

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — MONDAY, MAY 5, 1997

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

The roll of the house was called and a quorum was announced present (Record 292).

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

Absent, Excused — Moffat.

The invocation was offered by Dr. Robert Welch, pastor, Parkhills Baptist Church, San Antonio, as follows:

Father, we thank you for your goodness and unfailing kindness toward us. Our lives display the wonder of your majesty in our very beings. Our being created in your image and made with the capacity to know and worship you humbles us and we praise you.

As your children we have your guidance for our lives, but we confess we fail and sin. Forgive us for our wrongs toward others, ourselves, and, most of all, you.

As we undertake the responsibilities of the offices we hold, be our wisdom and understanding. Keep us aware of our inability to do anything without you. Remind us that we can do all things through you. Let us never become so busy or involved in our jobs that we forget our purpose is to know and love you.

This day we commit to you. By our actions, words, and thoughts may you be pleased. Move among us with your spirit and give us your power to do your will today.

In Jesus' name we pray. Amen.

LEAVE OF ABSENCE GRANTED

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

Moffat on motion of Wohlgemuth.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Sandra Rouse and Ella Anderson.

**HR 801 - ADOPTED
(by Walker)**

Representative Walker moved to suspend all necessary rules to take up and consider at this time **HR 801**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 801, Congratulating J. Paul Turner on the occasion of his 90th birthday.

HR 801 was adopted without objection.

**HCR 234 - ADOPTED
(by Craddick)**

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 234**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 234, Honoring Tom Ingram on the occasion of his 80th birthday.

HCR 234 was adopted without objection.

**HR 771 - ADOPTED
(by Staples)**

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 771**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 771, In memory of C. Eldridge Salmon.

HR 771 was unanimously adopted by a rising vote.

**HR 772 - ADOPTED
(by Staples)**

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 772**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 772, Commemorating the dedication of an Official Texas Historical Marker at the Franklin Cemetery.

HR 772 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 47).

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

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

SCR 76 - ADOPTED (Maxey - House Sponsor)

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **SCR 76**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 76, Commemorating the 150th anniversary of the First Baptist Church of Austin.

SCR 76 was read and was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Maxey, who introduced Reverend Richard Paynter of First Baptist Church of Austin.

HB 991 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 991, A bill to be entitled An Act relating to dogs causing serious bodily injury to a person; providing penalties.

On motion of Representative Wohlgeomuth, the house concurred in the senate amendments to **HB 991**. (Finnell recorded voting no)

Senate Amendment No. 1

Amend **HB 991** as follows:

On page 1, line 20 after the word "injury" appears the second time, insert the words "characterized by severe bite wounds or severe ripping and tearing of muscle".

On page 2, line 16, add the following new subsection (f)(2), Section 822.003 and renumber the remaining subsections accordingly:

"(2) the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;"

**HB 1190 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1190, A bill to be entitled An Act relating to monitoring of water quality in watersheds and river basins.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 1190**.

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

Amend **HB 1190** as follows:

In Section 1, to Section 26.0135, Water Code, add new Subsection (j) to read as follows:

(j) In recovering the costs of water quality management programs under this section from wastewater permit holders, the commission may consolidate any fee assessed against a wastewater permit holder under Subsection (h) of this section with the assessment of a wastewater inspection fee authorized under Section 26.0291 of this chapter. In consolidating these assessments the commission may not recover any amount for the purposes of this section in excess of the amounts authorized under Subsection (h). The commission shall also ensure that any revenues collected from wastewater permit holders under this section are allocated to meet the purposes of this section.

**HR 799 - ADOPTED
(by Hightower)**

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 799**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 799, In memory of Roxie Anna Roy Douglas.

HR 799 was unanimously adopted by a rising vote.

**HB 1520 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1520, A bill to be entitled An Act relating to the protection and use of certain products, information, and technology of the Texas Department of Health.

On motion of Representative Berlanga, the house concurred in the senate amendments to **HB 1520** by (Record 293): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

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

Amend **HB 1520** as follows:

1. In SECTION 1, Sec. 12.020(a), (page 2, line 1), strike "nonexclusive".
2. In SECTION 1, Sec. 12.020(a), (page 2, line 4), strike "nonexclusive".
3. In SECTION 1, Sec. 12.020(c), (page 2, line 20), after "fund" add "except as otherwise provided in Section 2054.115, Government Code".
4. In SECTION 1, Sec. 12.020(d), (page 2, line 22), strike "½".
5. In SECTION 1, Sec. 12.020(d), (page 2, line 23), strike "(1)".
6. In SECTION 1, Sec. 12.020(d), (page 2, line 27), strike ";or" and substitute "½".
7. In SECTION 1, Sec. 12.020(d), (page 3, lines 1 through 7), strike Subdivision (2).
8. In SECTION 1, Sec. 12.020(e)(4), (page 3, line 19), strike "½" and substitute ";and".
9. In SECTION 1, Sec. 12.020(e)(5), (page 3, line 21), strike ";and" and substitute "½".
10. In SECTION 1, Sec. 12.020(e), (page 3, lines 22 through 24), strike Subdivision (6).

POSTPONED BUSINESS

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

SB 753 ON SECOND READING
(Gray - House Sponsor)

SB 753, A bill to be entitled An Act relating to the liability of the operator of a railroad.

SB 753 was considered in lieu of **HB 2247**.

SB 753 was read second time and passed to third reading.

HB 2247 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gray moved to lay **HB 2247** on the table subject to call.

The motion prevailed without objection.

CSHB 393 ON SECOND READING
(by Mowery, Moffat, and Kubiak)

CSHB 393, A bill to be entitled An Act relating to restricting the use of designated lanes of certain highways.

CSHB 393 was read second time on April 29 and was postponed until 10 a.m. today.

Representative Mowery moved to postpone consideration of **CSHB 393** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

SB 1879 ON SECOND READING
(Krusee - House Sponsor)

SB 1879, A bill to be entitled An Act relating to the powers of the Lower Colorado River Authority to provide water services in Williamson County.

SB 1879 was considered in lieu of **CSHB 162**.

SB 1879 was read second time and was passed to third reading.

CSHB 162 - LAID ON THE TABLE SUBJECT TO CALL

Representative Krusee moved to lay **CSHB 162** on the table subject to call.

The motion prevailed without objection.

MESSAGES FROM THE SENATE

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

SB 667 ON SECOND READING
(Naishtat - House Sponsor)

SB 667, A bill to be entitled An Act relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

SB 667 was considered in lieu of **CSHB 1330**.

SB 667 was and read second time and was passed to third reading. (Chisum and Heflin recorded voting no)

CSHB 1330 - LAID ON THE TABLE SUBJECT TO CALL

Representative Naishtat moved to lay **CSHB 1330** on the table subject to call.

The motion prevailed without objection.

**SB 900 ON SECOND READING
(Yarbrough - House Sponsor)**

SB 900, A bill to be entitled An Act relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees.

SB 900 was considered in lieu of **HB 1502**.

SB 900 was read second time.

Amendment No. 1

Representative Yarbrough offered the following amendment to **SB 900**:

Amend **SB 900** by striking SECTION 9 of the bill, substituting the following, and renumbering sections as appropriate:

SECTION 9. Effective July 1, 1998, Subsection (b), Section 11, Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The amount of the monthly pension for each Group A member shall equal the member's average monthly salary multiplied by two and one-quarter percent (2-1/4%) for each of the member's first twenty (20) years of credited service and two and three-quarters percent (2-3/4%) for each additional year of credited service of the member. [~~The amount of the monthly pension for each such Group A member shall equal the member's average monthly salary multiplied by two percent (2%) for each of the member's first twenty (20) years of credited service and two and one-half percent (2-1/2%) for each additional year of credited service of such member.~~] For purposes of this Subsection, such average salary shall be computed by adding together the seventy-eight (78) highest biweekly salaries paid to a member during his period of credited service and dividing the sum by thirty-six (36). Provided, however, that no Group A member's pension shall be more than eighty percent (80%) of such average salary; and no Group A member's pension shall be less than Eight Dollars (\$8) a month for each year of credited service, or One Hundred Dollars (\$100) a month total pension, whichever is the greater amount.

SECTION 10. Subsection (g), Section 11, Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) Pensions [~~Effective January 1, 1992, pensions~~] for all Group A members or their survivors shall be adjusted annually upward by three and one-half percent (3-1/2%), not compounded [~~or downward in accordance with the percentage change in the Consumer Price Index for All Urban Consumers (CPI) for the preceding year as determined by the United States Department of Labor. The adjusted pension may never be less than the basic pension that the retired member or survivor would otherwise be entitled to receive without regard to changes in the CPI. The adjusted pension may never be greater than the basic pension plus increases of not to exceed four percent (4%) annually, not compounded, notwithstanding a greater increase in the CPI.~~].

Amendment No. 1 was adopted without objection.

SB 900, as amended, was passed to third reading.

HB 1502 - LAID ON THE TABLE SUBJECT TO CALL

Representative Yarbrough moved to lay **HB 1502** on the table subject to call.

The motion prevailed without objection.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1855 ON THIRD READING
(by Eiland)**

HB 1855, A bill to be entitled An Act relating to sales tax exemption for items used in manufacturing tangible person property for ultimate sale.

HB 1855 was passed.

**HB 3281 ON THIRD READING
(by Goodman and Naishtat)**

HB 3281, A bill to be entitled An Act relating to local court processing for child support cases and to enforcement of child support orders; providing penalties.

HB 3281 was passed.

**HB 2906 ON THIRD READING
(by Wolens)**

HB 2906, A bill to be entitled An Act relating to the duties of the state auditor, state audits, and investigations.

HB 2906 was passed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1664 ON SECOND READING
(by Oliveira and Keel)**

HB 1664, A bill to be entitled An Act relating to the imposition of a criminal penalty for the removal, damage, or intentional concealment of signs or markers giving information about the location of certain underground facilities.

Representative Raymond moved to postpone consideration of **HB 1664** until 2 p.m. today.

The motion prevailed without objection.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

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

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

Representative Dutton moved to postpone consideration of **HB 697** until 1:30 p.m. Tuesday, May 6.

The motion prevailed without objection.

**HB 1961 ON THIRD READING
(by Howard, Coleman, and Danburg)**

HB 1961, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Transportation to certain governmental entities.

A record vote was requested.

HB 1961 was passed by (Record 294): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Gallego; Horn; Kamel.

STATEMENT OF VOTE

When Record No. 294 was taken, I was meeting with constituents just outside the chamber. I would have voted yes.

Gallego

HB 1498 ON THIRD READING**(by Wise, et al.)**

HB 1498, A bill to be entitled An Act relating to motor vehicle insurance rates for certain individuals with good driving records who are members of youth groups.

HB 1498 was passed.

HB 455 ON THIRD READING**(by G. Lewis, J. Jones, et al.)**

HB 455, A bill to be entitled An Act relating to objection to a visiting judge.

HB 455 was passed. (Shields recorded voting no)

HB 1006 ON THIRD READING**(by J. Jones, et al.)**

HB 1006, A bill to be entitled An Act relating to the suspension or denial of a driver's license or permit to certain children who use or possess a firearm while in a motor vehicle.

HB 1006 was passed.

HB 2067 ON THIRD READING**(by Swinford and Horn)**

HB 2067, A bill to be entitled An Act relating to the temporary vehicle registration.

A record vote was requested.

HB 2067 was passed by (Record 295): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Averitt; Jones, D.; Oliveira.

HB 2703 ON THIRD READING
(by Stiles)

HB 2703, A bill to be entitled An Act relating to the regulation of manufactured housing; providing penalties.

HB 2703 was passed.

HB 1203 ON THIRD READING
(by S. Turner)

HB 1203, A bill to be entitled An Act relating to credit in, benefits from, and administration of certain municipal retirement systems for police officers.

A record vote was requested.

HB 1203 was passed by (Record 296): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Averitt; Burnam; Davila; Davis; Goolsby; Jones, D.; Lewis, G.; Oliveira; Wolens.

STATEMENTS OF VOTE

When Record No. 296 was taken, I was in the house but away from my desk. I would have voted yes.

Averitt

When Record No. 296 was taken, I was in the house but away from my desk. I would have voted yes.

