidence District.

HB 3222 by Dear (Sponsor-Moncrief), relating to the creation of municipal courts of record in River Oaks.

HB 3231 by Harris, Jack (Sponsor-Brown), relating to the Brazoria County Drainage District Number 4; the powers and duties of the district; the election, terms, and compensation of district commissioners; filling vacant positions on the district board of commissioners; changing the name of the district; authorizing the issuance of bonds and imposition of a tax; and granting the power of eminent domain.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on **HB 943**.

The following have been appointed on the part of the Senate: Senator Gallegos, Chair, Senator Cain, Senator Whitmire, Senator Ellis, and Senator West.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Conference committee on HB 1305, 2 p.m. today, Agricultural Museum.

Rules and Resolutions, on recess today, Desk 133, to set the calendar.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

SB 3, SB 39, SB 45, SB 72, SB 99, SB 101, SB 102, SB 134, SB 243, SB 283, SB 284, SB 440, SB 520, SB 527, SB 560, SB 572, SB 626, SB 642, SB 707, SB 727, SB 733, SB 780, SB 863, SB 867, SB 1074, SB 1090, SB 1261, SB 1391, SB 1443, SB 1606, SB 1674, SCR 122, SCR 159, SCR 160, SCR 163, SCR 166, SCR 170

HR 1187 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1187**, suspending the limitations on the conferees for **SB 1128**.

HR 1186 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1186**, suspending the limitations on the conferees for **HB 546**.

HR 1192 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1192**, suspending the limitations on the conferees for **HB 2569**.

HR 1181 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1181**, suspending the limitations on the conferees for **HB 3189**.

HR 1200 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1200**, suspending the limitations on the conferees for **HB 2890**.

HR 1194 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1194**, suspending the limitations on the conferees for **SB 1396**.

HR 1195 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1195**, suspending the limitations on the conferees for **HB 1013**.

HR 1201 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1201**, suspending the limitations on the conferees for **SB 1542**.

HR 1193 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1193**, suspending the limitations on the conferees for **SB 840**.

RECESS

Representative H. Cuellar moved that the house recess until 3 p.m. today. The motion prevailed without objection.

The house accordingly, at 1:18 p.m., recessed until 3 p.m. today.

AFTERNOON SESSION

The house met at 3 p.m. and was called to order by the speaker.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SCR 175 by Shapiro, honoring Dr. Kenneth D. Thomas.

HCR 234 by Delisi (Sponsor-Wentworth), instructing the house enrolling clerk to make corrections in **HB 994**.

HB 2247 by Black (Sponsor-Sims), relating to the transfer of the University of Central Texas to The Texas A&M University System (amended).

HB 1935 by Lewis, Ron (Sponsor-Nixon, Drew), relating to single certification of an area served by a municipality and certain retail public utilities.

HB 2031 by Kubiak, Lewis, Glenn, Price, Hunter, Bob, et al. (Sponsor-West, Royce), relating to a Buffalo Soldier Heritage pilot program for at-risk youth.

HB 2065 by Oliveira, et al. (Sponsor-Lucio), relating to enterprise zones.

HB 2462 by Junell (Sponsor-Montford), relating to the allocation of certain funds to certain institutions of higher education.

HB 2508 by Hunter, Bob, Black, and Goodman (Sponsor-Armbrister), relating to the authority of a governmental body to hold an open or closed meeting by telephone conference call.

HCR 224 by Crabb, honoring Kingwood High School for its athletic championships.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **HB 327** by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 42** by Viva Voce Vote; **SB 48** by Viva Voce Vote; and **SB 80** by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on the following:

HJR 80 Conferees: Sims, Chair, Montford, Bivins, Armbrister, and Brown.

HB 466 Conferees: Cain, Chair, Moncrief, Whitmire, West, and Brown.

HB 752 Conferees: Armbrister, Chair, Turner, West, Lucio, and Sims.

HB 958 Conferees: Wentworth, Chair, Lucio, Armbrister, Sibley, and Cain

HB 1193 Conferees: Zaffirini, Chair, Gallegos, Moncrief, Patterson, and Nixon.

HB 1305 Conferees: Armbrister, Chair, Henderson, Harris, Barrientos, and Wentworth.

HB 1367 Conferees: Ellis, Chair, West, Patterson, Nixon, and Lucio.

HB 1419 Conferees: Cain, Chair, Nelson, Wentworth, West, and Armbrister.

HB 1483 Conferees: Cain, Chair, Sibley, Armbrister, Leedom, and Brown.

HB 1662 Conferees: Zaffirini, Chair, Moncrief, West, Turner, and Harris.

HB 1770 Conferees: Ellis, Chair, Bivins, Wentworth, Rosson, and Gallegos.

HB 1826 Conferees: Brown, Chair, Bivins, Ratliff, Truan, and Haywood.

HB 2294 Conferees: Armbrister, Chair, Montford, Lucio, Barrientos, and Wentworth.

HB 2550 Conferees: Harris, Chair, Sibley, Shapiro, Haywood, and Madla.

HB 2569 Conferees: Harris, Chair, Shapiro, Sibley, Brown, and Madla.

HB 2754 Conferees: Armbrister, Chair, Bivins, Whitmire, Lucio, and Wentworth.

HB 3021 Conferees: Cain, Chair, Rosson, Barrientos, Armbrister, and Lucio.

HB 3049 Conferees: Montford, Chair, Truan, Moncrief, Ellis, and Brown.

HB 3073 Conferees: Cain, Chair, Henderson, Wentworth, Ratliff, and Montford.

HB 3101 Conferees: Lucio, Chair, Madla, Moncrief, Brown, and Nixon.

HB 1718 Conferees: Wentworth, Chair, Cain, Leedom, Gallegos, and Armbrister.

HB 2256 Conferees: Madla, Chair, Moncrief, Ellis, Lucio, and Zaffirini.

HB 2758 Conferees: Ellis, Chair, Wentworth, Rosson, Gallegos, and Galloway.

Respectfully,
Betty King
Secretary of the Senate

SB 261 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Reyna submitted the conference committee report on **SB 261**.

Representative Reyna moved to adopt the conference committee report on **SB 261**.

The motion prevailed.

SB 646 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative R. Cuellar submitted the conference committee report on **SB 646**.

Representative R. Cuellar moved to adopt the conference committee report on **SB 646**.

The motion prevailed.

SB 1190 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Maxey submitted the conference committee report on **SB 1190**.

Representative Maxey moved to adopt the conference committee report on **SB 1190**.

The motion prevailed.

HB 984 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Yarbrough submitted the following conference committee report on **HB 984**:

Austin, Texas, May 25, 1995

Honorable Bob Bullock
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 984** 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.

West	Yarbrough
Luna	Kubiak
Gallegos	Torres
Leedom	Giddings
Cain	Goolsby
On the part of the Senate	On the part of the House

HB 984, A bill to be entitled An Act relating to the filing of a conduct surety bond by certain alcoholic beverage permit or license holders.

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

SECTION 1. Sections 11.11(a) and (b), Alcoholic Beverage Code, are amended to read as follows:

(a) Except as provided in Subsection (e) of this section, an applicant for a permit or a holder of a permit issued under:

(1) Chapter 25, 28, or 32 of this code shall file with the commission a surety bond in the amount of \$5,000 conditioned on the applicant's or holder's conformance with alcoholic beverage law; or

(2) Chapter 22, 24, 25, 26, 28, or 32 and whose place of business is within 1,000 feet of the property line of a public school shall file with the commission a surety bond in the amount of \$10,000 conditioned on the applicant's or holder's conformance with alcoholic beverage law.

(b) A surety bond required under this section shall contain the following statements on the face of the bond:

(1) that the holder of the permit will not violate a law of the state relating to alcoholic beverages or a rule of the commission; and

(2) that the holder of the permit agrees that the amount of the bond shall be paid to the state if the permit is revoked or on final adjudication that the holder violated a provision of this code, regardless of whether the actions of an employee of a holder are not attributable to the holder under Section 106.14.

SECTION 2. Sections 61.13(a) and (b), Alcoholic Beverage Code, are amended to read as follows:

(a) Except as provided in Subsection (e) of this section, an applicant for a license or a holder of a license issued under Chapter 69 of this code shall file with the commission a surety bond in the amount of \$5,000 or \$10,000 if the applicant for a license or holder of a license has a business located within 1,000 feet of the property line of a public school, conditioned on the applicant's or holder's conformance with alcoholic beverage law.

(b) A surety bond required under this section shall contain the following statements on the face of the bond:

(1) that the holder of the license will not violate a law of the state relating to alcoholic beverages or a rule of the commission; and

(2) that the holder of the license agrees that the amount of the bond shall be paid to the state if the license is revoked or on final adjudication that the holder violated a provision of this code, regardless of whether the actions of an employee of a holder are not attributable to the holder under Section 106.14.

SECTION 3. Sections 11.11(g) and 61.13(g), Alcoholic Beverage Code, are repealed.

SECTION 4. This Act takes effect September 1, 1995, and applies only to a license or permit issued or renewed on or after that date. A license or permit issued or renewed before the effective date of this Act is governed by the law in effect at the time of the issuance or renewal, 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.

Representative Yarbrough moved to adopt the conference committee report on **HB 984**.

The motion prevailed.

HB 3003 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Finnell submitted the following conference committee report on **HB 3003**:

Austin, Texas, May 25, 1995

Honorable Bob Bullock
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 3003** 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.

Lucio	Finnell
Haywood	B. Turner
Sims	R. Cuellar
Bivins	Patterson
	Hawley
On the part of the Senate	On the part of the House

HB 3003, A bill to be entitled An Act relating to the control and eradication of cotton pests by the Department of Agriculture.

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

SECTION 1. Section 74.001, Agriculture Code, is amended to read as follows:

Sec. 74.001. PUBLIC NUISANCE. The legislature finds that cotton pests are [Anthonomus grandis Boheman, known as the boll weevil, is a public nuisance and] a menace to the cotton industry, and that [its] control of those pests is a public necessity. Any portion of the state that is susceptible to infestation by cotton pests must be protected from this public nuisance and threat to the continued stability of the cotton industry.

SECTION 2. Section 74.002, Agriculture Code, is amended to read as follows:

Sec. 74.002. DEFINITIONS. In this subchapter:

(1) "Cotton" includes the cotton plant, cotton in the boll, cotton stalk, and all cotton products, including seed cotton, cottonseed, and cotton hulls, but not including cotton oil or cotton meal.

(2) "Cotton pest" includes the boll weevil and the pink bollworm.

(3) "Host plant" means a plant susceptible to infestation by the boll weevil, pink bollworm, or any other cotton pest.

(4) ~~[(3)]~~ "Boll weevil" means the insect *Anthonomus grandis* Boheman, in any stage of development, including the egg, larval, pupal, and adult stages.

(5) "Okra" includes okra stalks.

(6) "Pest management zone" means a geographical zone established by the department under this chapter for purposes of cotton pest control and prevention.

(7) "Pink bollworm" means the insect *Pectinophora gossypiella*, Saunders, in any stage of development, including the egg, larval, pupal, and adult stages.

SECTION 3. Sections 74.003(a), (d), (e), and (f), Agriculture Code, are amended to read as follows:

(a) Any producer organization authorized under the laws of this state or recognized under department rules and representing cotton producers may petition the commissioner for certification to establish a pest management zone. A pest management zone may include all or part of one or more counties.

(d) An administrative committee shall govern each pest management zone. The committee consists of a representative of the department and of cotton producers who represent the counties in the zone and who are appointed by the commissioner. Each county in the zone must be represented by a producer on the committee. The committee shall: ~~[consist of one authorized representative of the department, one cotton producer from each of the counties in the pest management zone in which cotton production occupies less than 50,000 acres, and two cotton producers from each of the counties in the pest management zone in which cotton production exceeds 50,000 acres:~~

~~[(e) The commissioner shall appoint the producer members of the administrative committee for a term of two years expiring on December 31 of the second year, selecting the appointees from a pool of nominees submitted by certified cotton producer organizations as defined in Section 14 of the federal Cotton Research and Promotion Act (7 U.S.C. Sections 2101-2118). Nominees must be resident active producers from a county within the proposed zone. A minimum of three nominees must be provided for each producer position on each administrative committee.~~

~~[(f) The administrative committee of a pest management zone organized under this section shall:]~~

(1) make recommendations to the department regarding control of cotton pests ~~[the boll weevil]~~ in the zone, including recommendations on ~~[or]~~ regulations needed to control and prevent cotton pest ~~[boll weevil]~~ infestation;

(2) make recommendations on any legislative changes that are needed;

and

(3) give advice and counsel to the department regarding effective enforcement of this subchapter within the zone.

SECTION 4. Sections 74.004(a), (c), and (f), Agriculture Code, are amended to read as follows:

(a) On petition of the administrative committee of a pest management zone, the department may establish regulated areas, dates, and appropriate methods of destruction of stalks, other parts, and products of host plants for cotton pests [~~boll weevils~~], including requirements for destruction of foliage, fruiting structures, and root systems of host plants after the harvest deadline.

(c) On the declaration of a field as a public nuisance, the department may take any action necessary to complete destruction of host plants or host plant products or parts to prevent the spread of cotton pests [~~boll weevils~~] from the infested area and shall:

(1) immediately give written notice to any farm owner and to the operator in charge of the field that the field is in violation of this section, instructing the owner and operator to destroy host plants or host plant products or parts within seven days after the date written notice is issued [~~received~~];

(2) [~~publish the notice in a newspaper of general circulation in the county where the land is located or~~] post for a period of three consecutive days a copy of the notice on or in the immediate vicinity of the field in violation, if either the owner or operator of the field cannot be located after a reasonably diligent effort by the department; and

(3) have the host plants or host plant products or parts destroyed, if no response is received by the department from either the owner or operator within four days after the date of posting of the notice at the field or if the department considers a response inadequate.

(f) If neither the farm owner nor operator reimburses the department as provided by Subsection (e) of this section within 30 days after the date of the completion of department action and issuance by the department of a bill requesting payment [~~under Subsection (e) of this section, or, if an extension has been granted under Subsection (d) of this section, within 30 days after the date of expiration of the extension~~], the department may place a lien against the property on which a violation of a department regulation under this section has occurred.

SECTION 5. Section 74.005, Agriculture Code, is amended to read as follows:

Sec. 74.005. ENTRY POWER; INSPECTIONS. For the purpose of enforcing this chapter, the department is entitled to:

(1) enter any field of host plants or any premises in which a host plant or its product is stored or held;

(2) examine any product, container, or substance susceptible to cotton pest [~~boll weevil~~] infestation; and

(3) examine the records of a purchaser, handler, or common carrier of host plant products.

SECTION 6. Section 74.007(a), Agriculture Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) violates a proclamation or a rule or restriction adopted under this subchapter;

(2) brings into this state any equipment or material contaminated with cotton pests [~~bolt weevils~~]; or

(3) fails to comply with a rule adopted for the control and direction of host plant growing.

SECTION 7. Sections 74.052, 74.054, 74.055, 74.059, and 74.060, Agriculture Code, are transferred to Subchapter A, Chapter 74, Agriculture Code, are renumbered as Sections 74.009-74.013, and are amended to read as follows:

Sec. 74.009 [74.052]. COTTON PEST CONTROL AND ERADICATION POLICY. [~~The pink bollworm is a public nuisance and a menace to the cotton industry, and its eradication is a public necessity.~~] The state shall employ all constitutional methods to control and eradicate cotton pests [~~the pink bollworm~~] that scientific research demonstrates to be successful, including:

(1) inspection of host plants in the field or host plant products where stored;

(2) quarantine and fumigation of equipment, host plants, and host plant products found to be contaminated;

(3) supervision of the growing of host plants in areas known to be contaminated;

(4) destruction of infested fields of host plants or of infested host plant products; [~~and~~]

(5) prevention of planting of host plants in areas where infestation has been found; and

(6) prevention of movement of equipment contaminated or reasonably suspected to be contaminated with cotton pests.

Sec. 74.010 [74.054]. REGULATION OF COTTON PESTS [PINK BOLLWORM]; QUARANTINES. (a) [~~The department may adopt rules governing the control of pink bollworm under this subchapter.~~

(b) If, under prior law, the department [~~governor~~] proclaimed a quarantine against infested territory, no person may import into Texas from the quarantined territory a substance susceptible to cotton pest [~~pink bollworm~~] infestation.

(b) [~~(c)~~] The department shall maintain a rigid inspection of substances susceptible to cotton pest [~~pink bollworm~~] contamination that are being carried from quarantined territory into, through, or within this state.

Sec. 74.011 [74.055]. REGULATION OF GINNING. A ginner may not gin cotton from a regulated zone under this subchapter unless the ginner disinfects the seed in accordance with rules of the department.

Sec. 74.012 [74.059]. INSPECTORS. [~~(a)~~] The department may employ and prescribe the qualifications and duties of inspectors and other employees necessary to the administration of this subchapter.

[~~(b) In order to be employed as an inspector under this section, a person must have two years' actual experience as an entomologist or two years' training as an entomologist in the science department of a reputable college or university.~~]

Sec. 74.013 [74.060]. COOPERATION WITH FEDERAL PROGRAMS. The department shall cooperate with the United States Department of Agriculture in any measure authorized by, and undertaken in accordance with, federal law for preventing the introduction or establishment of cotton pests [~~pink bollworm~~] in this state.

SECTION 8. The following laws are repealed:

(1) Sections 74.051, 74.053, 74.057, 74.058, 74.061, and 74.062, Agriculture Code;

(2) the heading to Subchapter B, Chapter 74, Agriculture Code; and

(3) Subchapter C, Chapter 74, Agriculture Code.

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.

Representative Finnell moved to adopt the conference committee report on **HB 3003**.

A record vote was requested.

The motion prevailed by (Record 574): 128 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Carona; Carter; Chisum; Clemons; Combs; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Junell; Kamel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Brimer; Cook; Haggerty.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny.

Absent — Averitt; Black; Brady; Coleman; Conley; Giddings; Greenberg; Hudson; Jones, D.; Jones, J.; Kubiak; Park; Price; Seidlits; Stiles; Turner, B.; Wilson.

STATEMENT OF VOTE

I was shown voting no on Record No. 574. I intended to vote yes.

Cook

HB 1593 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Craddick submitted the following conference committee report on **HB 1593**:

Austin, Texas, May 26, 1995

Honorable Bob Bullock
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 1593** 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.

Haywood	Place
Lucio	Wolens
Sims	Holzheuser
Bivins	Marchant
Brown	Craddick
On the part of the Senate	On the part of the House

HB 1593, A bill to be entitled An Act relating to payment for the proceeds of oil or gas production.

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

SECTION 1. Sections 91.402(d) and (f), Natural Resources Code, are amended to read as follows:

(d) In the alternative, the provisions of Subsection (c) of this section may be satisfied by a division order for oil payments in substantially the following form and content:

	<u>DIVISION ORDER</u>
TO: _____	(Payor) _____
_____	Property No. _____
_____	_____
	Effective _____
	(Date)

The undersigned severally and not jointly certifies it is the legal owner of the interest set out below of all the oil and related liquid hydrocarbons produced from the property described below:

OPERATOR:
Property name: _____
County: _____ State: _____
Legal Description: _____

OWNER NO. _____ TAX I.D./SOC. SEC. NO. _____
PAYEE
DIVISION OF INTEREST

THIS AGREEMENT DOES NOT AMEND ANY LEASE OR OPERATING AGREEMENT BETWEEN THE INTEREST OWNERS AND THE LESSEE OR OPERATOR OR ANY OTHER CONTRACTS FOR THE PURCHASE OF OIL OR GAS.

The following provisions apply to each interest owner ("owner") who executes this agreement:

TERMS OF SALE: The undersigned will be paid in accordance with the division of interests set out above. The payor shall pay all parties at the price agreed to by the operator for oil to be sold pursuant to this division order. Purchaser shall compute quantity and make corrections for gravity and temperature and make deductions for impurities.

PAYMENT: From the effective date, payment is to be made monthly by payor's check, based on this division of interest, for oil run during the preceding calendar month from the property listed above, less taxes required by law to be deducted and remitted by payor as purchaser. Payments of less than \$100 [~~\$25~~] may be accrued before disbursement until the total amount equals \$100 [~~\$25~~] or more, or until 12 months' proceeds accumulate [~~December 31 of each year~~], whichever occurs first. However, the payor may hold accumulated proceeds of less than \$10 until production ceases or the payor's responsibility for making payment for production ceases, whichever occurs first. Payee agrees to refund to payor any amounts attributable to an interest or part of an interest that payee does not own.

INDEMNITY: The owner agrees to indemnify and hold payor harmless from all liability resulting from payments made to the owner in accordance with such division of interest, including but not limited to attorney fees or judgments in connection with any suit that affects the owner's interest to which payor is made a party.

DISPUTE; WITHHOLDING OF FUNDS: If a suit is filed that affects the interest of the owner, written notice shall be given to payor by the owner together with a copy of the complaint or petition filed.

In the event of a claim or dispute that affects title to the division of interest credited herein, payor is authorized to withhold payments accruing to such interest, without interest unless otherwise required by applicable statute, until the claim or dispute is settled.

TERMINATION: Termination of this agreement is effective on the first day of the month that begins after the 30th day after the date written notice of termination is received by either party.

NOTICES: The owner agrees to notify payor in writing of any change in the division of interest, including changes of interest contingent on payment of money or expiration of time.

No change of interest is binding on payor until the recorded copy of the instrument of change or documents satisfactorily evidencing such change are furnished to payor at the time the change occurs.

Any change of interest shall be made effective on the first day of the month following receipt of such notice by payor.

Any correspondence regarding this agreement shall be furnished to the addresses listed unless otherwise advised by either party.

In addition to the legal rights provided by the terms and provisions of this division order, an owner may have certain statutory rights under the laws of this state.

<u>Witness</u>	<u>Signature of Interest Owner</u>	<u>Social Security/ Tax I.D. No.</u>	<u>Address</u>
_____	_____	_____	_____
_____	_____	_____	_____

Failure to furnish your Social Security/Tax I.D. number will result in ~~[20 percent]~~ withholding tax in accordance with federal law, and any tax withheld will not be refundable by payor.

(f) Payment [Payments] may be remitted to a payee [payees] annually for the aggregate of up to 12 months' accumulation of proceeds[;] if the payor owes the payee a total amount of \$100 [owed is \$25] or less for production from all oil or gas wells for which the payor must pay the payee. However, the payor may hold accumulated proceeds of less than \$10 until production ceases or the payor's responsibility for making payment for production ceases, whichever occurs first. On the written request of the payee, the payor shall remit payment of accumulated proceeds to the payee annually if the payor owes the payee less than \$10. On the written request of the payee, the payor shall remit payment of proceeds to the payee monthly if the payor owes the payee more than \$25 but less than \$100.

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.

Representative Craddick moved to adopt the conference committee report on **HB 1593**.

A record vote was requested.

The motion prevailed by (Record 575): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberston; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, J.; Junell; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples;

Stiles; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

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

Absent, Excused — Denny.

Absent — Giddings; Hudson; Jones, D.; Kamel; Price; Swinford; Thompson.

HR 1202 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1202**, suspending the limitations on the conferees for **HB 3035**.

HR 1203 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1203**, suspending the limitations on the conferees for **HB 1982**.

SB 1513 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Alexander submitted the conference committee report on **SB 1513**.

Representative Alexander moved to adopt the conference committee report on **SB 1513**.

The motion prevailed.

SJR 51 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Patterson submitted the conference committee report on **SJR 51**.

Representative Patterson moved to adopt the conference committee report on **SJR 51**.

A record vote was requested.

The motion prevailed by (Record 576): 139 Yeas, 1 Nay, 3 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck;

Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Danburg.

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

Absent, Excused — Denny.

Absent — Hudson; Jones, J.; Price; Seidlits; Thompson; Turner, B.

STATEMENT OF VOTE

I was shown present not voting, on Record No. 576. I intended to vote yes.

Gallego

HB 2861 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Grusendorf submitted the following conference committee report on **HB 2861**:

Austin, Texas, May 25, 1995

Honorable Bob Bullock
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 2861** 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.

Harris

Grusendorf

Haywood

Madden

Sims

Allen

West

Carter

On the part of the Senate

On the part of the House

HB 2861, A bill to be entitled An Act relating to the access by a safe house to criminal history record information.

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

SECTION 1. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.128 to read as follows:

Sec. 411.128. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: SAFE HOUSES. (a) In this section:

(1) "Safe house" means a nonprofit organization:

(A) whose primary purpose is to provide temporary shelter for children avoiding harmful situations;

(B) that is certified as a bona fide safe house by a local law enforcement agency; and

(C) that is operating as a "Safe House."

(2) "Volunteer" or "volunteer applicant" means a person who will perform one or more of the following services without remuneration:

(A) any service performed in a safe house;

(B) any service that requires the access to or the handling of money or confidential or privileged information;

(C) any service that involves the care of or access to a child;

(D) coordination or referral of volunteers; or

(E) executive administrative responsibilities.

(b) A safe house is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is a volunteer or a volunteer applicant of the volunteer center, if the volunteer or applicant signs a written consent to a criminal history background check.

(c) A safe house is entitled to obtain from the department only criminal history record information that relates to a conviction.

(d) The department may establish rules governing the administration of this section.

(e) A safe house may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer.

(f) A safe house or an officer or volunteer of a safe house is not liable in a civil action for damages resulting from a failure to comply with this section if the safe house, officer, or volunteer makes a good faith effort to comply.

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.

Representative Grusendorf moved to adopt the conference committee report on **HB 2861**.

The motion prevailed.

HR 1202 - ADOPTED

The speaker laid before the house the following privileged resolution:

By Hightower,

HR 1202

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, 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 House Bill No. 3235 to consider and take action on the following specific matters:

(1) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Section 24.136, Government Code, to read as follows:

Sec. 24.136. 34TH JUDICIAL DISTRICT (~~[CULBERSON;] EL PASO COUNTY[, AND HUDSPETH COUNTIES]~~). (a) The 34th Judicial District is composed of [~~Culberson;] El Paso County[, and Hudspeth counties]~~.

(b) In El Paso County, the 34th, 41st, 65th, 120th, and 171st district courts have concurrent jurisdiction.

(c) The terms of the 34th District Court begin:

~~[(1) in Culberson County on the third Monday in October and the first Monday in April;~~

~~[(2) in El Paso County] on the third Mondays in April and September and the first Mondays in January, July, and November[; and~~

~~[(3) in Hudspeth County on the third Monday in March and the first Monday in September].~~

(d) A grand jury may not be impaneled in any district court in El Paso County except the 34th District Court unless the judge of another district court in the county calls for a grand jury by special order.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by redefining the boundaries of the 34th Judicial District.

(2) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Section 24.185, Government Code, to read as follows:

Sec. 24.185. 83RD JUDICIAL DISTRICT (~~[BREWSTER, JEFF DAVIS;] PECOS, [PRESIDIO;] REAGAN, AND UPTON COUNTIES~~). (a) The 83rd Judicial District is composed of [~~Brewster, Jeff Davis;] Pecos, [~~Presidio;] Reagan, and Upton counties.~~~~

(b) The 83rd and 112th district courts have concurrent jurisdiction in Pecos, Reagan, and Upton counties.

(c) The terms of the 83rd District Court begin:

(1) [~~in Brewster County on the fourth and 11th Mondays after the first Mondays in January and July;~~

~~[(2) in Jeff Davis County on the second Mondays in January and July;~~

~~[(3) in Pecos County on the ninth Monday after the first Mondays in January and July;~~

~~[(4) in Presidio County on the third Monday after the first Mondays in January and July;]~~

(2) [(5)] in Reagan County on the 14th Monday after the first Mondays in January and July; and

(3) [(6)] in Upton County on the 12th Monday after the first Mondays in January and July.

(d) In each of the counties of Pecos and Upton, a petition or other pleading filed in the district courts is sufficient if addressed "To The District Court of Pecos County, Texas," or "To The District Court of Upton County, Texas," respectively, without giving the number of the district court in the address.

(e) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by redefining the boundaries of the 83rd Judicial District. This change is also necessary to assure compliance with the Voting Rights Act.

(3) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Section 24.389, Government Code, to read as follows:

Sec. 24.389. 210TH JUDICIAL DISTRICT (~~[CULBERSON,] EL PASO COUNTY[, AND HUDSPETH COUNTIES]~~). (a) The 210th Judicial District is composed of [~~Culberson,]~~ El Paso County[~~, and Hudspeth counties~~].

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 210th District Court.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by redefining the boundaries of the 210th Judicial District.

(4) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Section 24.523(b) to read as follows:

(b) A judge of the 378th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties.

(5) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Section 24.525(b) to read as follows:

(b) A judge of the 380th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties.

(6) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Section 24.526(b) to read as follows:

(b) A judge of the 381st Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties.

(7) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Section 24.527(b) to read as follows:

(b) A judge of the 382nd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties.

(8) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Sections 24.528(b) and (c) to read as follows:

(b) A judge of the 383rd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

(c) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties and to assure compliance with the federal Voting Rights Act.

(9) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Sections 24.529(b) and (c) to read as follows:

(b) A judge of the 384th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

(c) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

Explanation: This change is necessary to prohibit assignment of the judge as a visiting judge to certain counties and to assure compliance with the federal Voting Rights Act.

(10) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Subchapter C, Chapter 24, Government Code, by adding Section 24.539 to read as follows:

Sec. 24.539. 394TH JUDICIAL DISTRICT (BREWSTER, CULBERSON, HUDSPETH, JEFF DAVIS, AND PRESIDIO COUNTIES). (a) The 394th Judicial District is composed of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties.

(b) The terms of the 394th District Court begin:

(1) in Brewster County on the first Monday in March and the third Monday in September;

(2) in Culberson County on the third Monday in October and the first Monday in April;

(3) in Hudspeth County on the third Monday in March and the first Monday in September;

(4) in Jeff Davis County on the second Mondays in January and July;
and

(5) in Presidio County on the third Monday after the first Mondays in January and July.

(c) A judge of the 394th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by creating the 394th Judicial District. This change is also necessary to prohibit assignment of the judge as a visiting judge to certain counties.

(11) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Sections 43.120(a) and (b), Government Code, to read as follows:

(a) The voters of Culberson, Hudspeth, and El Paso counties [~~the 34th Judicial District~~] elect a district attorney for the 34th Judicial District.

(b) The district attorney for the 34th Judicial District also acts as district attorney for the 41st, 65th, 120th, and 171st judicial districts, the 394th Judicial District in Culberson and Hudspeth counties, and represents the state in all criminal cases before every district court having jurisdiction in El Paso County.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by providing for the election and duties of the district attorney for the 34th Judicial District.

(12) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Section 43.141, Government Code, to read as follows:

Sec. 43.141. 83RD JUDICIAL DISTRICT. (a) The voters of Brewster, Jeff Davis, Pecos, Presidio, Reagan, and Upton counties [~~the 83rd Judicial District~~] elect a district attorney for the 83rd Judicial District.

(b) The district attorney for the 83rd district also acts as district attorney for the 394th Judicial District in Brewster, Jeff Davis, and Presidio counties.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by providing for the election and duties of the district attorney for the 83rd Judicial District.

(13) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add transition provisions to House Bill No. 3235 to read as follows:

SECTION __. (a) The local administrative district judge shall transfer all cases from Culberson and Hudspeth counties that are pending in the 34th and 210th district courts on the effective date of this Act to the 394th District Court.

(b) The local administrative district judge shall transfer all cases from Brewster, Jeff Davis, and Presidio counties that are pending in the 83rd District Court on the effective date of this Act to the 394th District Court.

(c) When a case is transferred from one court to another as provided by Subsections (a) and (b) 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 obligees 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.

Explanation: This change is necessary to provide timely and efficient judicial services to residents of Texas by providing additional necessary transition provisions for House Bill No. 3235.

The resolution was adopted without objection.

HB 3235 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hightower submitted the following conference committee report on **HB 3235**:

Austin, Texas, May 26, 1995

Honorable Bob Bullock
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 3235** 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.

Turner	Hightower
Henderson	Pitts
Montford	Alexander
Luna	Thompson
West	Gallego
On the part of the Senate	On the part of the House

HB 3235, A bill to be entitled An Act relating to the creation of certain judicial districts and to the offices of district attorneys of certain judicial districts.

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

SECTION 1. Section 24.109, Government Code, is amended to read as follows:

Sec. 24.109. 9TH JUDICIAL DISTRICT (MONTGOMERY[~~-, POLK, SAN JACINTO;~~] AND WALLER COUNTIES). (a) The 9th Judicial District is composed of Montgomery[~~-, Polk, San Jacinto;~~] and Waller counties.

(b) [~~In Polk County, the 9th Judicial District has concurrent jurisdiction with the county court in all misdemeanor cases in which the county court has jurisdiction. Misdemeanor cases may be filed in either the district or county court and may be transferred from one court to another. A misdemeanor case in which the courts have concurrent jurisdiction may not be transferred from one court to another without the consent of the judge of the court to which it is transferred.~~]

[~~(c)~~] The 9th and 155th district courts have concurrent jurisdiction in Waller County.

(c) [~~(d)~~] The terms of the 9th District Court begin:

(1) in Montgomery County on the [~~16th Monday after the~~] first Monday in January and the [~~18th Monday after the~~] first Monday in July; and

(2) [~~in Polk County on the first Monday in January and the third Monday in July;~~]

[~~(3) in San Jacinto County on the seventh Monday after the first Monday in January and the ninth Monday after the first Monday in July; and~~]

[~~(4)~~] in Waller County on the 10th Monday after the first Monday in January and the 12th Monday after the first Monday in July.

SECTION 2. Section 24.110, Government Code, is amended to read as follows:

Sec. 24.110. ~~410TH [SECOND—9TH] JUDICIAL DISTRICT (MONTGOMERY COUNTY[, POLK, SAN JACINTO, AND TRINITY COUNTIES]).~~ (a) The ~~410th [Second—9th]~~ Judicial District is composed of ~~Montgomery County[, Polk, San Jacinto, and Trinity counties].~~

(b) ~~[In Polk County, the Second—9th Judicial District has concurrent jurisdiction with the county court in all misdemeanor cases in which the county court has jurisdiction. Misdemeanor cases may be filed in either the district or county court and may be transferred from one court to another. A misdemeanor case in which the courts have jurisdiction may not be transferred from one court to another without the consent of the judge of the court to which it is transferred.]~~

(c) The terms of the ~~410th [Second—9th]~~ District Court begin[:

~~[(1) in Montgomery County] on the third Monday in January, the eighth Monday after the first Monday in January, the third Monday in July, and the 10th Monday after the first Monday in July];~~

~~[(2) in Polk County on the 18th Monday after the first Monday in January and the 20th Monday after the first Monday in July;~~

~~[(3) in San Jacinto County on the 16th Monday after the first Monday in January and the 18th Monday after the first Monday in July; and~~

~~[(4) in Trinity County on the first Monday in January and the 23rd Monday after the first Monday in January].~~

SECTION 3. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.537 to read as follows:

Sec. 24.537. 392ND JUDICIAL DISTRICT (HENDERSON COUNTY).

(a) The 392nd Judicial District is composed of Henderson County.

(b) A judge of the 392nd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 4. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.553 to read as follows:

Sec. 24.553. 411TH JUDICIAL DISTRICT (POLK, SAN JACINTO, AND TRINITY COUNTIES). (a) The 411th Judicial District is composed of Polk, San Jacinto, and Trinity counties.

(b) A judge of the 411th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 5. Section 43.105(a), Government Code, is amended to read as follows:

(a) The voters of Montgomery County elect a district attorney for the 9th Judicial District who represents the state in that district court only in that county. The district attorney also acts as district attorney for the ~~410th [Second—9th]~~ Judicial District in Montgomery County.

SECTION 6. Section 43.171(b), Government Code, is amended to read as follows:

(b) The district attorney of the 258th Judicial District also acts as district attorney for the ~~411th [Second—9th]~~ Judicial District in Trinity County.

SECTION 7. Section 44.287(a), Government Code, is amended to read as follows:

(a) The criminal district attorney shall attend each term and session of the [~~9th, second 9th, and~~] 258th and 411th district courts of Polk County and each term and session of the inferior courts held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

SECTION 8. Section 44.304(a), Government Code, is amended to read as follows:

(a) The criminal district attorney shall attend each term and session of the [~~9th, second 9th, and~~] 258th and 411th district courts of San Jacinto County and each term and session of the inferior courts held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

SECTION 9. The following statutes are repealed:

- (1) Section 32.204(d), Government Code;
- (2) Section 32.228(d), Government Code; and
- (3) Section 32.237(d), Government Code.

SECTION 10. The 392nd and the 411th judicial districts are created and take effect September 1, 1995.

SECTION 11. Effective September 1, 1995, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.523 to read as follows:

Sec. 24.523. 378TH JUDICIAL DISTRICT (ELLIS COUNTY). (a) The 378th Judicial District is composed of Ellis County.

(b) A judge of the 378th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 12. Effective September 1, 1996, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.525 to read as follows:

Sec. 24.525. 380TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 380th Judicial District is composed of Collin County.

(b) A judge of the 380th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 13. Effective September 1, 1995, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.526 to read as follows:

Sec. 24.526. 381ST JUDICIAL DISTRICT (STARR COUNTY). (a) The 381st Judicial District is composed of Starr County.

(b) A judge of the 381st Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 14. Effective September 1, 1995, Section 24.500, Government Code, is amended to read as follows:

Sec. 24.500. 354TH JUDICIAL DISTRICT (HUNT ~~AND~~[;] RAINS[~~;~~ ~~AND~~ ROCKWALL] COUNTIES). (a) The 354th Judicial District is composed of Hunt and[;] Rains[~~;~~ ~~and~~ Rockwall] counties.

(b) Section 24.108, relating to the 8th District Court, contains provisions applicable to both that court and the 354th District Court.

SECTION 15. Effective September 1, 1995, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.527 to read as follows:

Sec. 24.527. 382ND JUDICIAL DISTRICT (ROCKWALL COUNTY). (a) The 382nd Judicial District is composed of Rockwall County.

(b) A judge of the 382nd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 16. Effective September 1, 1995, Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.528 and 24.529 to read as follows:

Sec. 24.528. 383RD JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 383rd Judicial District is composed of El Paso County.

(b) A judge of the 383rd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

(c) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

Sec. 24.529. 384TH JUDICIAL DISTRICT (EL PASO COUNTY). (a) The 384th Judicial District is composed of El Paso County.

(b) A judge of the 384th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

(c) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

SECTION 17. Effective September 1, 1995, Section 24.136, Government Code, is amended to read as follows:

Sec. 24.136. 34TH JUDICIAL DISTRICT (~~[CULBERSON,] EL PASO COUNTY[; AND HUDSPETH COUNTIES]~~). (a) The 34th Judicial District is composed of ~~[Culberson,] El Paso County[; and Hudspeth counties]~~.

(b) In El Paso County, the 34th, 41st, 65th, 120th, and 171st district courts have concurrent jurisdiction.

(c) The terms of the 34th District Court begin[-

(1) in ~~Culberson County on the third Monday in October and the first Monday in April;~~

(2) in ~~El Paso County~~] on the third Mondays in April and September and the first Mondays in January, July, and November[; ~~and~~

(3) in ~~Hudspeth County on the third Monday in March and the first Monday in September]~~.

(d) A grand jury may not be impaneled in any district court in El Paso County except the 34th District Court unless the judge of another district court in the county calls for a grand jury by special order.

SECTION 18. Effective September 1, 1995, Section 24.185, Government Code, is amended to read as follows:

Sec. 24.185. 83RD JUDICIAL DISTRICT (~~[BREWSTER, JEFF DAVIS,] PECOS, [PRESIDIO,] REAGAN, AND UPTON COUNTIES~~). (a) The 83rd Judicial District is composed of ~~[Brewster, Jeff Davis,] Pecos, [Presidio,] Reagan, and Upton counties.~~

(b) The 83rd and 112th district courts have concurrent jurisdiction in Pecos, Reagan, and Upton counties.

(c) The terms of the 83rd District Court begin:

(1) ~~[in Brewster County on the fourth and 11th Mondays after the first Mondays in January and July;~~

~~[(2) in Jeff Davis County on the second Mondays in January and July;~~

~~[(3) in Pecos County on the ninth Monday after the first Mondays in January and July;~~

~~[(4) in Presidio County on the third Monday after the first Mondays in January and July;]~~

~~(2) [(5)] in Reagan County on the 14th Monday after the first Mondays in January and July; and~~

~~(3) [(6)] in Upton County on the 12th Monday after the first Mondays in January and July.~~

(d) In each of the counties of Pecos and Upton, a petition or other pleading filed in the district courts is sufficient if addressed "To The District Court of Pecos County, Texas," or "To The District Court of Upton County, Texas," respectively, without giving the number of the district court in the address.

(e) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.

SECTION 19. Effective September 1, 1995, Section 24.389, Government Code, is amended to read as follows:

Sec. 24.389. 210TH JUDICIAL DISTRICT (~~[CULBERSON,] EL PASO COUNTY[, AND HUDSPETH COUNTIES]~~). (a) The 210th Judicial District is composed of ~~[Culberson,] El Paso County[, and Hudspeth counties].~~

(b) Section 24.136, relating to the 34th District Court, contains provisions applicable to both that court and the 210th District Court.

SECTION 20. Effective September 1, 1995, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.539 to read as follows:

Sec. 24.539. 394TH JUDICIAL DISTRICT (BREWSTER, CULBERSON, HUDSPETH, JEFF DAVIS, AND PRESIDIO COUNTIES). (a) The 394th Judicial District is composed of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties.

(b) The terms of the 394th District Court begin:

(1) in Brewster County on the first Monday in March and the third Monday in September;

(2) in Culberson County on the third Monday in October and the first Monday in April;

(3) in Hudspeth County on the third Monday in March and the first Monday in September;

(4) in Jeff Davis County on the second Mondays in January and July;
and

(5) in Presidio County on the third Monday after the first Mondays in January and July.