D. Jones

HB 1001 ON THIRD READING
(by Dutton)

HB 1001, A bill to be entitled An Act relating to eligibility requirements for voting by persons convicted of a felony.

HB 1001 was passed. (Bonnen, Brimer, Chisum, Cook, Counts, Craddick, Driver, Finnell, Galloway, Heflin, Hilbert, Keel, Keffer, Kubiak, Kuempel, R. Lewis, Madden, Merritt, Patterson, Seaman, Shields, Solomons, Swinford, Talton, and Williams recorded voting no)

HB 332 ON THIRD READING
(by Danburg, Denny, Madden, Ehrhardt, J. Jones, et al.)

HB 332, A bill to be entitled An Act relating to election precincts and polling places; providing a criminal penalty.

HB 332 was passed.

HB 3194 ON THIRD READING
(by Alexander)

HB 3194, A bill to be entitled An Act relating to the construction and operation of certain sour gas pipeline facilities.

Amendment No. 1

Representative Alexander offered the following amendment to **HB 3194**:

Amend **HB 3194** on third reading as follows:

- (1) On page 2, line 9, strike "type" and substitute "pipe".
- (2) On page 2, line 10, between "inches" and the semicolon, insert "in diameter".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3194, as amended, was passed by (Record 297): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Burnam; Hawley; Merritt; Oliveira; Place; Rabuck.

STATEMENT OF VOTE

When Record No. 297 was taken, I was in the house but away from my desk. I would have voted yes.

Merritt

HB 3189 ON THIRD READING

(by Kuempel, et al.)

HB 3189, A bill to be entitled An Act relating to the authority of the Parks and Wildlife Department to issue revenue bonds.

HB 3189 was passed.

HB 1868 ON THIRD READING

(by S. Turner)

HB 1868, A bill to be entitled An Act relating to certain exceptions to the definition of dentistry.

A record vote was requested.

HB 1868 was passed by (Record 298): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Farrar; Hilderbran; Oliveira; Place.

HB 1534 ON THIRD READING
(by Hamric, McCall, and Danburg)

HB 1534, A bill to be entitled An Act relating to the certification of mammography systems.

HB 1534 was passed.

HB 1334 ON THIRD READING
(by Hochberg)

HB 1334, A bill to be entitled An Act relating to a change of beneficiary by a retiree of the Teacher Retirement System of Texas.

A record vote was requested.

HB 1334 was passed by (Record 299): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Bailey; Davis; Flores; Moreno; Rangel.

HB 1542 ON THIRD READING
(by Counts)

HB 1542, A bill to be entitled An Act relating to the authorization of the Texas Natural Resource Conservation Commission to issue general permits by rule for the discharge of waste into or adjacent to water in the state.

HB 1542 was passed. (Puente recorded voting no)

HB 2192 ON THIRD READING
(by Rangel)

HB 2192, A bill to be entitled An Act relating to the establishment of a physician recruitment program for medically underserved areas.

A record vote was requested.

HB 2192 was passed by (Record 300): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Bosse; Gray; Greenberg; Hinojosa; Oliveira; Olivo; Ramsay.

STATEMENTS OF VOTE

When Record No. 300 was taken, I was in the house but away from my desk. I would have voted yes.

Bosse

When Record No. 300 was taken, my machine malfunctioned. I would have voted yes.

Gray

HB 2482 ON THIRD READING

(by Smithee, Corte, Counts, Edwards, Hilderbran, et al.)

HB 2482, A bill to be entitled An Act relating to the establishment of an accreditation program for child-care facilities and child-placing agencies as an alternative to state licensure; providing a criminal penalty.

HB 2482 was passed.

HB 629 ON THIRD READING

(by Yarbrough)

HB 629, A bill to be entitled An Act relating to recruitment requirements for hiring personnel at the Texas Alcoholic Beverage Commission.

A record vote was requested.

HB 629 was passed by (Record 301): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Alexander; Bosse; Hightower; Hochberg; Oliveira; Place; Ramsay; Stiles; Turner, S.

HB 1310 ON THIRD READING
(by Chisum)

HB 1310, A bill to be entitled An Act relating to the extension or reimposition of the sales and use tax by certain industrial development corporations.

HB 1310 was passed.

HB 1259 ON THIRD READING
(by Thompson)

HB 1259, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of interference with child custody.

HB 1259 was passed.

HB 1439 ON THIRD READING
(by Hilderbran)

HB 1439, A bill to be entitled An Act relating to use of financial assistance granted to persons with dependent children.

HB 1439 was passed.

HB 2001 ON THIRD READING
(by Oliveira, Serna, Luna, and Seaman)

HB 2001, A bill to be entitled An Act relating to the enterprise zone program.

Representative Luna moved to postpone consideration of **HB 2001** until 2 p.m. today.

The motion prevailed without objection.

HB 3254 ON THIRD READING
(by Hupp)

HB 3254, A bill to be entitled An Act relating to correctional facilities that house inmates convicted of offenses against the laws of another state of the United States.

A record vote was requested.

HB 3254 was passed by (Record 302): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Danburg; Davis; Giddings; Place; Ramsay; Stiles.

HB 727 ON THIRD READING
(by Van de Putte)

HB 727, A bill to be entitled An Act relating to the regulation of massage therapy; providing penalties.

HB 727 was passed.

HB 349 ON THIRD READING
(by Hamric, Gray, et al.)

HB 349, A bill to be entitled An Act relating to coverage under certain health benefit plans for care after the performance of a mastectomy and certain related procedures.

HB 349 was passed.

HB 226 ON THIRD READING
(by Hirschi)

HB 226, A bill to be entitled An Act relating to laws regulating the distribution and dispensation of Schedule II controlled substances.

HB 226 was passed.

HB 155 ON THIRD READING
(by Greenberg)

HB 155, A bill to be entitled An Act relating to the listing and registration of family homes; providing penalties.

HB 155 was passed. (Craddick, Finnell, Heflin, Kubiak, Madden, and Talton recorded voting no)

HB 839 ON THIRD READING
(by Driver, Averitt, Davila, Burnam, and Danburg)

HB 839, A bill to be entitled An Act relating to prohibiting discrimination by insurers in issuing health or life insurance policies to certain persons who are victims of family violence.

HB 839 was passed.

HB 1161 ON THIRD READING
(by Clark)

HB 1161, A bill to be entitled An Act relating to uniform competitive bidding requirements for municipalities.

HB 1161 was passed.

HB 1356 ON THIRD READING
(by Counts)

HB 1356, A bill to be entitled An Act relating to licensing of funeral prearrangement life insurance agents.

Amendment No. 1

Representative Maxey offered the following amendment to **HB 1356**:

Amend **HB 1356** on third reading by inserting the following new sections, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION _____. Article 3.50-6, Insurance Code, is amended to read as follows:

Art. 3.50-6. PAYMENT OF ACCELERATED LIFE INSURANCE BENEFITS [~~DEATH BENEFIT IN EVENT OF TERMINAL ILLNESS OR INJURY~~].

(a) In this article:

(1) "Accelerated benefit" means a benefit paid to an insured in lieu of a portion of a death benefit.

(2) "Death benefit" means a benefit payable to a beneficiary on the death of an insured.

(3) "Long-term care illness" means an illness or physical condition that results in the inability to perform the activities of daily life or the substantial and material duties of any occupation.

(4) "Specified disease" means an illness or physical condition that is likely to cause permanent disability or premature death, including the following:

(A) acquired immunodeficiency syndrome (AIDS);

(B) a malignant tumor;

(C) a condition that required an organ transplant; and

(D) a coronary artery disease that results in acute infarction or requires surgery.

(5) "Terminal illness" means an illness or physical condition, including a physical injury, that can reasonably be expected to result in death within two years.

(b) An insurance company may pay an accelerated benefit under an individual or [a] group term life insurance policy or certificate if:

(1) the company has received a written medical opinion, satisfactory to the company, that the insured has a [is not expected to continue living for more than 12 months because of] terminal illness, a long-term care illness, or a specified disease [or injury]; and

(2) ~~the amount of the accelerated benefit does not exceed the greater of \$25,000 or 50 percent of the amount of the death benefit payable under the policy or certificate; and~~

~~[(3)] the amount of the accelerated benefit is deducted from the amount of the death benefit payable under the policy or certificate and from any amount the insured would otherwise be entitled to convert to an individual contract.~~

(c) The commissioner may adopt rules to implement this article.

SECTION _____. Article 3.50-6, Insurance Code, as amended by this Act, applies only to a policy or contract that is delivered, issued for delivery, or renewed on or after September 1, 1997. A policy or contract that is delivered, issued for delivery, or renewed before September 1, 1997, is governed by law as it existed immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1356, as amended, was passed by (Record 303): 142 Yeas, 1 Nay, 3 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzhauser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt;

Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Siebert; Smith; Smithee; Solis; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Shields.

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

Absent, Excused — Moffat.

Absent — Oliveira; Stiles.

HB 1611 ON THIRD READING (by B. Turner)

HB 1611, A bill to be entitled An Act relating to the testing of natural gas piping systems in school district facilities.

Amendment No. 1

Representative B. Turner offered the following amendment to **HB 1611**:

Amend **HB 1611** on third reading as follows:

After "article." on page 2, line 18, add Sec. 2.(d) to read as follows:

(d) For purposes of this Article 6053-2a, the term "supplier" shall mean the person or company selling and delivering the natural gas to a school district facility; provided, that if one person or company is selling the natural gas to a school district facility and another person or company is delivering the natural gas to a school district facility, then each such person or company is a supplier for purposes of this Article.

Renumber accordingly.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1611, as amended, was passed by (Record 304): 111 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Janek; Jones, D.; Jones, J.; Junell; Keffer; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Oakley; Olivo; Patterson; Pickett; Pitts; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Seaman; Serna; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Chisum; Clark; Corte; Crabb; Craddick; Culberson; Denny; Elkins; Galloway; Hartnett; Heflin; Howard; Hunter; Hupp; Isett; Jackson; Kamel; Keel; Krusee; Madden; Nixon; Palmer; Rabuck; Reyna, E.; Roman; Shields; Swinford; Talton; Williams; Wohlgenuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Hilderbran; Horn; Oliveira; Place.

STATEMENTS OF VOTE

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 304. I intended to vote no.

McCall

HB 1742 ON THIRD READING (by Bosse and Williams)

HB 1742, A bill to be entitled An Act relating to residential construction liability.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 1742**:

Amend **HB 1742** on third reading as follows:

- (1) On page 3, lines 13 and 14, delete the words "and adding Subsection (p)"
- (2) On page 4, line 21, delete Subsection (p) in its entirety.

Amendment No. 1 was adopted without objection.

HB 1742, as amended, was passed.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 646 ON THIRD READING (Dutton - House Sponsor)

SB 646, A bill to be entitled An Act relating to court reporting firms.

SB 646 was passed. (Keel recorded voting no)

SB 1697 ON THIRD READING (Bosse - House Sponsor)

SB 1697, A bill to be entitled An Act relating to the liability of a municipality for damages arising from its governmental functions.

Amendment No. 1

Representative Bosse offered the following amendment to **SB 1697**:

Amend **SB 1697** on 3rd reading as follows:

Page 2, line 27 delete "activities undertaken by a municipality under Chapter 373, Local Government Code" and insert the following language:

"or urban renewal activities undertaken by municipalities and authorized under Chapter 373 and Chapter 374 of the Texas Local Government Code."

Amendment No. 1 was adopted without objection.

SB 1697, as amended, was passed.

SB 123 ON THIRD READING
(Gallego - House Sponsor)

SB 123, A bill to be entitled An Act relating to the treatment of repeat sex offenders.

A record vote was requested.

SB 123 was passed by (Record 305): 138 Yeas, 7 Nays, 1 Present, not voting.

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

Nays — Danburg; Dukes; Gray; Lewis, G.; Luna; Thompson; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moffat.

Absent — Moreno; Oliveira.

SB 1111 ON THIRD READING
(Van de Putte - House Sponsor)

SB 1111, A bill to be entitled An Act relating to the investment authority of certain insurers.

SB 1111 was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 2061 ON SECOND READING
(by Van de Putte, et al.)**

HB 2061, A bill to be entitled An Act relating to requiring certain individuals to file a statement of selective service status before enrolling in a public institution of higher education or receiving certain financial assistance.