(c) The judge of the 394th Judicial District may not be assigned under Chapter 74 of the Government Code to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

SECTION 21. Effective September 1, 1995, Sections 43.120(a) and (b), Government Code, are amended to read as follows:

(a) The voters of Culberson, Hudspeth, and El Paso counties [~~the 34th Judicial District~~] elect a district attorney for the 34th Judicial District.

(b) The district attorney for the 34th Judicial District also acts as district attorney for the 41st, 65th, 120th, and 171st judicial districts, the 394th Judicial District in Culberson and Hudspeth counties, and represents the state in all criminal cases before every district court having jurisdiction in El Paso County.

SECTION 22. Effective September 1, 1995, Section 43.141, Government Code, is amended to read as follows:

Sec. 43.141. 83RD JUDICIAL DISTRICT. (a) The voters of Brewster, Jeff Davis, Pecos, Presidio, Reagan, and Upton counties [~~the 83rd Judicial District~~] elect a district attorney for the 83rd Judicial District.

(b) The district attorney for the 83rd district also acts as district attorney for the 394th Judicial District in Brewster, Jeff Davis, and Presidio counties.

SECTION 23. (a) The local administrative district judge shall transfer all cases from Culberson and Hudspeth counties that are pending in the 34th and 210th district courts on the effective date of this Act to the 394th District Court.

(b) The local administrative district judge shall transfer all cases from Brewster, Jeff Davis, and Presidio counties that are pending in the 83rd District Court on the effective date of this Act to the 394th District Court.

(c) When a case is transferred from one court to another as provided by Subsections (a) and (b) 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 obligees 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.

(d) This section takes effect September 1, 1995.

SECTION 24. Subsection (a), Section 43.106, Government Code, is amended to read as follows:

(a) The voters of [~~Grimes;~~] Madison[;] and Leon counties elect a district attorney for the 12th Judicial District who represents the state in that district court only in those counties.

SECTION 25. Subchapter B, Chapter 43, Government Code, is amended by adding Section 43.1745 to read as follows:

Sec. 43.1745. 278TH JUDICIAL DISTRICT. (a) The voters of Grimes County elect a district attorney for the 278th Judicial District who represents the state only in that county.

(b) The district attorney shall attend each term and session of the district courts and all other courts, except municipal courts, in Grimes County and, unless otherwise provided by law, shall exclusively represent the state in all criminal matters in those courts.

(c) The district attorney has no power, duty, or privilege relating to family law and juvenile matters, including matters involving children's protective services, protective orders under Chapter 71, Family Code, orders under Chapter 21, Family Code, proceedings under Title 3, Family Code, civil commitment matters under Subtitle C, Title 7, Health and Safety Code, or a quo warranto or removal case, except, that if the county attorney fails or refuses to act in a quo warranto or removal case, the district attorney has the power, duty, and privilege to bring a removal of quo warranto action.

(d) The district attorney has no power, duty, or privilege in any civil matter pending before any court.

(e) The district attorney must be at least 30 years of age, must have been a practicing attorney in this state for at least five years, and must have been a resident of Grimes County for at least three years immediately preceding election or appointment.

(f) The district attorney may not engage in the private practice of law.

(g) The district attorney may, for the purpose of conducting the affairs of the office, appoint assistant district attorneys, investigators, and other necessary staff. The salaries of the members of the staff of the district attorney's office shall be paid from the officer's salary fund of the county with the approval of the commissioners court.

SECTION 26. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.193 to read as follows:

Sec. 45.193. GRIMES COUNTY. (a) The county attorney of Grimes County shall represent the state, Grimes County, and the officials of the county in all civil matters pending before the courts of Grimes County and any other court.

(b) The county attorney has the powers, duties, and privileges in Grimes County relating to civil commitment matters under Subtitle C, Title 7, Health and Safety Code, family law and juvenile matters, including children's protective services matters, protective orders under Chapter 71, Family Code, orders under Chapter 21, Family Code, and proceedings under Title 3, Family Code.

(c) Except as provided by Section 43.1745, the county attorney has all the powers, duties, and privileges in Grimes County relating to quo warranto and proceedings for removal from office.

(d) The county attorney has no power, duty, or privilege in Grimes County relating to criminal matters, including asset forfeitures under Chapter 59, Code

of Criminal Procedure, appearance bond forfeitures under Chapter 17, Code of Criminal Procedure, and habeas corpus related to criminal matters.

SECTION 27. Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies only to the following prosecutors:

(1) the district attorneys for the 2nd, 8th, 9th, 12th, 18th, 21st, 22nd, 23rd, 24th, 26th, 27th, 29th, 34th, 35th, 36th, 38th, 43rd, 47th, 49th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 84th, 85th, 90th, 97th, 105th, 106th, 110th, 118th, 119th, 123rd, 142nd, 145th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 266th, 268th, 271st, 278th, 286th, 349th, and 355th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Deaf Smith, Denton, Eastland, Galveston, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Callahan, Cameron, Castro, Ellis, Falls, Fannin, Freestone, Grayson, Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Orange, Red River, Robertson, Rusk, Terry, Webb, and Willacy.

SECTION 28. Notwithstanding Section 41.010, Government Code, the initial vacancy in the office of district attorney for the 278th Judicial District on creation of the office shall be filled by election. The office of district attorney for the 278th Judicial District exists for purposes of the primary and general elections in 1996. The qualified voters of the county shall elect the initial district attorney for the 278th Judicial District at the general election in 1996 for a four-year term beginning January 1, 1997. Thereafter, the district attorney of the 278th Judicial District shall be elected for a four-year term as provided by Section 65, Article XVI, Texas Constitution. A vacancy after the initial vacancy is filled as provided by Section 12, Article IV, Texas Constitution. This section takes effect September 1, 1995.

SECTION 29. Except as otherwise provided, this Act takes effect January 1, 1997.

SECTION 30. 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 Hightower moved to adopt the conference committee report on **HB 3235**.

The motion prevailed.

SB 1295 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hightower submitted the conference committee report on **SB 1295**.

Representative Hightower moved to adopt the conference committee report on **SB 1295**.

The motion prevailed.

SB 172 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Puente submitted the conference committee report on **SB 172**.

Representative Puente moved to adopt the conference committee report on **SB 172**.

The motion prevailed.

HB 418 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Goodman submitted the following conference committee report on **HB 418**:

Austin, Texas, May 26, 1995

Honorable Bob Bullock
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 418** 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.

Harris

Goodman

Madla

Van de Putte

Nixon

Brady

Brown

Cook

Sibley

H. Cuellar

On the part of the Senate

On the part of the House

HB 418, A bill to be entitled An Act relating to protective orders for family violence; providing penalties.

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

SECTION 1. Subchapter C, Chapter 3, Family Code, is amended by adding Section 3.522 to read as follows:

Sec. 3.522. PROTECTIVE ORDERS. (a) The petition in a suit for divorce or annulment must state whether a protective order under Chapter 71 or Section 3.581 is in effect or if an application for a protective order is pending with regard to the parties to the suit.

(b) The petitioner in a suit for divorce or annulment shall attach to the petition a copy of each protective order issued under Chapter 71 or Section 3.581 in which one of the parties to the suit was the applicant and the other party was the respondent without regard to the date on which the order was entered. If a copy of the protective order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

SECTION 2. Section 3.581, Family Code, is amended to read as follows:

Sec. 3.581. PROTECTIVE ORDERS. [(a)] On the motion of any party to a suit for divorce or annulment or to declare a marriage void, the court may issue a protective order as provided by Section 71.06 [~~Sections 71.10(a); 71.10(b), 71.10(c)(1) and (3), 71.11(b) and (c), 71.111, 71.14, and 71.16 of this code~~].

[(b) An order may be made under this section only after notice to the party alleged to have committed family violence and a hearing:

[(c) An order made under this section is valid for one year or the earliest of:

(1) the end of a period of less than one year specified in the order by the court;

(2) the date the order is vacated by the court; or

(3) the date the suit is dismissed.

[(d) A spouse who has applied for a protective order under this section is entitled to a temporary ex parte order directed against the other spouse for the relief provided by and under the conditions established in Section 71.15 of this code.

[(e) The date of expiration of an order made under this section must appear on the order.

[(f) An order made under this section must be a separate document entitled "**PROTECTIVE ORDER.**"]

SECTION 3. Sections 71.01(b)(1)-(6), Family Code, are amended to read as follows:

(1) "Court" means the district court, court of domestic relations, juvenile court having the jurisdiction of a district court, or other court expressly given jurisdiction of a suit under this subtitle or a statutory county court.

(2) "Family violence" means:

(A) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, ~~or~~ assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, ~~or~~ assault, or sexual assault, but does not include defensive measures to protect oneself [~~excluding the reasonable discipline of a child by a person having that duty~~]; or

(B) abuse, as that term is defined by Sections 34.012(1)(C), (E), and (G) of this code, by a member of a family or household toward a child of the family or household.

(3) "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code [~~Article 5996h, Revised Statutes~~], individuals who are former spouses of each other, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, whether or not those individuals reside together.

(4) [~~"Former member of a household" means a person who previously lived in a household.~~

[(5)] "Household" means a unit composed of persons living together in the same dwelling, whether or not they are related to each other.

(5) [(6)] "Member of a household" includes a person who previously lived in [~~former member of~~] a household.

SECTION 4. Sections 71.04(b) and (c), Family Code, are amended to read as follows:

(b) An application may be filed by:

(1) an adult member of a family or household for the protection of the applicant or for any other member of the family or household;

(2) any adult for the protection of a child member of a family or household; ~~or~~

(3) any prosecuting attorney who represents the state in a district or statutory county court in the county in which venue of the application is proper for the protection of any person alleged to be a victim of family violence; ~~or~~

(4) the Department of Protective and Regulatory Services for the protection of a member of a family or household.

(c) The county attorney or the criminal district attorney is the prosecuting attorney responsible for filing applications under this chapter ~~unless the~~ ~~the~~ district attorney ~~assumes~~ ~~may assume~~ the responsibility by giving notice of that assumption to the county attorney. The prosecuting attorney responsible for filing an application under this chapter shall provide notice of that responsibility to all law enforcement agencies within the jurisdiction of the prosecuting attorney. The application is to be filed as provided by Article 5.06, Code of Criminal Procedure.

SECTION 5. Chapter 71, Family Code, is amended by adding Section 71.041 to read as follows:

Sec. 71.041. FEES AND COSTS. (a) An applicant for a protective order may not be assessed any fee, cost, charge, or expense by a clerk of the court or another public official in connection with the filing, serving, or entering of the protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.

(b) Except on a showing of indigency by the respondent, a court shall require in a protective order that the respondent against whom an order is rendered pay the protective order fee of \$16, the standard fees charged by the clerk of the court as in a general civil proceeding for the cost of service of the order, the costs of court, and all other fees, charges, or expenses incurred in connection with the protective order.

(c) A respondent who is ordered to pay costs who does not pay the costs before the 60th day after the date the order was rendered may be punished for contempt of court as provided by Section 21.002, Government Code.

(d) The court may assess a reasonable attorney's fee as compensation for the services of a private or prosecuting attorney or an attorney employed by the Department of Protective and Regulatory Services representing an applicant against the party who is found to have committed family violence. In setting the amount of the fee, the court shall consider the income and ability to pay of the person against whom the fee is assessed. The amount of fees collected under this subsection as compensation for the fees of a prosecuting attorney shall be paid to the credit of the county fund from which the salaries of employees of the prosecuting attorney are paid or supplemented and the fees collected under this subsection as compensation for an attorney employed by the Department of Protective and Regulatory Services shall be deposited in the general revenue fund to the credit of the Department of Protective and

Regulatory Services. The fees collected under this subsection as compensation for a private attorney shall be paid to the private attorney, who may enforce the order in the attorney's own name.

SECTION 6. Sections 71.05(b)-(g), Family Code, are amended to read as follows:

~~(b) [If an application requests a protective order for a spouse and alleges that the other spouse has committed family violence, the application must state that no suit for the dissolution of the marriage of the spouses is pending.~~

~~(c)~~ If an applicant is a former spouse of an individual alleged to have committed family violence:

(1) a copy of the decree dissolving the marriage must be attached to the application; or

(2) the application must state that the decree is unavailable to the applicant and that a copy of the decree will be filed with the court before the hearing on the application.

~~(c)~~ ~~(d)~~ If an application requests a protective order for a child who is subject to the continuing jurisdiction of a court under Subtitle A, Title 2, of this code or alleges that a child who is subject to the continuing jurisdiction of a court under Subtitle A, Title 2, of this code has committed family violence:

(1) a copy of the court orders affecting the conservatorship, possession, and support of or the access to the child must be filed with the application; or

(2) the application must state that the orders affecting the child are unavailable to the applicant and that a copy of the orders will be filed with the court before the hearing on the application.

~~(d)~~ ~~(e)~~ If the application requests the issuance of a temporary ex parte order under Section 71.15 of this code, the application must:

(1) contain a detailed description of the facts and circumstances concerning the alleged family violence and the need for immediate protective orders; and

(2) be signed by each applicant under an oath that the facts and circumstances contained in the application are true to the best knowledge and belief of each applicant.

~~(e)~~ ~~(f)~~ If an application requests a protective order and alleges that the respondent has violated a former protective order protecting the applicant by committing an act prohibited by the former order under Section 71.11(b) of this code and that the former protective order has expired since the alleged violation occurred, the application for the protective order must include:

(1) a copy of the former protective order attached to the application or a statement that the order is unavailable to the applicant and that a copy of the order will be filed with the court before the hearing on the application;

(2) a description of the violation of the former protective order; and

(3) a statement that the violation of the former order described in the application has not been grounds for any other order protecting the applicant that has been issued or requested under this section.

~~(f)~~ ~~(g)~~ The procedural requirements relating to a protective order under this chapter, including the application under Section 71.04 of this code and service under Section 71.07 of this code, apply to a protective order under Subsection ~~(e)~~ ~~(f)~~ of this section.

SECTION 7. Section 71.06, Family Code, is amended by amending Subsection (b) and adding Subsections (c)-(f) to read as follows:

(b) A court may not ~~shall~~ dismiss an application filed under this chapter solely on the grounds that a suit for dissolution of a marriage is filed unless the court hearing the suit for dissolution has rendered a temporary order, including a protective order, on behalf of the applicant under this chapter, in response to an application filed with that court or has denied the application on its merits. On rendition of a temporary order, including a protective order, on behalf of the applicant under this chapter, or denial of an application for a protective order by the court hearing the suit for dissolution, a court may dismiss an application filed under this chapter ~~[by a party to a pending suit for dissolution of marriage and shall advise the applicant that the applicant may file an application under Section 3.581 of this code].~~

(c) A protective order rendered under this chapter is valid and enforceable, pending further action by the court that rendered the order, until it is properly superseded by another court with jurisdiction over the order.

(d) An applicant denied a protective order filed as a motion in a suit for dissolution of a marriage may not apply for a protective order in another court based on the identical facts as the previous application.

(e) The requirements of service of notice under Section 71.07 do not apply if the application is filed as a motion in a suit for the dissolution of a marriage. Notice is given in the same manner as in any other motion in a suit for the dissolution of a marriage.

(f) A protective order entered as an order in a suit for dissolution of a marriage must be in a document separate from other orders or temporary orders and shall be entitled "PROTECTIVE ORDER."

SECTION 8. Section 71.08, Family Code, is amended to read as follows:

Sec. 71.08. ANSWER. A respondent ~~[An individual]~~ served with notice of an application for a protective order may but is not required to file a written answer to the application. The answer may be filed at any time before the hearing.

SECTION 9. Sections 71.09(b), (c), and (e), Family Code, are amended to read as follows:

(b) If a respondent ~~[person]~~ entitled to service of a notice of application for a protective order receives the service within 48 hours before the time set for the hearing, the court, on a request from the respondent ~~[person]~~, shall reschedule the hearing for a date not later than 14 days after the date set for the hearing. The respondent ~~[person]~~ is not entitled to additional service for the rescheduled hearing.

(c) If a hearing set under Subsection (a) of this section is not held because of the failure of a respondent ~~[party]~~ to receive service of a notice of application for a protective order, the applicant may request the court to reschedule the hearing. Except as provided by Subsection (d) of this section, the date for a rescheduled hearing under this subsection must be not later than 14 days after the date on which the request is made.

(e) A court may issue an order relating to an application for a protective order that is binding on a respondent ~~[party]~~ who does not attend a hearing under this section if the absent respondent ~~[party]~~ received notice of the

application. This subsection applies to a respondent [~~party~~] who receives notice within 48 hours before the time set for a hearing if the respondent [~~party~~] does not request that the hearing be rescheduled.

SECTION 10. Section 71.10, Family Code, is amended to read as follows:

Sec. 71.10. FINDINGS AND ORDERS. (a) At the close of a hearing on an application, the court shall find whether or not family violence has occurred and whether or not family violence is likely to occur again in the [~~foreseeable~~] future.

(b) If the court finds that family violence has occurred and that family violence is likely to occur again in the [~~foreseeable~~] future, the court shall issue a [may make any] protective order under Section 71.11(b) applying only to a person found to have committed family violence and may enter a protective order authorized under Section 71.11(a) applying to both parties [by this chapter] that is in the best interest of the family or household, or a member of the family or household.

(c) If the court finds that a respondent [~~person~~] violated a former protective order made under this chapter by committing an act prohibited by the former order under Section 71.11(b) of this code while the former order was in effect and that the former order is not currently in effect, the court, without finding whether family violence has occurred or whether family violence is likely to occur again in the [~~foreseeable~~] future, shall issue a protective order under Section 71.11(b) applying only to the respondent and may enter a protective order authorized under Section 71.11(a) applying to both the respondent and the applicant that is in the best interest of the applicant, the family or household, or a member of the family or household.

(d) If the court approves an agreement between the parties as authorized under Section 71.12, the court shall issue a protective order under this section that is in the best interest of the applicant, the family or household, or a member of the family or household. [~~A protective order may apply only to a party to the proceeding who:~~

~~[(1) the court finds has committed family violence and is likely to commit family violence in the foreseeable future;~~

~~[(2) the court finds has violated a former protective order;~~

~~[(3) has agreed to the order under Section 71.12(a) of this code; or~~

~~[(4) is a respondent and has agreed to the order under Section 71.12(b) of this code.]~~

SECTION 11. Sections 71.11(a), (b), and (e)-(j), Family Code, are amended to read as follows:

(a) In a protective order the court may:

(1) prohibit a party from:

(A) removing a child member of the family or household from the possession of a person named in the court order or from the jurisdiction of the court; or

(B) transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business;

(2) grant exclusive possession of a residence to a party and, if appropriate, direct one or more other parties to vacate the residence if:

(A) the residence is jointly owned or leased by the party receiving exclusive possession and by some other party denied possession;

(B) the residence is owned or leased by the party retaining possession; or

(C) the residence is owned or leased by the party denied possession but only if that party has an obligation to support the party granted possession of the residence or a child of the party granted possession;

(3) provide for possession of and access to a child of a party if the person receiving possession of or access to the child is a parent, as that term is defined by Section 11.01 of this code, of the child;

(4) require the payment of support for a party or for a child of a party if the person required to make the payment has an obligation to support the other party or the child;

(5) require the person found to have committed family violence to complete a batterer's treatment program if a program is available or if a program is not available [~~one or more parties~~] to counsel with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor[~~, or to complete a batterer's treatment program~~];

(6) award to a party use and possession of specified property that is community property or jointly owned or leased; or

(7) prohibit the person found to have committed family violence [~~a party~~] from doing specified acts or require the person found to have committed family violence [~~a party~~] to do specified acts necessary or appropriate to prevent or reduce the likelihood of family violence.

(b) In a protective order the court may prohibit the person found to have committed family violence [~~a party~~] from:

(1) committing family violence;

(2) communicating:

(A) directly with a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a member of the family or household; and

(C) on a finding of good cause, in any manner with a member of the family or household except through the party's attorney or a person appointed by the court;

(3) going to or near the residence or place of employment or business of a member of the family or household; ~~and~~

(4) going to or near the residence, child care facility, or school where a child protected under the order normally resides or attends; and

(5) engaging in conduct directed specifically toward a person who is a member of the family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person.