Representative Maxey moved to postpone consideration of **HB 2061** until the end of the calendar.

The motion prevailed without objection.

**CSHB 2491 ON SECOND READING
(by Alexander)**

CSHB 2491, A bill to be entitled An Act relating to participation by community colleges in the state employee charitable contribution program.

Amendment No. 1

Representative Alexander offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** as follows:

- (1) On page 1, line 9, strike "not".
- (2) On page 1, line 11, strike "not".
- (3) On page 1, line 12, between "decision" and "to", insert "not".

Amendment No. 1 was adopted without objection.

HB 2491, as amended, was passed to engrossment.

**HB 2673 ON SECOND READING
(by Janek)**

HB 2673, A bill to be entitled An Act relating to the disclosure of health care information by certain providers of health care.

HB 2673 was passed to engrossment.

**HB 2900 ON SECOND READING
(by Crabb)**

HB 2900, A bill to be entitled An Act relating to the authority of a municipality and a county to regulate the subdivision of land in the extraterritorial jurisdiction of a municipality.

HB 2900 was passed to engrossment.

**SB 1913 ON SECOND READING
(Smithee - House Sponsor)**

SB 1913, A bill to be entitled An Act relating to service contracts sold by a manufacturer or seller of the property covered by the service contract.

SB 1913 was considered in lieu of **HB 3036**.

SB 1913 was passed to third reading.

HB 3036 - LAID ON THE TABLE SUBJECT TO CALL

Representative Smithee moved to lay **HB 3036** on the table subject to call.
The motion prevailed without objection.

CSHB 3530 ON SECOND READING
(by Holzheuser)

CSHB 3530, A bill to be entitled An Act relating to energy savings projects for school districts, institutions of higher education and state agencies.

CSHB 3530 was passed to engrossment.

HB 1751 ON SECOND READING
(by West)

HB 1751, A bill to be entitled An Act relating to certain individuals who may bring a suit to contest the paternity of a child.

HB 1751 was passed to engrossment.

HB 1637 ON SECOND READING
(by Alvarado)

HB 1637, A bill to be entitled An Act relating to increased penalties for fraudulent or other unlawful acts committed under the state Medicaid program that result in injury to a child.

HB 1637 was passed to engrossment.

CSHB 840 ON SECOND READING
(by Hunter and Wise)

CSHB 840, A bill to be entitled An Act relating to the State Cemetery.

Representative Hunter moved to postpone consideration of **CSHB 840** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 1070 ON SECOND READING
(by Van de Putte)

HB 1070, A bill to be entitled An Act relating to drug regulation and enforcement under the Texas Controlled Substances Act and to the authority of certain state agencies under that Act; imposing criminal penalties.

Amendment No. 1

Representative Talton offered the following amendment to **HB 1070**:

Amend **HB 1070** as follows:

(1) In SECTION 5 of the bill, in amended Section 481.0621(a), Health and Safety Code, on page 31, line 24, strike "a private school other than a home school," and substitute "[a private school,]".

(2) In SECTION 5 of the bill, in amended Section 481.0621(a), Health and Safety Code, on page 31, line 25, strike the comma.

(3) In SECTION 5 of the bill, in amended Section 481.0621(c), Health and Safety Code, on page 32, lines 5-6, strike "private schools other than a home school," and substitute "[private schools,]".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wise offered the following amendment to **HB 1070**:

Amend **HB 1070** by adding the following appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.48 to read as follows:

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

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.015 to read as follows:

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

Amendment No. 2 was adopted without objection.

HB 1070, as amended, was passed to engrossment.

HB 89 ON SECOND READING (by Talton and Nixon)

HB 89, A bill to be entitled An Act relating to the applicability of habitual offender punishment provisions to certain defendants convicted of state jail felonies.

HB 89 was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, on recess today, Desk 9.

Transportation, on recess today, Desk 25.

State Recreational Resources, on recess today, Desk 28, to consider **HB 1452**.

County Affairs, on recess today, Desk 4, to consider **SB 1455** and **SB 1782**.

Urban Affairs, on recess today, Desk 73, to consider **SB 657**.

Public Health, on recess today, speakers committee room, to consider bills.

RECESS

Representative Roman moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:58 a.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

GENERAL STATE CALENDAR (consideration continued)

HB 1028 ON SECOND READING (by Krusee)

HB 1028, A bill to be entitled An Act relating to strategic partnership agreements between certain local governments.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative B. Turner, Representative Krusee offered the following committee amendment to **HB 1028**:

Amend **HB 1028** as follows:

(1) On page 1, line 11 strike "August 27, 1979" and substitute "September 15, 1979".

Amendment No. 1 was adopted without objection.

HB 1028, as amended, was passed to engrossment. (Maxey recorded voting no)

HB 2050 ON SECOND READING (by Garcia)

HB 2050, A bill to be entitled An Act relating to the recall of a member of the board of trustees of a junior college district.

Representative Bailey moved to postpone consideration of **HB 2050** until the end of the calendar.

The motion prevailed without objection.

CSHB 1937 ON SECOND READING (by Flores)

CSHB 1937, A bill to be entitled An Act relating to notice to an owner or operator of a motor vehicle of security required following an accident.

Amendment No. 1

Representative G. Lewis offered the following amendment to **CSHB 1937**:

Amend **CSHB 1937** by inserting the following appropriately numbered sections and by renumbering the subsequent sections of the bill accordingly:

SECTION _____. The following laws are repealed:

- (1) Sections 502.153, 521.143, and 548.105, Transportation Code;
- (2) Sections 601.051, 601.052, and 601.053, Transportation Code; and
- (3) Subchapters G, H, and I, Chapter 601, Transportation Code.

SECTION _____. The heading of Subchapter C, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER C. EVIDENCE OF FINANCIAL
RESPONSIBILITY~~[REQUIREMENTS]~~

SECTION _____. Section 601.293(c), Transportation Code, is amended to read as follows:

(c) If the magistrate determines that there is a reasonable possibility that a judgment will be rendered against the person for bodily injury, death, or property damage sustained in the accident, the magistrate shall order the person to provide:

(1) evidence of financial responsibility for the bodily injury, death, or property damage; or

(2) evidence that the person is exempt from the requirements of this chapter under Section 601.007 ~~[requirement of Section 601.051]~~.

SECTION _____. Section 601.296(a), Transportation Code, is amended to read as follows:

(a) The department shall issue a certificate of release of an impounded motor vehicle to the owner, operator, or person authorized by the owner on submission to the department of:

(1) evidence of financial responsibility ~~[under Section 601.053]~~ that shows that at the time of the accident the vehicle was covered by financial responsibility that meets the requirements of this chapter ~~[in compliance with Section 601.051]~~ or was exempt from the requirements of this chapter under Section 601.007 ~~[requirement of Section 601.051]~~;

(2) a release executed by each person damaged in the accident other than the operator of the vehicle for which the certificate of release is requested; or

(3) security in a form and amount determined by the department to secure the payment of damages for which the operator may be liable.

SECTION _____. Section 729.001(a), Transportation Code, is amended to read as follows:

(a) A person who is at least 14 years of age but younger than 17 years of age commits an offense if the person operates a motor vehicle on a public road or highway, a street or alley in a municipality, or a public beach in violation of any traffic law of this state, including:

(1) Chapter 502, other than Section 502.282, 502.408(b), 502.409(c), or 502.412;

(2) Chapter 521;

(3) Subtitle C;

(4) ~~[Chapter 601]~~;

- ~~(5)~~ Chapter 621;
 (5) ~~(6)~~ Chapter 661; and
 (6) ~~(7)~~ Chapter 681.

SECTION _____. Sections 157.042(c) and (d), Local Government Code, are amended to read as follows:

(c) A county may elect to comply with the requirements of this section by self-insuring [~~in accordance with Section 34, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes)~~].

(d) Liability coverage required under this section must be in amounts equal to or greater than the amounts required by Chapter 601, Transportation Code [~~the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes)~~].

SECTION _____. (a) The change in law made by this Act applies only to the punishment for 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 the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act to Sections 601.293 and 601.296, Transportation Code, applies only to the impoundment and release of a motor vehicle that is impounded under Subchapter J, Chapter 601, Transportation Code, on or after the effective date of this Act. The impoundment and release of a motor vehicle that is impounded under Subchapter J, Chapter 601, Transportation Code, before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION _____. This Act takes effect January 1, 1998.

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

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

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

CSHB 1937 was passed to engrossment.

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

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

Representative Keel moved to postpone consideration of **CSHB 573** until 10 a.m. Wednesday, May 7.

The motion prevailed without objection.

HB 671 ON SECOND READING
(by Alvarado)

HB 671, A bill to be entitled An Act relating to a prohibition of certain underwriting decisions based on credit reports; providing a penalty.

Amendment No. 1

Representative Brimer offered the following amendment to **HB 671**:

Amend **HB 671** as follows:

On page 2, line 5, strike "in whole or in part" and substitute "solely."

Representative Alvarado moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Smithee offered the following amendment to **HB 671**:

Amend Proposed Art. 21.21-9 as provided by Section 1 of **HB 671** by revising Sections 3 and 4 of proposed Art. 21.21-9 to read as follows:

Sec. 3. COMMISSIONER RULEMAKING. The Commissioner of Insurance is granted rulemaking authority to regulate the use of credit reports by insurance companies for underwriting decisions. Any such rule shall be based upon sound actuarial principles applicable to underwriting.

Sec. 4. PENALTY. An insurer who violates any rule promulgated by the Commissioner commits an unfair practice in violation of Article 21.21 of this code and is subject to the penalties imposed under that article.

LEAVES OF ABSENCE GRANTED

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

Clark on motion of Isett.

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

Delisi on motion of Keel.

Junell on motion of R. Lewis.

Swinford on motion of Chisum.

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

Coleman on motion of Keel.

Eiland on motion of Keel.

HB 671 - (consideration continued)

(Gallego in the chair)

Representative Alvarado moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 306): 63 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bosse; Burnam; Chavez; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Glaze; Gray; Greenberg; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berlanga; Bonnen; Brimer; Carter; Chisum; Christian; Cook; Corte; Counts; Crabb; Craddick; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; Merritt; Mowery; Nixon; Palmer; Pitts; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Talton; Telford; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

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

Absent, Excused — Clark; Eiland; Moffat.

Absent, Excused, Committee Meeting - Coleman; Delisi; Junell; Swinford.

Absent — Danburg; Gutierrez; Horn; Kubiak; Wilson.

(Speaker in the chair)

STATEMENTS OF VOTE

When Record No. 306 was taken, I was in the house but away from my desk. I would have voted no.

Gutierrez

When Record No. 306 was taken, I was in the house but away from my desk. I would have voted yes.

Kubiak

Amendment No. 2 failed of adoption.

HB 671 was passed to engrossment. (Heflin recorded voting no.)

POSTPONED BUSINESS

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

HB 3216 ON SECOND READING

(by Stiles and Brimer)

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

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

Representative Brimer moved to postpone consideration of **HB 3216** until 2 p.m. Wednesday, May 7.

The motion prevailed 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 **HB 1**:

Gallego on motion of Gutierrez.

CSHB 589 ON SECOND READING (by Rangel, Kamel, Maxey, Cuellar, Giddings, et al.)

CSHB 589, A bill to be entitled An Act relating to the indemnification of certain personnel of certain institutions of higher education for admissions activities.

CSHB 589 was read second time on April 16, postponed until April 23, postponed until April 30, and was again postponed until 2 p.m. today.

Representative Rangel moved to postpone consideration of **CSHB 589** until 2 p.m. Monday, May 19.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 1700 ON SECOND READING (by Rangel, et al.)

CSHB 1700, A bill to be entitled An Act relating to group health coverage for school district employees.

CSHB 1700 was read second time on May 1 and was postponed until 2 p.m. today.

Representative Rangel moved to postpone consideration of **CSHB 1700** until 2 p.m. Thursday, May 8.

The motion prevailed without objection.

HB 1664 ON SECOND READING (by Oliveira and Keel)

HB 1664, A bill to be entitled An Act relating to the imposition of a criminal penalty for the removal, damage, or intentional concealment of signs or markers giving information about the location of certain underground facilities.

HB 1664 was read second time earlier today and was postponed until 2 p.m. today.

Amendment No. 1

Representative Oliveira offered the following amendment to **HB 1664**:

Amend **HB 1664** as follows:

(1) On line 8, strike "removes, damages, or intentionally" and substitute "intentionally removes, damages, or".

(2) On line 14, strike "removal, damage, or intentional" and substitute "intentional removal, damage, or".

Amendment No. 1 was adopted without objection.

HB 1664, as amended, was passed to engrossment.

HB 2001 ON THIRD READING
(by Oliveira, Serna, Luna, and Seaman)

HB 2001, A bill to be entitled An Act relating to the enterprise zones and certain projects in enterprise zones.

HB 2001 was read third time on earlier today and was postponed until 2 p.m. today.

Representative Oliveira moved to postpone consideration of **HB 2001** until 4 p.m. today.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 1131 ON SECOND READING
(by Puente, et al.)

CSHB 1131, A bill to be entitled An Act relating to the creation by the attorney general of an environmental hotline.

Representative Wohlgemuth moved to table **CSHB 1131**.

A record vote was requested.

The motion to table prevailed by (Record 307): 74 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Corte; Crabb; Craddick; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Glaze; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; McReynolds; Merritt; Mowery; Nixon; Oakley; Palmer; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Turner, B.; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Nays — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Janek; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; Moreno;

Naishtat; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clark; Eiland; Moffat.

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

Absent — Chavez.

STATEMENT OF VOTE

When Record No. 307 was taken, my vote failed to register. I would have voted no.

Chavez

(Goolsby in the chair)

HB 3380 ON SECOND READING (by Counts)

HB 3380, A bill to be entitled An Act relating to the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact.

HB 3380 was passed to engrossment.

CSHB 891 ON SECOND READING (by Hartnett, Giddings, et al.)

CSHB 891, A bill to be entitled An Act relating to the age of a person who may be married without formalities.

CSHB 891 was passed to engrossment.

CSHB 1336 ON SECOND READING (by Wise)

CSHB 1336, A bill to be entitled An Act relating to the emergency protection of children.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1336**:

Amend **CSHB 1336**, by adding a new Section 4 and renumbering subsequent sections accordingly.

SECTION 4. Section 71.09, Family Code, is amended by amending subsection (a) to read as follows:

(a) Unless a later date is requested by the applicant, the court, on the filing of an application, shall set a date and time for the hearing on the application. Except as provided by Subsection (d) of this section, the date must not be later than 14 days after the date the application is filed. If a proceeding for which a legislative continuance is sought under Section 30.003 of the Civil Practice and Remedies Code includes an application for a protective order authorized by this code, the continuance is discretionary with the court.

Amendment No. 1 was adopted without objection.

CSHB 1336, as amended, was passed to engrossment.

HB 1466 ON SECOND READING
(by Puente)

HB 1466, A bill to be entitled An Act relating to the probation ordered for certain delinquent conduct and the waiver and transfer of jurisdiction by a juvenile court.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Staples, Representative Puente offered the following committee amendment to **HB 1466**:

Amends **HB 1466**, Section 1, page 1, line 17 as follows:

New Section 54.04(p), Family Code, is amended to add as follows:

Between "Subsection (d)(3)" and "for a period" add "or Subsection (m)"

Amends Section 2, page 2, line 4 as follows:

New Section 61.0795, Subchapter E, Chapter 61, Human Resources Code, is amended to add as follows:

Between "Section 54.04(d)(3)" and "Family Code" add "or Section 54.04(m)"

Amends Section 2, page 2, line 5 as follows:

New Section 61.0795, Subchapter E, Chapter 61, Human Resources Code is amended to add as follows:

Between "shall" and "waive" add "without a hearing"

Adds a new Section 3 and renumbers subsequent sections accordingly.

Section 54.05, Family Code, is amended by amending Subsection (b) to read as follows:

(b) Except for a commitment to the Texas Youth Commission and except as provided in Section 54.04(p), all dispositions automatically terminate when the child reaches his 18th birthday.

Amendment No. 1 was adopted without objection.

HB 1466, as amended, was passed to engrossment.

HB 1476 ON SECOND READING
(by Bonnen)

HB 1476, A bill to be entitled An Act relating to the priorities for distribution of certain assets of insurance companies in receivership.

Amendment No. 1 (Committee Amendment No. 1)

Representative Bonnen offered the following committee amendment to **HB 1476**:

Amend **HB 1476** by adding new SECTION 3 as follows, on Page 4, Line 3 and re-numbering the subsequent sections:

SECTION 3. Section 10(a) and 10(b), Article 21.28, Insurance Code, amended to read as follows:

"Reinsurance. (a) Reinsurer's liability. If the receiver has claims under policies covered by reinsurance, there shall be no diminution of the liability of

the reinsurer to the receiver under the contracts reinsured because of the delinquency proceeding against the delinquent company, regardless of any provisions in the reinsurance contract to the contrary, except: (i) where the contract or other written agreement entered into prior to the delinquency proceeding and otherwise permitted by law specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer, or (ii), where the assuming insurer, with the consent of the direct insured, has assumed such policy obligations of the ceding insurer pursuant to an assumption reinsurance agreement as direct obligations of the assuming insurer to the payees under policies and in substitution for the obligations of the ceding insurer to such payees. The reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported approved claims allowed in the liquidation proceeding pursuant to Section 3(h) of the article.

(b) Notice to Reinsurer. The liquidator or receiver shall give written notice to the affected reinsurers of the pendency of a claim against the receiver under a policy covered by reinsurance within a reasonable time after such claim is filed in the delinquency proceeding. During the pendency of such claim any affected reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where the claim is to be adjusted any defense or defenses which it may deem available to the delinquent company, the liquidator or the receiver. Subject to court approval, the expense thus incurred shall be chargeable against the delinquent company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the delinquent company solely as a result of the defense undertaken by the assuming insurer. Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Bonnen offered the following committee amendment to **HB 1476**:

On page 1, line 17, delete the phrase "Class 4" and substitute "Class 1".

Amendment No. 2 was adopted without objection.

HB 1476, as amended, was passed to engrossment.

CSSB 758 ON SECOND READING (Serna, West, and Staples - House Sponsors)

CSSB 758, A bill to be entitled An Act relating to the offense of criminal mischief involving graffiti and the regulation of customer access to aerosol paint.

CSSB 758 was considered in lieu of **HB 1714**.

(Moffat now present)

Amendment No. 1

Representative Corte offered the following amendment to **CSSB 758**:

Amend **CSSB 758** as follows:

(1) Strike Section 4 of the bill and renumber the subsequent sections appropriately.

Representative Goodman moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Staples offered the following amendment to **CSSB 758**:

Amend **CSSB 758** as follows:

(1) On page 9, line 23, in proposed Section 485.019(f), Health and Safety Code, between "The" and "district or county attorney", strike "attorney general or the".

(2) On page 9, line 25, in proposed Section 485.019(f), Health and Safety Code, between "occurred" and "may file", insert ", or the attorney general, if requested by the district or county attorney for that county,".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Pickett offered the following amendment to **CSSB 758**:

Amend **CSSB 758** as follows:

(1) Strike SECTION 1 of the bill.

(2) Insert the following new SECTIONS to read as follows:

SECTION _____. Section 28.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, without the effective consent of the owner:

(1) he intentionally or knowingly damages or destroys the tangible property of the owner;

(2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or

(3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, other than graffiti, on the tangible property of the owner.

SECTION _____. Chapter 28, Penal Code, is amended by adding Section 28.08 to read as follows:

Sec. 28.08. GRAFFITI. (a) A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly places graffiti on the tangible property of the owner.

(b) In this section, "graffiti" means a word, figure, mark, painting, covering, drawing, slogan, design, etching, or other inscription.

(c) When more than one item of tangible property, belonging to one or more owners, is property on which graffiti is placed in violation of this section

pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense, and the amounts of pecuniary loss to property resulting from the placement of the graffiti may be aggregated in determining the grade of the offense.

(d) Except as provided by Subsection (e), an offense under this section is:

(1) a Class B misdemeanor if the amount of pecuniary loss is less than \$20;

(2) a Class A misdemeanor if the amount of pecuniary loss is \$20 or more but less than \$500;

(3) a state jail felony if the amount of pecuniary loss is \$500 or more but less than \$1,500;

(4) a felony of the third degree if the amount of the pecuniary loss is \$1,500 or more but less than \$20,000;

(5) a felony of the second degree if the amount of pecuniary loss is \$20,000 or more but less than \$100,000; or

(6) a felony of the first degree if the amount of pecuniary loss is \$100,000 or more.

(e) An offense under this section is a state jail felony if the graffiti is placed on a place of worship or human burial, a public monument, or community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is less than \$1,500.

(3) Strike "28.03(a)(3), Penal Code" everywhere it appears and substitute "28.08, Penal Code".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Dukes offered the following amendment to **CSSB 758**:

Amend **CSSB 758** by adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 53.03, Family Code, is amended by adding Subsection (g) to read as follows:

(g) If the child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that violates Section 28.03(a)(3), Penal Code, deferred prosecution under this section may include:

(1) voluntary attendance in a class with instruction in self-responsibility and empathy for a victim of an offense conducted by a local juvenile probation department, if the class is available; and

(2) voluntary restoration of the property damaged by the child by removing or painting over any markings made by the child, if the owner of the property consents to the restoration.

SECTION _____. Chapter 54, Family Code, is amended by adding Section 54.046 to read as follows:

Sec. 54.046. CONDITIONS OF PROBATION FOR DAMAGING PROPERTY WITH GRAFFITI. (a) If a juvenile court places on probation under Section 54.04(d) a child adjudicated as having engaged in conduct in violation of Section 28.03(a)(3), Penal Code, in addition to other conditions of probation, the court may, with consent of the owner of the property, order the

child as a condition of probation to restore the property by removing or painting over any markings made by the child on the property.

(b) In addition to a condition imposed under Subsection (a), the court may require the child as a condition of probation to attend a class with instruction in self-responsibility and empathy for a victim of an offense conducted by a local juvenile probation department.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative King offered the following amendment to **CSSB 758**:

Amend **CSSB 758** in SECTION 4 of the bill, in proposed Section 485.019, Health and Safety Code, (house committee printing page 10, between lines 2 and 3, by inserting the following:

(h) This section applies only to a business establishment that is located in a municipality with a population of 500,000 or more.

Representative Serna moved to table Amendment No. 5.

The motion to table prevailed.

CSSB 758, as amended, was passed to third reading. (Cook, Corte, Counts, Heflin, King, Merritt, and Solomons recorded voting no)

HB 1714 - LAID ON THE TABLE SUBJECT TO CALL

Representative Serna moved to lay **HB 1714** on the table subject to call.

The motion prevailed without objection.

CSHB 1166 ON SECOND READING (by Garcia)

CSHB 1166, A bill to be entitled An Act relating to municipal regulations concerning insurance for taxicabs.

Amendment No. 1

Representative Ehrhardt offered the following amendment to **CSHB 1166**:

Amend **CSHB 1166** by substituting the following new (c)(1) for the present (1) on lines 16, 17, and 18 of the House Committee Report, First Printing:

(1) the commissioner of insurance has issued an order finding that the company is in bankruptcy in whole or in part, or is, in a hazardous financial condition as described by Article 1.32, Insurance Code; or

Amendment No. 1 was adopted without objection.

CSHB 1166, as amended, was passed to engrossment. (Corte and Puente recorded voting no)

POSTPONED BUSINESS

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

HB 2001 ON THIRD READING
(by Oliveira, Serna, Luna, and Seaman)

HB 2001, A bill to be entitled An Act relating to the enterprise zone program.

HB 2001 was read third time earlier today, postponed until 2 p.m., and was again postponed until 4 p.m. today.

Amendment No. 1

Representative Oliveira offered the following amendment to **HB 2001**:

Amend **HB 2001** on Third Reading as follows:

In Section 13 of the bill (as added by the Coleman amendment on Second Reading), in amended Section 151.429(h)(3), Tax Code, strike "that are not payable" and substitute "that are payable".

Amendment No. 1 was adopted without objection.

HB 2001, as amended, was passed.