(e) [~~A protective order made under this section that conflicts with any other court order made under Subtitle A, Title 2, of this code is to the extent of the conflict invalid and unenforceable.~~

[~~(f) Except on a showing of indigency by a person against whom a protective order is directed, the order shall require that the person:~~

~~[(1) pay the cost of service of the order, the actual costs of court, the costs incurred by the clerk not paid by the applicant pursuant to Section 71.07, Family Code, and any other fees, charges, or expenses incurred in connection with the protective order; and~~

~~[(2) reimburse the applicant for any fees paid by the applicant under this chapter by paying that amount to the clerk of the court.~~

~~[(g) The clerk of a court who receives money according to a protective order from a person against whom the order is directed shall reimburse the applicant for any fees paid by the applicant under this chapter.~~

~~[(h) A person who is ordered to pay costs or reimburse an applicant under Subsection (f) of this section who does not pay the costs or reimburse the applicant before the 60th day after the date the order was rendered may be punished for contempt of court by a fine in an amount not to exceed \$500, or by confinement in jail for a term not to exceed six months, or both.~~

~~[(i) A person found to have engaged in family violence [party] for whom counseling or a batterer's treatment program is ordered under Subsection (a)(5) of this section and who does not provide to the court before the 60th day after the date the order was rendered an affidavit that the person [party] has started the counseling or the program or that the counseling or the program is not available within a reasonable distance of the person's [party's] residence may be punished for contempt of court as provided by Section 21.002, Government Code [by a fine in an amount not to exceed \$500, or by confinement in jail for a term not to exceed six months, or both]. The order shall specifically advise the person [party] of this requirement and the possible punishment for failure to comply.~~

~~[(j) Any interested person may contest an affidavit of indigency filed under Subsection (f) of this section.]~~

SECTION 12. Sections 71.12(c) and (d), Family Code, are amended to read as follows:

(c) If all or part of an agreement under Subsection (a) or (b) of this section is approved by the court, the part of the agreement approved shall be attached to the protective order and become a part of the order of the court.

(d) ~~[If all or part of an agreement by the respondent under Subsection (b) of this section is approved by the court, the part of the agreement approved shall be attached to the protective order and become a part of the order of the court. The court may approve an agreement or part of an agreement under this subsection only if the agreement requires the respondent to do or refrain from doing an act under Section 71.11(b) of this code.]~~ The court may not approve an agreement or part of an agreement ~~[under this subsection]~~ that requires the applicant to do or refrain from doing an act under Section 71.11(b) of this code even if the applicant consents in the agreement to do or refrain from doing the act.

SECTION 13. Section 71.121, Family Code, is amended to read as follows:

Sec. 71.121. REQUEST BY RESPONDENT FOR PROTECTIVE ORDER.

(a) ~~[A court may not enter a single protective order that applies to both the respondent and the applicant unless the order embodies an agreement of the parties under Section 71.12(a) of this code.]~~

~~(b)~~ To apply for a protective order against an applicant, a respondent must file a separate application under this chapter.

~~(b) [(c)]~~ A court may not delay a hearing on an applicant's application for a protective order beyond the time provided by Section 71.09 of this code in order to consolidate it with a hearing on a subsequently filed [respondent's] application for a protective order [against the applicant].

(c) A court may not enter a protective order that requires both the respondent and the applicant to do or refrain from doing an act under Section 71.11(b).

(d) A protective order that requires the first applicant to do or refrain from doing an act under Section 71.11(b) shall include a finding that the first applicant has committed family violence and is likely to commit family violence in the future.

(e) A court that enters separate protective orders under this section that apply to both parties and require both parties to do or refrain from doing an act under Section 71.11(b) shall issue two distinct and independent protective orders that reflect the appropriate conditions for each of the parties.

(f) A court that enters protective orders under this section that apply to both the respondent and the applicant and that require the respondent to do or refrain from doing an act under Section 71.11(b) shall issue the protective orders in two separate documents. The court shall provide one of the documents to the applicant and the other to the respondent.

SECTION 14. Section 71.14, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Notice of a motion to modify under this section is sufficient if delivery of the motion is attempted on the respondent's last known address by registered or certified mail as provided by Rule 21a, Texas Rules of Civil Procedure.

SECTION 15. Sections 71.15(h), (i), and (j), Family Code, are amended to read as follows:

(h) In order for an ex parte order excluding a person from the person's residence to be granted, the court must find from the required affidavit and testimony that:

(1) the applicant requesting the exclusion order either resides on the premises or has resided there within 30 days before the filing of the application;

(2) the person to be excluded has within the 30-day period preceding the filing of the application committed family violence against a member of the household; and

(3) there is a clear and present danger that the person to be excluded is likely to commit family violence against a member of the household ~~[in the foreseeable future].~~

~~(i) [On the request of a person obtaining an order that excludes another person from the other person's residence, the court that granted the order may order the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or the chief of police:~~

~~[(1) to accompany the person obtaining the order to the residence covered by the order;~~

~~[(2) to protect the person obtaining the order while the person takes possession of the residence; and~~

~~[(3) if the person obtaining the order is unable to take possession of the residence because the person being excluded occupies the residence, to inform the person being excluded that the court has ordered the person excluded from the residence.~~

~~[(j)]~~ The court may stop the hearing to contact the respondent by telephone and provide the respondent an opportunity to be present when the court resumes the hearing. Without regard to whether the respondent is able to be present at the hearing, the court shall resume the hearing before the end of the working day.

SECTION 16. Section 71.16(b), Family Code, is amended to read as follows:

(b) Each protective order issued under this chapter, except a temporary ex parte order, shall have the following statement printed in bold-faced type or in capital letters:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE ~~[A FELONY]~~ PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 ~~[\$10,000]~~ OR BY CONFINEMENT IN JAIL ~~[PRISON]~~ FOR AS LONG AS ONE YEAR ~~[10 YEARS]~~, OR BOTH. ~~[FURTHER VIOLATIONS OF THIS ORDER MAY BE PUNISHABLE BY CONFINEMENT IN PRISON FOR AS LONG AS 99 YEARS.]~~ AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS."

SECTION 17. Section 71.17, Family Code, is amended to read as follows:

Sec. 71.17. COPIES OF ORDERS. (a) A protective order made under this chapter shall be delivered to the respondent ~~[person to whom the order applies in open court at the close of the hearing, or served by registered or certified mail,]~~ in accordance with Rule 21a, Texas Rules of Civil Procedure, ~~[or]~~ served in the same manner as a writ of injunction, or served in open court at the close of the hearing as provided by Subsections (b)-(d).

(b) If the order is served in open court, the order shall be served as provided by this subsection. If the respondent is present at the hearing and the order has been reduced to writing, the judge or master shall sign the order and give a copy of the order to the respondent. A certified copy of the signed order shall be given to the applicant at the time the order is given to the respondent. If the applicant is not in court at the conclusion of the hearing, the clerk of the court shall mail a certified copy of the order to the applicant not later than the third business day after the date the hearing is concluded.

(c) If the respondent is present at the hearing but the order has not been reduced to writing, the judge or master shall give notice orally to the respondent of the part of the order that contains prohibitions under Section 71.11(b) or any other part of the order that contains provisions necessary to prevent further family violence. The clerk of the court shall mail a copy of the order to the respondent and a certified copy of the order to the applicant not later than the third business day after the date the hearing is concluded.

(d) If the respondent is not present at the hearing and the order has been reduced to writing at the conclusion of the hearing, the clerk of the court shall

immediately provide a certified copy of the order to the applicant and mail a copy of the order to the respondent not later than the third business day after the date the hearing is concluded.

(e) [(b)] The clerk of the court issuing an original or modified protective order under this chapter shall send a copy of the order to the chief of police of the city where the member of the family or household protected by the order resides, if the person resides in a city, or to the sheriff of the county where the person resides, if the person does not reside in a city.

(f) [(e)] If a protective order made under this chapter prohibits a respondent [person] from going to or near a child care facility or school under Section 71.11(b) of this code, the clerk of the court [party requesting the order] shall send a copy of the order to the child care facility or school.

(g) [(d)] The clerk of a court vacating an original or modified protective order under this chapter shall notify the chief of police or sheriff who received a copy of the original or modified order that the order is vacated.

SECTION 18. Section 71.18, Family Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) On the request of an applicant obtaining a temporary order that excludes the respondent from the respondent's residence, the court that granted the temporary order shall provide a written order to the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or chief of police:

(1) to accompany the applicant to the residence covered by the order;
(2) to inform the respondent that the court has ordered that the respondent be excluded from the residence;

(3) to protect the applicant while the applicant takes possession of the residence; and

(4) if the respondent refuses to vacate the residence, to protect the applicant while the applicant takes possession of the applicant's necessary personal property.

(d) On the request of an applicant obtaining a final order that excludes the respondent from the respondent's residence, the court that granted the final order shall provide a written order to the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or chief of police:

(1) to accompany the applicant to the residence covered by the order;
(2) to inform the respondent that the court has ordered that the respondent be excluded from the residence;

(3) to protect the applicant while the applicant takes possession of the residence and the respondent takes possession of the respondent's necessary personal property; and

(4) if the respondent refuses to vacate the residence:

(A) to remove the respondent from the residence; and

(B) to arrest the respondent for violating the court order.

SECTION 19. Section 118.131, Local Government Code, is amended by adding Subsection (i) to read as follows:

(i) The commissioners court may not assess an applicant a fee in connection with the filing, serving, or entering of a protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.

SECTION 20. Section 51.303, Government Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the other powers and duties of this section, a district clerk shall accept applications for protective orders under Chapter 71, Family Code.

SECTION 21. Section 51.402, Government Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the other powers and duties of this section, a county clerk that serves as the clerk for a court having jurisdiction of applications for protective orders under Chapter 71, Family Code, shall accept those applications.

SECTION 22. Subtitle E, Title 2, Human Resources Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

Sec. 54.001. PROTECTIVE ORDERS. The Department of Protective and Regulatory Services shall adopt rules to provide procedures for the filing of protective orders for the protection of a member of a family or household as provided by Section 71.04, Family Code.

Sec. 54.002. NOTICE TO NONABUSIVE PARENT OR HOUSEHOLD MEMBER. The Department of Protective and Regulatory Services shall provide prior notice to a nonabusive parent or adult member of a household of the department's intent to file an application for a protective order for a child or older person and shall request the assistance of the person receiving the notice in developing a safety plan for household members and the child or older person for whom the order is sought. The department shall exercise reasonable safety precautions to protect a nonabusive parent or other member of a household while providing notice and requesting assistance under this section.

SECTION 23. Section 25.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of an order issued under Section 3.581, Section 71.11, or Section 71.12, Family Code, the person knowingly or intentionally:

(1) commits family violence;

(2) [~~directly~~] communicates;

(A) directly with a member of the family or household in a threatening or harassing manner;

(B) [~~communicates~~] a threat through any person to a member of the family or household;[;] and

(C) [~~if the order prohibits any communication with a member of the family or household, communicates~~] in any manner with the member of the family or household except through the person's attorney or a person appointed by the court, if the order prohibits any communication with a member of the family or household; [or]

(3) goes to or near any of the following places as specifically described in the protective order:

(A) the residence or place of employment or business of a member of the family or household; or

(B) any child care facility, residence, or school where a child protected by the protective order normally resides or attends; or

(4) engages in conduct directed specifically toward a person who is a member of the family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person.

SECTION 24. Article 5.04(c), Code of Criminal Procedure, is amended to read as follows:

(c) A written notice required by Subsection (b) of this article is sufficient if it is in substantially the following form with the required information in English and in Spanish inserted in the notice:

"NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

"It is a crime for any person to cause you any physical injury or harm
EVEN IF THAT PERSON IS A MEMBER OR FORMER MEMBER OF
YOUR FAMILY OR HOUSEHOLD.

"Please tell the investigating peace officer:

"IF you, your child, or any other household resident has been injured; or

"IF you feel you are going to be in danger when the officer leaves or later.

"You have the right to:

"ASK the local prosecutor to file a criminal complaint against the person committing family violence; and

"APPLY to a court for an order to protect you (you should consult a legal aid office, a prosecuting attorney, or a private attorney). You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order. For example, the court can enter an order that:

"(1) the abuser not commit further acts of violence;

"(2) the abuser not threaten, harass, or contact you at home;

"(3) directs the abuser to leave your household; and

"(4) establishes temporary custody of the children and directs the abuser not to interfere with the children or any property.

"A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION (such as (1) and (2) above) MAY BE A FELONY.

"CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL ORGANIZATIONS IF YOU NEED PROTECTION:

" _____
" _____."

SECTION 25. Article 5.06, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) The prosecuting attorney having responsibility under Section 71.04(c), Family Code, for filing applications for protective orders under Chapter 71, Family Code, shall provide notice of those responsibilities to all law enforcement agencies within the jurisdiction of the prosecuting attorney for the prosecuting attorney.

SECTION 26. Sections 3.582, 3.583, 71.04(d), (e), and (f), 71.07(i), and 71.13(b) and (c), and Chapter 72, Family Code, are repealed.

SECTION 27. The change in law made by Sections 1, 7, and 16 of this Act applies to a pending application for a protective order regardless of whether the application is filed before, on, or after the effective date of this Act.

SECTION 28. (a) Except as provided by Section 27 of this Act, the change in law made by this Act applies only to an application for a protective

order made on or after the effective date of this Act. An application for a protective order made before the effective date of this Act is governed by the law in effect at the time the application was made, and the former law is continued in effect for that purpose.

(b) 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.

(c) 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 29. This Act takes effect September 1, 1995.

SECTION 30. 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 Goodman moved to adopt the conference committee report on **HB 418**.

The motion prevailed.

SB 550 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Holzheuser submitted the conference committee report on **SB 550**.

Representative Holzheuser moved to adopt the conference committee report on **SB 550**.

A record vote was requested.

The motion prevailed by (Record 577): 141 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Conley; Finnell; Thompson; Turner, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny.

Absent — Coleman; Hightower; Telford.

HB 2726 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Romo submitted the following conference committee report on **HB 2726**:

Austin, Texas, May 26, 1995

Honorable Bob Bullock
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 2726** 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.

Montford	Romo
Barrientos	Carona
Brown	Elkins
Ellis	Giddings
Lucio	Marchant
On the part of the Senate	On the part of the House

HB 2726, A bill to be entitled An Act relating to tax-exempt private activity bonds and housing finance corporations.

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

SECTION 1. Section 1, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by amending Subdivision (14) and adding Subdivision (20) to read as follows:

(14) "Qualified small issue bond" has the meaning given that term under Section 144(a) of the code~~]; and, additionally, shall mean any bond authorized under the code subsequent to March 1, 1993, for economic development purposes, which requires an allocation of state ceiling~~].

(20) "Tax-exempt enterprise zone facility bonds" has the meaning given that term under Section 1394 of the code.

SECTION 2. Section 2, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by amending Subsections (b), (c), (e), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Prior to September 1, (1) 28 percent of the state ceiling is available exclusively for reservations by issuers of qualified mortgage bonds, (2) 17.5 percent of the state ceiling is available exclusively for reservations by issuers

of state-voted issues for the purpose of issuing a state-voted issue, (3) 7.5 percent of the state ceiling is available exclusively for reservations by issuers of qualified small issue bonds and tax-exempt enterprise zone facility bonds, (4) five percent of the state ceiling is available exclusively for reservations by issuers of qualified residential rental project issues; and (5) 42 percent of the state ceiling is available exclusively for reservations by all other issuers of bonds requiring an allocation.

(c) Of that portion of the state ceiling that is available exclusively for reservations by issuers of qualified mortgage bonds, one-third of said portion shall be made available exclusively to the [~~housing finance division of the~~] Texas Department of Housing and Community Affairs for the purpose of issuing qualified mortgage bonds until August 25.

(e) ~~If any particular type of [Notwithstanding the provisions of Subsection (f) of this section, if qualified mortgage bonds or qualified small issue] bonds do not qualify on January 2 of any year for treatment as tax-exempt obligations under the provisions of the code, then the provisions of Subsection (b)(1), (2), [or] (3), (4), or (5) of this section, [or both], as applicable, shall be of no effect for such year, and the portion of the state ceiling that is available exclusively for reservations by issuers of the type of applicable [qualified mortgage bonds or qualified small issue] bonds[, or both, as applicable,] shall be reallocated proportionately by March 1 for reservations by each other category of issuers under Subsection (b) of this section.~~

(f) Subsection (e) of this section does not apply to qualified mortgage bonds made available exclusively to the [~~housing finance division of the~~] Texas Department of Housing and Community Affairs under Subsection (c) of this section.

(g) In addition to the amount provided in Subsection (c) of this section, \$20,000,000 in reservations for each year for the years 1996 and 1997 is available to the Texas Department of Housing and Community Affairs from that portion of the state ceiling that is available exclusively for reservations by issuers of qualified mortgage bonds for the purpose of issuing qualified mortgage bonds until August 25.

(h) A bond issued for the reservation made by Subsection (g) of this section must:

(1) be used to finance or refinance single-family home construction, reconstruction, or acquisition or to finance or refinance contracts for deed for single-family housing; and

(2) target families that earn 60 percent or less of the median family income in a colonia, as defined by Section 916 of Pub. L. No. 101-625.

SECTION 3. Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(a) For any one project, no issuer:

(1) prior to September 1, shall receive reservations in excess of:

(A) \$25,000,000 for issuers described by Section 2(b)(1) of this Act other than the Texas Department of Housing and Community Affairs;

(B) \$50,000,000 for issuers described by Section 2(b)(2) of this Act other than the Texas Higher Education Coordinating Board;

(C) an amount as limited by the code for issuers described by Section 2(b)(3) of this Act;

(D) \$15,000,000 for issuers described by Section 2(b)(4) of this Act;

(E) \$25,000,000 for issuers described by Section 2(b)(5) of this Act except higher education authorities authorized by Section 53.47, Education Code; [\$50,000,000, except for the housing finance division of the Texas Department of Housing and Community Affairs and the Texas Higher Education Coordinating Board;] and

(F) \$35,000,000 for higher education authorities authorized by Section 53.47, Education Code; and

(2) prior to November 1, shall receive reservations in excess of \$100,000,000.

(b) The maximum amount of the state ceiling which may be reserved by a housing finance corporation for the issuance of qualified mortgage bonds may not exceed \$50 times the local population of such housing finance corporation, except (1) if the local population is 200,000 or more but less than 300,000, the maximum amount of the state ceiling which may be reserved may not exceed \$75 times that local population, (2) if the local population is 100,000 or more but less than 200,000, the maximum amount of the state ceiling which may be reserved may not exceed \$100 times the local population, and (3) if the local population is less than 100,000, the maximum amount of the state ceiling which may be reserved prior to the foregoing dates may not exceed \$150 times the local population. Anything to the contrary notwithstanding, no housing finance corporation shall receive an allocation for the issuance of qualified mortgage bonds in excess of \$25,000,000 [~~\$30,000,000~~].

(c) The board shall not grant a reservation of a portion of the state ceiling to any issuer prior to January 10. If two or more issuers apply for a reservation of state ceiling in a category described in Subsections (b)(2), (b)(3), (b)(4), and (b)(5) of Section 2 of this Act on or before January 10, reservations within that category shall be granted from the state ceiling available in that category in an order determined by the board by lot. If two or more housing finance corporations apply for a reservation of state ceiling in the category described by Section 2(b)(1) of this Act on or before January 10, reservations within that category shall be granted from the state ceiling available in that category according to the following categories of priority: (1) the first category of priority shall include those applications for a reservation filed by housing finance corporations which filed an application for a reservation on behalf of the same local population prior to September 1 of the previous calendar year, but which did not receive a reservation during such year; (2) the second category of priority shall include those applications for a reservation filed by housing finance corporations to which state ceiling could not be made available by August 31 for that calendar year because of the application of Section 4(b) of this Act; (3) the third category of priority shall include those applications for a reservation not included in the first and second categories of priority; and (4) within each category or priority, reservations shall be granted in reverse calendar year order of the most recent closing of qualified mortgage bonds by each housing finance corporation, with the most recent closing being the last

to receive a reservation and with those housing finance corporations that have never received a reservation for mortgage revenue bonds being the first to receive a reservation, and, in the case of closings occurring on the same date, reservations shall be granted in an order determined by the board by lot. All applications for a reservation filed after January 10 by any issuer for the issuance of bonds shall be accepted by the board in their order of receipt. A priority under (1) of an issuer composed of more than one jurisdiction is not affected by the issuer's loss of a sponsoring governmental unit and that unit's population base if the dollar amount of the application has not increased.

(d) An application for a reservation may not be submitted and a reservation may not be granted after December 1 [~~14~~].

(f) An issuer may refuse to accept a reservation if the amount of state ceiling available is less than the amount for which the issuer applied under Section 4 of this Act. An issuer may refuse to accept a reservation for any amount if the reservation is granted after September 23. The amount of available state ceiling is subject to the grant of a reservation to each succeeding issuer eligible to receive a reservation of that available state ceiling in the order of priority determined in accordance with this Act. An issuer's refusal to accept a reservation does not affect the issuer's order of priority determined in accordance with this Act for a subsequent receipt of a reservation.

(g) An issuer described by Section 2(b)(1) of this Act other than the Texas Department of Housing and Community Affairs shall reserve for six months 50 percent of the funds available for loans outside the federally designated target areas to provide mortgages to individuals and families with incomes below 80 percent of the applicable median family income, as defined by Section 143(f)(4) of the code.