GENERAL STATE CALENDAR
(consideration continued)

HB 864 ON SECOND READING
(by McCall)

HB 864, A bill to be entitled An Act relating to coverage under group health benefit plans for certain students.

HB 864 was passed to engrossment.

CSHB 3350 ON SECOND READING
(by Place, Keel, and Oakley)

CSHB 3350, A bill to be entitled An Act relating to the criminal offenses applicable to gambling and gambling devices.

Representative Pickett raised a point of order against further consideration of **CSHB 3350** under Rule 4, Section 32(c)(5) of the House Rules on the grounds that the comparison of the original bill to the committee substitute does not adequately describe the changes made by the committee substitute.

The point of order was withdrawn.

Representative Place moved to postpone consideration of **CSHB 3350** until 5 p.m. today.

The motion prevailed without objection.

(Speaker in the chair)

CSHB 2846 ON SECOND READING
(by Berlanga and Maxey)

CSHB 2846, A bill to be entitled An Act relating to the provision of health care services by advanced practice nurses and physician assistants in collaborative practice with physicians.

Amendment No. 1

Representative Corte offered the following amendment to **CSHB 2846**:

Amend **CSHB 2846** as follows:

(1) On page 2, strike lines 15 through 21 and substitute with the following:
 (b) a licensed hospital, a licensed long-term care facility, and a licensed adult care center where both the physician and the physician assistant or advanced nurse practitioner are authorized to practice, or an established patient's residence; [~~or~~]

(c) a clinic operated by or for the benefit of a public school district for the purpose of providing care to the students of that district and the siblings of those students, as long as each prescriptive order is accompanied by written informed consent from the student's parent or guardian; or

(2) Renumber subsequent sections as necessary.

Representative Berlanga moved to table Amendment No. 1.

The motion to table prevailed. (Corte and Finnell recorded voting no)

CSHB 2846 was passed to engrossment. (Corte, Galloway, Heflin, Horn, Howard, Keel, Madden, Marchant, and Talton recorded voting no)

HB 767 ON SECOND READING

(by Junell, et al.)

HB 767, A bill to be entitled An Act relating to an exemption from tuition and fees at a public institution of higher education for certain students in foster or other residential care.

HB 767 was passed to engrossment.

CSHB 1427 ON SECOND READING

(by Hightower)

CSHB 1427, A bill to be entitled An Act relating to the possession and use of tobacco products by employees of the institutional division of the Texas Department of Criminal Justice.

CSHB 1427 was passed to engrossment.

CSHB 797 ON SECOND READING

(by Carter, Naishtat, Luna, et al.)

CSHB 797, A bill to be entitled An Act relating to requiring the use of protective helmets for bicycle safety; providing criminal penalties.

Amendment No. 1

Representative Carter offered the following amendment to **CSHB 797**:

Amend **CSHB 797** page 4 line 16 by inserting "or municipal" following the word "county".

Amendment No. 1 was adopted without objection.

(Stiles in the chair)

A record vote was requested.

CSHB 797, as amended, failed to pass to engrossment by (Record 308): 56 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Burnam; Carter; Chavez; Corte; Crabb; Danburg; Davila; Davis; Driver; Dukes; Dutton; Farrar; Flores; Garcia; Giddings; Goodman; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hill; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Marchant; Maxey; McClendon; Merritt; Naishtat; Oakley; Oliveira; Olivo; Palmer; Place; Puente; Raymond; Reyna, A.; Sadler; Smith; Solis; Thompson; Tillery; Turner, B.; Van de Putte; Williamson; Wise; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Bonnen; Bosse; Chisum; Christian; Cook; Counts; Craddick; Cuellar; Culberson; Denny; Dunnam; Elkins; Finnell; Galloway; Glaze; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hinojosa; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McReynolds; Moffat; Mowery; Nixon; Patterson; Pickett; Pitts; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smithee; Solomons; Staples; Talton; Telford; Torres; Turner, S.; Uher; Walker; West; Williams; Wohlgemuth; Wolens; Woolley.

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

Absent, Excused — Clark; Eiland.

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

Absent — Brimer; Edwards; Ehrhardt; Moreno; Price; Rangel; Wilson.

STATEMENT OF VOTE

I was shown voting no on Record No. 308. I intended to vote yes.

Seaman

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

Kubiak on motion of Yarbrough.

HB 1784 ON SECOND READING (by Hilderbran)

HB 1784, A bill to be entitled An Act relating to the amount of assistance granted under the financial assistance program for persons with dependent children.

Amendment No. 1

On behalf of Representative Coleman, Representative Hilderbran offered the following amendment to **HB 1784**:

Amend **HB 1784** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill accordingly:

SECTION _____. Section 31.0065(b), Human Resources Code, is amended to read as follows:

(b) The department shall limit financial assistance and transitional benefits in accordance with the following schedule:

(1) except as provided by Subdivision (4), financial assistance is limited to a cumulative total of 12 months and transitional benefits are limited to 12 months if the person receiving financial assistance on behalf of a dependent child has:

(A) a high school diploma, a high school equivalency certificate, or a certificate or degree from a two-year or four-year institution of higher education or technical or vocational school; or

(B) recent work experience of 18 months or more;

(2) except as provided by Subdivision (4), financial assistance is limited to a cumulative total of 24 months and transitional benefits are limited to 12 months if the person receiving financial assistance on behalf of a dependent child has:

(A) completed three years of high school; or

(B) recent work experience of not less than six or more than 18 months; [and]

(3) except as provided by Subdivision (4), financial assistance is limited to a cumulative total of 36 months and transitional benefits of 12 months if the person receiving financial assistance on behalf of a dependent child has:

(A) completed less than three years of high school; and

(B) less than six months of work experience;and

(4) financial assistance provided to a two-parent family is limited to a cumulative total of 12 months and transitional benefits are limited to 12 months.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hilderbran offered the following amendment to **HB 1784**:

Amend **HB 1784** as follows:

(1) On page 1, line 16, between "31.012" and "in", insert "and is counted toward the state's minimum work participation rate requirement prescribed by 42 U.S.C. Section 607".

(2) On page 1, line 22, between "and" and "the", insert "will be counted toward the state's minimum work participation rate requirement prescribed by 42. U.S.C. Section 607 and".

(3) On page 1, line 23, between "activities" and the period, insert "or will not be counted toward the state's minimum work participation rate requirement".

Amendment No. 2 was adopted without objection.

HB 1784, as amended, was passed to engrossment.

CSHB 2799 ON SECOND READING (by Marchant)

CSHB 2799, A bill to be entitled An Act relating to investment practices of governmental entities.

Amendment No. 1

Representative Grusendorf offered the following amendment to **CSHB 2799**:

(1) Amend **CSHB 2799** by inserting the following appropriately numbered section:

SECTION _____. Section 2256.019, Government Code, is amended to read as follows:

Sec. 2256.019. **RATING OF CERTAIN INVESTMENT POOLS.** A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

(2) Amend **HB 2799** on page 15, line 2, by striking "Sections 2256.018 and 2256.019, Government Code, are" and substituting "Section 2256.018, Government Code, is".

(3) Renumber the remaining sections appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Davila offered the following amendment to **CSHB 2799**:

Amend **CSHB 2799** as follows:

(1) Add appropriately numbered SECTIONS to the bill notwithstanding Sec. 2256.01 as amended by this Act to read as follows:

SECTION _____. Section 404.024, Government Code, is amended by adding Subsection (j) to read as follows:

(j) The comptroller may not use state funds to invest in or purchase securities, including obligations, of a private corporation or other private business entity that manufactures, distributes, or sells cigarettes or a tobacco product. In this subsection, "cigarette" and "tobacco product" have the meaning assigned by Sections 154.001 and 155.001, Tax Code, respectively.

SECTION _____. Subchapter B, Chapter 2256, Government Code, is amended by adding Section 2256.060 to read as follows:

Sec. 2256.060. **UNAUTHORIZED INVESTMENT.** The state or an entity of state government, including a department, commission, board, office, or institution of higher education as defined by Section 61.003, Education Code, may not use state funds to invest in or purchase securities, including obligations, of a private corporation or other private business entity that manufactures, distributes, or sells cigarettes or a tobacco product. In this section, "cigarette" and "tobacco product" have the meaning assigned by Sections 154.001 and 155.001, Tax Code, respectively.

SECTION _____. Section 845.301, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The board may not use state funds to invest in or purchase securities, including obligations, of a private corporation or other private business entity that manufactures, distributes, or sells cigarettes or a tobacco product. In this subsection, "cigarette" and "tobacco product" have the meaning assigned by Sections 154.001 and 155.001, Tax Code, respectively.

SECTION _____. Section 855.302, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The board may not use state funds to invest in or purchase securities, including obligations, of a private corporation or other private business entity that manufactures, distributes, or sells cigarettes or a tobacco product. In this subsection, "cigarette" and "tobacco product" have the meaning assigned by Sections 154.001 and 155.001, Tax Code, respectively.

(2) Amend the transitional language of the bill by adding an appropriately numbered SECTION to the bill to read as follows:

SECTION _____. A governmental entity or retirement system that owns an investment prohibited by this Act shall divest the investment as soon as is reasonable and practical considering protection of capital, but not later than January 1, 1999.

(3) Renumber the existing SECTIONS of the bill accordingly.

(Speaker in the chair)

(Junell now present)

Representative Marchant moved to table Amendment No. 2.

(Swinford now present)

The motion to table prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

CSHB 2799 - (consideration continued)

CSHB 2799, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

POSTPONED BUSINESS

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

CSHB 3350 ON SECOND READING (by Place, Keel, and Oakley)

CSHB 3350, A bill to be entitled An Act relating to the criminal offenses applicable to gambling and gambling devices.

CSHB 3350 was read second time earlier today and was postponed until 5 p.m. today.

Representative Pickett raised a point of order against further consideration of **CSHB 3350** under Rule 4, Section 32(c)(5) of the House Rules on the grounds that the comparison of the original bill to the committee substitute in the bill analysis does not adequately describe the changes made by the committee substitute.

The speaker sustained the point of order.

The bill was returned to the Committee on Criminal Jurisprudence.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 2606 ON SECOND READING
(by Ramsay)

CSHB 2606, A bill to be entitled An Act relating to the appraisal and ad valorem taxation of a retail manufactured housing inventory; providing penalties.

Amendment No. 1

Representative Ramsay offered the following amendment to **CSHB 2606**:

Amend **CSHB 2606** as follows:

(1) On Page 4, Line 21, insert the word "immediately" between the words "the" and "preceding"; and,

(2) On Page 6, Lines 15 and 19, delete the word "person" and insert the word "retailer" in lieu thereof.

Amendment No. 1 was adopted without objection.

CSHB 2606, as amended, was passed to engrossment.

HB 812 ON SECOND READING
(by Janek, E. Reyna, Christian, Pickett, Galloway, et al.)

HB 812, A bill to be entitled An Act relating to certain contracts between health maintenance organizations and physicians or other providers.

Amendment No. 1

Representative Janek offered the following amendment to **HB 812**:

Amend **HB 812** as follows:

(1) Following page 1, insert the following:

SECTION 2. Subchapter E, Chapter 241, Health and Safety Code, is amended by adding Section 241.1015 read as follows:

Sec. 241.1015. PHYSICIAN COMMUNICATION AND CONTRACTS. (a) A hospital, whether by contract, by granting or withholding staff privileges, or otherwise, may not restrict a physician's ability to communicate with a patient with respect to:

(1) the patient's coverage under a health care plan;

(2) any subject related to the medical care or health care services to be provided to the patient, including treatment options that are not provided under a health care plan;

(3) the availability or desirability of a health care plan or insurance or similar coverage, other than the patient's health care plan;

(4) the availability or desirability of services at another hospital; or

(5) The fact that the physician's staff privileges or contract with a hospital or health care plan have terminated or that the physician will otherwise no longer be providing medical care or health care services at the hospital or under the health care plan.

(b) A hospital, by contract or otherwise, may not refuse or fail to grant or renew staff privileges, or condition staff privileges, based in whole or in part on the fact that the physician or a partner, associate, or employee of the physician is providing medical or health care services at a different hospital or hospital system.

(c) A hospital may not contract to limit a physician's participation or staff privileges or the participation or staff privileges of a partner, associate, or employee of the physician at a different hospital or hospital system.

(d) A contract provision that violates this section is void.

(e) In this section, "health care plan" has the meaning assigned by Section 2, Texas Health Maintenance Organization Act (Article 20A.02, Vernon's Texas Insurance Code).

(2) Renumber subsequent sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

On behalf of Representative Smithee, Representative Janek offered the following committee amendment to **HB 812**:

Amend **HB 812** as follows:

On page 1, strike line 17 and 18 completely and renumber text accordingly.

Amendment No. 2 was adopted without objection.

Amendment No. 3 (Committee Amendment No. 2)

On behalf of Representative Smithee, Representative Janek offered the following committee amendment to **HB 812**:

Amend **HB 812** as follows:

(1) On page 1, line 8, strike "PHYSICIAN AND PROVIDER" and substitute "PHYSICIAN, DENTIST, OR PROVIDER".

(2) On page 1, line 10, strike "physician's or provider's" and substitute "physician's, dentist's, or provider's".

(3) On page 1, line 14, after "medical care", insert ", dental care,".

(4) On page 1, line 19, strike "physician's or provider's" and substitute "physician's, dentist's, or provider's".

(5) On page 1, strike lines 21-22 and substitute "physician, dentist, or provider will otherwise no longer be providing medical care, dental care, or health care services under the health care plan.".

Amendment No. 3 was adopted without objection.

HB 812, as amended, was passed to engrossment.

CSHB 1418 ON SECOND READING
(by Alexander, Siebert, et al.)

CSHB 1418, A bill to be entitled An Act relating to the regulation of motor carriers of household goods.

Amendment No. 1

Representative Alexander offered the following amendment to **CSHB 1418**:

Amend **CSHB 1418** as follows:

SECTION 1. In Subsection (e), line 21, delete "van-line carriers of household goods" and substitute "carriers required to register under this article."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Alexander offered the following amendment to **CSHB 1418**:

Amend **CSHB 1418** as follows:

SECTION 2. In Section 8(f), Article 6675c, Revised Statutes, on page 3, line 3, after the word "goods" and before the "," insert "using small, medium and large equipment"

Amendment No. 2 was adopted without objection.

CSHB 1418, as amended, was passed to engrossment. (Corte and Keel recorded voting no)

CSHB 561 ON SECOND READING
(by Hochberg)

CSHB 561, A bill to be entitled An Act relating to the exchange of information between certain health care regulatory agencies.

CSHB 561 was passed to engrossment.

HB 2062 ON SECOND READING
(by Van de Putte)

HB 2062, A bill to be entitled An Act relating to rate proceedings before the commissioner of insurance.

Amendment No. 1

Representative Van de Putte offered the following amendment to **HB 2062**:

Amend **HB 2062** by adding a new section to the bill and renumbering the subsequent sections, SECTION 2 to read as follows:

"SECTION 2. Nothing in Article 1.09-5 as amended by this act shall be considered as amending, limiting, expanding, or modifying the provisions of Article 1.33B of the Texas Insurance Code. In the event of any conflict between the provisions of Article 1.09-5 and Article 1.33B, the provisions of Article 1.33B shall control and continue to be fully effective notwithstanding any of the provisions of Article 1.09-5."

Amendment No. 1 was adopted without objection.

HB 2062, as amended, was passed to engrossment.

HB 1528 ON SECOND READING
(by Oliveira)

HB 1528, A bill to be entitled An Act relating to the smart jobs fund program.

Amendment No. 1 (Committee Amendment No. 1)

Representative Luna offered the following committee amendment to **HB 1528**:

Amend **HB 1528**, from page 5, line 25 through page 7, line 27, by striking Sec. 481.155 and substituting the following:

Sec. 481.155. GRANTS. (a) The executive director may award grants for projects that meet the requirements of this chapter. It is the intent of the legislature that, to the greatest extent practicable, money from the smart jobs fund shall be spent in all areas of the state. The executive director shall not award a grant or a combination of grants in any fiscal year to a single employer in excess of \$1,000,000 or at a rate greater than \$1,500 per new or existing job. The executive director shall attempt to ensure that at least 20 percent of the total dollar amount of grants awarded under the program are awarded to minority employers.

(b) The program is job-driven. A grant may not be awarded unless each employer participating in the project certifies that:

(1) a job or job opening exists or will exist at the end of the project for which the grant is sought; and

(2) the job or job opening will be filled by a participant in the project.

(c) A grant may not be awarded for a project under this section unless each employer participating in the project certifies that the starting wage for a new job created through the project will be equal to or greater than the prevailing wage for that occupation in the local labor market area [greater than 66 2/3 percent of the state average weekly wage] and that the wage for a job existing on the date that the project is scheduled to begin will be increased by the greater of:

(1) three [+0] percent for a small business or five percent for a business that is not a small business over the wage in effect on the day before the date on which the project is scheduled to begin for that job; or

(2) 100 percent of the prevailing wage for that occupation in the local labor market area [75 percent of the state average weekly wage].

(d) An employer may apply for a grant under this chapter, and request a modification of the requirements provided by Subsection (c), if:

(1) the employer is required to reduce or eliminate the employer's work force because of reductions in overall employment within an industry;

(2) [or] a substantial change in the skills required to continue the employer's business exists because of technological changes; or

(3) other reasonable factors, as determined by ~~[In awarding a grant under this subsection,]~~ the executive director, exist ~~[may modify the requirements of Subsection (c)].~~

(e) Grants awarded under this section ~~[subsection]~~ for which the executive director has modified the requirements of Subsection (c) may not, in any fiscal year, exceed 10 percent of the total dollar amount of grants awarded under the program in that year.

(f) [(e)] Unless modified by the executive director under rules adopted by the policy board, a grant may not be awarded for a project unless each employer participating in the project certifies that it will continue to spend on nonmanagerial training an amount from private sources equal to the average amount spent by the employer on such training for the most recent two-year period.

(g) [(f)] A grant may not be awarded for a project if the project will impair existing contracts for services or collective bargaining agreements, except that a project inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and the employer or employers who are parties to the agreement.

(h) [(g)] During each state fiscal year the executive director shall attempt to ensure that at least 50 percent of the total dollar amount of grants awarded under this section is awarded to small businesses, as defined by Section 481.101.

(i) [(h)] In awarding a grant under this section, the executive director shall give priority to a project that is located in an enterprise zone as defined by Section 2302.003.

Amendment No. 2

Representatives Luna and Yarbrough offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 1528** to read as follows:

Amend **HB 1528**, from page 5, line 25 through page 7, line 27, by striking Sec. 481.155 and substituting the following:

Sec. 481.155. GRANTS. (a) The executive director may award grants for projects that meet the requirements of this chapter. It is the intent of the legislature that, to the greatest extent practicable, money from the smart jobs fund shall be spent in all areas of the state. The executive director may award a grant or a combination of grants in any fiscal year to a single employer in excess of \$1,000,000 or at a rate greater than 10 percent of the annual wages of the new or existing job being created or retained with the grant only if:

(1) the employer locates or expands in an enterprise zone;

(2) the employer locates or expands in an adversely affected defense-dependent community;

(3) the employer locates or expands in an area having an unemployment rate 1 1/2 times greater than the statewide average at the time of the application;

(4) the employer locates or expands in a county with a population of less than 75,000;

(5) at least 25 percent of the employees hired or retained by the employer are economically disadvantaged individuals as defined by Sec. 2302.402(c), Government Code; or

(6) the employer is a small business or a micro-business.

(b) The executive director shall attempt to ensure that at least 20 percent of the total dollar amount of grants awarded under the program are awarded to minority employers.

(c) [(b)] The program is job-driven. A grant may not be awarded unless each employer participating in the project certifies that:

(1) a job or job opening exists or will exist at the end of the project for which the grant is sought; and

(2) the job or job opening will be filled by a participant in the project.

~~(d)~~ ~~[(e)]~~ A grant may not be awarded for a project under this section unless each employer participating in the project certifies that the starting wage for a new job created through the project will be equal to or greater than the prevailing wage for that occupation in the local labor market area ~~[greater than 66 2/3 percent of the state average weekly wage]~~ and that the wage for a job existing on the date that the project is scheduled to begin will be increased by the greater of:

(1) three ~~[4]~~ percent for a small business or five percent for a business that is not a small business over the wage in effect on the day before the date on which the project is scheduled to begin for that job; or

(2) 100 percent of the prevailing wage for that occupation in the local labor market area ~~[75 percent of the state average weekly wage]~~.

~~(e)~~ ~~[(f)]~~ An employer may apply for a grant under this chapter, and request a modification of the requirements provided by Subsection (d), if:

(1) the employer is required to reduce or eliminate the employer's work force because of reductions in overall employment within an industry;

(2) ~~or~~ a substantial change in the skills required to continue the employer's business exists because of technological changes; or

(3) other reasonable factors, as determined by ~~[-In awarding a grant under this subsection;]~~ the executive director, exist ~~[may modify the requirements of Subsection (e)]~~.

(f) Grants awarded under this section ~~[subsection]~~ for which the executive director has modified the requirements of Subsection (d) ~~[(e)]~~ may not, in any fiscal year, exceed 10 percent of the total dollar amount of grants awarded under the program in that year.

(g) ~~[(h)]~~ Unless modified by the executive director under rules adopted by the policy board, a grant may not be awarded for a project unless each employer participating in the project certifies that it will continue to spend on nonmanagerial training an amount from private sources equal to the average amount spent by the employer on such training for the most recent two-year period.

(h) ~~[(i)]~~ A grant may not be awarded for a project if the project will impair existing contracts for services or collective bargaining agreements, except that a project inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and the employer or employers who are parties to the agreement.

(i) ~~[(j)]~~ During each state fiscal year the executive director shall attempt to ensure that at least 50 percent of the total dollar amount of grants awarded under this section is awarded to small businesses, as defined by Section 481.101.

(j) ~~[(k)]~~ In awarding a grant under this section, the executive director shall give priority to a project that is located in an enterprise zone as defined by Section 2302.003.

Amendment No. 2 was adopted without objection.

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

Amendment No. 3 (Committee Amendment No. 2)

On behalf of Representative Luna, Representative Oliveira offered the following committee amendment to **HB 1528**:

Amend **HB 1528** as follows:

(1) on page 3, line 2, after "(12)" and before "[(+)]" insert "Micro-business" means an eligible business with not more than twenty employees.

(13)" and renumber subsequent subsections accordingly; and

(2) on page 6, line 20, after "chapter" and before ";" insert ", and request a modification of the requirements provided by Subsection (c) of this section and Section 481.159(c), Government Code, if the employer is a micro-business. An employer may apply for a grant under this chapter."

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representatives Corte and Chisum offered the following amendment to **HB 1528**:

Amend **HB 1528** on page 3, lines 12 through 21, strike "(13)" [(+)] "Minority group members" means members of certain groups, including black Americans, Hispanic Americans, women, Asian Americans and American Indians, who have suffered the effects of discriminatory practices of similar insidious circumstances over which they have no control [include:]

~~[(A) African Americans;]~~

~~[(B) American Indians;]~~

~~[(C) Asian Americans; and]~~

~~[(D) Mexican Americans and other Americans of Hispanic origin]."~~ and substitute "(13) [(+)] "Minority group members include:

(A) African Americans;

(B) American Indians;

(C) Asian Americans; ~~and]~~

(D) Mexican Americans and other Americans of Hispanic origin; and

(E) women.

Amendment No. 4 was adopted without objection.

HB 1528, as amended, was passed to engrossment.

**HB 1104 ON SECOND READING
(by Solomons)**

HB 1104, A bill to be entitled An Act relating to certain business organizations.

Representative Solomons moved to postpone consideration of **HB 1104** until 10 a.m. Thursday, May 8.

The motion prevailed without objection.

**CSHB 966 ON SECOND READING
(by Oakley, Kamel, Solomons, Greenberg, and Gray)**

CSHB 966, A bill to be entitled An Act relating to water safety; providing penalties.