SECTION 4. Section 4, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. APPLICATION FOR RESERVATION. (a) An application for a reservation may be filed by an issuer on or after January 2 and must be on a form prescribed by the board and signed by a member or officer of the issuer and must state:

(1) the maximum amount of the bonds in the issue requiring an allocation pursuant to Section 146 of the code;

(2) the purpose of the bonds or a functional description of the project, including the identification of the user of the proceeds or project financed thereby;

(3) whether the bonds are qualified bonds;

(4) if the bonds are qualified bonds, the paragraph of Section 141(e)(1) of the code that applies, and if Section 141(e)(1)(A) of the code applies, the paragraph of Section 142(a) of the code that applies;

(5) if the bonds are not qualified bonds, that Section 141(b)(5) of the code applies, or in the case of transition rule projects, the paragraph of the Tax Reform Act of 1986 that applies;

(6) a statement by the issuer, other than an issuer of a state-voted issue or the Texas Department of Housing and Community Affairs, that bonds are not being issued for the same stated purpose for which the issuer has received

sufficient carryforward during a prior year or for which there exists unexpended proceeds from a prior issue or issues of bonds issued by the same issuer, unless such issuer provides evidence that a binding contract or binding contracts have been entered into to expend the unexpended proceeds within 12 months after the date of receipt by the board of an application for a reservation; and

(7) other information that the board may require.

(b) The board shall not reserve a portion of the state ceiling for an issuer, other than an issuer of a state-voted issue or the Texas Department of Housing and Community Affairs, to whom proceeds are available from other bonds issued by or on behalf of such issuer for the same stated purpose for which such issuer is applying for reservation, except as otherwise provided for in Subsection (a)(6) of this section.

(c) The board may not accept applications for more than one project located at, or related to, a business operation at a particular site in any one calendar year.

SECTION 5. Section 7(d), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended to read as follows:

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

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

(2) a certified copy of the document authorizing the bonds and other documents relating to the issuance of the bonds, including a statement of the bonds:

(A) principal amount;

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

(C) maturity schedule; and

(D) purchaser or purchasers.

SECTION 6. Section 12, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. FEE. An application for a reservation or carryforward designation must be accompanied by a nonrefundable fee in the amount of \$500. The issuer shall submit to the board a closing fee in the amount of \$1,000 or 0.025 percent of the principal amount of the bonds certified as provided by Section 6(a)(2) of this Act, whichever is greater. One-third of the fee shall be submitted not later than the 35th day after an issue's reservation date, and the remaining portion of the fee at the time of closing. An issuer exchanging a portion of the state ceiling for mortgage credit certificates shall submit to the board a closing fee in the amount of \$1,000 or 0.0125 percent of the amount of the state ceiling reserved, whichever is greater. One-third of the fee shall be submitted not later than the 35th day after an issue's reservation date, and the remaining portion of the fee at the time of closing. The board shall deposit the proceeds of the fees in the General Revenue Fund. ~~[The legislature shall appropriate to the board the amount equal to the amount collected as fees under this Act to be used by the board in administering this Act.]~~

SECTION 7. Section 394.023(b), Local Government Code, is amended to read as follows:

(b) If the board of directors determines that sufficient provision has been made for full payment of the expenses, bonds, and other obligations of the corporation, any net corporate earnings accruing after the determination shall be paid to the local government. The local government shall use amounts received under this subsection only to provide for the housing needs of individuals and families of low and moderate incomes, including single-family units and mixed income multifamily projects found by the local government to serve the interests of low and moderate income individuals and families if the single-family and multifamily projects have as a major purpose the provision of safe, sanitary, and decent housing for individuals and families of low income.

SECTION 8. Section 394.026(b), Local Government Code, is amended to read as follows:

(b) On the filing of the certificate of dissolution, the corporation is dissolved. The title to all funds and property owned by the corporation at the time of dissolution vests in the local government to be used exclusively by the local government to provide for the housing needs of individuals and families of low and moderate incomes, including single-family units and mixed income multifamily projects found by the local government to serve the interests of low and moderate income individuals and families if the single-family and multifamily projects have as a major purpose the provision of safe, sanitary, and decent housing for individuals and families of low income. The funds and property shall be promptly delivered to the local government.

SECTION 9. Subchapter C, Chapter 394, Local Government Code, is amended by adding Section 394.027 to read as follows:

Sec. 394.027. ANNUAL REPORT. (a) Before August 31 of each year, a housing finance corporation shall file with the Texas Department of Housing and Community Affairs a report in accordance with this section. The department by rule shall prescribe the form of the report.

(b) The report must include for each single-family home mortgage loan made by the housing finance corporation during the preceding 12 months ending June 30 of the year the report is filed, the data reported by originating lenders under the Federal Home Mortgage Disclosure Act.

(c) The report must include for persons residing in multifamily housing units financed by the housing finance corporation information similar to the geographic and demographic information contained in the Texas Department of Housing and Community Affairs compliance monitoring form and tenant income certification, including household size, total household income, and project location.

SECTION 10. The changes in law made by this Act:

(1) to Sections 394.023 and 394.026, Local Government Code, apply only to earnings that are received by and to funds and property that vest in a local government on or after the effective date of this Act;

(2) by the addition of Section 394.027, Local Government Code, apply only to issues that close on or after the effective date of this Act;

(3) to Sections 3(a), (b), and (c), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil

Statutes), apply only to allocations or reservations made on or after January 1, 1996; and

(4) by the addition of Section 4(c), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), apply only to project applications made on or after January 1, 1996.

SECTION 11. This Act takes effect immediately.

SECTION 12. 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.

LEAVE OF ABSENCE GRANTED

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

Clemons on motion of Coleman.

HB 2726 - (consideration continued)

Representative Romo moved to adopt the conference committee report on **HB 2726**.

A record vote was requested.

The motion prevailed by (Record 578): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Conley; Ogden.

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

Absent, Excused — Clemons; Denny.

Absent — Rodriguez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 578. I intended to vote no.

Danburg

HB 1204 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Wilson submitted the following conference committee report on **HB 1204**:

Austin, Texas, May 24, 1995

Honorable Bob Bullock
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 1204** 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.

Wentworth	Place
Brown	Pickett
Patterson	Pitts
Shapiro	Solis
	Farrar

On the part of the Senate On the part of the House

HB 1204, A bill to be entitled An Act relating to the punishment for contempt of certain persons who fail to respond to a jury summons.

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

SECTION 1. Article 45.25, Code of Criminal Procedure, is amended to read as follows:

Art. 45.25. **JURY SUMMONED.** If the accused does not waive a trial by jury, the justice shall issue a writ commanding the proper officer to summon forthwith a venire from which six qualified persons shall be selected to serve as jurors in the case. Said jurors when so summoned shall remain in attendance as jurors in all cases that may come up for hearing until discharged by the court. Any person so summoned who fails to attend may be fined not exceeding \$100 [~~\$20~~] for contempt.

SECTION 2. The change in law made by this Act applies only to a person who on or after the effective date of this Act fails to respond to a jury summons. Failure to respond to a jury summons before the effective date of this Act is covered by the law in effect at the time of the failure, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1995.

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 Wilson moved to adopt the conference committee report on **HB 1204**.

The motion prevailed.

(Speaker pro tempore in the chair)

RESOLUTIONS CALENDAR

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

SCR 5 (Denny - House Sponsor), Requesting and encouraging local counseling services to develop battering intervention and protection programs in response to the studies documenting the success of such programs.

The resolution was adopted without objection.

SCR 15 (Thompson - House Sponsor), Petitioning the Secretary of Health and Human Services to award to the Texas Council on Family Violence the National Domestic Violence Hotline Grant to set up a national hotline for victims of domestic violence.

The resolution was adopted without objection.

SCR 17 (Gray - House Sponsor), Requesting the Texas Department of Criminal Justice to raise the funding priority of all diversion targeted programs.

The resolution was adopted without objection.

SCR 18 (Rangel - House Sponsor), Requesting the Texas Higher Education Coordinating Board to conduct a review of courses related to violence in our society.

The resolution was adopted without objection.

CSSCR 41 (Junell - House Sponsor), Granting Tenneco permission to sue the state and The Texas A&M University System.

Amendment No. 1

Representative Ogden offered the following amendment to **CSSCR 41**:

Amend **CSSCR 41** by inserting the following resolving clauses to the resolution (House Committee Report, page 2, between lines 3 and 4):

RESOLVED, That the permission to sue granted by this resolution is effective only if the house general investigating committee or a joint general investigating committee studies the alleged breach of contract and all matters relevant to the dispute, including the performance of both parties under the contract, and reports to the 75th Legislature not later than February 1, 1997, a finding that a civil lawsuit on the alleged breach of contract is appropriate; and, be it further

RESOLVED, That the trier of fact in the suit authorized by this resolution may not hear evidence in the suit before June 1, 1997; and, be it further

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Ogden offered the following amendment to **CSSCR 41**:

Amend **CSSCR 41** by inserting the following resolving clauses to the resolution (House Committee Report, page 2, between lines 3 and 4):

RESOLVED, That the permission to sue granted by this resolution is effective only if the house general investigating committee or a joint general investigating committee studies the alleged breach of contract and all matters relevant to the dispute, including the performance of both parties under the contract, and reports to the 75th Legislature not later than February 1, 1997, a finding that a civil lawsuit on the alleged breach of contract is appropriate; and, be it further

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of B. Turner.

RESOLUTIONS CALENDAR - (consideration continued)

Amendment No. 2 to **CSSCR 41** was pending.

Representative Siebert moved to table Amendment No. 2.

The motion to table was lost.

Amendment No. 3

Representative Hilbert offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Ogden to **CSSCR 41** by striking the text of the amendment and substituting the following:

Insert the following resolving clause to the resolution (House Committee Report, page 2, between lines 3 and 4):

RESOLVED, That the house general investigating committee or a joint general investigating committee study the alleged breach of contract and all matters relevant to the dispute, including the performance of both parties under the contract, and report to the 75th Legislature not later than February 1, 1997; and, be it further

Representative Ogden moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 579): 39 Yeas, 100 Nays, 7 Present, not voting.

Yeas — Averitt; Black; Carona; Carter; Chisum; Cook; Craddick; Danburg; Delisi; Dukes; Goodman; Harris; Heflin; Hill; Holzheuser; Horn; Howard; Janek; Johnson; Jones, J.; Krusee; Kubiak; Maxey; Moffat; Mowery; Nixon; Ogden; Park; Rabuck; Rangel; Reyna; Smithee; Staples; Swinford; Turner, B.; Walker; Wohlgemuth; Woolley; Yarbrough.

Nays — Alexander; Allen; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Brady; Brimer; Clemons; Coleman; Combs; Counts; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Glaze; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hightower; Hilbert; Hilderbran; Hirschi; Hochberg; Hudson; Hunter, B.; Hunter, T.; Jackson; Jones, D.; Junell; Kamel; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; McCall; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; West; Williamson; Willis; Wilson; Wolens; Yost; Zbranek.

Present, not voting — Mr. Speaker; Conley; Crabb; Gallego; Gray; Hernandez; Uher(C).

Absent, Excused — Denny; Giddings.

Absent — Corte; Raymond.

Amendment No. 3 was adopted.

A record vote was requested.

Amendment No. 2, as amended, failed of adoption by (Record 580): 55 Yeas, 85 Nays, 6 Present, not voting.

Yeas — Allen; Averitt; Bailey; Brady; Carona; Carter; Chisum; Cook; Corte; Craddick; Culberson; Dear; Delisi; Dukes; Ehrhardt; Elkins; Finnell; Goodman; Harris; Hawley; Heflin; Hernandez; Hill; Hirschi; Holzheuser; Horn; Howard; Janek; Johnson; Jones, J.; Junell; Kamel; Krusee; Kubiak; Lewis, G.; Madden; Moffat; Moreno; Mowery; Nixon; Ogden; Park; Rabuck; Rangel; Reyna; Rusling; Smithee; Staples; Swinford; Turner, B.; Walker; West; Wohlgemuth; Woolley; Yarbrough.

Nays — Alexander; Alonzo; Alvarado; Berlanga; Black; Bosse; Brimer; Coleman; Combs; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Driver; Duncan; Dutton; Edwards; Eiland; Farrar; Glaze; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hightower; Hilbert; Hilderbran; Hochberg; Hudson; Hunter, B.; Hunter, T.; Jackson; Jones, D.; King; Kuempel; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McCoulskey; McDonald; Munoz; Naishtat; Oakley; Oliveira; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Williamson; Willis; Wilson; Wolens; Yost; Zbranek.

Present, not voting — Mr. Speaker; Conley; Crabb; Gallego; Gray; Uher(C).

Absent, Excused — Denny; Giddings.

Absent — Clemons; Raymond.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HJR 35 by Uher (Sponsors-Patterson, Jerry, et al.), proposing a constitutional amendment authorizing the governing body of a political subdivision to exempt from ad valorem taxation boats and other equipment used in the commercial taking or production of fish, shrimp, shellfish, and other marine life.

HB 114 by Hochberg (Sponsor-Ratliff), relating to the testing and remedial education of certain students enrolling in public institutions of higher education.

HB 399 by Uher (Sponsors-Patterson, Jerry, et al.), relating to the authorization of an exemption from ad valorem taxation of boats and other equipment used in the commercial taking of fish, shrimp, shellfish, and other marine life.

HB 692 by Culberson, et al. (Sponsor-Brown), relating to the ability to recover damages for injuries to a convicted criminal arising from the commission of the offense.

HB 895 by Raymond (Sponsor-Zaffirini), relating to the conveyance of certain state-owned real property in Wilson County.

HB 1233 by Moffat (Sponsor-Sibley), relating to withholding for federal income tax purposes from unemployment compensation benefits.

HB 2036 by Brady (Sponsor-West, Royce), relating to a payroll deduction by a county employee for a charitable purpose.

HB 2139 by Combs (Sponsor-Barrientos), relating to the authority of the board of the Travis County Water Control and Improvement District No. 14 to exclude certain territory.

HB 2152 by Bailey and Combs (Sponsor-Gallegos), relating to restrictive covenants in certain residential real estate subdivisions.

HB 2227 by Wilson (Sponsor-Barrientos), relating to the method of sale of charitable raffle tickets.

HB 2268 by Hilbert (Sponsor-Whitmire), relating to the adoption of the Texas Uniform Transfers to Minors Act.

HB 2389 by Hilbert (Sponsor-Whitmire), relating to the lawful operation of a motor vehicle by certain chemically dependent persons and persons who are judged to be mentally incompetent.

HB 2398 by Thompson (Sponsor-Henderson), relating to duties of the district clerk.

HB 2477 by Turner, Bob and Gallego (Sponsor-Haywood), relating to authorizing the School Land Board to allow owners of the soil to waive agency rights and to lease oil, gas, and other minerals in, on, and under mineral classified lands.

HB 2593 by Eiland, Berlanga, Hunter, Todd, Luna, Vilma, Munoz, et al. (Sponsor-Patterson, Jerry), relating to rates for commercial windstorm and hail insurance coverage through the Texas Catastrophe Property Insurance Association.

HB 2856 by Raymond (Sponsor-Ellis), relating to creation of the Texas Food Security Council.

HB 2940 by Heflin (Sponsor-Brown), relating to the appraisal and ad valorem taxation of certain types of personal property; providing penalties.

HB 2952 by Patterson, L.P. "Pete" (Sponsor-Cain), relating to the procedure for service of process, notice, or demand on the commissioner of insurance.

HB 3143 by Hamric (Sponsor-Brown), relating to the unauthorized use by a motor vehicle of toll roads in certain counties; providing criminal and administrative penalties.

HB 3181 by Munoz (Sponsor-Lucio), relating to the private practice of law by a judge of a statutory county court of Hidalgo County.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **HB 984** by viva voce vote.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on the following:

HB 52 Conferees: Shapiro, Chair, Haywood, West, Armbrister, and Ratliff.

HB 546 Conferees: Harris, Chair, Armbrister, Lucio, Moncrief, and Madla.

HB 982 Conferees: Shapiro, Chair, Sibley, Harris, Nixon, and Nelson.

HB 1433 Conferees: Brown, Chair, Montford, Whitmire, Shapiro, and West.

HB 2843 Conferees: Brown, Chair, Ratliff, Sims, Bivins, and Lucio.

HB 3164 Conferees: Armbrister, Chair, Henderson, Rosson, Lucio, and Barrientos.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS CALENDAR - (consideration continued)

CSSCR 41 was pending.

Amendment No. 4

Representatives Delisi and Ogden offered the following amendment to **CSSCR 41**:

Amend **CSSCR 41** by inserting the following resolving clause to the resolution:

RESOLVED, That none of the court records, pleadings, motions, or discovery related to the suit authorized by this resolution may be sealed by the court or the parties from the public inspection, and be it further

Amendment No. 4 was adopted without objection.

CSSCR 41, as amended, was adopted. (Cook, Finnell, Heflin, T. Hunter, Johnson, Kubiak, Ogden, and Telford recorded voting no)

HR 1206 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1206**, suspending the limitations on the conferees for **HB 982**.

RESOLUTIONS CALENDAR - (consideration continued)

CSSCR 52 (Junell - House Sponsor), Granting CW Systems, Inc., permission to sue the State of Texas and the University of Houston System.

The resolution was adopted. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

CSSCR 53 (Junell - House Sponsor), Granting John R. Phenix & Associates, Inc., permission to sue the State of Texas and the University of Houston System.

The resolution was adopted. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

CSSCR 93 (Junell - House Sponsor), Granting Imagents, Inc., permission to sue the State of Texas and The University of Texas System.

The resolution was adopted without objection. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

CSSCR 104 (Junell - House Sponsor), Granting MKK-North Star permission to sue the State of Texas and the Department of Criminal Justice.

The resolution was adopted without objection. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

CSSCR 105 (Junell - House Sponsor), Granting Green International permission to sue the State of Texas and the Department of Criminal Justice.

The resolution was adopted without objection. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

CSSCR 106 (Junell - House Sponsor), Granting Harbert Construction Company permission to sue the State of Texas and the Texas Department of Criminal Justice.

The resolution was adopted without objection. (Cook, Finnell, Heflin, and Kubiak recorded voting no)

SCR 78 (B. Hunter - House Sponsor), Directing the Texas Department of Transportation to monitor the work of the Land Transportation Standards Subcommittee and related working groups.

The resolution was adopted without objection.

SCR 80 (T. Hunter - House Sponsor), Encouraging and urging the Congress to adopt legislation facilitating acquisition of the Bureau of Reclamation interests.

The resolution was adopted without objection.

SCR 150 (Maxey - House Sponsor), Directing that the new boys' dormitory on the campus of the Texas School for the Deaf be named Koen Hall.

The resolution was adopted without objection.

By Oliveira,

HCR 154, Requesting the Texas Department of Transportation to study potential alternative routes of access to South Padre Island.

The resolution was adopted without objection.

HB 2766 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Smithee submitted the following conference committee report on **HB 2766**:

Austin, Texas, May 26, 1995

Honorable Bob Bullock
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 2766** 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.

Turner
Madla
Sibley
Patterson

Smithee
Averitt
Berlanga
Driver
Van de Putte

On the part of the Senate

On the part of the House

HB 2766, A bill to be entitled An Act relating to providing fairness and choice to patients and providers under managed care health benefit plans.

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

SECTION 1. Chapter 21, Insurance Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PATIENT PROTECTION ACT

Art. 21.101. SHORT TITLE. This subchapter may be cited as the Patient Protection Act.

Art. 21.102. DEFINITIONS. In this subchapter:

- (1) "Commissioner" means the Commissioner of Insurance.
- (2) "Emergency care services" means medical services provided for an emergency medical condition.

(3) "Emergency medical condition" means:

(A) a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that the absence of immediate medical attention could reasonably be expected to result in:

(i) placing the health of the individual or, if the individual is a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;

(ii) serious impairment to a bodily function; or
(iii) serious dysfunction of an organ or part of the
body; or

(B) with respect to a pregnant woman who is having
contractions:

(i) that there is inadequate time to effect a safe
transfer to another hospital before delivery; or

(ii) that transfer to another hospital may pose a threat
to the health or safety of the woman or the unborn child.

(5)(A) "Managed care plan" means a plan operated by a managed care
entity that provides for the financing and delivery of health care or dental
services to persons enrolled in the plan through:

(i) arrangements with selected providers to furnish
health care services;

(ii) explicit standards for the selection of
participating providers;

(iii) organizational arrangements for ongoing quality
assurance, utilization review, and dispute resolution; or

(iv) differential coverage or payments or financial
incentives for a person enrolled in the plan to use the participating providers
and procedures provided by the plan.

(B) The term "managed care plan" or "plan" does not include
accident-only, specified disease, individual hospital indemnity, credit, dental-
only, vision only, Medicare supplement or Medicare Select, long-term care,
disability income, CHAMPUS supplement, or workers' compensation insurance,
insurance coverage issued as a supplement to liability insurance or other similar
insurance, or automobile medical payment insurance.

(6) "Prospective enrollee" means an individual eligible for enrollment
in a managed care plan offered by that individual's employer.

(7) "Provider" means a physician, dentist, podiatrist, pharmacist,
optometrist, psychologist, clinical social worker, advanced nurse practitioner,
registered optician, licensed professional counselor, physical therapist, and
chiropractor.

(8) "Physician" means a person licensed as a physician by the Texas
State Board of Medical Examiners.

(9) "Dentist" means a person licensed to practice dentistry by the
Texas State Board of Dental Examiners.

Art. 21.103. STANDARDS. The commissioner may adopt rules regarding
standards ensuring compliance with this subchapter by managed care entities
that conduct business in this state. The commissioner may appoint an advisory
committee to assist in the implementation of this subchapter.