(Gallego now present)

Amendment No. 1

Representative Oakley offered the following amendment to **CSHB 966**:

Amend **CSHB 966** as follows:

(1) On page 5, line 12, strike "create a boater education course that meets or exceeds" and substitute "approve boater education courses that meet or exceed"

(2) On page 7, between line 10 and 11, insert new subsection (e) as follows:

"(e) Upon proof of completion of a boater safety education course a court shall dismiss a violation of Sec. 31.109 (B)(b)(1) and (2)."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 966**:

Amend **CSHB 966** as follows:

(1) On page 10, line 6, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 10, between lines 21 and 22, insert the following:

(d) Not less than 50 percent of the amount remitted to the game, fish, and water safety account under Subsection (c) must be used for the administration and enforcement of this chapter.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representatives Puente and Siebert offered the following amendment to **CSHB 966**:

Amend **CSHB 966** by inserting a new Section 5, Section 31.092(d), Parks and Wildlife Code, to read as follows and renumbering subsequent sections accordingly:

(d) A home rule municipality that has enacted a zoning overlay district encompassing property adjacent to and on either side of public or navigable water may, to protect the health, safety and welfare of its citizens and visitors and to facilitate the orderly flow of traffic in said waterway, regulate private and commercial traffic on such water by requiring a permit and may issue an exclusive franchise for the operation of water craft for hire operating within any section of the waterway adjacent to or within the overlay district.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Horn offered the following amendment to **CSHB 966**:

Amend **CSHB 966** as follows:

On page 6, lines 17-27 and page 7, lines 1-25, strike Sections 31.109 and 31.110.

(Delisi now present)

Representative Kamel moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative Horn offered the following amendment to **CSHB 966**:

Amend **CSHB 966** as follows:

On page 8, line 20, strike "must" and substitute "may".

Representative Oakley moved to table Amendment No. 5.

The motion to table prevailed.

(Clark now present)

A record vote was requested.

CSHB 966, as amended, was passed to engrossment by (Record 309): 72 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Alvarado; Brimer; Burnam; Carter; Cook; Counts; Cuellar; Danburg; Davila; Davis; Denny; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Hawley; Hernandez; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Isett; Jones, J.; Kamel; King; Kuempel; Lewis, G.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Serna; Smith; Solis; Solomons; Thompson; Torres; Turner, B.; Uher; Van de Putte; Walker; Wilson; Wise; Yarbrough; Zbrank.

Nays — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Driver; Dunnam; Elkins; Finnell; Galloway; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Holzheuser; Horn; Hunter; Hupp; Jackson; Janek; Jones, D.; Junell; Keel; Keffer; Krusee; Lewis, R.; Madden; Mowery; Nixon; Pitts; Place; Rabuck; Reyna, E.; Roman; Sadler; Seaman; Shields; Siebert; Staples; Stiles; Swinford; Talton; Tillery; West; Williams; Wohlgenuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Kubiak.

Absent, Excused, Committee Meeting — Coleman.

Absent — Chavez; Gallego; Goolsby; Hightower; Howard; Marchant; Moffat; Smithee; Telford; Turner, S.; Williamson.

STATEMENTS OF VOTE

When Record No. 309 was taken, my vote failed to register. I would have voted yes.

Gallego

I was shown voting yes on Record No. 309. I intended to vote no.

McReynolds

CSSB 802 ON SECOND READING
(Maxey - House Sponsor)

CSSB 802, A bill to be entitled An Act relating to the functions and duties of the Texas Health Care Information Council; providing a penalty.

CSSB 802 was considered in lieu of **HB 1616**.

Amendment No. 1

Representative Maxey offered the following amendment to **CSSB 802**:

Amend **CSSB 802** as follows:

(1) In SECTION 9 of the bill, in Section 108.009(b), Health and Safety Code (page 13, line 15, House committee printing), strike "commission rule" and substitute "rule adopted by the council".

(2) In SECTION 9 of the bill, in Section 108.009(o), Health and Safety Code, between the second and third sentences of the subsection (Page 15, line 12, House committee printing), insert the following: "If the Health Plan Employer Data Information Set (HEDIS) does not generally apply to a health benefit plan, the council shall require submission of data in accordance with other methods.".

Amendment No. 1 was adopted without objection.

CSSB 802, as amended, was passed to third reading.

HB 1616 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **HB 1616** on the table subject to call.

The motion prevailed without objection.

HB 2749 ON SECOND READING
(by McClendon)

HB 2749, A bill to be entitled An Act relating to standards adopted for and registry of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities by the Texas Juvenile Probation Commission.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative McReynolds, Representative McClendon offered the following committee amendment to **HB 2749**:

Amend **HB 2749** as follows:

(1) On page 2, strike lines 12 through 23, and replace with the following:
(d) The commission shall annually inspect all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities except a facility operated or certified by the Texas Youth Commission [any private, post-adjudicated juvenile secure correctional facility if the juvenile board of the county in which the facility is located has not inspected it during the previous year, except a facility exempt from certification by Section 42.052(e)] and shall annually monitor compliance with the standards established under Subsection (a)(4) if the juvenile board has elected to comply with those standards or shall annually ensure that the facility is certified by the American Correctional Association if the juvenile board has elected to comply with those standards.

Amendment No. 1 was adopted without objection.

HB 2749, as amended, was passed to engrossment.

HR 814 - ADOPTED

(by **Berlanga, Chavez, Wise, Olivo, Garcia, et al.**)

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 814**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 814, Commemorating Cinco de Mayo and the 25th anniversary of the Mexican American Legislative Caucus.

HR 814 was read and was adopted without objection.

On motion of Representatives Seaman and Davis, the names of all the members of the house were added to **HR 814** as signers thereof.

**HB 506 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 506, A bill to be entitled An Act relating to a bill of review by a civil court.

Representative Dutton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 506**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 506**: Dutton, chair, Alvarado, Uher, Hilbert, and Zbranek.

RULES SUSPENDED

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **SB 332** and **SB 525**.

The motion prevailed without objection.

Representative Van de Putte moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **HB 3601**.

The motion prevailed without objection.

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **SB 875**.

The motion prevailed without objection.

Representative Wolens moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **SB 55, SB 631, SB 892, SB 1055, SB 1688, and SB 1715.**

The motion prevailed without objection.

Representative Hilderbran moved to suspend the 5-day posting rule to allow the Committee on Human Services to consider **HCR 204 and SB 534.**

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, on adjournment today, Desk 46, to consider **HB 3350.**

State Affairs, on adjournment today.

Ways and Means, on adjournment today, Desk 70.

State Affairs, on adjournment Tuesday, May 6, E2.010, Capitol Extension, to consider **SB 55, SB 631, SB 892, SB 1055, SB 1688, and SB 1715.**

Licensing and Administrative Procedures, on adjournment Tuesday, May 6, E2.016, Capitol Extension, to consider posted bills and those which were announced earlier.

Judicial Affairs, on adjournment today, Desk 67.

SB 249 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Representative S. Turner submitted the conference committee report on **SB 249.**

Representative S. Turner moved to adopt the conference committee report on **SB 249.**

The motion was withdrawn.

HR 817 - ADOPTED (by Hawley)

Representative Hawley moved to suspend all necessary rules to take up and consider at this time **HR 817.**

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 817, Congratulating Geraldine Neely on the occasion of her retirement.

HR 817 was adopted without objection.

STATEMENTS BY REPRESENTATIVE ISETT

I voted "no" verbally on **HB 1001.**

I voted "no" verbally on **HB 155.**

ADJOURNMENT

Representatives Uher and Rhodes moved that the house adjourn until 10 a.m. tomorrow in memory of Gene Kubiak Cundress and Scotty Curtis.

The motion prevailed without objection.

The house accordingly, at 7:16 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3602 (by King and Raymond), Relating to the creation, administration, powers, duties, operation, and financing of the Wintergarden Groundwater Conservation District.

To Natural Resources.

HB 3603 (by Craddick and Counts), Relating to fees to finance capital improvements in certain municipalities.

To Urban Affairs.

HB 3604 (by Oakley), Relating to the abolition of the Texas Board of Private Investigators and Private Security Agencies and the transfer of the functions of that agency to the State Board of Security Agencies.

To Public Safety.

HB 3605 (by Counts), Relating to the assignment of the judge of the County Court at Law of Nolan County.

To Judicial Affairs.

HB 3606 (by Glaze), Relating to the creation, administration, powers, duties, operation, and financing of the Rohr Springs Groundwater Conservation District.

To Natural Resources.

HCR 230 (by Craddick), Commemorating the 100th anniversary of the dedication of Saint Ann's Catholic Church in Midland.

To Rules & Resolutions.

HCR 231 (by Van de Putte), Designating May 1997 as Older Americans Month.

To Rules & Resolutions.

HCR 232 (by Van de Putte), Designating May 8, 1997, Clinical Nutrition Day in Texas.

To Rules & Resolutions.

HCR 233 (by Hernandez), Designating May 4-10, 1997, as Texas Community Action Week.

To Rules & Resolutions.

HR 691 (by Haggerty), In memory of Kenneth K. Brimer, Sr.
To Rules & Resolutions.

HR 709 (by Solis, et al.), In memory of Rutilio R. "Rudy" Garza, Jr.
To Rules & Resolutions.

HR 777 (by Keffer), Honoring Rosemary Eikner Divine for her outstanding service as president of the Comanche Peak Chapter of the Daughters of the Republic of Texas.
To Rules & Resolutions.

HR 778 (by Williams), Congratulating Roman and Lillian Arnoldy on the occasion of their 50th wedding anniversary.
To Rules & Resolutions.

HR 782 (by Kubiak), Congratulating John and Bonnie Mitchell on the occasion of their 60th wedding anniversary.
To Rules & Resolutions.

HR 786 (by Davis), Commemorating the grand opening of the Dallas Children's Advocacy Center.
To Rules & Resolutions.

HR 789 (by Staples), Recognizing May 1997 as Older Americans Month.
To Rules & Resolutions.

HR 790 (by Oakley), Honoring Major James O. Ratliff.
To Rules & Resolutions.

HR 791 (by Hernandez), Recognizing May 4-10, 1997, as Texas Community Action Week.
To Rules & Resolutions.

HR 793 (by Holzheuser), Commemorating the 100th anniversary of St. Paul's Lutheran Church of Nordheim.
To Rules & Resolutions.

HR 795 (by Hunter), Commending the Texas Historical Commission and recognizing May 20, 1997, as Historical Markers Day.
To Rules & Resolutions.

HR 797 (by McClendon), Honoring the Reverend Jerry Dailey on his 11th anniversary as pastor of Macedonia Baptist Church.
To Rules & Resolutions.

HR 799 (by Hightower), In memory of Roxie Anna Roy Douglas.
To Rules & Resolutions.

HR 802 (by G. Lewis), Honoring the Southwest Metroplex Alliance and recognizing May 5-9, 1997, as Chamber of Commerce Week in Texas.
To Rules & Resolutions.

HR 803 (by Mowery), Recognizing May 6-12, 1997, as Texas Nurses Week and May 6, 1997, as Texas Nurses Day.
To Rules & Resolutions.

SB 11 to Juvenile Justice & Family Issues.

SB 102 to Ways & Means.
SB 126 to Ways & Means.
SB 257 to Public Health.
SB 276 to Public Health.
SB 471 to Public Education.
SB 525 to Licensing & Administrative Procedures.
SB 598 to Public Education.
SB 924 to Transportation.
SB 961 to Higher Education.
SB 1090 to Elections.
SB 1183 to Ways & Means.
SB 1286 to Urban Affairs.
SB 1343 to Elections.
SB 1375 to Ways & Means.
SB 1539 to Human Services.
SB 1791 to Land & Resource Management.
SB 1808 to Higher Education.
SB 1874 to Environmental Regulation.
SB 1876 to Environmental Regulation.
SB 1909 to Natural Resources.
SCR 82 to Rules & Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 47

HB 901, HB 1143, HB 1403, HB 1475, HB 2826, HCR 87

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 5, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 160 Rodriguez SPONSOR: Madla
Relating to the establishment of an advisory committee to the Texas Workforce Commission on apprenticeship and job-training issues.

HB 243 Thompson SPONSOR: Ellis
Relating to identification of individuals executing certain documents.

HB 376 Rodriguez SPONSOR: Wentworth
Relating to the authority of the Bexar Metropolitan Water District to issue bonds and to enter into certain agreements.

HB 527 Pitts SPONSOR: Nelson
Relating to the sale or lease of superconducting super collider property given to a county by the United States Department of Energy.