Art. 21.104. ENROLLEE INFORMATION. (a) A managed care entity
shall provide a prospective enrollee a written plan description of the terms and
conditions of the plan. The written plan description must be in a readable and
understandable format and must include:

(1) coverage provisions;

(2) benefits, including prescription drug coverage, both generic and
brand name;

(3) any exclusions by category of service, provider, and, if applicable, by specific service or types of drugs;

(4) any prior authorization, including procedures for and limitations or restrictions on referrals to providers other than primary care physicians or dentists, or other review requirements, including preauthorization review, concurrent review, postservice review, and postpayment review;

(5) an explanation of enrollee financial responsibility for payment for coinsurance or other noncovered or out-of-plan services;

(6) a disclosure to prospective enrollees that includes the following language:

YOUR RIGHTS UNDER TEXAS LAW:

"You have the right to information about the plan, including how the plan operates, what general types of financial arrangements exist between providers and the plan, names and locations of providers, the numbers of enrollees and providers in the plan, the percentage of premiums allocated for medical care, administrative costs, and profit, and an explanation of the benefits to which participants are entitled under the terms of the plan."; and

(7) a phone number and address for the prospective enrollee to obtain additional information concerning the items described by Subdivision (6) of this subsection.

(b) The managed care entity may provide the information under Subsection (a)(6) of this article regarding the percentage of premiums allocated for medical care, administrative costs, and profit by providing the information in the entity's annual financial statement most recently submitted to the department.

(c) The managed care entity shall demonstrate that each covered enrollee has adequate access through the entity's provider network to all items and services contained in the package of benefits for which coverage is provided, including access to at least one cancer care provider certified as a "Comprehensive Cancer Center" by the National Cancer Institute. The access must be adequate considering the diverse needs of enrollees.

(d) Nothing in Subsection (c) of this article may be interpreted to mean that a comprehensive cancer center shall be the exclusive provider of cancer care services for the managed care plan.

(e) Nothing in Subsection (c) of this article may be interpreted to circumvent the managed care plan's normal referral and authorization processes.

(f) If the managed care plan uses a capitation method of compensation, the plan must establish and follow procedures that ensure that:

(1) each plan application form includes a space in which each enrollee selects a primary care physician or dentist;

(2) each enrollee who fails to select a primary care physician or dentist and is assigned a physician or dentist is notified of the name and location of that physician or dentist; and

(3) a primary care physician or dentist to whom an enrollee is assigned is physically located within a reasonable travel distance, as established by rule adopted by the commissioner, from the residence or place of employment of the enrollee.

Art. 21.105. NETWORK CONFIGURATION. The managed care entity shall provide to the commissioner, for information, an explanation of the

targeted physician, dentist, and as appropriate, other provider network configuration, including geographic distribution of physicians and dentists by specialty, and other providers, as appropriate. The information required by this subsection shall be updated at least annually and:

- (1) on establishment of a new managed care plan;
- (2) on expansion of a service area; or
- (3) when the network configuration targets are significantly modified.

Nothing herein shall require a particular ratio for any type of provider. The information shall be made available to the public by the department on request. The department may charge a reasonable fee for providing the information.

Art. 21.106. HOSPITAL PARTICIPATION. In the development of the plan's criteria for hospital participation, if a hospital is certified by the Medicare program under Title XVIII, Social Security Act, as amended (42 U.S.C. Section 1395 et seq.) or accredited by the Joint Commission on Accreditation of Health Care Organizations, the managed care plan shall accept such certification or accreditation. This article does not prohibit a managed care plan from establishing additional criteria for hospital participation.

Art. 21.107. FINANCIAL INCENTIVE PROGRAMS. A managed care plan may not use a financial incentive program that limits medically necessary and appropriate services.

Art. 21.108. PARTICIPATING PROVIDERS. (a) Each managed care plan shall establish a mechanism under which physicians or dentists participating in the plan provide consultation and advice on the plan's medical or dental policy, including coverage of new technology and procedures, the development and use of a prescription drug formulary, utilization review criteria and procedures, quality and credentialing criteria, and medical or dental management procedures. Other participating providers shall be given an opportunity to comment on the plan's policies affecting their services. Each managed care plan on request shall make available and disclose to providers the application process and qualification requirements for participation in the plan. The plan must give a provider not selected on initial application each reason the initial application was denied.

(b) Each physician or dentist under consideration for inclusion in a managed care plan shall be reviewed by a credentialing committee composed primarily of network participating physicians or dentists selected by the medical director of the managed care entity. If there are no credentialed physicians or dentists in a newly created plan, the committee shall be primarily composed of physicians or dentists practicing in the same or similar settings. Other providers may be credentialed, if appropriate, as determined by the plan. When a provider, other than a physician or dentist, is credentialed by the plan, the credentialing committee shall include providers with the same license.

(c) Credentialing of providers shall be based on identified standards developed after consultation with providers credentialed in the plan. If there are no credentialed providers in a newly created plan, the plan shall develop credentialing standards after consulting with area providers. The managed care plan shall make the credentialing standards available to applicants.

(d) If economic considerations are part of the decision to select a provider or terminate a contract with a provider, the plan shall use identified criteria

which shall be available to applicants and participating providers. If the plan uses an economic profile of a provider, the plan must adjust the profile to recognize the characteristics of a provider's practice that may account for variations from expected costs.

(e) A managed care plan that conducts or uses economic profiling of providers within the plan shall, on a periodic basis, make the profile available to the provider profiled.

(f) Unless specifically required by this subchapter, a managed care plan is not required to disclose proprietary information regarding marketplace strategies.

(g) A managed care plan may not exclude a provider solely because of the anticipated characteristics of the patients of that provider.

(h) Before terminating a contract with a provider, the managed care plan shall provide a written explanation of the reasons for termination, an opportunity for discussion, and an opportunity to enter into and complete a corrective action plan, if appropriate, as determined by the plan. Except in cases in which there is imminent harm to patient health or an action by a state medical, dental, or other provider licensing board or other government agency that effectively impairs the provider's ability to practice medicine, dentistry, or another health care profession or in cases of fraud or malfeasance, on request and before the effective date of the termination, the provider is entitled to a review of the plan's proposed action by a plan advisory panel. For a physician or a dentist, the plan advisory panel must be primarily composed of the physician's or dentist's peers. If the review involves another type of provider, the plan advisory panel must include providers with the same license. The review may include a review of the appropriateness and requirements of a corrective action plan. The decision of the advisory panel must be considered but is not binding on the plan.

(i) If the action that is under consideration is of a type that must be reported to the National Practitioner Data Bank or a state medical or dental board under federal or state law, the physician's or dentist's procedural rights must meet the standards set forth in the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. Section 11101 et seq.). For purposes of this subsection, a managed care entity shall be considered a health care entity as defined by Section 1.03, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

(j) A communication relating to the subject matter provided for under Subsections (a) and (h) of this article may not be the basis for a cause of action for libel or slander except for disclosures or communications with parties other than the plan or provider.

(k) The managed care plan shall establish reasonable procedures for assuring a transition of enrollees of the plan to new providers.

(l) If a contract with a provider is terminated by a managed care plan, the plan shall reimburse the provider the reasonable cost for copies of medical or dental records that are furnished to another provider at the patient's request. If a provider terminates the contract with the plan, the provider shall bear the reasonable cost of providing copies of medical or dental records that are furnished to another provider at the patient's request.

(m) This subchapter does not prohibit a managed care plan from rejecting an application from a provider based on the determination that the plan has sufficient qualified providers.

(n) A managed care plan may charge to a provider, other than a physician or dentist:

(1) a reasonable application fee to cover the cost of processing applications and informing the provider of selection or nonselection under the plan;

(2) a reasonable credentialing fee to cover the cost of the credentialing process; and

(3) a reasonable fee for providing to a provider a copy of credentialing standards, identified criteria for selection, and economic profiles requested by the provider.

(o) For purposes of this article, the term "managed care plan" does not include:

(1) a "group model health maintenance organization" that is a state-certified health maintenance organization that provides the majority of its professional services through a single group medical practice which educates medical students or resident physicians through a contract with the medical school component of a Texas state-supported college or university accredited by the Accrediting Council on Graduate Medical Education or the American Osteopathic Association; or

(2) a state-certified health maintenance organization that implements all credentialing, quality assurance, utilization review, and peer review policies through a physician network board of directors comprised exclusively of persons actively engaged in the practice of medicine as defined by the Texas State Board of Medical Examiners and educates medical students or resident physicians through a contract with the medical school component of a Texas state-supported college or university accredited by the Accrediting Council on Graduate Medical Education or the American Osteopathic Association.

(p) Subsections (a), (c), (d), (e), (g), (h), (l), and (m) of this article apply to hospitals, hospices, and home health agencies.

Art. 21.109. EMERGENCY SERVICES. A managed care plan shall:

(1) cover emergency care services provided to covered individuals, without regard to whether the provider furnishing the services has a contractual or other arrangement with the entity to provide items or services to covered individuals, including the treatment and stabilization of an emergency medical condition;

(2) provide that the prior authorization requirement for medically necessary services provided or originating in a hospital emergency department following treatment or stabilization of an emergency medical condition are approved unless denied in the time appropriate to the circumstances relating to the delivery of the services and the condition of the patient, as determined by the treating provider and communicated to the plan; and

(3) cover any medical screening examination to determine whether an emergency medical condition exists or other evaluation required by state or federal law to be provided in the emergency department of a hospital.

Art. 21.110. PRIOR AUTHORIZATION; CONSENT. A plan for which

prior authorization is a condition to coverage of a service must ensure that enrollees are required to sign medical and dental information release consent forms on enrollment.

Art. 21.111. UTILIZATION REVIEW. A managed care plan is subject to and shall meet the requirements of Article 21.58A of this code.

Art. 21.112. POINT OF SERVICE OFFERING. (a) When a health maintenance organization offers a point-of-service plan in its service area and is the only entity providing services under a health benefit plan, it must offer to all eligible enrollees the opportunity to obtain coverage for out-of-network services through the point-of-service plan as defined by Subsection (b) of this article, at the time of enrollment and at least annually.

(b) For purposes of this subchapter, a "point-of-service plan" means a plan provided through a contractual arrangement under which indemnity benefits for the cost of health care services, other than emergency care services, are provided by an insurer or group hospital service corporation in conjunction with corresponding benefits arranged or provided by a health maintenance organization, including a single service health maintenance organization. An individual may choose to obtain benefits or services under either the indemnity plan or the health maintenance organization plan in accordance with specific provisions of a point-of-service contract.

(c) The premium for the point-of-service plan shall be based on the actuarial value of that coverage.

(d) Any additional costs for the point-of-service plan are the responsibility of the enrollee, and the employer may impose a reasonable administrative cost for providing the point-of-service option.

(e) When five percent or less of the group's eligible employees elect to purchase the point-of-service option, the plan is not required to offer the point-of-service option during subsequent open enrollment periods.

(f) This article does not apply to a small employer as defined in Article 26.02, Insurance Code.

Art. 21.113. PRIVATE CAUSE OF ACTION. This subchapter and rules adopted under this subchapter do not:

(1) provide a private cause of action for damages or create a standard of care, obligation, or duty that provides a basis for a private cause of action for damages; or

(2) abrogate a statutory or common law cause of action, administrative remedy, or defense otherwise available and existing before June 1, 1996.

Art. 21.114. ANNUAL PERFORMANCE REPORT. (a) The office of public insurance counsel shall issue an annual report to consumers on the performance of managed care entities.

(b) The office of public insurance counsel shall have access to:

(1) information provided under Article 21.105 of this code;

(2) information contained in complaints relating to managed care entities made to the department or to the Texas Department of Health, provided that the office shall maintain as confidential any information in the complaint that relates to a patient or that is made confidential by another law; and

(3) any statistical information relating to utilization, quality assurance, and complaints that a health maintenance organization is required to maintain under rules adopted by the commissioner or the Texas Department of Health.

(c) The office of public insurance counsel shall provide a copy of the report to a person on request on payment of a reasonable fee. The public insurance counsel shall set the fee in the amount necessary to defray the cost of producing the report.

Art. 21.115. RETALIATION PROHIBITED. A managed care plan may not take any retaliatory actions, including cancellation or refusal to renew a policy, against an employer or enrollee solely because the enrollee has filed complaints with the plan or appealed a decision of the plan.

SECTION 2. Section 4(i), Article 21.58A, Insurance Code, is amended to read as follows:

(i) Each utilization review agent shall utilize written medically acceptable screening criteria and review procedures which are established and periodically evaluated and updated with appropriate involvement from physicians, including practicing physicians, and other health care providers. The screening criteria and review procedures applicable with respect to services delivered through a health maintenance organization must include guidelines for appeals on behalf of a person with a special circumstance, such as a disability or life-threatening illness, if that person is denied services as a result of established conditions of the plan, limitations of coverage, network configuration, or requirements for participating specialists. Such written screening criteria and review procedures shall be available for review and inspection by the commissioner and copying as necessary for the commissioner to carry out his or her lawful duties under this code, provided, however, that any information obtained or acquired under the authority of this subsection and article is confidential and privileged and not subject to the open records law or subpoena except to the extent necessary for the board or commissioner to enforce this article.

SECTION 3. Sections 14(g) and (h), Article 21.58A, Insurance Code, are amended to read as follows:

~~(g) This [A health maintenance organization is not subject to this article except as expressly provided in this subsection and Subsection (i) of this section. If such health maintenance organization performs utilization review as defined herein, it shall, as a condition of licensure:~~

~~[(1) comply with Sections 4(b), (c), (e), (f), (h), (i), and (l) of this article, and the board shall promulgate rules for appropriate verification and enforcement of compliance. However, nothing in this] article does not [shall be construed to] prohibit or limit the distribution of a proportion of the savings from the reduction or elimination of unnecessary medical services, treatment, supplies, confinements, or days of confinement in a health care facility through profit sharing, bonus, or withhold arrangements to participating physicians or participating health care providers for rendering health care services to enrollees[;~~

~~[(2) establish and maintain a system for:~~

~~[(A) handling and responding to complaints by enrollees, patients, or health care providers;~~

~~[(B) providing health care providers with notice of medical necessity or program requirements that have not been met, including a reasonable opportunity to discuss the plan of treatment and clinical basis for a utilization review determination with a physician; and~~

~~[(C) providing the enrollee, patient, and health care provider an opportunity to appeal the determination; and~~

~~[(3) submit to assessment of maintenance taxes under Article 20A.33, Texas Health Maintenance Organization Act (Article 20A.33, Vernon's Texas Insurance Code), to cover the costs of administering compliance of health maintenance organizations under this section].~~

(h) An insurer or health maintenance organization which delivers or issues for delivery a health insurance policy or evidence of coverage in Texas and is subject to this code is not subject to this article except as expressly provided in this subsection and Subsection (i) of this section. If an insurer performs utilization review as defined herein it shall, as a condition of licensure, comply with Sections 4 through 8 of this article, and the board shall promulgate rules for appropriate verification and enforcement of compliance. If a health maintenance organization performs utilization review as defined in this article, it shall, as a condition of licensure, comply with this article, and the board shall adopt rules for appropriate verification and enforcement of compliance. Such insurers and health maintenance organizations shall be subject to assessment of maintenance tax under Article 4.17 of this code or Section 33, Texas Health Maintenance Organization Act (Article 20A.33, Vernon's Texas Insurance Code), to cover the costs of administering compliance of insurers and health maintenance organizations under this section.

SECTION 4. Section 161.091(f), Health and Safety Code, is amended to read as follows:

(f) This section shall not apply to licensed insurers, governmental entities, including intergovernmental risk pools established under Chapter 172, Local Government Code, and institutions as defined in the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code), group hospital service corporations, preferred provider organizations, or health maintenance organizations which reimburse, provide, offer to provide, or administer hospital, medical, dental, or other health-related benefits under a health benefits plan for which it is the payor.

SECTION 5. (a) Article 21.102, Insurance Code, as added by this Act, is amended to add Subdivision (4) to read as follows:

(4) "Managed care entity" means an insurance company authorized to do business in this state only to the extent that the insurance company is engaged in providing a managed care plan, a group hospital service corporation licensed under Chapter 20 of this code, or a health maintenance organization licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code).

(b) This section takes effect only if the 74th Legislature, Regular Session, does not enact H.B. 3111 or other legislation adding Article 21.52F, Insurance Code, relating to authorizing the issuance of a certificate of authority to an approved nonprofit health corporation or that legislation does not become law. If that legislation becomes law this section has no effect.

SECTION 6. (a) Article 21.102, Insurance Code, as added by this Act, is amended to add Subdivision (4) to read as follows:

(4) "Managed care entity" means an insurance company authorized to do business in this state only to the extent that the insurance company is

engaged in providing a managed care plan, a group hospital service corporation licensed under Chapter 20 of this code, an approved nonprofit health corporation that holds a certificate of authority under Article 21.52F, Insurance Code, or a health maintenance organization licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code).

(b) This section takes effect only if the 74th Legislature, Regular Session, enacts H.B. 3111 or other legislation adding Article 21.52F, Insurance Code, relating to authorizing the issuance of a certificate of authority to an approved nonprofit health corporation and that legislation becomes law. If that legislation does not become law this section has no effect.

SECTION 7. (a) This Act takes effect September 1, 1995.

(b) This Act applies only to coverage under a managed care plan that is delivered, issued for delivery, or renewed on or after June 1, 1996. Coverage under a managed care plan that is delivered, issued for delivery, or renewed before June 1, 1996, 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.

(c) This Act applies only to credentialing of health care providers under a managed care plan on or after June 1, 1996. Credentialing of health care providers before June 1, 1996, 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.

(d) The Commissioner of Insurance shall conduct a study of the costs of compliance by managed care entities with, and the economic impact on employees in this state, both public and private, of, Subchapter G of Chapter 21, Insurance Code. The commissioner may direct Texas Department of Insurance personnel to assist the committee that conducts the study. The commissioner shall issue a report on the results of the study to the 75th Legislature not later than January 31, 1997.

SECTION 8. 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 Smithee moved to adopt the conference committee report on **HB 2766**.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Raymond on motion of Madden.

HR 1208 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1208**, suspending the limitations on the conferees for **HB 2294**.

HCR 238 - ADOPTED

Representative H. Cuellar moved to suspend all necessary rules to take up and consider at this time **HCR 238**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By H. Cuellar,

HCR 238

WHEREAS, House Bill 1001 has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical errors that need correction; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to make the following corrections:

(1) In Section 4 of the bill, in added Section 232.030(d), Local Government Code, strike "if the commercial provider is more efficient or is a more cost-effective alternative to county provision of the service".

(2) Strike Section 32 of the bill and substitute the following:

SECTION 32. Counties must comply with the requirements of this Act by July 1, 1995. Section 232.033, Local Government Code, as added by this Act, relating to advertising standards, is effective on July 1, 1995.

(3) In Section 4 of the bill, in added Section 232.035(b), strike "a right if ingress and egress" and substitute "a right of ingress and egress".

(4) In Section 25 of the bill, in the added subsection to Section 26.123, Water Code, change the references from Subsection (e) to Subsection (f).

The resolution was adopted without objection.

HR 1182 - ADOPTED

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HR 1182**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Hernandez, et al.,

HR 1182, Honoring Cliff Morton on his many years of service to the community of San Antonio.

The resolution was adopted without objection.

HR 1183 - ADOPTED

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HR 1183**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Hernandez, et al.,

HR 1183, Designating June 4-10, 1995, as Kelly Air Force Base Week.

The resolution was adopted without objection.

HR 1119 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 1119**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Kamel,

HR 1119, Honoring the life of President John Tyler and his efforts and influence in behalf of Texas statehood.

The resolution was adopted without objection.

HR 1120 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 1120**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Kamel,

HR 1120, Honoring the life of Governor Richard Bennett Hubbard of Tyler.

The resolution was adopted without objection.

HR 1196 - ADOPTED

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 1196**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Eiland,

HR 1196, Honoring Grant Teaff for his outstanding career as a coach.

The resolution was adopted without objection.

HR 1204 - ADOPTED

Representative De La Garza moved to suspend all necessary rules to take up and consider at this time **HR 1204**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By De La Garza,

HR 1204, Honoring the Junior Service League of Edinburg.

The resolution was adopted without objection.

HR 1189 - ADOPTED

Representative Conley moved to suspend all necessary rules to take up and consider at this time **HR 1189**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Dutton,

HR 1189, Honoring St. Mary's United Methodist Church on its 46th anniversary.

The resolution was adopted without objection.

HCR 232 - ADOPTED

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 232**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gallego, et al.,

HCR 232, In memory of Thomas P. "Tip" O'Neill, Jr.

The resolution was adopted without objection.

HCR 236 - ADOPTED

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HCR 236**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By J. Jones, Grusendorf, and Marchant,

HCR 236, Paying tribute to the life of Robert David Gordon, Jr.

The resolution was adopted without objection.

HR 1197 - ADOPTED

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 1197**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Price,

HR 1197, Congratulating Shirlene Cook on her receipt of the Distinguished Graduate Award from Leadership Beaumont.

The resolution was adopted without objection.

HR 1201 - ADOPTED

The chair laid before the house the following privileged resolution:

By Allen,

HR 1201

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 1542 to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to read as follows:

If House Bill No. 713, 74th Legislature, Regular Session, 1995, is enacted and becomes law, the amendments made by that act to Sections 11B, 14, 19, 28, 39A, and 44, Private Investigators and Private Security Agencies Act (Article 4413(29bb), V.T.C.S.) and to Section 46.03, Texas Penal Code, do not take effect and are repealed.

Explanation: This change is necessary to clarify the effect of this Act on other legislation.

The resolution was adopted without objection.

HR 1200 - ADOPTED

The chair laid before the house the following privileged resolution:

By R. Lewis,

HR 1200

BE IT RESOLVED by the House of Representatives of the State of Texas, That Rule 13, Section 9(a), Rules of the House of Representatives, 74th Legislature, Regular Session, 1995, is suspended, as provided by Rule 13, Section 9(f), to the extent described in this resolution, to enable the conference committee appointed to resolve the differences on House Bill No. 2890, relating to the management of the Edwards Aquifer, to consider and take action on the following specific matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to amend Section 1.10(f), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to read as follows:

(f) The advisory committee by resolution may request the board to reconsider any board action that the committee determines is [~~considered~~] prejudicial to downstream water interests. If the board review does not result in a resolution satisfactory to the advisory committee and the action affects downstream water rights or water quality, changes fees or pumping limits, or materially impedes the advisory committee in exercising its duties under this article, the advisory committee by resolution may request the commission to review the action. The commission shall hold a hearing to review the action before the 61st day after the date the commission receives the request and make a written determination of whether the action is prejudicial to downstream water interests or materially impedes the advisory committee. In the determination,

the commission shall affirm the board's action or recommend that the board modify or withdraw the action. If the commission recommends that the board modify or withdraw an action and the board fails to modify or withdraw the action as recommended, the advisory committee may bring an action in district court to compel the board to act in conformance with the commission's recommendation [and may make a recommendation to the board. If the board determines that the board's action is contrary to an action of the commission affecting downstream interests, the board shall reverse itself].

Explanation: the amendment is necessary to narrow the scope of committee's right of appeal and to make the results of an appeal more certain.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the amendment to Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

Explanation: the omission is necessary to provide certainty to the continued existence of the board of directors of the Edwards Aquifer Authority.

(3) House Rule 13, Section 9(a)(3), is suspended to permit the committee to amend Section 1.26(4) and to add Sections 1.26(5) and (6), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to read as follows:

(4) provide for exemptions for nondiscretionary use for United States Department of Defense mission;

(5) [~~(4)~~] require reductions [reduction] of nondiscretionary use other than exempt use by permitted or contractual users, to the extent further reductions are necessary, provided that the amount of such reductions that would have been required to be made by United States Department of Defense missions except for the exemption in subsection (4) of this section shall be apportioned among and required to be made by the nonexempt permitted or contractual users in Bexar County; and [in the reverse order of the following water use preferences:]

(6) require that the reductions under Subdivision (5) shall be in the reverse order of the following water use preferences:

- (A) municipal, domestic, and livestock;
- (B) industrial and crop irrigation;
- (C) residential landscape irrigation;
- (D) recreational and pleasure; and
- (E) other uses that are authorized by law.

Explanation: the amendment is necessary to clarify the Edwards Aquifer's Authority to order water use reductions for certain federal projects.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to amend Section 1.29, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding "or other underground water district".

Explanation: the conference committee agrees to prevent the Edwards Underground Water District from being abolished and, consequently, the amendment clarifies the district's role under the jurisdiction of the Edwards Aquifer Authority.

(5) House Rule 13, Sections 9(a)(2) and (4), is suspended to permit the committee to omit the language amending Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, and to substitute language repealing Section 1.41 of that chapter, to read as follows:

SECTION 12. (a) Section 1.41, Chapter 626, Acts of the 73rd Legislature, 1993, is repealed.

(b) Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), is not repealed by operation of Section 1.41, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, and remains in effect as if that section had not been enacted.

Explanation: the amendment is necessary to prevent the abolition of the Edwards Underground Water District under Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

(6) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 1.411, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to read as follows:

Sec. 1.411. INITIAL FUNDING OF AUTHORITY. In order to fund the initial operations of the authority, the board of directors of the Edwards Underground Water District shall transfer to the authority \$2.5 million from the district's funds before the 31st day after the date the temporary board of directors of the authority is authorized to act for the authority.

Explanation: the amendment is necessary to provide funding for the new Edwards Aquifer Authority because the repeal of Section 1.41, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, removes the funding mechanism originally planned for the authority.

(7) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Section 1.425, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to read as follows:

Sec. 1.425. AUTHORITY OVERSIGHT OF AND COLLABORATION WITH EDWARDS UNDERGROUND WATER DISTRICT. (a) The relationship between the temporary board of directors created under Section 1.092 of this Article, the authority and the Edwards Underground Water District is governed as provided by this section.

(b) The Edwards Underground Water District shall obtain the approval of the board of the authority before the district:

(1) participates in litigation challenging this Act, the authority, or an action of the authority;

(2) incurs new debt;

(3) disposes of or acquires real estate;

(4) makes an expenditure or incurs an obligation greater than \$50,000, with the exception of employment contracts and existing obligations; or

(5) enters into a contract the term of which extends beyond the date the district is scheduled to expire under Section 2A, Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-219), Vernon's Texas Civil Statutes).

(c) This section does not prohibit the Edwards Underground Water District from continuing to conduct district operations at the level the operations are conducted on the effective date of this section or from expanding the district's operations as is reasonably necessary and consistent with good business practices.

(d) The Edwards Underground Water District, at no expense to the authority or to the South Central Texas Water Advisory Committee, shall

cooperate with and assist the authority and advisory committee in carrying out both of the entities' responsibilities under this article until each entity has the staff necessary to operate independently. To the extent it does not conflict with the normal operations of the district, the district shall provide the authority and advisory committee, at no expense to the authority or advisory committee, office space, meeting space, and equipment until each entity acquires office space, meeting space and equipment.

Explanation: the amendment is necessary to clarify the relationship between the two entities because the authority was originally planned to operate without the district in place.

(8) House Rule 13, Section 9(a)(4), is suspended to permit the committee to amend Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), by adding Section 2A to read as follows:

Sec. 2A. SUNSET REVIEW. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the District is abolished and this Act expires on September 1, 1997.

(b) Notwithstanding Subsection (a) of this section, if Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, takes effect during the period for Sunset Advisory Commission review of the District as prescribed by Subsection (a) of this section:

(1) the period for review is the first period for review under Chapter 325, Government Code (Texas Sunset Act), that follows the date on which Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, takes effect; and

(2) unless continued in effect as provided by Chapter 325, Government Code (Texas Sunset Act), the District is abolished and this Act expires on September 1 of the odd-numbered year of the review cycle.

Explanation: the amendment is necessary to provide for orderly and reasoned transition between management of the Edwards Aquifer by the Edwards Underground Water District and the Edwards Aquifer Authority.

The resolution was adopted without objection.

HR 1206 - ADOPTED

The chair laid before the house the following privileged resolution:

By McDonald,

HR 1206

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, 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 House Bill No. 982 to consider and take action on the following matter:

House Rule 13, Sections 9(a)(3) and (4) are suspended to permit the committee to add text on a matter that is not included in either the house or the senate version of the bill. The added text reads as follows:

SECTION 6. If House Bill No. 3050 is enacted by the 74th Legislature at its regular session and becomes law, in addition to other amounts appropriated for the fiscal biennium ending August 31, 1997, receipts deposited in the Children's Trust Fund of Texas Council Operating Fund No. 541 in the biennium ending August 31, 1997, in an amount not to exceed \$750,000 in the fiscal year ending August 31, 1996, and \$750,000 in the fiscal year ending August 31, 1997, are appropriated to the Children's Trust Fund of Texas Council for the purpose of implementing this Act. The council is limited to a total number of full-time-equivalent positions not to exceed seven in the fiscal year ending August 31, 1996, and seven in the fiscal year ending August 31, 1997.

Explanation: This change is necessary to provide a specific appropriation for implementation of H.B. 982.

The resolution was adopted without objection.

HR 1178 - ADOPTED

The chair laid before the house the following privileged resolution:

By Yarbrough,

HR 1178

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, 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 House Bill No. 2027 to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to read as follows:

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Explanation: This change is necessary to clarify that the provisions of this Act are severable.

(2) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to omit text and to change text.

The omitted text reads as follows:

This Act takes effect September 1, 1995.

The changed text reads as follows:

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.

Explanation: This change is necessary to clarify that this Act takes effect immediately.

The resolution was adopted without objection.

HR 1181 - ADOPTED

The chair laid before the house the following privileged resolution:

By Puente,

HR 1181

BE IT RESOLVED by the House of Representatives of the State of Texas, That Rule 13, Section 9(a), Rules of the House of Representatives, 74th Legislature, is suspended, as provided by House Rule 13, Section 9(f), to the extent described in this resolution, to enable the conference committee appointed to adjust the differences between the house and senate versions of H.B. No. 3189, relating to the board of directors of the Edwards Aquifer Authority and the management of the Edwards Aquifer, to successfully conclude the committee's deliberations, by authorizing the conferees to consider and take action on the following specific matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new Subsection (d) to amended Section 1.09, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to read as follows:

(d) Sections 41.003 and 41.008, Election Code, do not apply to an election held under this article.

Explanation: The addition is necessary to allow board elections to be held on the uniform election date in November in even-numbered years.

The resolution was adopted without objection.

HR 1187 - ADOPTED

The chair laid before the house the following privileged resolution:

By H. Cuellar,

HR 1187

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 1128 to consider and take action on the following specific matters:

1. House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new Section 31 to the bill to read as follows:

SECTION 31. Sections 16.260(b), (c), and (d), Education Code, are amended to read as follows:

(b) Payments from the foundation school fund to each category 1 school district shall be made as follows:

(1) 15 [~~24~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of September [~~and October~~] of a fiscal year;

(2) 80 [~~57~~] percent of the yearly entitlement of the district shall be paid in eight [~~six~~] equal installments to be made on or before the 25th day of October, November, December, January, [~~February,~~] March, May, June, and July; and

(3) five [22] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of February [~~April and May~~].

(c) Payments from the foundation school fund to each category 2 school district shall be made as follows:

(1) 22 [~~21~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of September [~~and October~~] of a fiscal year;

(2) 18 [~~38~~] percent of the yearly entitlement of the district shall be paid in an installment [~~four equal installments~~] to be made on or before the 25th day of October [~~November, December, March, and July~~];

(3) 9.5 [~~seven~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of November [~~January and February~~];

(4) 7.5 [~~22~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of April [~~and May~~]; [~~and~~]

(5) five [~~12~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of May [~~June and August~~];

(6) 10 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of June;

(7) 13 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of July; and

(8) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of August.

(d) Payments from the foundation school fund to each category 3 school district shall be made as follows:

(1) 45 [~~21~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of September [~~and October~~] of a fiscal year;

(2) 35 [~~57~~] percent of the yearly entitlement of the district shall be paid in an installment [~~six equal installments~~] to be made on or before the 25th day of October [~~November, December, March, June, July, and August~~]; and

(3) 20 [~~22~~] percent of the yearly entitlement of the district shall be paid in an installment [~~two equal installments~~] to be made on or before the 25th day of August [~~April and May~~].

Explanation: This addition is necessary to enable the state to accelerate payments from the foundation school fund.

2. House Rule 13, Section 9(a)(4), is suspended to permit the committee to add Subsection (c) to Section 32 of the bill, renumbered as Section 33, to read as follows:

(c) The change in law made by this Act in Section 16.260, Education Code, prevails over any conflicting Act of the 74th Legislature, Regular Session, 1995, including Senate Bill No. 1, regardless of the relative dates of enactment.

Explanation: This addition is necessary for the preceding addition, relating to distribution of the foundation school fund, to become effective.

The resolution was adopted without objection.

HR 1186 - ADOPTED

The chair laid before the house the following privileged resolution:

By Brimer,

HR 1186

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, 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 H.B. No. 546 to consider and take action on the following specific matter:

House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in Section 50.504(j), Water Code, to read as follows:

Review by the court is by trial de novo.

Explanation: This change is necessary to specify the standards of review to be applied by a district court in determining whether a board is complying with Section 50.504, Water Code.

The resolution was adopted without objection.

HR 1193 - ADOPTED

The chair laid before the house the following privileged resolution:

By De La Garza,

HR 1193

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 840 to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add the text in SECTION 4 of the bill to read as follows:

SECTION 4. If S.B. No. 1, Acts of the 74th Legislature, Regular Session, 1995, is enacted and becomes law, Sections 46.11 and 46.12, Penal Code, as added by S.B. No. 1, have no effect and are repealed.

Explanation: This change is necessary to repeal Sections 46.11 and 46.12, Penal Code, as added by S.B. No. 1, Acts of the 74th Legislature, Regular Session, 1995, which contain conflicting provisions relating to weapon-free zones.

The resolution was adopted without objection.

HR 1194 - ADOPTED

The chair laid before the house the following privileged resolution:

By Dukes,

HR 1194

BE IT RESOLVED by the House of Representatives of the State of Texas, 74th Legislature, Regular Session, 1995, That House Rule 13, Section 9(a), be

suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill No. 1396 to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in the form of Section 43.0751, Local Government Code, to read as follows:

SECTION 1. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0751 to read as follows:

Sec. 43.0751. STRATEGIC PARTNERSHIPS FOR CONTINUATION OF CERTAIN DISTRICTS. (a) In this section:

(1) "District" means a water control and improvement district or a municipal utility district created or operating under Chapter 51 or 54, Water Code.

(2) "Limited district" means a district that, pursuant to a strategic partnership agreement, continues to exist after full-purpose annexation by a municipality in accordance with the terms of a strategic partnership agreement.

(3) "Strategic partnership agreement" means a written agreement between a municipality and a district that provides terms and conditions under which services will be provided and funded by the parties to the agreement and under which the district will continue to exist for an extended period of time if the land within the district is annexed for limited or full purposes by the municipality.

(b) The governing bodies of a municipality and a district shall negotiate and may enter into a written strategic partnership agreement for the district. The governing bodies of the municipality and the district shall evidence their intention to negotiate such an agreement by resolution, each of which resolutions shall specify an expiration date if the other governing body fails to adopt a resolution under this section on or before the specified date. The governing body of a municipality that has evidenced its intention by unexpired resolution to enter into negotiations with a district for an agreement under this section may not initiate proceedings to annex the district under any other section of this code prior to the expiration of two years after the adoption date of the resolution unless the municipality has previously instituted annexation proceedings in granting consent to the creation of the district prior to January 1, 1995.

(c) A strategic partnership agreement shall not be effective until adopted by the governing bodies of the municipality and the district. The agreement shall be recorded in the deed records of the county or counties in which the land included within the district is located and shall bind each owner and each future owner of land included within the district's boundaries on the date the agreement becomes effective.

(d) Before the governing body of a municipality or a district adopts a strategic partnership agreement, it shall conduct two public hearings at which members of the public who wish to present testimony or evidence regarding the proposed agreement shall be given the opportunity to do so. Notice of public hearings conducted by the governing body of a municipality under this subsection shall be published in a newspaper of general circulation in the municipality and in the district. The notice must be in the format prescribed

by Section 43.123(b) and must be published at least once on or after the 20th day before each date. Notice of public hearings conducted by the governing body of a district under this subsection shall be given in accordance with the district's notification procedures for other matters of public importance. Any notice of a public hearing conducted under this subsection shall contain a statement of the purpose of the hearing, the date, time, and place of the hearing, and the location where copies of the proposed agreement may be obtained prior to the hearing. The governing bodies of a municipality and a district may conduct joint public hearings under this subsection, provided that at least one public hearing is conducted within the district. A municipality may combine the public hearings and notices required by this subsection with the public hearings and notices required by Section 43.124.

(e) The governing body of a municipality may not annex a district for limited purposes under this section or under the provisions of Subchapter F until it has adopted a strategic partnership agreement with the district. The governing body of a municipality may not adopt a strategic partnership agreement before the agreement has been adopted by the governing body of the affected district.

(f) A strategic partnership agreement may provide for the following:

(1) limited-purpose annexation of the district under the provisions of Subchapter F provided that the district shall continue in existence during the period of limited-purpose annexation;

(2) such amendments to the timing requirements of Sections 43.123(d)(2) and 43.127(b) as may be necessary or convenient to effectuate the purposes of the agreement;

(3) payments by the municipality to the district for services provided by the district;

(4) annexation of any commercial property in a district for full purposes by the municipality, notwithstanding any other provision of this code or the Water Code, except for the obligation of the municipality to provide, directly or through agreement with other units of government, full provision of municipal services to annexed territory, in lieu of any annexation of residential property or payment of any fee on residential property in lieu of annexation of residential property in the district authorized by this subsection;

(5) a full-purpose annexation provision that specifies one of the following:

(A) the date on which the land included within the district's boundaries shall be converted from the municipality's limited-purpose jurisdiction to its full-purpose jurisdiction, provided that such date shall not be later than 10 years after the effective date of the strategic partnership agreement; or

(B)(i) terms for payment of an annual fee to the municipality by the district in lieu of full-purpose annexation, the form in which each such payment must be tendered, a method of calculating the fee, and the date by which each such payment must be made; failure by a district to timely make an annual payment in lieu of full-purpose annexation in the amount and form required by a strategic partnership agreement shall be the only ground for termination of the agreement with respect to annexation at the option of the municipality;

(ii) to determine a reasonable fee to be derived from residential property in a district, the municipality or the district may request a cost-of-service study by an independent third party agreeable to both parties if cost-of-service data prepared by the municipality is not acceptable. Both parties shall be equally responsible for the cost of the study, which shall include an evaluation of the estimated annual cost of providing municipal services to the residential portion of the district over the next 10 years and the estimated annual amount of ad valorem taxes from residential property the city would receive on full-purpose annexation of the district over the next 10 years. The fee shall not exceed the estimated annual amount of residential ad valorem taxes that would be derived by full-purpose annexation of the district, less the estimated annual amount required to provide municipal services to the residential property in the district if annexed for full purposes. A fee determined through this methodology is subject to renegotiation every 10 years at the request of either party to the agreement following the same procedure used to set the fee in the original agreement. This methodology does not apply to fees from commercial property;

(6) conversion of the district to a limited district including some or all of the land included within the boundaries of the district, which conversion shall be effective on the full-purpose annexation conversion date established under Subdivision (5)(A);

(7) agreements existing between districts and governmental bodies and private providers of municipal services in existence on the date a municipality evidences its intention by adopting a resolution to negotiate for a strategic partnership agreement with the district shall be continued and provision made for modifications to such existing agreements; and

(8) such other lawful terms that the parties consider appropriate.

(g) A strategic partnership agreement that provides for the creation of a limited district under Subsection (f)(6) shall include provisions setting forth the following:

(1) the boundaries of the limited district;

(2) the functions of the limited district and the term during which the limited district shall exist after full-purpose annexation, which term may be renewed successively by the governing body of the municipality, provided that no such original or renewed term shall exceed 10 years;

(3) the name by which the limited district shall be known; and

(4) the procedure by which the limited district may be dissolved prior to the expiration of any term established under Subdivision (2).

(h) On the full-purpose annexation conversion date set forth in the strategic partnership agreement pursuant to Subsection (f)(5)(A), the land included within the boundaries of the district shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the governing body of the municipality. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the district and the municipality. However, nothing herein shall prevent the municipality from terminating the agreement and instituting proceedings to annex the district, on request by the governing body of the district, on any date prior to the full-purpose annexation conversion date

established by the strategic partnership agreement. Land annexed for limited or full purposes under this section shall not be included in calculations prescribed by Section 43.055(a).

(i) A district that is negotiating for or that has adopted a strategic partnership agreement shall not incur additional debt, liabilities, or obligations, to construct additional utility facilities, or sell or otherwise transfer property without prior approval of the municipality, which approval shall not be unreasonably withheld or delayed. An action taken in violation of this subsection is void.

(j) Except as limited by this section or the terms of a strategic partnership agreement, a district that has been annexed for limited purposes by a municipality and a limited district shall have and may exercise all functions, powers, and authority otherwise vested in a district.

(k) A municipality that has annexed a district for limited purposes under this section may impose a retail sales tax within the boundaries of the district.

(l) An agreement or a decision made under this section and an action taken under the agreement by the parties to the agreement are not subject to approval or an appeal brought under the Water Code unless it is an appeal of a utility rate charged by a municipality to customers outside the corporate boundaries of the municipality.

(m) A municipality that may annex a district for limited purposes to implement a strategic partnership agreement under this section shall not annex for full purposes any territory within a district created pursuant to a consent agreement with that municipality executed before August 27, 1979. The prohibition on annexation established by this subsection shall expire on September 1, 1997, or on the date on or before which the municipality and any district may have separately agreed that annexation would not take place whichever is later.