HB 565 Oliveira SPONSOR: Ellis
Relating to eligibility for and payment of unemployment compensation benefits.

HB 566 Oliveira SPONSOR: Ellis
Relating to certain deductions from the winnings of lottery winners.
(AMENDED)

HB 567 Oliveira SPONSOR: Ellis
Relating to the operation and administration of the state unemployment compensation system.

HB 634 Pitts SPONSOR: Ratliff
Relating to installment payments on a prepaid college tuition contract.

HB 707 Hamric SPONSOR: Galloway
Relating to payroll deductions for insurance premiums paid by certain county employees.

HB 708 Hamric SPONSOR: Lindsay
Relating to certain county and public health district fees.
(AMENDED)

HB 799 Elkins SPONSOR: Lindsay
Relating to short-term obligations issued by certain counties.

HB 1404 Kamel SPONSOR: Bivins
Relating to the authority of public institutions of higher education to offer courses by distance learning.
(COMMITTEE SUBSTITUTE)

HB 1567 Van de Putte SPONSOR: Madla
Relating to charitable organizations created by certain hospital districts.

HB 2066 Patterson, L.P. "Pete" SPONSOR: Ratliff
Relating to the powers of the Hopkins County Hospital District.

- HB 2185** Goolsby SPONSOR: Carona
Relating to the collection of certain warrants or checks issued by a county treasurer.
(COMMITTEE SUBSTITUTE)
- HB 2274** Shields SPONSOR: Brown
Relating to the exemption of insurance benefits and certain annuity proceeds from seizure under process.
- HB 2277** Counts SPONSOR: Haywood
Relating to the Fisher County Hospital District.
- HCR 11** Wilson SPONSOR: Brown
Requesting the governor to order the state flag to be flown at half-staff to honor the memory of Fort Bend County Assistant District Attorney Gil Epstein.
- SB 15** Zaffirini
Relating to the maximum tax rate that may be levied by the Live Oak Underground Water Conservation District to pay maintenance and operating expenses.
- SB 16** Zaffirini
Relating to the creation, administration, powers, duties, operation, and financing of the Bee Groundwater Conservation District; authorizing the issuance of bonds and the imposition of taxes; granting the power of eminent domain.
- SB 24** Ratliff
Relating to the terms of the district courts in Bowie County.
- SB 839** Bivins
Relating to allowing a governmental body to hold a meeting by videoconference call under certain circumstances.
- SB 866** Lucio
Relating to the transfer of permits, registrations, or other authorizations issued by the Texas Natural Resource Conservation Commission.
- SB 1407** Lucio
Relating to temporary tax exemptions for certain high-cost gas.
- SB 1425** Nelson
Relating to confirmation elections for and costs relating to the establishment of certain county development districts.
- SB 1451** Nelson
Relating to the addition of territory to or exclusion of territory from a county development district.
- SB 1582** Wentworth
Relating to the creation, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.
- SB 1661** Shapiro
Relating to the recovery of certain indirect costs by the Texas Department of Transportation.

SB 1762 Moncrief
Relating to enforcement of laws relating to parking by persons with disabilities.

SB 1871 Duncan
Relating to adjustments in the investment capital fund.

SB 1906 Ratliff
Relating to the administration of oil overcharge funds.

SB 1914 Sibley
Relating to the provision of telecommunications services by the General Services Commission.

SB 1925 Ratliff
Relating to preferential rights to purchase certain surveyed, unsold land in Cass County dedicated to the permanent school fund.

SCR 74 Bivins
Supporting the desire of the board of regents of The Texas A&M University System to combine the Baylor College of Dentistry, the Texas A&M University College of Medicine, the Texas A&M University Institute of Biosciences and Biotechnology, and the Texas A&M University School of Rural Public Health into a unified administrative structure to be named the Texas A&M University System Health Science Center.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 5, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 9 West, George "Buddy" SPONSOR: Duncan
In memory of Joseph Lewis Rutledge.

HCR 10 West, George "Buddy" SPONSOR: Duncan
In memory of Kasey Lynn Griffith.

HCR 15 West, George "Buddy" SPONSOR: Duncan
In memory of William Miller "Bill" Holm.

- HCR 17** West, George "Buddy" SPONSOR: Duncan
In memory of Dr. William A. Wiesner.
- HCR 18** West, George "Buddy" SPONSOR: Duncan
In memory of Mary Evans McDowell.
- HCR 20** West, George "Buddy" SPONSOR: Duncan
In memory of Dr. Dale Curry.
- HCR 122** Jones, Delwin SPONSOR: Duncan
Honoring St. Moses the Black African Orthodox Church.
- HCR 138** West, George "Buddy" SPONSOR: Duncan
Commemorating Lexi Shay Satterwhite's first birthday.
- HCR 159** West, George "Buddy" SPONSOR: Duncan
Congratulating Wyatt and Lori Bennington on the adoption of their daughter Baylee Ryan Bennington.
- HCR 160** West, George "Buddy" SPONSOR: Duncan
In memory of Emmitt Houston Cavin.
- HCR 170** West, George "Buddy" SPONSOR: Duncan
In memory of J. W. "Jim" Spencer, Jr.
- HCR 178** West, George "Buddy" SPONSOR: Duncan
In memory of Ryan Freeman.
- HCR 199** West, George "Buddy" SPONSOR: Duncan
Celebrating the birth of Jordan Mitchell Satterwhite.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 249 (30 YEAS, 0 NAYS)

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 5, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 12 Luna, Gregory
Relating to the certification of peace officers as special officers for mental health assignment.

SB 17 Fraser
Relating to the powers and duties of county hospital authorities.

SB 130 West, Royce
Relating to the appointment of election judges for county election precincts.

SB 844 Truan
Relating to the allocation and use of community development block grants in certain economically distressed areas.

SB 1041 Truan
Relating to the creation, powers, and duties of the International Trade Task Force and the promotion and development of international trade.

SCR 83 Gallegos
Designating May 8, 1997, Clinical Nutrition Day in Texas.

SJR 45 Brown
Proposing a constitutional amendment to authorize the legislature to permit a taxing unit to grant an exemption or other relief from ad valorem taxes on property on which a water conservation initiative has been implemented.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1300
Senate Conferees: Ogden - Chair/Carona/Duncan/Fraser/Shapleigh/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 249 (30 YEAS, 0 NAYS)

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 5, 1997 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 14 Harris

Relating to long-term care for public employees.

SB 642 Harris

Relating to abatement of common nuisances.

SB 940 Nelson

Relating to local mental health and mental retardation authorities and community centers.

SB 1066 Zaffirini

Relating to procurement practices by health and human services agencies, by certain other agencies with programs related to health or human services, and by certain public and private local providers of health or human services.

SB 1081 Barrientos

Relating to the regulation of the conduct of certain nurses.

SB 1203 Lucio

Relating to the recording of certain documents by electronic means and to the creation of an electronic recording advisory committee.

SB 1232 Shapiro

Relating to conditions for probation and release under supervision for a child adjudicated for engaging in certain delinquent conduct and to certain instruction and treatment for the parent or guardian of the child.

SB 1235 Moncrief

Relating to the keeping of dangerous wild animals; providing penalties.

SB 1339 Patterson, Jerry

Relating to coastal erosion.

SB 1469 Ellis

Relating to certain construction projects managed by the General Services Commission.

SB 1500 Ellis

Relating to civil jurisdiction and the awarding of attorney's fees in justice and small claims courts.

SB 1588 Haywood

Relating to source reduction and waste minimization plans for electrical energy production and transmission.

SB 1827 Shapleigh

Relating to characteristics of a defendant that shall not be used by a judge to deny community supervision.

SB 1835 Shapiro

Relating to the punishment for the offense of unlawful restraint.

SB 1850 Armbrister

Relating to the requirement of public disclosure of information by the governing bodies of entities that are parties to certain contracts with the state.

SB 1864 Ellis

Relating to the powers of certain property owners' associations.

SB 1937 Lucio

Relating to the provision of telecommunications services within municipalities.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 2

Appropriations - **HB 2474, HB 2778, SB 1706**

Business & Industry - **HB 92, HB 1572, HB 2633, HB 2986**

Civil Practices - **SB 135, SB 323, SB 887**

County Affairs - **HB 2046, HB 3534, HB 3594, SB 199, SB 436, SB 1211**

Criminal Jurisprudence - **HB 837, HB 1333, HB 1684, HB 2272, HB 2434, HB 3373, SB 674**

Economic Development - **SB 265, SB 459, SB 1490, SB 1877**

Financial Institutions - **SB 358**

Higher Education - **HB 640, SB 606, HB 2725**

Human Services - **HB 2125, HB 2409, HB 2618, HB 2663, HB 3100, SB 1112, SB 1403, SCR 14, SCR 36**

Insurance - **HB 3563, SB 79, SB 385, SB 1106, SB 1499**

Judicial Affairs - **HB 844, HB 881, HB 949, HB 2697, SB 20**

Juvenile Justice & Family Issues - **HB 308, HB 1192, HB 1606, HB 2615, HB 2811, HB 3109, SB 1161**

Land & Resource Management - **HB 630, HB 1609, HB 1670, HB 2740, HB 3082, HB 3178, HB 3180, HB 3376, HB 3583, HB 3600, SB 1696**

Licensing & Administrative Procedures - **HB 2086, HB 2493, HB 2538, HB 2647, HB 3081, HB 3371, SB 486**

Natural Resources - **SB 1879**

Pensions & Investments - **SB 900, SJR 39**

Public Education - **HB 437, HB 792, HB 932, HB 939, HB 1468, HB 2122**

Public Health - **SB 802**

State Affairs - **HB 66, HB 319, HB 625, HB 1453, HB 2385, HB 2416, HB 2813, HB 3048, HB 3386, HB 3576, SB 331, SB 360, SB 495, SB 536, SB 820, SB 996, SB 1751, SB 1904**

State Recreational Resources - **HB 827, SB 201, SB 920**

May 4

Natural Resources - **HB 2096, HB 3574, HB 3590, HB 3592**

Public Health - **HB 1514, HB 2481, HB 3195, HB 3587, HCR 215, SB 403, SB 514, SB 600, SB 614, SB 786, SB 908, SB 1243, SB 1295**

Public Safety - **HB 1912**

ENGROSSED

May 2 - **HB 236, HB 253, HB 273, HB 500, HB 790, HB 1051, HB 1229, HB 1377, HB 1448, HB 1449, HB 1521, HB 1603, HB 1850, HB 2018, HB 2025, HB 2049, HB 2157, HB 2203, HB 2285, HB 2290, HB 2332, HB 2339, HB 2389, HB 2397, HB 2438, HB 2451, HB 2469, HB 2596, HB 2600, HB 2666, HB 2861, HB 2883, HB 2922, HB 2940, HB 2982, HB 3060, HB 3074, HB 3078, HB 3086, HB 3154, HB 3224, HB 3233, HB 3234, HB 3329, HB 3368, HB 3372, HB 3486, HB 3565, HB 3569, HB 3581**

May 4 - **HB 104, HB 126, HB 131, HB 133, HB 179, HB 293, HB 325, HB 462, HB 521, HB 580, HB 846, HB 970, HB 1029, HB 1128, HB 1173, HB 1314, HB 1370, HB 1384, HB 1401, HB 1540, HB 1576, HB 1601, HB 1640, HB 1667, HB 1668, HB 1692, HB 1723, HB 1736, HB 1795, HB 1825, HB 1881, HB 1886, HB 1898, HB 1928, HB 2064, HB 2202, HB 2297, HB 2309, HB 2318, HB 2335, HB 2400, HB 2442, HB 2448, HB 2525, HB 2671, HB 2747, HB 2795, HB 2833, HB 2875, HB 2984, HB 2997, HB 3016, HB 3058, HB 3135, HB 3161, HB 3207, HB 3271, HB 3370, HB 3440, HB 3492, HB 3515, HB 3545, HB 3556**

ENROLLED

May 2 - **HB 786, HB 1040, HB 1414, HB 1720, HCR 223**

May 4 - **HB 901, HB 1143, HB 1403, HB 1475, HB 2826, HCR 87**

SENT TO THE GOVERNOR

May 2 - **HB 786, HB 1040, HB 1414, HB 1720, HCR 223**

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