Explanation: This change is necessary to clarify the authority of a municipality and certain municipal utility districts or water control and improvement districts to enter into a strategic partnership agreement.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text in the form of Article 1010a, Revised Statutes, to read as follows:

SECTION 3. Chapter 4, Title 28, Revised Statutes, is amended by adding Article 1010a to read as follows:

Art. 1010a. DEVELOPMENT REGULATION

Sec. 1. This article applies only to a home-rule municipality that:

(1) has a charter provision allowing for limited-purpose annexation;
and

(2) has annexed territory for a limited purpose.

Sec. 2. In this article:

(1) "Affected area" means an area that is:

(A) within a municipality or a municipality's extraterritorial jurisdiction;

(B) within a county other than the county in which a majority of the territory of the municipality is located;

(C) within the boundaries of one or more school districts other than the school district in which a majority of the territory of the municipality is located; and

(D) within the area of or within 1,500 feet of the boundary of an assessment road district in which there are two state highways.

(2) "Assessment road district" means a road district that has issued refunding bonds and that has imposed assessments on each parcel of land under Section 4.438A, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

(3) "State highway" means a highway that is part of the state highway system under Section 2, Chapter 186, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 6674b, Vernon's Texas Civil Statutes).

Sec. 3. (a) A municipality may not deny, limit, delay, or condition the use or development of land, any part of which is within an affected area, because of:

(1) traffic or traffic operations that would result from the proposed use or development of the land; or

(2) the effect that the proposed use or development of the land would have on traffic or traffic operations.

(b) In this section, an action to deny, limit, delay, or condition the use or development of land includes a decision or action by the governing body of the municipality or a commission, board, department, agency, office, or employee of the municipality related to zoning, subdivision, site planning, the construction or building permit process, or any other municipal process, approval, or permit.

(c) This article does not prevent a municipality from exercising its authority to require the dedication of right-of-way.

Sec. 4. (a) A provision in any covenant or agreement relating to land in an affected area made before, on, or after the effective date of this article that would have the effect of denying, limiting, delaying, or conditioning the use or development of the land because of its effect on traffic or traffic operations may not be enforced by a municipality.

(b) This article controls over any other law relating to municipal regulation of land use or development based on traffic.

Explanation: This change is necessary to clarify the authority of certain municipalities to regulate the development or use of land within certain affected areas.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 43.203(c)(1), Local Government Code to read as follows:

(1) the district's status is automatically altered from full-purpose annexation to limited-purpose annexation for a period of not less than 10 years, beginning January 1 of the year following the date of the submission of a petition, unless the voters of the district have approved the dissolution of the district through an election authorized by this section; and

Explanation: This change is necessary to clarify the procedure for altering annexation status.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of Section 43.203(g), Local Government Code, to read as follows:

(g) This section does not allow a change in annexation status for land or facilities in a district to which the municipality granted a property tax abatement before September 1, 1995.

Explanation: This change is necessary to clarify the types of land or facilities that may have a change in annexation status.

The resolution was adopted without objection.

HCR 241 - ADOPTED

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HCR 241**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Smithee,

HCR 241

WHEREAS, House Bill No. 2766 has been adopted by the house of representatives and senate; and

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

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct House Bill No. 2766 in Sections 21.108(o)(1) and (2) to read as follows:

(1) a "group model health maintenance organization" that is a state-certified health maintenance organization that provides the majority of its professional services through a single group medical practice which educates medical students or resident physicians through a contract with the medical school component of a Texas state-supported college or university accredited by the Accrediting Council on Graduate Medical Education or the American Osteopathic Association; or

(2) a state-certified health maintenance organization that implements all credentialing, quality assurance, utilization review, and peer review policies through a physician network board of directors comprised exclusively of persons actively engaged in the practice of medicine as defined by the Texas State Board of Medical Examiners and educates medical students or resident physicians through a contract with the medical school component of a Texas state-supported college or university accredited by the Accrediting Council on Graduate Medical Education or the American Osteopathic Association.

The resolution was adopted without objection.

HR 1210 - ADOPTED

Representative Longoria moved to suspend all necessary rules to take up and consider at this time **HR 1210**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Longoria,

HR 1210, Expressing support for retention of Kelly and Brooks Air Force bases.

The resolution was adopted without objection.

HCR 239 - ADOPTED

Representative Holzheuser moved to suspend all necessary rules to take up and consider at this time **HCR 239**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Holzheuser,

HCR 239

WHEREAS, House Bill No. 3082 has been adopted by the house of representatives and the senate; and

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

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to make the following correction:

In Section 3 of the bill, in added Section 56.144, Water Code, at the end of the second sentence of the section, strike "sharing jurisdiction with the watershed" and substitute "sharing jurisdiction within the watershed".

The resolution was adopted without objection.

HCR 237 - ADOPTED

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 237**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Craddick,

HCR 237

WHEREAS, Texas faces both challenges and opportunities in the pursuit of state energy and natural resource policies to provide for the future prosperity of its citizens; and

WHEREAS, Oil and gas production currently provides less than seven percent of state revenue, when as recently as 1980 the contribution of the petroleum industry was far more sizable, reaching 28 percent; and

WHEREAS, Declining revenues over the same period have meant a 12 percent drop in the industry's share of the energy market as unstable prices, government regulation, technological change, and globalization have combined to render damaging effects; now, therefore, be it

RESOLVED, That the 74th Legislature of the State of Texas hereby direct the Railroad Commission of Texas and comptroller of public accounts to conduct a study to determine the overall impact of the present statutory and regulatory framework for natural resources, including tax-related and other incentives, on the state, its energy industry, and the market for oil, gas, and other minerals; and, be it further

RESOLVED, That the commission and comptroller, using existing staff and budgetary resources, commence the study on the effective date of this resolution; and, be it further

RESOLVED, That on conclusion of the study, the commission and comptroller make recommendations to appropriate legislative and regulatory agencies toward maximizing the value, economic contribution, and long-range availability and use of Texas energy and mineral resources; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to members of the Railroad Commission of Texas and to the comptroller of public accounts.

The resolution was adopted without objection.

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

By Hilderbran,

HR 1158, Congratulating Michael Atys DaSilva on his graduation.
To Committee on Rules and Resolutions.

By Giddings,

HR 1184, In memory of Ozona Selina Dailey Allen.
To Committee on Rules and Resolutions.

By Giddings,

HR 1185, Honoring Dr. Ronald J. Byrd, pastor of Sweet Home Baptist Church.

To Committee on Rules and Resolutions.

By Kubiak,

HR 1188, Honoring the Farmers Mutual Aid Association of Washington County.

To Committee on Rules and Resolutions.

By Carona and Eiland,

HR 1190, Congratulating Paula Jean Sander on her high school graduation.
To Committee on Rules and Resolutions.

By Stiles,

HR 1191, Congratulating Officer Ricky D. Anderson on his receipt of the Texas Law Enforcement Achievement Award for Valor.

To Committee on Rules and Resolutions.

By Price,

HR 1198, Congratulating George Wright on his appointment as interim vice president for academic affairs and provost at The University of Texas at Arlington.

To Committee on Rules and Resolutions.

By Stiles,

HR 1199, Honoring Regina Gail Bohmfalk on her graduation from veterinary school.

To Committee on Rules and Resolutions.

By Saunders,

HR 1205, Congratulating the East Bernard High School baseball team on winning the 1994 Class 2A state championship.

To Committee on Rules and Resolutions.

By Hudson,

HR 1207, In memory of Amous Earl Wilemon.

To Committee on Rules and Resolutions.

By Dutton,

HR 1209, Congratulating Rose Marie Blount on her retirement.

To Committee on Rules and Resolutions.

By Rodriguez,

HR 1211, Commending Manny Guerra for his contributions to the Texas music industry.

To Committee on Rules and Resolutions.

HR 1212 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1212**, suspending the limitations on the conferees for **HB 1718**.

HR 1190 - ADOPTED

Representative Carona moved to suspend all necessary rules to take up and consider at this time **HR 1190**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Carona and Eiland,

HR 1190, Congratulating Paula Jean Sander on her high school graduation.

The resolution was adopted without objection.

(Speaker in the chair)

SB 14 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Combs submitted the conference committee report on **SB 14**.

Representative Price raised a point of order against further consideration of the conference committee report on SB 14 on the grounds that the conference committee report on SB 14 violates Rule 13, Section 7, of the House Rules.

The point of order was withdrawn.

(Black in the chair)

Representative Bosse moved to recommit **SB 14** to conference committee.

(Speaker in the chair)

Representative Combs moved to table the motion to recommit.

A record vote was requested.

The motion to table prevailed by (Record 581): 88 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.;

Culberson; De La Garza; Dear; Delisi; Driver; Duncan; Elkins; Finnell; Gallego; Glaze; Goodman; Goolsby; Grusendorf; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Ogden; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Saunders; Shields; Smithee; Solomons; Staples; Swinford; Talton; Telford; Turner, B.; Uher; Walker; West; Williamson; Wohlgemuth; Woolley; Yost; Zbraneck.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Coleman; Conley; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gray; Greenberg; Gutierrez; Haggerty; Hernandez; Hirschi; Hochberg; Hudson; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Rodriguez; Romo; Sadler; Serna; Siebert; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Giddings; Raymond.

Absent — Allen; Clemons; Janek; Oakley; Seidlits; Stiles; Willis.

STATEMENT OF VOTE

When Record No. 581 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allen

Representative Maxey raised a point of order against further consideration of the conference committee report on **SB 14** on the grounds that the conference committee report on **SB 14** violates Rule 13, Section 9, of the House Rules.

Representative Price raised a point of order against further consideration of the conference committee report on **SB 14** on the grounds that the conference committee report on **SB 14** violates Rule 13, Section 7, of the House Rules.

The speaker overruled the points of order, speaking as follows:

Representative Maxey raises four points of order against further consideration of the conference committee report on **SB 14** under Rule 13, Section 9, in that the conference committee report exceeded the jurisdiction of the conference committee. The chair finds, for reasons to be entered into the journal in detail, that the conference committee acted within its jurisdiction.

Accordingly, Mr. Maxey's point of order is respectfully overruled.

Representative Price raises a point of order against further consideration of the conference committee report on **SB 14** under Rule 13, Section 7, in that no notice was posted for the meeting of the conferees. Also for reasons to be entered into the journal, the chair finds that the conferees acted properly.

Accordingly, Mr. Price's point of order is respectfully overruled.

Mr. Maxey raises a point of order against further consideration of **SB 14** under Rule 13, Section 9, in that the conference committee report, in four

identified particulars, exceeds the jurisdiction of the conference committee by including text on a matter not included in either the house or senate version of the rule.

(1) The conference committee added language to Section 2007.025 of the bill to provide that, when a governmental entity appeals an adverse decision on a "takings" claim, the governmental entity is enjoined from invoking the governmental action pending the appeal.

The house version and senate version of the bill differ substantially in the manner in which takings issues are resolved. The house version provided for both a contested case process and a litigation process for resolving the issues. (Subchapter B, Chapter 2007, house version.) The senate version provided only for a litigation process. (Subchapter B, Chapter 2007, senate version.) As to contested cases, the house version expressly provided for the appeal by the landowner (Sec. 2007.026). Both versions provided for a stay pending payment of all compensation. (Section 2007.023, and 2007.026, house version; Section 2007.024, senate version.)

Because the senate and house versions of the bill were in such wide disagreement on the subject matter of resolving takings issues, and because the issue of appeals and stays pending appeal is presented as part of the overall context, the chair determines that the conference committee acted within their jurisdiction.

(2) In Section 2007.024(b), the conference committee provides that the judgment or order on a takings claim must have a fact-finding regarding monetary damages. For the same reasons applicable to consideration of the first point, the chair determines that the conferees acted within their jurisdiction on this issue, also.

(3) The conference committee includes provisions that a governmental entity is liable only for the invalidation of a governmental action (Section 2007.023). For the same reasons applicable to consideration of the first point, the chair determines that the conferees acted within their jurisdiction on this issue, also.

(4) The conference committee report includes Section 2007.003(e), exempting actions under Chapter 61, Natural Resources Code (the "open beaches" law). The chair finds that this is an appropriate narrowing of a much broader provision contained in the house version of the bill (Section 2007.003(c)), which contained an exception for enforcement or implementation of any statute.

Accordingly, the points of order are respectfully overruled.

Representative Price raises a point of order against further consideration of the conference committee report on **SB 14** under Rule 13, Section 7, in that no notice was posted for the meeting of the conferees.

Rule 13, Section 7, says in applicable part:

House conferees when meeting with senate conferees to adjust differences shall meet in public and shall give a reasonable amount of notice of the meeting...

Similarly, Rule 13, Section 6, provides in applicable part, under the heading "Membership and Operation:"

A majority of each committee shall be required to determine the matter in dispute. Reports by conference committees must be signed by a majority of each committee of the conference.

As seen from these rules, the house rules do not require that a conference committee convene in a meeting. The basic requirement, under Rule 13, Section 6, is that the report be signed by a majority of each committee. If the conferees choose to meet as committees, the conference committee must give reasonable notice.

In addition, since the rules do not require a conference committee to keep minutes of its proceedings, there is no official record of whether the conferees in fact convened in a meeting or where or when they did so. The signatures on a conference committee report standard form, which asserts that the conferees "met," is not in and of itself an official record that such a meeting took place.

Accordingly, the point of order is respectfully overruled.

SB 14 - STATEMENT OF LEGISLATIVE INTENT

Representative Combs: Mr. Speaker, I'd like to read this into the record; this is my legislative intent. It is my legislative intent that this bill does not cover an action taken by a drainage district or flood control district or by a governmental entity if the action is an action a drainage district or flood control district is authorized to take. And I request that it be placed in writing in the journal. In addition, it is my legislative intent and understanding that the operation of the Texas Turnpike Authority is in the furtherance of the protection of the health and safety of the citizens of the state of Texas as specifically set forth and authorized in the Transportation Code adopted by the Seventy-fourth Legislature. In addition, it is not my intent of this legislation to include or make subject to the bill the acts of the Texas Department of Transportation in carrying out the responsibilities and duties concerning the protection and safety of the travelling public, preventing the waste of gasoline, meeting the current and future mobility needs.

REMARKS ORDERED PRINTED

Representative Uher moved to print remarks by Representative Combs.

The motion prevailed without objection.

LEAVES OF ABSENCE GRANTED

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

Seidlits on motion of Oakley.

Stiles on motion of Black.

SB 14 - (consideration continued)

Representative Combs moved to adopt the conference committee report on **SB 14**.

The motion prevailed. (Danburg and Price recorded voting no; Brady, yes)

REASON FOR VOTE

I voted for **SB 14**, adoption of the Conference Committee Report, although I strongly oppose the inclusion of annexation within an extra-territorial jurisdiction as an exemption to application. Annexation is a taking of private property rights.

Brady

SB 14 - STATEMENTS OF LEGISLATIVE INTENT

It is the legislative intent of the author, Susan Combs, that actions of a joint airport board not come under the purview of **SB 14** for the reason that the actions of the airport board do not regulate any area beyond the boundaries of the real property owned by the board, and thus, under this bill, do not meet the definition of "taking."

Combs

It is the legislative intent of the author Susan Combs that this chapter does not apply to an action taken by a drainage district or flood control district or by a governmental entity if the action is an action a drainage district or flood control district is authorized to take.

Combs

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HCR 166 by Uher (Sponsor-Cain), encouraging the Department of Public Safety to include additional information regarding alcohol and drug abuse in the Texas Drivers Handbook.

HCR 168 by Oakley (Sponsor-Cain), renaming the Terrell State Hospital Family Center the Martha Allen Family Center.

HB 875 by Pickett (Sponsor-Rosson), relating to the appointment to and the powers and duties of a municipal zoning board of adjustment.

HB 1836 by Lewis, Ron and Price (Sponsor-Ratliff), relating to the tuition charged to certain residents of bordering states at certain public institutions of higher education.

HB 1884 by Oakley (Sponsor-Cain), relating to the additional tax imposed on certain land appraised for ad valorem tax purposes as open-space land the use of which is changed to cemetery purposes.

HB 2656 by Hartnett (Sponsor-Leedom), relating to authorizing a lien for storing aircraft.

HB 2866 by Hilbert (Sponsor-Whitmire), relating to the claims against a decedent's estate.

HB 3200 by Brady (Sponsor-Henderson), relating to regulation of investment securities; revising Chapter 8 of the Business & Commerce Code.

HB 1208 by Cook and Turner, Bob (Sponsor-Sibley), relating to the economic development of tourism through the limitation of liability of passenger excursion trains.

HB 2460 by Seidlits (Sponsor-Armbrister), relating to the possession, purchase, sale, distribution, and receipt of cigarettes and tobacco products; providing penalties.

HB 3227 by Junell (Sponsor-Montford), relating to creation of the County Court at Law No. 2 of Tom Green County.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **SB 261, SB 646, SB 68, SB 1190, HB 1204**, by Viva Voce Vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 103, SB 281, SB 336, SB 349, SB 373, SB 494, SB 569, SB 628, SB 647, SB 675, SB 680, SB 695, SB 739, SB 748, SB 789, SB 814, SB 885, SB 1044, SB 1232, SB 1260, SB 1303, SB 1334, SB 1349, SB 1388, SB 1428, SB 1453, SB 1485, SB 1619, SB 1675** by Viva Voce Vote. **SB 169, SB 242, SB 1227, SB 1302, SB 1375, SB 1487, SB 1545** by 31 Yeas, 0 Nays.

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

Local and Uncontested Bill

HB 2257 by Shields (Sponsor-Harris, Chris), relating to certain inquiries made by the Texas Department of Insurance and information from those inquiries.

Respectfully,
Betty King
Secretary of the Senate

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

HB 40, HB 93, HB 433, HB 485, HB 809, HB 883, HB 960, HB 1020, HB 1023, HB 1065, HB 1091, HB 1243, HB 1547, HB 1612, HB 1687, HB 1783, HB 1863, HB 2032, HB 2315, HB 2377, HB 2510, HB 2523, HB 2603, HB 2610, HB 2644, HB 2850, HB 2860, HB 2891, HB 2936, HB 2969, HB 3028, HB 3111, HB 3193, HJR 72, HCR 223, HCR 230

HB 984 - STATEMENT OF LEGISLATIVE INTENT

For the purposes of establishing legislative intent concerning the adoption of conference committee report on **HB 984**.

There is a legislative finding that conditions surrounding certain classes of alcoholic beverage permits and licenses imperil the health, safety and welfare of the public.

These findings were developed in exhaustive testimony before the house Committee on Licensing and Administrative Procedures. The same said findings included acts of prostitution, assault, robbery, public lewdness and many other violations of the Penal Code and Alcoholic Beverage Code of the state of Texas.

I want with the passage of **HB 984** to establish further legislative intent, in that the Alcoholic Beverage Commission shall adopt agency rules that after three violations of any violation of the Alcoholic Beverage Code, the holder of a permit or license shall surrender their conduct surety bond.

For the reasons listed above, I Ken Yarbrough, state representative, house district 138, deem this legislation imperative to correct the endangerment of the public's health, safety and welfare.

Yarbrough

ADJOURNMENT

Representative Berlanga moved that the house adjourn until 1:00 p.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 8:14 p.m., adjourned until 1:00 p.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Public Health - **HR 1024, HR 1086**

Rules and Resolutions - **SCR 164, SCR 165, SCR 167, SCR 168, HR 867, HR 868, HR 869, HR 870, HR 1103, HR 1104, HR 1105, HR 1106, HR 1108, HR 1109, HR 1110, HR 1111, HR 1112, HR 1113, HR 1116, HR 1121, HR 1122, HR 1123, HR 1124, HR 1125, HR 1126, HR 1130, HR 1134, HR 1135, HR 1136, HR 1137, HR 1144, HR 1151, HR 1152, HR 1154, HR 1156, HR 1157, HR 1158, HR 1159, HR 1160, HR 1161, HR 1162, HR 1163, HR 1164, HR 1165, HR 1167, HR 1169, HR 1171, HR 1174, HR 1175, HR 1184, HR 1185, HR 1188, HR 1191, HR 1198, HR 1199, HR 1205, HR 1207, HR 1209, HR 1211, HR 1214, HR 1215, HR 1216, HR 1217**

State Affairs - **HCR 206, HCR 226, SCR 91, SCR 98**

ENROLLED

May 26 - **HB 1, HB 632, HB 785, HB 1454, HB 1642**

May 27 - **HB 40, HB 93, HB 433, HB 485, HB 809, HB 883, HB 960, HB 1020, HB 1023, HB 1030, HB 1065, HB 1091, HB 1243, HB 1362, HB 1547, HB 1612, HB 1687, HB 1783, HB 1863, HB 2032, HB 2289, HB 2315, HB 2377, HB 2402, HB 2510, HB 2523, HB 2603, HB 2610,**

**HB 2644, HB 2745, HB 2850, HB 2860, HB 2873, HB 2891, HB 2936,
HB 2969, HB 3028, HB 3111, HB 3193, HJR 72, HCR 223, HCR 230**

SENT TO THE GOVERNOR

May 27 - **HB 632, HB 785, HB 1454, HB 1642, HB 2289**

SENT TO THE COMPTROLLER

May 26 - **HB 735**

May 27 - **HB 1**